

TOWN OF PARKER COUNCIL AGENDA
October 7, 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

3. PARKER CHAMBER OF COMMERCE UPDATES

4. DOWNTOWN BUSINESS ALLIANCE UPDATES

5. PUBLIC COMMENTS (No action will be taken on these items.)

Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, town council will continue the comment period at the end of the meeting, prior to adjourning.

6. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

7. 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 - September 16, 2019

- B. *ORDINANCE NO. 5.77.1 - First Reading*
A Bill for an Ordinance to Amend Section 10.13.080 of the Parker Municipal Code Concerning the Kiosk Program
Department: Community Development, Bryce Matthews
Second Reading: October 21, 2019
- C. *ORDINANCE NO. 3.01.118 - First Reading*
A Bill for an Ordinance to Amend Chapter 13.02 of of the Parker Municipal Code to add a Definition for "Tourist Home"
Department: Community Development, Bryce Matthews
Second Reading: October 21, 2019
- D. *ORDINANCE NO. 3.01.119 - First Reading*
A Bill for an Ordinance to Amend Section 13.03.030, Entitled Planning Department Adjustments, of the Parker Municipal Code
Department: Community Development, Bryce Matthews
Second Reading: October 21, 2019
- E. *ORDINANCE NO. 3.351 - First Reading*
A Bill for an Ordinance to Add a New Section 13.07.170, Entitled Associations, to the Parker Municipal Code
Department: Community Development, Bryce Matthews
Second Reading: October 21, 2019
- F. *ORDINANCE NO. 1.538 - First Reading*
A Bill for an Ordinance Conveying the Moore Property Water Rights to the Parker Water and Sanitation District by Special Warranty Deed
Department: Parks and Recreation, Dennis Trapp
Second Reading: October 21, 2019
- G. *RESOLUTION NO. 19-085*
A Resolution to Exempt Certain Real Property Commonly Known as the E-470 Maintenance Support Site A From the Definition of Subdivision and Subdivided Land as Contained in the Town of Parker Land Development Ordinance
Department: Community Development, Carolyn Parkinson
- H. *RESOLUTION NO. 19-087*
A Resolution to Establish an Initiative or Referendum Petition Protest Procedure
Department: Town Attorney, Kristin Schledorn

8. PUBLIC HEARINGS

A. E-470 Right-of-Way Northeast - Annexation and Zoning

Applicant: Town of Parker
Location: The subject property is part of the E-470 Right-of-Way (ROW) and is generally located north of Cottonwood Drive adjacent to the east and west borders of E-470 in unincorporated Douglas County
Department: Community Development Department, Carolyn Parkinson
TRAKiT No.: ANX19-008 and Z19-015
Second Reading: October 7, 2019

1. RESOLUTION NO. 19-060

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the E-470 Right-of-Way Northeast Property for Annexation into the Town of Parker

2. ORDINANCE NO. 2.273 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the E-470 Right-of-Way Northeast Property in Douglas County

3. ORDINANCE NO. 3.296.1 - Second Reading

A Bill for an Ordinance to Amend Zoning Certain Property Within the Town of Parker, Colorado, Known as the E-470 Right-of-Way Northeast Property to PD-Planned Development District Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

4. ANNEXATION AGREEMENT

9. ORDINANCES

A. ORDINANCE NO. 13.109 - Second Reading

A Bill for an Ordinance Amending Chapter 10.11 of the Parker Municipal Code Concerning Special Districts

Department: Town Attorney, Kristin Schledorn

B. ORDINANCE NO. 5.83 - Second Reading

A Bill for an Ordinance to Add a New Chapter 6.07 to the Parker Municipal Code to Prohibit the Sale of Kratom

Department: Town Attorney, Kristin Schledorn

- C. **ORDINANCE NO. 9.301 - Second Reading (Continued from 9-16-19)**
A Bill for an Ordinance Approving the Amended and Restated Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshall Program (SMP)

Department: Police, David King

10. **PUBLIC COMMENT CONTINUED IF NECESSARY**

11. **ADJOURNMENT**

Parker Town Council

Executive Session Agenda

October 7, 2019

“To hold a conference with the Town’s attorney and legal counsel for the E-470 Public Highway Authority to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and the common interest privilege.

1. Unsolicited proposal from ROADIS

“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).”

2. Listing agreement for Town properties between NavPoint Real Estate Group and the Town (My Mainstreet)/Eastmain Property/Schoolhouse Property

“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).”

3. Article XIV of the Town of Parker Home Rule Charter and Article 11 of Title 31 of the Colorado Revised Statutes (initiative petitions)

4. *In re National Prescription Opiate Litigation*, Case No. 1:17-md-2804, United States District Court for the Northern District of Ohio

5. Pine Drive property

**TOWN OF PARKER COUNCIL
MINUTES
SEPTEMBER 16, 2019**

Mayor Waid called the meeting to order at 5:30 P.M. Councilmember Diak was absent.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were six (6) items. Under C.R.S. § 24-6-402(4)(e) there were three (3) items, the first was Moore water rights/Pine Curve Property, the second was an Intergovernmental Agreement with Douglas County-Dransfeldt Extension and the third was a listing agreement for Town properties between NavPoint Real Estate Group and the Town (My Mainstreet)/Schoolhouse Property; under C.R.S. § 24-6-402(4)(b) there were three (3) items, the first was to receive legal advice on specific legal questions concerning Colorado Revised Statute Section 31-12-106(1) (Enclave annexation), the second was to receive legal advice on specific legal questions concerning Intergovernmental Agreements among Anthology West Metropolitan Districts and the third was to receive legal advice on specific legal questions concerning Article XIV of the Home Rule Charter of the Town of Parker (Citizen Initiative Committee Affidavit concerning the zoning for the real property commonly known as PACE Lot 2 and Pine Curve).

EXECUTIVE SESSION

Joshua Rivero moved and Renee Williams seconded to go into Executive Session at 5:32 P.M. 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.

Debbie Lewis moved and Cheryl Poage seconded to come out of Executive Session at 6:44 P.M.

The motion was approved unanimously.

Debbie Lewis moved and Joshua Rivero seconded to recess the regular meeting at 6:44 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the regular meeting at 7:05 P.M.

Skylah Pratt, Honorary Mayor of the Day, led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Waid presented Skylah Pratt with a Certificate of Recognition as Honorary Mayor for the Day.

PUBLIC COMMENTS

- * Martin McLamon, Parker, CO, spoke on climate change and asked Council to review the climate change initiative.
- * Lois McLauchlan, Sedalia, CO, asked Council to draft a letter taking a position on climate change.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings they each attended since the last meeting.

It was noted that P3 and My Mainstreet Project won the Silver Circle Award for Community Visioning and Branding from 3CMA.

CONSENT AGENDA

A. *APPROVAL OF MINUTES - August 12, 2019, August 19, 2019 and September 3, 2019*

B. *E-470 Right-of-Way Northeast - Annexation and Zoning*

Applicant: Town of Parker

Location: The subject property is part of the E-470 Right-of-Way (ROW) and is generally located north of Cottonwood Drive adjacent to the east and west borders of E-470 in unincorporated Douglas County

Department: Community Development Department, Carolyn Parkinson

TRAKiT No.: ANX19-008 and Z19-015

Second Reading: October 7, 2019

1. *ORDINANCE NO. 2.273 - First Reading*

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the E-470 Right-of-Way Northeast Property in Douglas County

2. *ORDINANCE NO. 3.296.1 - First Reading*

A Bill for an Ordinance to Amend Zoning Certain Property Within the Town of Parker, Colorado, Known as the E-470 Right-of-Way Northeast Property to PD-Planned Development District Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

C. *ORDINANCE NO. 13.109 - First Reading*

A Bill for an Ordinance Amending Chapter 10.11 of the Parker Municipal Code Concerning Special Districts

Department: Town Attorney, Kristin Schledorn

Second Reading: October 7, 2019

- D. *ORDINANCE NO. 5.83 - First Reading*
A Bill for an Ordinance to Add a New Chapter 6.07 to the Parker Municipal Code to Prohibit the Sale of Kratom
Department: Town Attorney, Kristin Schledorn
Second Reading: October 7, 2019
- E. *COMPARK VILLAGE FILING NO. 4, Drainage Easements from Edge 470 Land LLC*
Department: Engineering/Public Works, Tyler Sandt
1. *RESOLUTION NO. 19-078*
A Resolution Accepting the Conveyance of a Drainage Easement from Edge 470 Land LLC, for a Part of Lot 1, Compark Village Filing No. 4, Amendment No. 1
 2. *RESOLUTION NO. 19-079*
A Resolution Accepting the Conveyance of a Drainage Easement from Edge 470 Land LLC, for a Part of Lot 2, Compark Village Filing No. 4, Amendment 1
 3. *RESOLUTION NO. 19-080*
A Resolution Accepting the Conveyance of a Drainage Easement from Edge 470 Land LLC, for a Part of Lot 3, Compark Village Filing No. 4, Amendment No. 2
- F. *COMPARK VILLAGE FILING NO. 4, Drainage Easements from Compark Land Company*
Department: Engineering/Public Works, Tyler Sandt
1. *RESOLUTION NO. 19-081*
A Resolution Accepting the Conveyance of a Drainage Easement from Compark Land Company, for a Portion of Tract D, Compark Village Filing No. 4
 2. *RESOLUTION NO. 19-082*
A Resolution Accepting the conveyance of a Drainage Easement from Compark Land Company, for a Portion of Tract E, Compark Village Filing No. 4
- G. *RESOLUTION NO. 19-083*
A Resolution Approving the Form of Capital Fee Pledge Agreement Between Anthology West Metropolitan District No. 6 and Anthology West Metropolitan District No. 5
Department: Town Attorney, Kristin Schledorn
- H. *RESOLUTION NO.19-084*
A Resolution Approving the Form of First Amendment to Mill Levy Equalization and Pledge Agreement By and Among 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
Department: Town Attorney, Kristin Schledorn

Joshua Rivero moved to approve Consent Agenda Items 5A through 5H.

Renee Williams seconded the motion.

The motion was approved 4 to 1. (Poage voted no.)

PUBLIC HEARINGS

A. COTTONWOOD HIGHLANDS FILING NO. 7 - Sketch and Preliminary Plans

Applicant: Lennar Homes, John Cheney
Location: South of Cottonwood Drive between Chambers Road and Jordan Road
Department: Community Development, Stacey Nerger
TRAKiT No.: SUB18-037 and SUB18-045

7:24 PM

The proposed Sketch and Preliminary Plan incorporates a total of 238 lots for single-family attached residential use to be developed with duplex homes. The proposed lots range in size from 2,490 s.f. to 6,321 s.f. and are consistent with the approved PD zoning as to residential yield and density. The proposal incorporates 5.99 acres of parks and 2.56 acres of open space as required by the Land Development Ordinance (LDO) and the Cottonwood Highlands Annexation Agreement. The Planning Commission recommended approval on August 22, 2019.

Applicant, John Chaney summarized their background and the project. They are not seeking any changes to the PD Guide.

Public Comment - None

Joshua Rivero stated that he would be making a motion to include several conditions and asked the applicant if he would like to continue the Public Hearing for 30 days -- October 21, 2019.

Joshua Rivero moved to continue the Public Hearing to a date certain of October 21, 2019.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

B. LOT 1 O'BRIEN PARK

7:44 PM

The proposed project will improve the available amenities and operations of H2O'Brien Pool to ensure the continued use of this popular Town facility. The project will include minor modifications to the exterior of the building such as updated lighting, new outdoor changing areas, improved seating and a new aquatic play element.

A trade contract agreement with A.D. Miller Services, Inc. for the H2O'Brien Pool and Building Remodel Project (CIP 19-017) for \$2,488,720.33 plus a 10.65% contingency held outside the

agreement by the Town for unforeseen conditions and/or scope changes. The total potential contract amount is \$2,753,720.33.

Staff and Planning Commission recommend approval of this application.

Public Comment - None

1. Site Plan Amendment - H2O'Brien Pool and Building Remodel

Applicant: Town of Parker
Location: H2O'Brien Parker
Department: Community Development, BrieAnna Simon
TRAKiT No.: SP19-049

Joshua Rivero moved to approve the site plan amendment for Lot 1 O'Brien Park based on staff findings in the staff report.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. H2O'Brien Pool and Building Remodel Project (CIP19-017)

Amount: \$2,753,720.33
Contractor: A.D. Miller Services, Inc.
Department: Engineering and Public Works, Bob Exstrom

Debbie Lewis moved to approve the staff recommendation for this contract.

Renee Williams seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.300 - Second Reading (Continued from 9-3-19)

A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and American Academy Regarding the Sharing of Costs for a Police Officer to Act as School Resource Officer

Department: Police, David King

The Town entered into an Intergovernmental Agreement (IGA) with American Academy, a component unit of the Douglas County School District, to make available a police officer to function as a School Resource Officer (SRO) for American Academy's Motsenbocker and Lincoln Meadows campuses. The School Resource Officer will provide services to include law enforcement, counseling and education at both campuses.

The School shall reimburse the Town fifty percent (50%) of the Town's costs to make a police

officer available as the School Resource Officer. Such reimbursable costs shall include, but not be limited to, the salary, benefits, and pay plan market movement for the School Resource Officer. In addition to the one-half of the equipment costs for each School Resource Officer, which one-half amount is equal to \$7,500 per School Resource Officer, and all costs of attendance at the NASRO conference by the School Resource Officer. For the 2019-2020 school year, the total costs to be reimbursed by the School will not exceed \$71,490.

Joshua Rivero moved to approve Ordinance No. 9.300 on second reading.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 9.301 - Second Reading (To be continued to 10-7-19)

A Bill for an Ordinance Approving the Amended and Restated Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshall Program (SMP)

Department: Police, David King

Renee Williams moved to continue Ordinance No. 9.301 to a date certain of October 7, 2019.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

RESOLUTIONS

RESOLUTION NO. 19-063

A Resolution of the Town Council Supporting an Increase in the Excise Tax on New Residential Development in the Town of Parker

Department: Town Attorney, Kristin Schledorn

7:54 P.M.

At the July 15, 2019, Town Council meeting, Town Council voted to submit to the Town's voters a ballot measure to increase the excise tax imposed on new residential development.

The Fair Campaign Practices Act allows the Town Council to pass a resolution of support on any issue of official concern before the Town electorate.

Public Comment: - None

Renee Williams moved to approve Resolution No. 19-063.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

PUBLIC COMMENT CONTINUED IF NECESSARY

There were no additional comments.

ADJOURNMENT

The meeting was adjourned at 7:58 P.M.

Carol Baumgartner, Town Clerk

Mike Waid, Mayor



Request for Town Council Action

Date: October 7, 2019

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

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.77.1 - First Reading**
A Bill for an Ordinance to Amend Section 10.13.080 of the
Parker Municipal Code Concerning the Kiosk Program

Department: Community Development, Bryce
Matthews

Second Reading: October 21, 2019

EXECUTIVE SUMMARY

The Town has experienced continued residential development that will increase once the Anthology North and Hess Ranch projects enter the construction phase. Community Development staff expects that this will generate increased marketing of new homes including sales signs along Town roads. Staff is concerned that this will increase sign clutter and have impacts upon the Town's desirable visual environment.

Section 10.13.080 of the Parker Municipal Code allows the Town to administer a kiosk program for homebuilders to advertise new residential developments on kiosk signs located in the Town right-of-way (Town ROW). Current homebuilder advertising has evolved over the years and the Town now has the option for a homebuilder kiosk program to be provided by third party sign providers. The proposed ordinance provides the Town with the ability to designate a third party to provide homebuilder kiosk signs within Town ROW.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town of Parker established a formal process to administer a homebuilder kiosk program in 2007. The intent of the Town's kiosk program is to promote a desirable visual environment for Town residents and visitors that is free from visual clutter. This program will also allow the Town to administer coordinated designs for sign kiosks that are located within Town ROW.

The original kiosk program was discontinued by the Town in 2017 because of the cost and staff time required to maintain the signs and program as well as a lack of homebuilder support. Due to increased activity in Parker's housing market, a number of new residential developments are under construction and/or projected to be built out within the next ten years. The Town has been approached by third party sign providers to create a new Sign Kiosk Program for homebuilders that will provide way-finding along Town ROW.

The proposed ordinance will allow the Town to hire a third party sign provider that is subject to Town approved requirements. They would design, manufacture, install and maintain homebuilder panels on kiosk signs through contractual and license agreements within Town ROW. The proposed ordinance amendments do not commit the Town to hire a third party to manage the kiosk program, however, it will allow the Town to issue a request for proposals to sign companies through a future procurement process.

There are several local communities that already have a third party homebuilder sign kiosk program including the Town of Castle Rock and City of Aurora.

On September 26, 2019, the Planning Commission held a public hearing and recommended Town Council approve the proposed ordinance.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 5.77.1
2. Planning Commission Staff Report

RECOMMENDED MOTION

I move to approve Ordinance No. 5.77.1 on first reading and to schedule second reading for October 21, 2019, as a part of the consent agenda.

ORDINANCE NO. 5.77.1, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 10.13.080 OF THE PARKER MUNICIPAL CODE CONCERNING THE KIOSK PROGRAM

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

Section 1. Section 10.13.080 of the Parker Municipal Code is amended to read as follows:

10.13.080 ~~Town-owned kiosks~~ Kiosk program.

(a) Establishment and purpose. There is hereby established the Town of Parker Kiosk Program (the "Kiosk Program"). The purpose of the Kiosk Program is to allow ~~the use of panels on kiosks that are owned and maintained by the Town to provide directional signs to real estate developments within the Town~~ the Town to designate provider(s) of Kiosk Program services for wayfinding signage ("kiosks"). The kiosks shall contain homebuilder and development-related panels to promote a desirable visual environment and to assist the public in finding residential real estate developments under construction within the Town. The Kiosk Program is also intended to prevent the proliferation of unlawful off-premises signs, and to provide a reasonable alternative to off-premises signs that allow interested persons to find developments within the Town.

(b) Process. The Town will develop the process for administering the Kiosk Program by resolution approved by the Town Council. The process for administering the Kiosk Program shall include, but not be limited to, the following:

(1) The style and design of the kiosks, including the size of panels and an element that identifies the Town;

(2) The location of the kiosks to promote effective wayfinding and avoid unnecessary sign clutter;

~~(23)~~ What may be depicted on a panel within a kiosk, including whether to include development logos, homebuilder colors and/or logos or other logos deemed to be in the public interest by the Town Council;

~~(34)~~ The process for participating in the Kiosk Program, including the process for obtaining any panel(s) and the location of said panel(s), ~~the number of panels that may be obtained by any one (1) entity,~~ and other provisions to maximize participation in the Kiosk Program; and

~~(45)~~ The cost for participating in the Kiosk Program.

(6) Required Town approvals and permits.

(c) Location of kiosks. The Town shall ~~determine review and approve~~ the location of the kiosks ~~by resolution approved by the Town Council, which resolution may be amended from time to time based on the best interests of the Town.~~

(d) ~~License agreement~~ Agreements. In order to participate in the Kiosk Program based on the provisions identified by the Town as set forth above, a party desiring ~~to obtain a panel must execute to provide Kiosk Program services to the Town shall enter into a services agreement to administer the Kiosk Program and a~~ license agreement(s) for kiosks located in the public right-of-way, both in ~~the a~~ form approved by ~~Town Council resolution the Town Attorney.~~

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



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Meeting
DRAFT ORDINANCE – A Bill for an Ordinance to Amend Chapter 13.02 of the Parker Municipal Code to Add a Definition for "Tourist Home"

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The Land Development Ordinance (LDO) specifically does not permit "tourist homes" as "home occupations" in residential areas; however, the LDO does not provide a definition of "tourist home". The proposed amendment will add a definition of "tourist home" to Section 13.02 of the LDO. This amendment will provide clarification that short term rentals (less than 30 days) are defined as "tourist homes" in the LDO and are not permitted in residentially zoned areas.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

"I move the Planning Commission recommend Town Council approve an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home with the following conditions:"

-List conditions (either by staff or Planning Commission)

"I move that the Planning Commission recommend that Town Council deny an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home."

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

I. BACKGROUND/DISCUSSION

Recently the Town has received complaints about short term rentals operating in residential neighborhoods. Impacts associated with these uses may include nuisance impacts on the surrounding neighborhood such as noise and traffic, unfair business competition and limiting the availability of affordable housing.

Typically, short-term rentals are residential properties that are rented to a visitor for fewer than thirty (30) days. Under the Town's Municipal Code, rentals of less than thirty (30) days are subject to both sales and lodging taxes.

The Town's LDO, limits hotels and motels to commercial areas, and boarding and rooming houses are limited to the multiple-family zone district. "Home occupations" are permitted in residential zone districts, but a "tourist home" is specifically excluded from allowed home occupations. "Tourist home" is currently not defined in the Town's LDO; this proposed amendment to the code will define "tourist home".

PRIOR ACTIONS

Date	Action
	None

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	<u>Land Use 1.J</u>
Inconsistent Goals/Strategies	None
Staff Analysis	N/A

III. CONCLUSION

Defining tourist homes will provide additional clarity that short term rentals are not permitted in residential neighborhoods. Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendment.

IV. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director



Request for Town Council Action

Date: October 7, 2019

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

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.01.118 - First Reading**
A Bill for an Ordinance to Amend Chapter 13.02 of of the
Parker Municipal Code to add a Definition for "Tourist
Home"

Department: Community Development, Bryce
Matthews

Second Reading: October 21, 2019

EXECUTIVE SUMMARY

Community Development staff recently discussed the issue of short-term home rentals in residential neighborhoods such as Airbnb with the Town Council. The Council directed staff to review and if necessary amend the Land Development Ordinance (LDO) to address the issue.

Staff proposes to amend the LDO by adding a definition of *tourist home* that would not allow short-term home rentals while continuing to permit long-term home rentals. The proposed amendment would be added to Chapter 13.02 of the LDO and will provide clarification that short-term rentals of less than 30 days are defined as *tourist homes* and are not permitted in areas zoned for residential use.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Recently the Town has received complaints about short-term home rentals operating in residential neighborhoods. This use may cause nuisance impacts on the neighborhood where they are located such as noise and traffic, unfair business competition and limiting the availability of affordable housing.

Typically, short-term rentals are residential properties that are rented to a visitor for fewer than

thirty (30) days. Under the Town's Municipal Code, rentals of less than thirty (30) days (hotels/motels) are subject to sales and lodging taxes.

The Town's LDO limits hotels and motels to commercial areas while boarding and rooming houses are limited to the Multi-Family District. The LDO allows Home Occupations in residential districts but a tourist home is specifically excluded from allowed home occupations. The term tourist home is currently not defined in the LDO, however, the proposed amendment will define tourist home. This revision will provide additional clarity that short-term rentals are not permitted in residential neighborhoods.

On September 26, 2019, the Planning Commission held a public hearing and recommended Town Council approve the proposed ordinance.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 3.01.118
2. Planning Commission Staff Report

RECOMMENDED MOTION

I move to approve Ordinance No. 3.01.118 on first reading and to schedule second reading for October, 21, 2019, as part of the consent agenda.

ORDINANCE NO. 3.01.118, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13.02 OF THE PARKER MUNICIPAL CODE TO ADD A DEFINITION FOR “TOURIST HOME”

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

Section 1. Chapter 13.02, Section 13.02.010, of the Parker Municipal Code is amended by the addition of a definition for *tourist home* to read as follows:

13.02.010 Definitions.

* * *

Tourist home means any dwelling, dwelling unit or portion of any dwelling unit rented or leased for valuable consideration to a particular person or persons for periods of time less than thirty (30) days.

* * *

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



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Meeting
DRAFT ORDINANCE – A Bill for an Ordinance to Amend Chapter 13.02 of the Parker Municipal Code to Add a Definition for "Tourist Home"

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The Land Development Ordinance (LDO) specifically does not permit "tourist homes" as "home occupations" in residential areas; however, the LDO does not provide a definition of "tourist home". The proposed amendment will add a definition of "tourist home" to Section 13.02 of the LDO. This amendment will provide clarification that short term rentals (less than 30 days) are defined as "tourist homes" in the LDO and are not permitted in residentially zoned areas.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

"I move the Planning Commission recommend Town Council approve an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home with the following conditions:"

-List conditions (either by staff or Planning Commission)

"I move that the Planning Commission recommend that Town Council deny an ordinance to Amend Section 13.02 of the Parker Land Development Ordinance concerning the definition of tourist home."

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

I. BACKGROUND/DISCUSSION

Recently the Town has received complaints about short term rentals operating in residential neighborhoods. Impacts associated with these uses may include nuisance impacts on the surrounding neighborhood such as noise and traffic, unfair business competition and limiting the availability of affordable housing.

Typically, short-term rentals are residential properties that are rented to a visitor for fewer than thirty (30) days. Under the Town's Municipal Code, rentals of less than thirty (30) days are subject to both sales and lodging taxes.

The Town's LDO, limits hotels and motels to commercial areas, and boarding and rooming houses are limited to the multiple-family zone district. "Home occupations" are permitted in residential zone districts, but a "tourist home" is specifically excluded from allowed home occupations. "Tourist home" is currently not defined in the Town's LDO; this proposed amendment to the code will define "tourist home".

PRIOR ACTIONS

Date	Action
	None

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	<u>Land Use 1.J</u>
Inconsistent Goals/Strategies	None
Staff Analysis	N/A

III. CONCLUSION

Defining tourist homes will provide additional clarity that short term rentals are not permitted in residential neighborhoods. Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendment.

IV. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director



Request for Town Council Action

Date: October 7, 2019

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

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.01.119 - First Reading**
A Bill for an Ordinance to Amend Section 13.03.030, Entitled
Planning Department Adjustments, of the Parker Municipal
Code

Department: Community Development, Bryce
Matthews

Second Reading: October 21, 2019

EXECUTIVE SUMMARY

Section 13.03.030 of the Land Development Ordinance (LDO) currently allows for the Community Development Department (Planning Divisions) to make certain minor administrative adjustments to approved site plans and planned developments. However, proposed revisions to approved building elevations and materials are not permitted to be reviewed and approved administratively. Instead, they require a full site plan amendment process that is costly and time consuming for applicants many of whom are small businesses. This process is also time intensive for staff and limits our ability to assist applicants in obtaining the timely approval of minor revisions to building architecture.

The proposed LDO amendment would support existing small businesses by allowing staff to process limited changes to building architecture such as color revisions, material changes and the addition of doors or windows on an administrative basis through a simple site plan adjustment. This would save applicants the expense and time of going through the current process. All applicants would still be required to comply with the requirements of the LDO and related design standards.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town continues to receive applications from businesses that desire to make improvements and updates to the exterior of their buildings. Also, there is often the need for minor revisions to building architecture after a building design is approved such as new doors, windows and canopies. This is typically required to customize the commercial space for new tenants.

Of the 72 site plan applications received this year, 14 of the applications were for minor revisions to the exterior architecture of buildings. The applicants are/were required to obtain a site plan amendment as opposed to a more limited site plan adjustment. While staff processes these applications as quickly and efficiently as the LDO permits, the process for a site plan amendment is costly and time-consuming for the applicant and staff.

Section 13.03.030 of the LDO allows minor revisions to approved site plans and planned development elements through a site plan adjustment. Currently, proposed revisions to building elevations and materials are not eligible for this quick and relatively simple process.

The site plan adjustment and the site plan amendment process require compliance with the LDO and Town design standards. However, the site plan adjustment process takes approximately one to two weeks while a site plan amendment process may take up to 5 months depending on the nature of the proposal. The primary reason for the shorter period of time is that site plan adjustments are for limited, de minimus revisions to approved plans, while site plan amendments are for more extensive, complicated revisions to approved plans with the need for referral to outside agencies.

It is the goal of this LDO amendment to make it easier for small businesses to invest in improvements and updates to the exterior architecture of their buildings while still ensuring compliance with Town requirements and standards.

On September 26, 2019, the Planning Commission held a public hearing and recommended Town Council approve the proposed ordinance.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Ordinance No. 3.01.119
2. Planning Commission Staff Report

RECOMMENDED MOTION

I move to approve Ordinance No. 3.01.119 on first reading and to schedule second reading for

October 21, 2019, as a part of the consent agenda.

ORDINANCE NO. 3.01.119, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.03.030, ENTITLED PLANNING DEPARTMENT ADJUSTMENTS, OF THE PARKER MUNICIPAL CODE

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

Section 1. Section 13.03.030 of the Parker Municipal Code is amended to read as follows:

13.03.030 Planning Department adjustments.

(a) Minor changes to approved and/or recorded plans. Minor changes to approved and/or recorded plans inclusive of, but not limited to, site plans and planned development elements, shall be considered as minor those modifications or adjustments requested in writing by the applicant and which:

(1) Do not impact more than fifteen percent (15%) of any element or portion within a proposed planned development including land use area boundaries, roadways, alignments, open space tracts, park sites and similar elements (this does not apply to the number of units).

(2) Do not require the movement or shifting of any structure, building, roadway or other improvement to the site, by more than fifteen (15) feet.

(3) Is a minor change needed in the location, ~~or siting, or character of buildings, structures, alignment of streets, or setbacks.~~

(4) Are required due to unanticipated reasons which were not known at the time of final approval by the Planning Director, the Planning Commission or Town Council.

(5) If it is for the replacement of exterior elevation materials, such changes are to materials of equal or higher quality.

(6) If it involves a change to any element within a site plan, including landscaping, parking layout, site circulation or similar elements, such changes do not impact more than fifteen percent (15%) of the approved site plan.

~~(57)~~ The minor change does not violate the strict application of this Title.

(b) The minor change, upon adequate evidence and information provided by the applicant, and in such a manner prescribed by the Town, shall be reviewed by the Planning Director within ten (10) days of submittal of complete information.

The Director may request recommendation from other agencies prior to acting on the request. The Director may then approve or deny the request.

(c) Should the request be denied, the applicant has the option to either:

- (1) Withdraw the request fully;
- (2) Modify the request and resubmit for review; or
- (3) Appeal the administrative decision by written request to the Town Council.

(d) Major plan modification or adjustment.

(1) The Planning Director may not authorize a change other than those specified above. The request, if not meeting the above criteria, must be brought to the attention of the Planning Commission and Town Council, if applicable, for their action on the request. Major changes shall include, but not be limited to:

- a. A significant change in the use or character of the development or elements contained therein,
- b. An increase in overall coverage of structures,
- c. An increase in the intensity of the uses,
- d. A modification in overall traffic circulation,
- e. A modification in the method of providing adequate water and sewer service, and
- f. A reduction in the approved percentage of required open space or landscaping, and
- ~~g. A change to approved building elevations or other design elements of a structure.~~

(2) Procedure. The procedures for development plan amendments, plat amendments and site plan amendments shall be processed in accordance with the respective sections of this Title.

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



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Meeting
DRAFT ORDINANCE – A Bill for an Ordinance to Amend Section 13.03.030, Entitled Planning Department Adjustments, of the Parker Municipal Code

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: Section 13.03.030 of the Land Development Ordinance (LDO) currently allows for the planning department to make certain minor administrative adjustments to approved site plans and Planned Developments. Currently, changes to building elevations and materials are not permitted to be reviewed and approved through an adjustment process and require a full site plan amendment process.

The proposed LDO amendment would support existing businesses through allowing limited changes to building exteriors such as color changes, material changes and additions of doors and windows to be approved quickly and administratively through a site plan adjustment process. All changes would still be required to be in compliance with the LDO and Town design standards.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to Amend Section 13.03.030 of the Parker Land Development Ordinance concerning planning department adjustments.”

ALTERNATIVE MOTIONS

“I move that the Planning Commission recommend that Town Council approve an ordinance to Amend Section 13.03.030 of the Parker Land Development Ordinance concerning planning department adjustments with the following conditions:”
-List conditions (either by staff or Planning Commission)

“I move that the Planning Commission recommend that Town Council deny an ordinance to Amend Section 13.03.030 of the Parker Land Development Ordinance concerning planning department adjustments.”

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

I. BACKGROUND/DISCUSSION

The Town continues to receive applications from businesses that desire to make improvements and updates to the exterior of buildings. Also, once a building design is approved, minor amendments to the exterior such as adding doors, windows and canopies are often required to customize the space for a new tenant.

Of the 72 site plan applications received so far this year, 14 of the applications were minor amendments to the exteriors of buildings and would have been considered site plan adjustments had this proposed amendment been approved. The Town processes these applications as efficiently as the code allows through the site plan amendment process. That being said, the process for these applications can become arduous and time-consuming for staff and the applicant.

Section 13.03.030 of the Land Development Ordinance (LDO) allows minor changes to approved site plans and planned development elements through a site plan adjustment. Building elevation changes and material changes do not qualify to be reviewed and approved through a site plan adjustment process and require a site plan amendment.

Both the site plan adjustment process and the site plan amendment process require compliance with the LDO and Town design standards. However, the site plan adjustment process takes approximately one (1) to two (2) weeks while a site plan amendment process can take two (2) to five (5) months depending on the complexity. The site plan adjustment timeline is shorter because it does not require as extensive of a referral process since the changes are minor in nature.

PRIOR ACTIONS

Date	Action
	None

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	Land Use 1.J
Inconsistent Goals/Strategies	None
Staff Analysis	N/A

III. CONCLUSION

It is the intent of this code amendment to make it easier for businesses to invest in improvements and updates to the exterior of their businesses and to make it quicker to receive approvals while still ensuring compliance with Town requirements. The full site plan amendment process for minor building elevation revisions is arduous and time-consuming for both staff and the applicant in relation to the scale of these minor requests.

Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendment.

IV. ATTACHMENTS Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director



Request for Town Council Action

Date: October 7, 2019

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

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.351 - First Reading**
A Bill for an Ordinance to Add a New Section 13.07.170,
Entitled Associations, to the Parker Municipal Code

Department: Community Development, Bryce Matthews

Second Reading: October 21, 2019

EXECUTIVE SUMMARY

Community Development staff recently discussed with Town Council the issue of requiring the formation of Homeowners' Associations (HOAs) with new residential development and their commercial equivalents. The purpose of the proposed amendment to the Land Development Ordinance (LDO) is to add a new provision, Section 13.07.170 - Associations, to require the formation of a residential homeowners' or commercial property owners' association during the platting process. This change would ensure enforcement of covenant controls, maintenance and repair of common areas and the provision of services such as trash collection.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Cottonwood and Country Meadows are the only two (2) residential neighborhoods in Town that lack a Homeowners' Association (HOA). These neighborhoods require a higher amount of resources from the Town than those having a HOA, such as code compliance through the Community Services Division of the Police Department. The residents of neighborhoods without a HOA do not have an effective way to enforce covenants or provide common area maintenance and services such as trash collection. This may lead to conflict among neighbors and neighborhoods as well as increased demand for Town services and including mediation of conflicts of disputes normally handled by a HOA.

Similar issues apply to commercial developments with the added concern of coordinating and assigning maintenance of access drives and other shared infrastructure.

To date, the Town has negotiated the establishment of HOAs through Subdivision Improvement Agreements (SIAs) for new residential and commercial developments. Most developers have been cooperative in this process and see the benefits of an HOA for the long-term success of the projects they are constructing. Recently, a homebuilder with multiple projects in the Town has chosen not to create a HOA with their new residential development. To address this issue, the LDO is proposed to be amended to require HOAs for most new developments with the following requirements:

1. Mandatory membership;
2. Maintenance of property and private improvements;
3. Covenant enforcement; and
4. Other association responsibilities (i.e. trash and recycling collection)
5. Recordation of documents demonstrating the required HOA has been formed provided to the Town prior to approval

By requiring Associations, the Town will improve the long-term attractiveness, maintenance and overall condition of residential neighborhoods. Associations are also partners that will share in the responsibility for service provision thereby relieving the Town of the responsibility to provide additional services such as trash collection or increased code compliance programs.

On September 26, 2019, the Planning Commission held a public hearing and recommended Town Council approve the proposed ordinance.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 3.351
2. Planning Commission Staff Report

RECOMMENDED MOTION

I move to approve Ordinance No. 3.351 on first reading and to schedule second reading for October 21, 2019, as part of the consent agenda.

ORDINANCE NO. 3.351, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO ADD A NEW SECTION 13.07.170, ENTITLED ASSOCIATIONS, TO THE PARKER MUNICIPAL CODE

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

Section 1. The Parker Municipal Code is hereby amended by the adoption of a new Section 13.07.170, entitled “Associations”:

13.07.170 Associations.

(a) Definitions.

Association means any covenant-controlled community containing two or more property owners, which includes a lawfully constituted and operational board or other similar entity that is empowered to enforce the community's recorded covenants and which has the power to impose assessments for its services that, if unpaid, may be made a lien on the property.

(b) Creation of homeowners’ association. For all residential condominiums or residential subdivisions, the applicant shall create a homeowners’ association under the laws of the State of Colorado, or the property shall be included in an existing homeowners’ association. The homeowners’ association shall be lawfully established prior to, or as a part of, first final plat approval or first condominium map approval that creates residential lots or units. All documents related to the homeowners’ association, including the articles of organization or incorporation and declaration of covenants, conditions, and restrictions, shall be submitted in draft form at the time of application for final plat or condominium map review. Such documents shall be acceptable to the Town as a condition of final plat or map approval.

(c) Creation of property owners’ association. For all vertical mixed-use, commercial condominiums, and commercial minor development plats that include private roadways, detention ponds or other improvements that need to be maintained, the applicant shall create a property owners’ association under the laws of the State of Colorado, or the property shall be included in an existing property owners’ association. The property owners’ association shall be lawfully established prior to, or as a part of, minor development plat approval or condominium map approval. All documents related to the property owners’ association, including the articles of organization or incorporation and declaration of covenants, conditions, and restrictions, shall be submitted in draft form at the time of application for minor development plat or condominium map review. Such documents shall be acceptable to the Town as a condition of minor development plat or map approval.

(d) Recordation. Prior to, or as a condition of, approval of the final plat, minor development plat, or condominium map, the applicant shall record the association documents approved by the Town in the Office of the Clerk and Recorder for Douglas County.

(e) Association documents. The association documents shall require, at a minimum:

(1) Mandatory membership.

a. All owners of lots, condominium units or of property within the subdivision shall be members of the association.

b. The members of the association shall share equitably in the costs of operating the association, including the costs of maintaining all private improvements, including, but not limited to, private streets, private parks, private open space, drainage facilities, landscaping and medians, common areas and facilities, recreation areas and facilities, stormwater management areas and facilities, walkways and other facilities, which are not dedicated to or accepted by the Town or by a special district organized for such purposes. The association documents shall require, at minimum, that the costs of such maintenance shall be collectable from the owner of the lot, unit or property to which such costs are assessed; and that such costs shall be and constitute a lien upon such lot, unit or property.

(2) Maintenance of property.

a. Associations shall maintain the private improvements, including, but not limited to, private streets, private parks, private open space, drainage facilities, landscaping and medians, common areas and facilities, recreation areas and facilities, stormwater management areas and facilities, walkways and other facilities, as identified on the final plat, minor development plat, condominium map, and/or subject to a license agreement(s) with the Town, and shall assume all responsibilities therefor as shown on the final plat, minor development plat, condominium map, and/or described in the license agreement(s).

b. Associations shall have covenants regarding maintenance requirements for individual member's lots, units, or property that have standards that meet or exceed those contained in the Parker Property Maintenance Code. The covenants will provide the association the ability to enforce the rules and regulations set forth therein. The association documents shall give the Town the authority to require the association to perform routine maintenance and repairs necessary to keep the property within the subdivision or condominium in good condition, in accordance with the standards that meet or exceed those in the Parker Property Maintenance Code.

c. If the association does not respond to a notice of violation from the Town regarding maintenance within thirty (30) calendar days of the date of such notice, the Town shall have the right to perform the work itself or hire a contractor to perform the work and assess each property owner of the association and/or each owner of property within the subdivision, or unit within a condominium, a fee to recover its costs. Such fee shall include an administrative charge equal to fifteen percent (15%) of the cost of the work performed. The costs may be recovered in a Municipal Court proceeding. The Town may also assess and file a lien against any property within the subdivision, or unit within the condominium, for the cost of the work that was performed by the Town. The lien shall be a first and prior lien to all other liens.

(3) Town approval to amend or terminate. The association documents shall include a provision requiring the Town's written consent to amend or terminate any of the covenants that are the subject of this Section.

(4) Additional association responsibilities.

a. Trash and recycling collection: Associations shall have covenants requiring regular trash and recycling collection and the association shall be responsible for regular trash and recycling collection for all lots or units, common amenities/facilities and parks and open space.

b. Public access: Associations shall provide cross-access easements providing public access to all parks, open space, trails and accessory uses/facilities including but not limited to public bathrooms, parking, play equipment and seating.

c. Association documents: Associations shall make available within seven (7) days of request, at no charge to the Town, association records related to the requirements contained in this Section, including but not limited to, the association's governing documents, covenants, bylaws, meeting agendas and minutes, capital improvement plans, and budgets.

(f) Exemption. The Planning Director may exempt residential subdivisions containing less than ten (10) detached dwelling units from the requirements of this Section, where the applicant can demonstrate the following:

a. The proposed subdivision has no maintenance responsibilities or can demonstrate that maintenance responsibilities have been assigned to a special district.

b. The enforcement of covenants is made through a different or the use of a party wall agreement.

(g) Failure to comply. The Town, through the Planning Director, shall have the authority to withhold approvals, permits and certificates of occupancy in the event that an applicant fails to comply with the requirements of this Section.

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



Planning Commission Staff Report

Planning Commission Date: 9/26/2019

Town Council Date: 10/21/2019

Hearing Type: Public Meeting
DRAFT ORDINANCE – A Bill for an Ordinance to Add a New Section 13.07.170, Entitled Association, to the Parker Municipal Code

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The purpose of the proposed ordinance is to add a new section, Section 13.07.170 Entitled Associations, to the Land Development Ordinance that will require the formation of a residential or commercial property owners' association during the platting process to ensure enforcement of covenant restrictions, routine maintenance and repairs to community owned infrastructure and amenities.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to Add Section 13.07.170 of the Parker Land Development Ordinance concerning entitled associations.”

ALTERNATIVE MOTIONS

“I move that the Planning Commission recommend that Town Council approve an ordinance to Amend Section 13.07.170 of the Parker Land Development Ordinance concerning entitled associations with the following conditions: ”

-List conditions (either by staff or Planning Commission)

“I move that the Planning Commission recommend that Town Council deny an ordinance to Amend Section 13.07.170 of the Parker Land Development Ordinance concerning entitled associations.”

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

I. BACKGROUND/DISCUSSION

Currently there are two communities in the Town that lack a homeowners' association (HOA), Cottonwood and Country Meadows. These neighborhoods demand a significantly higher amount of resources from Community Services than other neighborhoods with an HOA. Also, in neighborhoods with no HOA, residents of a subdivision are forced to be self-governing for enforcement of property maintenance and other items such as trash pick-up. Without an HOA to enforce the covenants, neighbors can be pitted against neighbors to resolve issues. Similar issues apply to commercial developments with the added concern of coordinating and assigning maintenance of shared access drives and other shared infrastructure.

To date, the Town has negotiated the establishment of HOA's through Subdivision Improvement Agreements for both residential and commercial developments. Most developers have been cooperative in this process and see the benefits of an HOA for the long term success of the neighborhoods they are building. However, recently a homebuilder with multiple projects in the Town has chosen not to create an HOA for one of their projects. To limit the proliferation of this issue going forward, the proposed ordinance language requires the following as a condition to approve any final or minor development plat:

- (i) mandatory membership;
- (ii) maintenance of property and private improvements;
- (iii) covenant enforcement; and
- (iv) other association responsibilities (i.e. trash and recycling collection)

Recordation of documents demonstrating compliance with the condition shall be provided to the Town for review prior to approval.

Also, if an HOA is amended or terminated, the Town must be notified.

PRIOR ACTIONS

Date	Action
	None

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	<u>Land Use 1.J</u>
Inconsistent Goals/Strategies	None
Staff Analysis	N/A

III. CONCLUSION

By requiring associations, the Town will improve the long term aesthetics, maintenance and overall conditions of our commercial areas and neighborhoods while managing the number of calls to our

Community Services division. Associations are partners in maintaining the high quality of life that our residents expect in the Town.

Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendment.

IV. ATTACHMENTS
Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director



Request for Town Council Action

Date: October 7, 2019

Submitted By: Dennis Trapp, Projects Administrator

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 1.538 - First Reading**
A Bill for an Ordinance Conveying the Moore Property
Water Rights to the Parker Water and Sanitation District by
Special Warranty Deed

Department: Parks and Recreation, Dennis Trapp
Second Reading: October 21, 2019

EXECUTIVE SUMMARY

In order to include that portion of the Pine Curve property that was originally owned by the Moore family (the “Moore property”) into the Parker Water and Sanitation District (the “District”), the Town needs to convey the underlying ground water to the District by special warranty deed.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town owns a 24-acre parcel of property commonly known as the Pine Curve property, which is an assemblage of the “Kime Property,” which was approximately 21 acres, and the Moore Property, which was approximately 3 acres. The Kime Property was included into the District several years ago. In order to include the Moore Property into the District, the Town will need to convey the underlying ground water to the District by special warranty deed.

FINANCIAL IMPACT

The cost of the inclusion process is \$5,000 an acre (for 3 acres) and the conveyance of the deep ground water under the Moore property to the District. The cost to include is approximately \$15,000, plus administrative costs to process the inclusion. In exchange, the Town will receive six (6) water credits from the District, which are valued at \$30,000 (\$5000/acre) to be retained by the Town for use on other Town property. Water credits can be used to reduce the cost of taps sold by the District.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 1.538

RECOMMENDED MOTION

I move to approve Ordinance No. 1.538 on first reading and to schedule second reading for October 21, 2019, as part of the consent agenda.

ORDINANCE NO. 1.538, Series of 2019

TITLE: A BILL FOR AN ORDINANCE CONVEYING THE MOORE PROPERTY WATER RIGHTS TO THE PARKER WATER AND SANITATION DISTRICT BY SPECIAL WARRANTY DEED

WHEREAS, the Town Council of the Town of Parker desires to convey the Moore Property Water Rights to Parker Water and Sanitation District; and

WHEREAS, the Town Council of the Town of Parker desires to authorize the Mayor to execute the subject Special Warranty Deed.

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 Special Warranty Deed by the Town of Parker conveying the Moore Property Water Rights to Parker Water and Sanitation District, which is attached hereto as **Exhibit 1** and incorporated herein by this reference, and authorizes the Mayor of the Town to execute the Special Warranty Deed 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

SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS, that the TOWN OF PARKER, a Colorado municipal corporation, of the County of Douglas and State of Colorado, Grantor, whose legal address is 20120 E. Mainstreet, Parker, Colorado 80138, for the consideration of One Dollar and other good and valuable consideration in hand paid, hereby sells and conveys to THE PARKER WATER AND SANITATION DISTRICT, of the County of Douglas, and State of Colorado, Grantee, whose address is 18100 East Woodman Drive, Parker, Colorado, 80138, the following property situate in the County of Douglas and State of Colorado, to-wit:

All water, and water rights, including nontributary and not nontributary groundwater, appurtenant to and underlying the parcel of land in the County of Douglas and State of Colorado that is described in **Exhibit A**, which is attached hereto and incorporated by this reference, being the same parcel conveyed to Grantor by Danalee Moore as to an undivided seventy-five percent (75%) interest, and Robert W. Moore as to an undivided twenty-five percent (25%) interest by Special Warranty Deed recorded February 4, 2002, at Book 2254, Page 2308, of the records of Douglas County.

with all the appurtenances and warrants the title against all persons claiming under Grantor, and further warrants that said water rights are free and clear of all liens and encumbrances.

Signed and delivered this ____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

Legal Description

A PARCEL OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: FOR THE PURPOSE OF THIS DESCRIPTION THE BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 23, BEARING NORTH 89 DEGREES 56 MINUTES 12 SECONDS WEST, 1340.26 FEET. MONUMENTED BY A 3 1/4" BRASS CAP STAMPED "PLS 20683 OF THE NORTHWEST CORNER OF SAID SECTION 23, AND 1" PIPE WITH A 2 1/2" ALUMINUM CAP STAMPED "LS 6935, 1993" AT THE NORTHEAST CORNER OF SAID WEST HALF.

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHWEST QUARTER, ALSO BEING THE NORTHWEST CORNER OF PARKER VISTA SUBDIVISION, FILING NO. 2; THENCE SOUTH 00 DEGREES 03 MINUTES 46 SECONDS WEST, 1755.74 FEET, ALONG THE EAST LINE OF SAID WEST HALF, NORTHWEST QUARTER, ALSO BEING THE WEST LINE OF SAID PARKER VISTA FILING NO. 2 AND WEST LINE OF PARKER VISTA FILING NO. 1 TO THE SOUTHWEST CORNER OF SAID PARKER VISTA FILING NO. 1, ALSO BEING ON THE NORTH LINE OF THAT PARCEL AS DESCRIBED IN BOOK 925 AT PAGE 805 OF THE DOUGLAS COUNTY, COLORADO RECORDS;

THENCE NORTH 66 DEGREES 49 MINUTES 51 SECONDS WEST, 94.95 FEET ALONG SAID NORTH LINE TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 13 MINUTES 43 SECONDS WEST, 499.97 FEET;

THENCE SOUTH 89 DEGREES 46 MINUTES 17 SECONDS WEST, 342.00 FEET;

THENCE SOUTH 00 DEGREES 13 MINUTES 43 SECONDS EAST, 360.47 FEET TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN BOOK 925 AT PAGE 805;

THENCE ALONG A CURVE TO THE RIGHT, NON-TANGENT TO THE AFOREMENTIONED COURSE, HAVING A RADIUS OF 1851.38 FEET, A CENTRAL ANGLE OF AN ARC LENGTH OF 169.77 FEET, THE CHORD OF WHICH BEARS SOUTH 69 DEGREES 27 MINUTES 31 SECONDS EAST, 169.71 FEET TO A POINT OF TANGENCY; THENCE SOUTH 66 DEGREES 49 MINUTES 51 SECONDS EAST, 199.74 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF DOUGLAS,
STATE OF COLORADO;

LEGAL DESCRIPTION CREATED BY ALTA/ACSM LAND TITLE SURVEY DATED JANUARY 2, 2002, SURVEY NO. 8720-076, PREPARED BY WESTERN STATES SURVEYING, INC.



Request for Town Council Action

Date: October 7, 2019

Submitted By: Carolyn Parkinson, Planner I
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-085**
A Resolution to Exempt Certain Real Property Commonly Known as the E-470 Maintenance Support Site A From the Definition of Subdivision and Subdivided Land as Contained in the Town of Parker Land Development Ordinance

Department: **Community Development, Carolyn Parkinson**

EXECUTIVE SUMMARY

The Town is proposing a Subdivision Exemption Plat for the property located at 16600 Parkerhouse Road. This property is owned by the E-470 Public Highway Authority and is currently used as a maintenance facility. The site is generally located north of E-470 and west of Jordan Road.

The property was annexed into the Town in 2012, but remains unplatted. A site plan amendment application for this property has been submitted by the E-470 Public Highway Authority (SP19-020). The Land Development Ordinance (LDO) requires that property be platted prior to approval of a site plan amendment. Pursuant to the LDO, the Town Council must approve a subdivision exemption plat by resolution that exempts the property from certain subdivision procedures before the site plan amendment may proceed.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The E-470 corridor within the Town boundaries provides an important highway connection to the overall Town transportation network. The E-470 Highway Authority and Town of Parker continue to work together on important transportation projects including this exemption plat and the associated site plan amendment. To support the positive relationship and for the benefit

of traveling residents, the Town has initiated this exemption plat application and is acting as representative for the Authority.

Approval of the exemption plat will create a single lot of record and bring the property into compliance with the LDO. The platting of this parcel will also allow approval of the site plan amendment that is currently under review.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

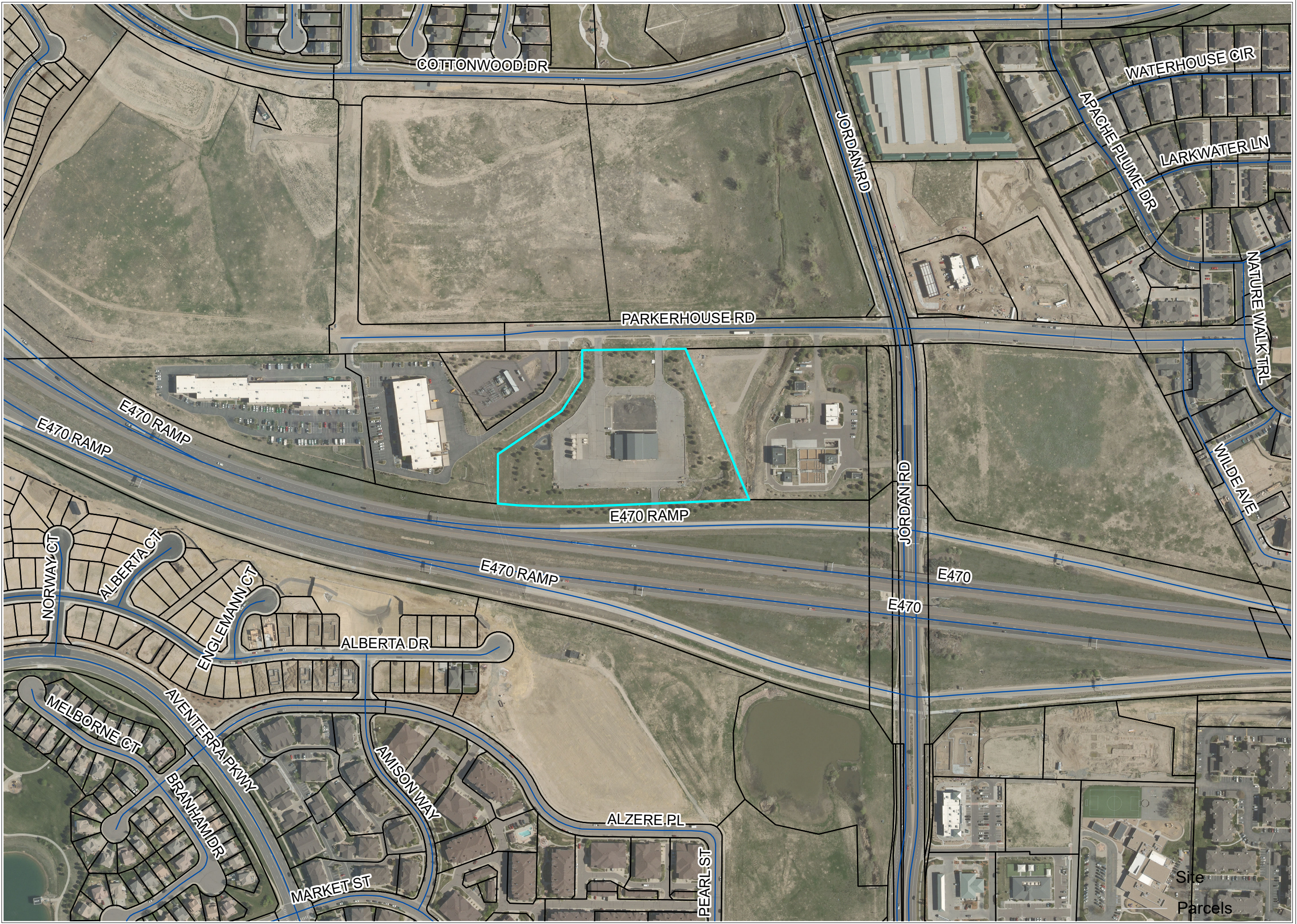
1. Vicinity map
2. Exemption Plat
3. Resolution No. 19-085

RECOMMENDED MOTION

I move to approve Resolution No. 19-085, as part of the consent agenda.

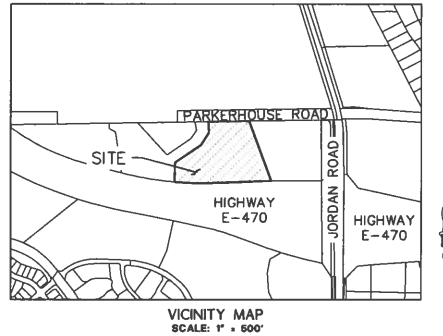
Vicinity Map

E-470 Maintenance Support Site A



E-470 MAINTENANCE SUPPORT SITE A

SUBDIVISION EXEMPTION PLAT
A PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
7.695 ACRES - 1 LOT
SHEET 1 OF 2



LEGAL DESCRIPTION (FROM RULE & ORDER BOOK 2247 AT PAGE 828)

A PARCEL OF LAND BEING A MAINTENANCE SITE OF THE E-470 PUBLIC HIGHWAY AUTHORITY, BEING A PART OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: FOR THE PURPOSE OF THIS DESCRIPTION, THE BEARINGS ARE BASED ON THE CITY OF AURORA STATE PLANE COORDINATE POINTS "JOG" AND "ELWAY" BEING NORTH 78°54'03" EAST.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 8, THENCE SOUTH 89°08'05" WEST, 730.00 FEET ALONG THE NORTHERLY LINE OF SAID SECTION 8 TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN BOOK 518 AT PAGE 893 OF THE DOUGLAS COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 22°51'27" EAST, 568.77 FEET ALONG THE WESTERLY LINE OF SAID PARCEL TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF E-470;

THENCE SOUTH 87°38'44" WEST, 523.11 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 02°21'16" WEST, 2,794.79 FEET THROUGH A CENTRAL ANGLE OF 07°10'05", AN ARC LENGTH OF 349.65 FEET WHOSE CHORD BEARS NORTH 88°46'14" WEST 349.42 FEET, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A POINT OF NON-TANGENCY;

THENCE NORTH 00°00'00" EAST 171.67 FEET;

THENCE NORTH 55°52'20" EAST 266.85 FEET;

THENCE NORTH 33°23'36" EAST 130.32 FEET;

THENCE NORTH 00°04'46" WEST 102.49 FEET TO A POINT ON SAID NORTHERLY SECTION LINE;

THENCE NORTH 89°08'05" EAST 358.64 FEET, ALONG SAID NORTHERLY SECTION LINE TO THE POINT OF BEGINNING, COUNTY OF DOUGLAS, STATE OF COLORADO.

CONTAINING AN AREA OF 7.695 ACRES, (335,203 SQUARE FEET), MORE OR LESS.

DEDICATION STATEMENT

THE UNDERSIGNED, BEING THE OWNER OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO A LOT AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF E-470 MAINTENANCE SUPPORT SITE A.

ACKNOWLEDGEMENT

THE UNDERSIGNED, BEING THE OWNER OF THE LANDS DESCRIBED HEREIN, HEREBY ACKNOWLEDGE THAT ANY SUBDIVISION APPROVAL OBTAINED BY THE TOWN OF PARKER DOES NOT OBVIATE SAID UNDERSIGNED'S NEED OR RESPONSIBILITY TO COMPLY WITH THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT OF 1973, 16 U.S.C. §1 531, ET SEQ., AS AMENDED, OR WITH ANY OTHER APPLICABLE FEDERAL, STATE OR LOCAL LAWS OR REGULATIONS.

OWNER

E-470 PUBLIC HIGHWAY AUTHORITY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO

BY: _____ AS _____ TITLE _____

BY: _____ AS _____ TITLE _____

STATE OF _____)
COUNTY OF _____) SS

THE FOREGOING DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____, BY _____ AS _____ AND BY _____ AS _____ OF E-470 PUBLIC HIGHWAY AUTHORITY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

TOWN COUNCIL CERTIFICATE

THIS PLAT WAS APPROVED BY THE TOWN COUNCIL AND/OR, WHERE APPLICABLE, THE PLANNING DIRECTOR AND DIRECTOR OF ENGINEERING OF THE TOWN OF PARKER, COLORADO, ON THE ____ DAY OF _____, 20____, FOR FILING. THE DEDICATIONS ARE HEREBY ACCEPTED.

ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, CURBS, GUTTER, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE TOWN OF PARKER. THE TOWN SHALL ONLY ACCEPT MAINTENANCE OF THE ROADWAY IMPROVEMENTS AFTER CONSTRUCTION HAS BEEN COMPLETED, AND AFTER THE WARRANTY PERIOD, IN ACCORDANCE WITH TOWN REGULATIONS.

THIS ACCEPTANCE DOES NOT GUARANTEE THAT THE SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER CONDITIONS OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT WILL BE ISSUED.

MAYOR, TOWN OF PARKER

ATTEST:
TOWN CLERK

GENERAL NOTES

- TITLE COMPANY COMMITMENT NO. N0022307-010-702-ES WITH AN EFFECTIVE DATE OF MAY 1, 2019 AT 8:00 A.M. WAS RELIED UPON FOR RECORD INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES. THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY AZTEC CONSULTANTS, INC. TO DETERMINE OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF PUBLIC RECORD.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AS SHOWN HEREON, AND BEARING SOUTH 89°08'13" WEST (A1), (SOUTH 89°06'05" WEST (K)), GRID BEARINGS, COLORADO COORDINATE SYSTEM, CENTRAL ZONE, NAD 83.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP FOR DOUGLAS COUNTY, COLORADO AND INCORPORATED AREAS, PANEL 66 OF 465, MAP NUMBER 08035C0606, EFFECTIVE DATE: MARCH 16, 2016, THIS PARCEL IS LOCATED WITHIN OTHER AREAS, ZONE X; DESCRIBED IN THE LEGENDS OF ABOVE MENTIONED MAPS AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- DISTANCES ON THIS PLAT ARE GROUND DISTANCES EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF; A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT(S) OR LAND BOUNDARY MONUMENT(S), OR ACCESSORY COMPLETS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 CRS.
- 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.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED 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.

TITLE VERIFICATION

I/WE, HERITAGE TITLE COMPANY, DO HEREBY CERTIFY THAT I/WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS SHOWN IN HERITAGE TITLE COMPANY COMMITMENT NO. _____ WITH AN EFFECTIVE DATE OF _____ AT _____, 00 A.M.

BY: _____

TITLE: _____

DATE: _____

STATE OF COLORADO)
COUNTY OF _____) SS

ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2019, BY _____

AS _____ OF _____

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, GERALD E. BOYSEN, JR., A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF E-470 MAINTENANCE SUPPORT SITE, A SUBDIVISION EXEMPTION PLAT, WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION ON OR ABOUT THE ____ DAY OF _____, 20____, AND THAT THE SURVEY IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF THAT ALL MONUMENTS EXIST AS SHOWN HEREON; IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL PROVISIONS, WITHIN MY CONTROL, OF THE TOWN SUBDIVISION REGULATIONS. THIS SURVEY IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID MINOR DEVELOPMENT PLAT AND THE SURVEY THEREOF.

GERALD E. BOYSEN, JR., PLS NO. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS ____ DAY OF _____, 2019, A.D.,

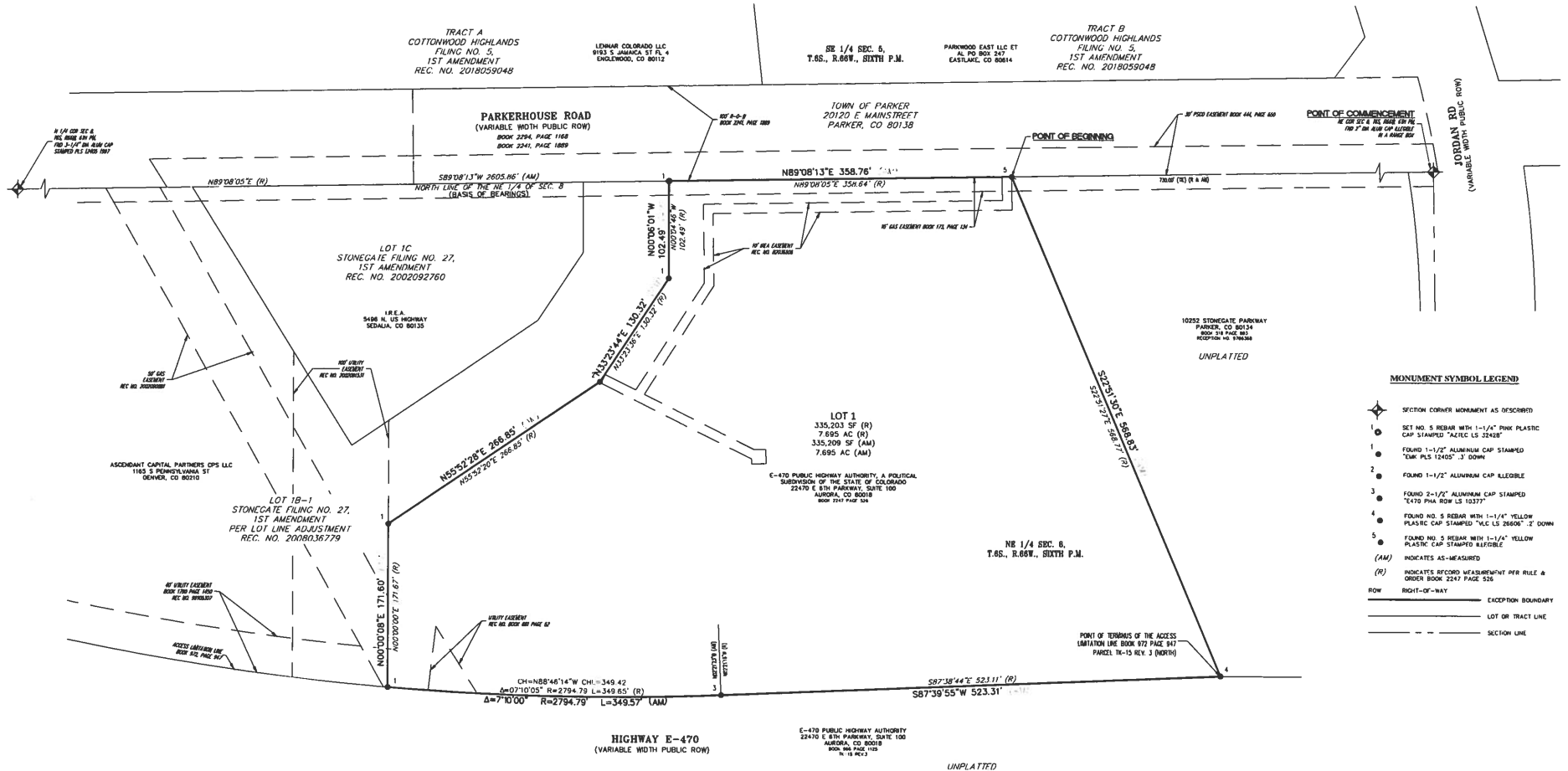
AT _____ A.M./P.M. AND WAS RECORDED AT RECEPTION NO. _____

DOUGLAS COUNTY CLERK AND RECORDER

 180 East Mineral Ave., Suite 1 Littleton, Colorado 80120 Phone (303) 751-1888 Fax (303) 751-1889 www.aztecconsultants.com	APPLICANT		DATE OF PREPARATION
	THE TOWN OF PARKER 20120 E. MAIN STREET PARKER, CO 80138		06/20/2019
Aztec Proj. No. 2499-09	SCALE:	N/A	SHEET 1 OF 2

E-470 MAINTENANCE SUPPORT SITE A

SUBDIVISION EXEMPTION PLAT
A PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO
7.695 ACRES - 1 LOT
SHEET 2 OF 2



AZTEC CONSULTANTS, INC. 188 East Midland Ave., Suite 1 Littleton, Colorado 80120 Phone (303) 775-1099 Fax (303) 761-0891 www.aztecconsultants.com Aztec Plat No. 24979-09	APPLICANT THE TOWN OF PARKER 20120 E. MAIN STREET PARKER, CO 80130		DATE OF PREPARATION 05/30/2019
	SCALE T=60'		SHEET 2 OF 2

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.

RESOLUTION NO. 19-085, Series of 2019

TITLE: A RESOLUTION TO EXEMPT CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE E-470 MAINTENANCE SUPPORT SITE A FROM THE DEFINITION OF SUBDIVISION AND SUBDIVIDED LAND AS CONTAINED IN THE TOWN OF PARKER LAND DEVELOPMENT ORDINANCE

WHEREAS, the Town Council may, pursuant to resolution, exempt from the definition of the terms "subdivision" and "subdivided land," any division of land if the Town Council determines that such is not within the purposes of the Town of Parker Land Development Ordinance;

WHEREAS, the E-470 Public Highway Authority (the "Authority") owns certain real property located within the Town and commonly known as the E-470 Maintenance Support Site A, which property is more particularly described in **Exhibit A**, which is attached hereto and incorporated by this reference (the "Property");

WHEREAS, the Town, in furtherance of the public interest, annexed the Property as part of a larger area that included the right-of-way for that portion of E-470 located adjacent to the Town (the "2012 Annexation");

WHEREAS, the annexation agreement between the Town and the Authority, as a part of the 2012 Annexation, provides that the Town will "not impose land use and regulatory requirements or facilities beyond the requirements existing on those facilities prior to annexation;"

WHEREAS, the platting of the Property is beyond the requirements existing prior to annexation;

WHEREAS, the Authority agreed to allow the Town to plat the Property as an exemption plat; and

WHEREAS, the Town desires to plat the Property as one (1) lot, which is described in **Exhibit B**, which is attached hereto and incorporated by this reference.

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

Section 1. The Town Council hereby exempts the Property from the definition of the terms "subdivision" and "subdivided land" as contained in the Town of Parker Land Development Ordinance.

Section 2. The Town Council hereby approves the E-470 Maintenance Support Site A Subdivision Exemption Plat, which is attached as Exhibit B (the "Subdivision Exemption Plat").

Section 3. The Town Council hereby authorizes the Mayor and Town Clerk to execute the Subdivision Exemption Plat and directs the Town Clerk to record the Subdivision Exemption Plat with the Douglas County Clerk and Recorder's Office.

RESOLVED AND PASSED this _____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A

LEGAL DESCRIPTION (FROM RULE & ORDER BOOK 2247 AT PAGE 526)

A PARCEL OF LAND BEING A MAINTENANCE SITE OF THE E-470 PUBLIC HIGHWAY AUTHORITY, BEING A PART OF SECTION 8, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: FOR THE PURPOSE OF THIS DESCRIPTION, THE BEARINGS ARE BASED ON THE CITY OF AURORA STATE PLANE COORDINATE POINTS "JOG" AND "ELWAY" BEING NORTH 78°54'09" EAST.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 8; THENCE SOUTH 89°08'05" WEST, 730.00 FEET ALONG THE NORTHERLY LINE OF SAID SECTION 8 TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN BOOK 518 AT PAGE 893 OF THE DOUGLAS COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 22°51'27" EAST, 568.77 FEET ALONG THE WESTERLY LINE OF SAID PARCEL TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF E-470;

THENCE SOUTH 87°38'44" WEST, 523.11 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 02°21'16" WEST, 2,794.79 FEET THROUGH A CENTRAL ANGLE OF 07°10'05", AN ARC LENGTH OF 349.65 FEET WHOSE CHORD BEARS NORTH 88°46'14" WEST 349.42 FEET, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A POINT OF NON-TANGENCY;

THENCE NORTH 00°00'00" EAST 171.67 FEET;

THENCE NORTH 55°52'20" EAST 266.85 FEET;

THENCE NORTH 33°23'36" EAST 130.32 FEET;

THENCE NORTH 00°04'46" WEST 102.49 FEET TO A POINT ON SAID NORTHERLY SECTION LINE;

THENCE NORTH 89°08'05" EAST 358.64 FEET, ALONG SAID NORTHERLY SECTION LINE TO THE POINT OF BEGINNING, COUNTY OF DOUGLAS, STATE OF COLORADO.

CONTAINING AN AREA OF 7.695 ACRES, (335,203 SQUARE FEET), MORE OR LESS.



Request for Town Council Action

Date: October 7, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 19-087**
A Resolution to Establish an Initiative or Referendum
Petition Protest Procedure

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This resolution establishes alternative protest procedures, which apply for all municipal initiatives and referenda in the Town of Parker, in lieu of the requirements contained in Section 31-11-110 of the Colorado Revised Statutes.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Article XIV of the Charter provides the procedures and requirements for initiatives and referenda. Section 31-11-110 of the Colorado Revised Statutes provides the procedures regarding the protest of any initiative or referendum petition. The protest procedures, established in Section 31-11-110, apply to municipal initiative, referenda and referred measures unless alternative procedures are provided by charter, ordinance or resolution. The statute provides that a protest may be filed within forty days after a petition is filed, notwithstanding the fact that the Home Rule Charter requires the Town Clerk to complete a certificate of sufficiency within ten days of the filing of a petition and the Town Council to take action within thirty days of a petition being finally determined sufficient by the Town Clerk. Therefore, this resolution establishes alternative protest procedures to comport with the timing requirements contained in Article XIV of the Charter.

FINANCIAL IMPACT

There may be expenses for the appointment of a hearing officer, if necessary, to hear protests filed with the City Clerk's office. It is anticipated those would cost \$100-200 per hour. The total expenses will depend on the complexity of the protests, and the number filed.

STRATEGIC GOAL(S)



**FOSTER COMMUNITY
CREATIVITY AND
ENGAGEMENT**

ATTACHMENTS

1. CRS 31-11-110
2. Resolution No. 19-087

RECOMMENDED MOTION

I move to approve Resolution No. 19-087 as part of the consent agenda.

Document: C.R.S. 31-11-110

C.R.S. 31-11-110**Copy Citation**

Current through all laws passed during the 2019 Legislative Session.

CO - Colorado Revised Statutes Annotated TITLE 31. GOVERNMENT - MUNICIPAL MUNICIPAL ELECTIONS ARTICLE 11. MUNICIPAL INITIATIVES, REFERENDA, AND REFERRED MEASURES

31-11-110. Protest

(1) Within forty days after an initiative or referendum petition is filed, a protest in writing under oath may be filed in the office of the clerk by any registered elector who resides in the municipality, setting forth specifically the grounds for such protest. The grounds for protest may include, but shall not be limited to, the failure of any portion of a petition or circulator affidavit to meet the requirements of this article. No signature may be challenged that is not identified in the protest by section and line number. The clerk shall forthwith mail a copy of such protest to the persons designated as representing the petition proponents pursuant to section 31-11-106 (2) and to the protester, together with a notice fixing a time for hearing such protest that is not less than five or more than ten days after such notice is mailed.

(2) The county clerk shall furnish a requesting protester with a list of the registered electors in the municipality and shall charge a fee to cover the cost of furnishing the list.

(3) Every hearing shall be held before the clerk with whom such protest is filed. The clerk shall serve as hearing officer unless some other person is designated by the legislative body as the hearing officer, and the testimony in every such hearing shall be under oath. The hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses. The hearing shall be summary and not subject to delay and shall be concluded within sixty days after the petition is filed. No later than five days after the conclusion of the hearing, the hearing officer shall issue a written determination of whether the petition is sufficient or not sufficient. If the hearing officer determines that a petition is not sufficient, the officer shall identify those portions of the petition that are not sufficient and the reasons therefor. The result of the hearing shall be forthwith certified to the protester and to the persons designated as representing the petition proponents pursuant to section 31-11-106 (2). The determination as to petition sufficiency may be reviewed by the district court for the county in which such municipality or portion thereof is located upon application of the protester, the persons designated as representing the petition proponents pursuant to section 31-11-106 (2), or the municipality, but such review shall be had and determined forthwith.

History

Source:

L. 95: Entire article added, p. 427, § 1, effective May 8.L. 2000: (1) amended, p. 801, § 26, effective August 2.

▼ Annotations

Case Notes

ANNOTATION

Annotator's note. For cases construing a similar provision that applied to state and municipal elections, see § § 1-40-118 and 1-40-119.

COLORADO REVISED STATUTES

Content Type:

Terms:

Narrow By: -None-

Date and Time: Oct 01, 2019 11:30:06 a.m. EDT



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RESOLUTION NO. 19-087, Series of 2019

TITLE: A RESOLUTION TO ESTABLISH AN INITIATIVE OR REFERENDUM PETITION PROTEST PROCEDURE

WHEREAS, Article XIV of the Town of Parker Home Rule Charter provides the procedures for registered electors of the Town of Parker to exercise the power to propose any ordinance or change in the Home Rule Charter or to require the reconsideration by the Town Council of any ordinance;

WHEREAS, Section 31-11-110 of the Colorado Revised Statutes provides the procedures regarding the protest of any initiative or referendum petition;

WHEREAS, the statutes provide that a protest may be filed within forty days after a petition is filed, notwithstanding the fact that the Home Rule Charter requires the Town Clerk to complete a certificate of sufficiency within ten days of the filing of a petition, and the Town Council, within thirty days of a petition being finally determined sufficient by the Town Clerk, to adopt the ordinance submitted by an initiatory petition, repeal the ordinance referred by a referendum petition, or submit the proposal to the registered electors;

WHEREAS, Section 31-11-102 of the Colorado Revised Statutes provides that Article 11 of Title 31 of the Colorado Revised Statutes, including the procedures established in Section 31-11-110, apply to municipal initiative, referenda and referred measures unless alternative procedures are provided by charter, ordinance or resolution; and

WHEREAS, the Town Council desires to establish alternative protest procedures to comport with the timing requirements contained in Article XIV of the Home Rule Charter.

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

Section 1. The Town Council hereby establishes the following protest procedures, which shall apply for all municipal initiatives and referenda in the Town of Parker, in lieu of the requirements contained in Section 31-11-110 of the Colorado Revised Statutes:

Petition Protest Procedures

(1) Within ten days after an initiative or referendum petition is filed, a protest in writing under oath may be filed in the office of the Town Clerk by any registered elector who resides in the Town of Parker, setting forth specifically the grounds for such protest. The grounds for protest may include, but shall not be limited to, the failure of any portion of a petition or circulator affidavit to meet the requirements of the Parker Home Rule Charter or the Colorado Revised Statutes. No signature may be challenged that is not identified in the protest by section and line number. The Town Clerk shall forthwith mail a copy of such protest to the Petitioners Committee and to the protester, together with a notice fixing a time for hearing such protest that is not less than three, nor more than seven days, after such notice is mailed.

(2) Every hearing shall be held before the Town Clerk. The Town Clerk shall serve as hearing officer unless some other person is designated by the Town Clerk as the hearing officer, and the testimony in every such hearing shall be under oath. The hearing officer shall have the power to issue subpoenas and compel the attendance of witnesses. The hearing shall be summary and not subject to delay and shall be concluded within twenty-one days after the petition is filed. No later than two business days after the conclusion of the hearing, the hearing officer shall issue a written determination concerning the subject of the protest. If the hearing officer determines that a petition is not sufficient, the hearing officer shall identify those portions of the petition that are not sufficient and the reasons therefor. The result of the hearing shall be forthwith certified to the protester and to the Petitioners Committee. The determination as to petition sufficiency may be reviewed by the Town Council or a court, as provided in Section 14.4 of the Home Rule Charter.

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: October 7, 2019

Submitted By: Carolyn Parkinson, Planner I
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **E-470 Right-of-Way Northeast - Annexation and Zoning**

Applicant: Town of Parker

Location: The subject property is part of the E-470 Right-of-Way (ROW) and is generally located north of Cottonwood Drive adjacent to the east and west borders of E-470 in unincorporated Douglas County

Department: Community Development Department, Carolyn Parkinson

TRAKiT No.: ANX19-008 and Z19-015

Second Reading: October 7, 2019

EXECUTIVE SUMMARY

The subject property, part of the E-470 right-of-way (E-470 ROW), is located adjacent to the northeastern section of the Town of Parker in unincorporated Douglas County. The Town, acting on behalf of the E-470 Public Highway Authority (the "Authority"), proposes an annexation of the E-470 ROW. The purpose of this action is to ensure that the entirety of E-470 within the Town's Municipal Planning Area is annexed into the Town.

The Town also proposes to zone the property concurrently with the annexation as required by the Land Development Ordinance (LDO). The proposed zoning is the existing E-470 Area Planned Development (PD). This is the same zoning for the rest of E-470 ROW within the Town limits.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The subject property, known as the E-470 ROW Northeast, is located in unincorporated Douglas County, but is adjacent to the Town of Parker on three sides. The Town is currently processing an annexation petition submitted by the Authority for the E-470 ROW Northeast property and proposes to zone it as part of the E-470 Area PD.

The Town originally considered annexing the E-470 ROW Northeast in 2017 when the adjacent Highlands at Kings Point PD was being annexed and zoned. However, staff decided to focus on the Highlands at Kings Point PD at that time because of its commercial development potential and deferred action on the E-470 ROW Northeast to expedite the Highlands at Kings Point PD. Earlier this year, staff approached the Authority about the proposed annexation and obtained its support for this action.

The subject property is contiguous with the Town of Parker and is described in the Parker 2035 Master Plan as being located within the Town's Municipal Planning Area. Specifically, the E-470 Northeast property is located in the E-470 Mixed Use-Residential Emphasis Character Area that is planned to provide commercial development with a mix of residential uses. The E-470 ROW Northeast property is a highway and serves the regional transportation network while providing access to adjacent property in the Town. The proposed annexation is therefore consistent with the Master Plan.

Staff has reviewed the proposal to zone the subject property as E-470 Area PD against the nine (9) criteria for rezoning set forth in the LDO. Staff has determined that the criteria have been satisfied and the proposed zoning may be approved.

The Planning Commission will hold a public hearing and make a recommendation to Town Council about the proposed zoning on September 26, 2019.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Vicinity Map
2. Planning Commission Staff Report
3. Referral comments
4. Annexation Map
5. Zoning Map
6. E470 Area Development Guide

RECOMMENDED MOTION

1. I move to approve Resolution No. 19-060.

2. I move to approve Ordinance No. 2.273 on second reading.
3. I move to approve Ordinance No. 3.296.1 on second reading.
4. I move to approve the E-470 Right-of-Way Northeast Annexation Agreement, based on staff findings.

Vicinity Map





Planning Commission Staff Report

Planning Commission Date: 9/19/2019

Town Council Date: 10/7/2019

Hearing Type: Public Hearing
E-470 RIGHT-OF-WAY Northeast - Zoning
TRAKiT No.: Z19-015

Location: The subject property is part of the E-470 Right-of-Way (ROW) and generally located north of Cottonwood Drive adjacent to the east and west borders of E-470 in unincorporated Douglas County.

Project Planner: Carolyn Parkinson, Planner

Applicant: Town of Parker

Executive Summary: The 6.5-acre site is comprised of three parcels and is proposed to be zoned E-470 Area Planned Development (PD) in conjunction with annexation ANX19-008. The site is an unplatted parcel that is contiguous to the Town's northeastern boundary and is bordered by the Highlands at King's Point PD Planning areas 1 and 2. The property is currently zoned Agricultural One (A1) in the County.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve the E-470 Right-of-Way Northeast Property zoning request."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve the E-470 Right-of-Way Northeast Property zoning request, subject to the following conditions:"

-List conditions (either by staff or Planning Commission)

"I move that the Planning Commission recommend that Town Council deny the E-470 Right-of-Way Northeast Property zoning request 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 E-470 Right-of-Way Northeast Property zoning request to a future date.”

BACKGROUND/DISCUSSION

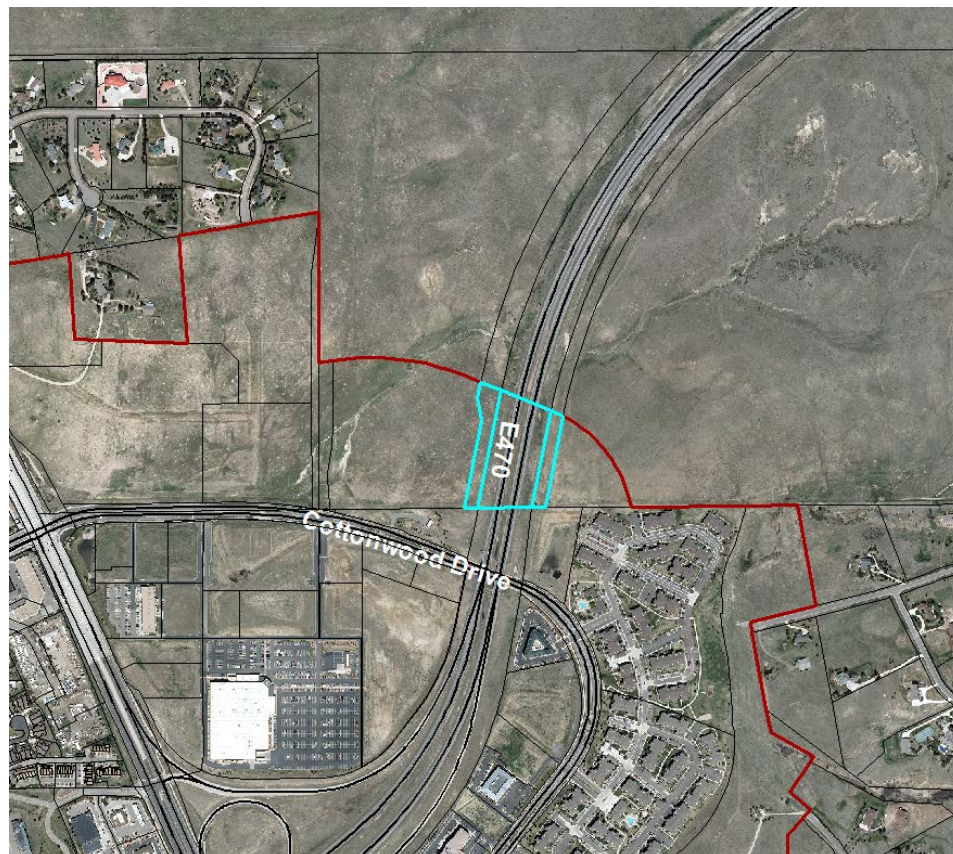
The subject property, known as the E-470 ROW Northeast Property, is located in unincorporated Douglas County and is bordered on three sides by the Town of Parker. The Town is currently processing an annexation of the E-470 ROW Northeast Property. Town of Parker regulations require that all property be zoned at the time of annexation.

The E-470 ROW corridor currently located within the Town boundaries was zoned E-470 Area PD in 2012. The Town proposes the same zoning for the section of E-470 ROW described as the E-470 Area ROW Northeast.

The purpose of this proposal is to ensure consistent zoning for the entirety of the E-470 corridor that lies within the Parker 2035 Master Plan’s Planning Area.

The Town originally considered annexing this portion of the E-470 ROW at the time the adjacent Highlands at Kings Point PD was being annexed and zoned in 2017. However, action on the E-470 ROW was deferred at that time and the focus was to remain upon the Highlands at Kings Point PD because of its commercial development potential.

Earlier this year, staff approached the E-470 Highway Authority about the annexation and zoning of this section of the E-470 ROW and obtained their support for this action.



I. PRIOR ACTIONS

Date	Action
2012	The Town annexed and zoned all of the E-470 ROW within the Town boundary excepting the subject property.

II. CURRENT SITE DATA

Existing Zoning	A1 - Agricultural District - Douglas County		
Overlay District	N/A		
PD & Plan Area	E-470 Area Planned Development		
Master Plan Area	Mixed Use - Residential Emphasis		
Site Acreage	6.54 Acres		
Subdivision	N/A		
Existing Use	E470 ROW		
Surrounding Uses			
	Master Plan Land Use	Zoning	Existing Use
North	City of Aurora	Aurora Zoning	E-470 ROW
South	E-470	PD - Planned Development	E-470 ROW
East	Mixed Use - Residential Emphasis	PD - Planned Development	Undeveloped
West	Mixed Use - Residential Emphasis	PD - Planned Development	Undeveloped

III. PARKER 2035 MASTER PLAN [Parker 2035 Master Plan | Town of Parker - Official Website](#)

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☒ Consistent ☐ Inconsistent
Master Plan Character Discussion	<u>E-470 Mixed Use – Residential:</u> A multi-family residential area to provide easy and direct pedestrian and bike access to nearby commercial and employment areas. Appropriate land uses include; higher density residential housing, senior housing, assisted living facilities and mixed use developments that include a commercial component. Commercial uses should be of a scale that serves the needs of the area’s residents or provides support to adjoining uses. Single family detached residential uses and residential developments at less than 10 dwelling units per acre are not appropriate in this area.

Consistent Goals/Strategies	Transportation 2.A Transportation 2.B Transportation 2.D
Staff Analysis	The subject property is contiguous with the Town and is described in the Parker 2035 General Land Use Plan as being located within the Town's Municipal Planning Area. Specifically, the subject properties are located within the E-470 Mixed Use -Residential Emphasis character area, which is planned to provide high density residential housing, senior housing, assisted living facilities and mixed use developments that include a commercial component. The property is developed as part of the E-470 Right-of-Way (ROW) and serves the transportation network for the adjacent properties. The uses allowed for these properties are consistent with those in the E-470 Mixed Use -Residential Emphasis character area. The proposed zoning is consistent with the specific Goals/ Strategies of the Master Plan for the following reasons: 1) it will help ensure adequate opportunities for expansion of the Town's economic base; 2) it will serve the commercial corridor along E-470; and 3) it will serve as an important component of the transportation network -for existing and new residential development in this area.

LAND DEVELOPMENT ORDINANCE

ZONING CONSISTENCY (Site Plan/UBSR/Sketch/Prelim Plan/MDP)			
Provisions	Existing/Required	Proposed	Analysis
Setbacks			☐ Consistent ☐ Inconsistent ☒ N/A
Density			☐ Consistent ☐ Inconsistent ☒ N/A
Height/Stories			☐ Consistent ☐ Inconsistent ☒ N/A

Lot Size			☐ Consistent ☐ Inconsistent ☒ N/A
Lot Coverage			☐ Consistent ☐ Inconsistent ☒ N/A
Landscaping	Title 13.06.070		☐ Consistent ☐ Inconsistent ☒ N/A
Off-Street Parking	Title 13.06.050		☐ Consistent ☐ Inconsistent ☒ N/A
Miscellaneous			☐ Consistent ☐ Inconsistent ☒ N/A
Staff Analysis	This proposal is for the zoning of existing E470 Highway ROW. No further development is anticipated for this property. Consistency with the development standards of this section are not applicable.		

DEVELOPMENT POTENTIAL (Rezoning)			
Provisions	As recommended by the Master Plan	Proposed	Analysis
Units Per Acre			☐ Consistent ☐ Inconsistent ☐ No Change ☒ N/A
Allowed Uses			☐ Consistent ☐ Inconsistent ☒ No Change
Height/Stories			☐ Consistent ☐ Inconsistent ☒ No Change
Staff Analysis	No potential for development exists on the subject property.		

IV. APPROVAL CRITERIA

Title 13.04.240.f. Approval Considerations for Rezoning Requests:

1. A need exists for the proposal.

The purpose of this proposal is to annex the entirety of the E-470 corridor that lies within the municipal Planning Area and to ensure that the corridor has consistent zoning. Therefore, a need exists for the annexation and zoning of the subject property.

Based on this analysis, staff has determined that this criterion has been met.

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

Improvements are existing and no new development is proposed.

Based on this analysis, staff has determined that this criterion has been met.

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

N/A

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

With the exception of this property, the rest of the E-470 corridor located within the Town Planning Area was annexed and zoned E-470 Area Planned Development in 2012. The proposed zoning will ensure consistent zoning for the entirety of the corridor.

Based on this analysis, staff has determined that this criterion has been met.

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

Improvements are existing and no new development is proposed.

Based on this analysis, staff has determined that this criterion has been met.

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

There are no additional improvements related to the proposed zoning of the property.

Based on this analysis, staff has determined that this criterion has been met.

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

No new development is proposed as part of the zoning. Therefore, no additional environmental impacts are anticipated.

Based on this analysis, staff has determined that this criterion has been met.

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

As detailed in Section IV of this staff report, the proposed planned development zoning is consistent with the objectives identified within the Town's Master Plan.

Based on this analysis, staff has determined that this criterion has been met.

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.

There are no additional improvements related to the proposed zoning of the property.
No additional utility service needs are anticipated.

Based on this analysis, staff has determined that this criterion has been met.

V. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
Aurora Long Range	No comment
Town of Parker Fire Life Safety	Approved
Building Department	Approved
Centennial Airport	No Comment
Century Link	No Comment
Comcast	No comment
Comprehensive Planning	Approved
Douglas County Assessor	No comment
Douglas County Planning	No Comment
Finance	No Comment
Fire Life Safety	Approved
Xcel	Approved
Magellan Pipeline	No comment
PAR	No comment
Engineering	No Comment
Police	No Comment
Finance	No comment
IREA	No comment
Aztec	Comments addressed
E-470 Highway Authority	No comment

VI. CONCLUSION

This zoning request is being processed concurrently with the annexation application as required by the Town of Parker Home Rule Charter and Section 13.04.250 of the Parker Municipal Code. Staff has determined that the proposal meets the zoning approval criteria

of the Parker Land Development Ordinance. Based on the analysis contained in this staff report, staff recommends that Planning Commission recommends Town Council approval of the request.

VII. RECOMMENDED CONDITIONS

None

VIII. ATTACHMENTS

1. Ordinance No. 3.296.1
2. Zoning Map
3. Referral comments

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

Donna George please see attached 6/25/2019 4:06:54 PM	Public Service Company of Colorado 20
Bryce Matthews The proposed zoning is an amendment to the area of the E-470 PD to accommodate the annexation of additional E-470 ROW into the Town. This proposed zoning complies with the Parker 2035 Master Plan. 6/28/2019 11:31:06 AM	Comprehensive Planning 20
Carolyn Parkinson Please see redline 7/2/2019 3:38:20 PM	DEVELOPMENT GUIDE 20
Carolyn Parkinson Please see redline 7/2/2019 3:38:35 PM	DEVELOPMENT PLAN 20
Chris Boyd Addressing has no remaining comment. Planning comments from previous referrals remain. 7/10/2019 3:56:29 PM	Douglas County Planning Services Division 20
Carolyn Parkinson Comments addressed 9/18/2019 1:00:51 PM	AzTec Consultants, Inc. 15

E-470 RIGHT-OF-WAY NORTHEAST
ANNEXATION MAP TO THE TOWN OF PARKER
LOCATED IN THE NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO

ANNEXATION DESCRIPTION

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 3 BEARS NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET, WITH ALL BEARINGS HEREIN BEING REFERENCED THERETO;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89°29'45" EAST, A DISTANCE OF 824.18 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. E-470 AS RECORDED IN BOOK 1698 AT PAGE 1250 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING (3) COURSES:

1. NORTH 11°07'45" EAST, A DISTANCE OF 504.26 FEET;
2. NORTH 10°45'44" WEST, A DISTANCE OF 133.84 FEET;
3. NORTH 13°22'45" EAST, A DISTANCE OF 91.73 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 67°52'58" EAST, A DISTANCE OF 442.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 730.00 FEET;

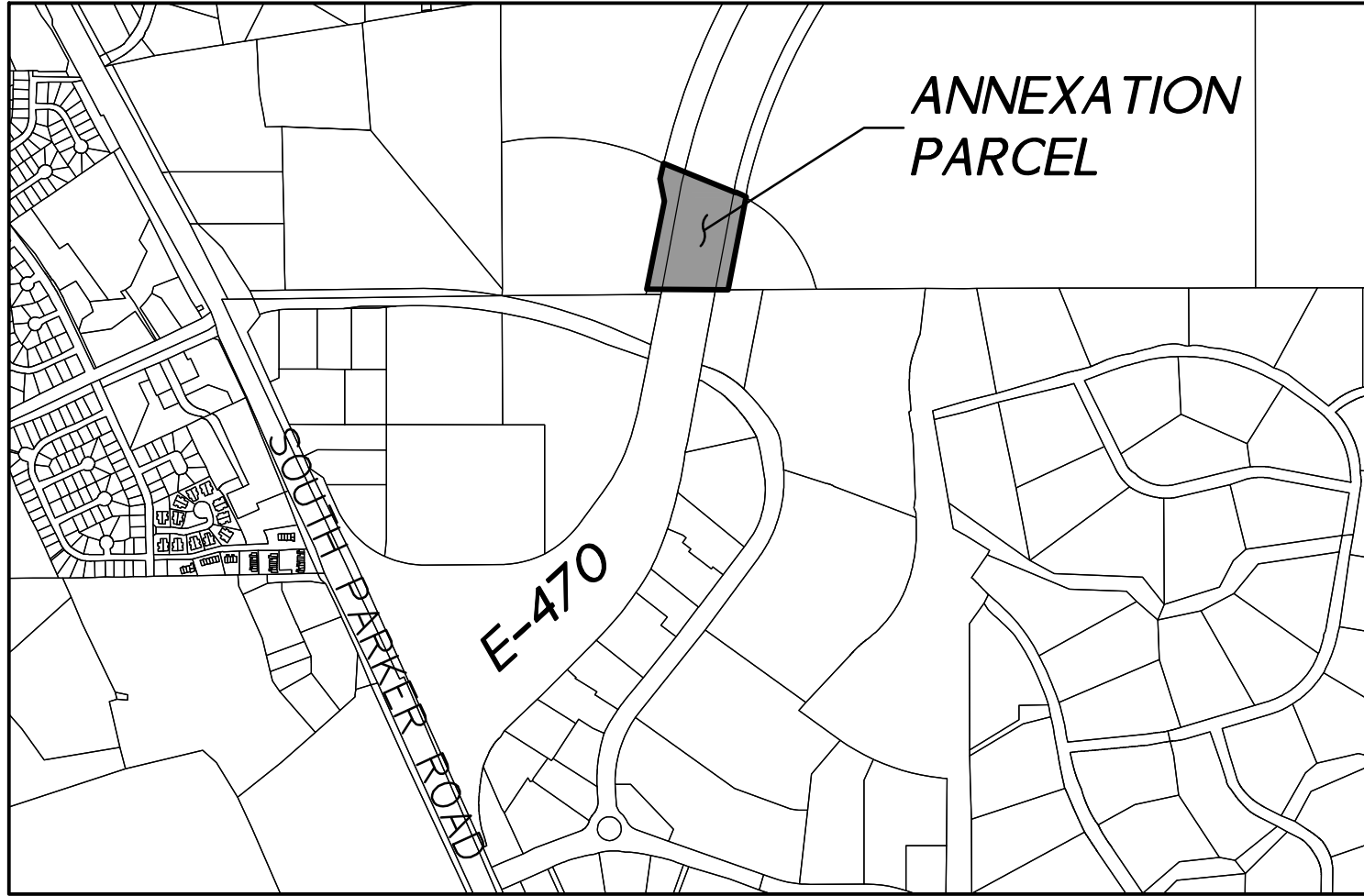
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°01'17", AN ARC LENGTH OF 63.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. E-470;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING (2) COURSES:

1. NON-TANGENT TO SAID CURVE SOUTH 13°22'45" WEST, A DISTANCE OF 4.74 FEET;
2. SOUTH 11°07'45" WEST, A DISTANCE OF 523.47 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER;

THENCE ALONG SAID SOUTH LINE, SOUTH 89°29'45" WEST A DISTANCE OF 459.44 FEET TO THE POINT OF BEGINNING

CONTAINING AN AREA OF 6.583 ACRES, (286,742 SQUARE FEET), MORE OR LESS.



VICINITY MAP
SCALE: 1" = 1000'

CONTIGUITY

TOTAL PERIMETER = 2,223.87'
CONTIGUOUS PERIMETER = 1717.48'
1/6 PERIMETER = 370.65'
TOTAL AREA = 6.583 ACRES±

OWNER

E-470 PUBLIC HIGHWAY AUTHORITY
22470 E 6TH PARKWAY, SUITE 100
AURORA, CO 80018

BY: _____

TITLE: _____

SURVEYOR'S CERTIFICATE

I, GERALD E. BOYSEN, JR., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP 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 ANNEXED TO 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.

GERALD E. BOYSEN JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR No. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

TOWN COUNCIL ACCEPTANCE

ACCEPTED BY THE PARKER TOWN COUNCIL THIS _____ DAY OF _____

2019.

MAYOR, TOWN OF PARKER

ATTEST: TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF DOUGLAS) SS

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____

_____ 2019 A.D., AT _____ A.M./P.M. AND WAS RECORDED AT _____

RECEPTION NO. _____

COUNTY CLERK AND RECORDER

NOTES

1. BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM GPS OBSERVATION BASED UPON THE COLORADO COORDINATE SYSTEM OF 1983 CENTRAL ZONE (NAD 83, 2011) REFERENCED TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED AS SHOWN HEREON, TAKEN TO BEAR NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET.

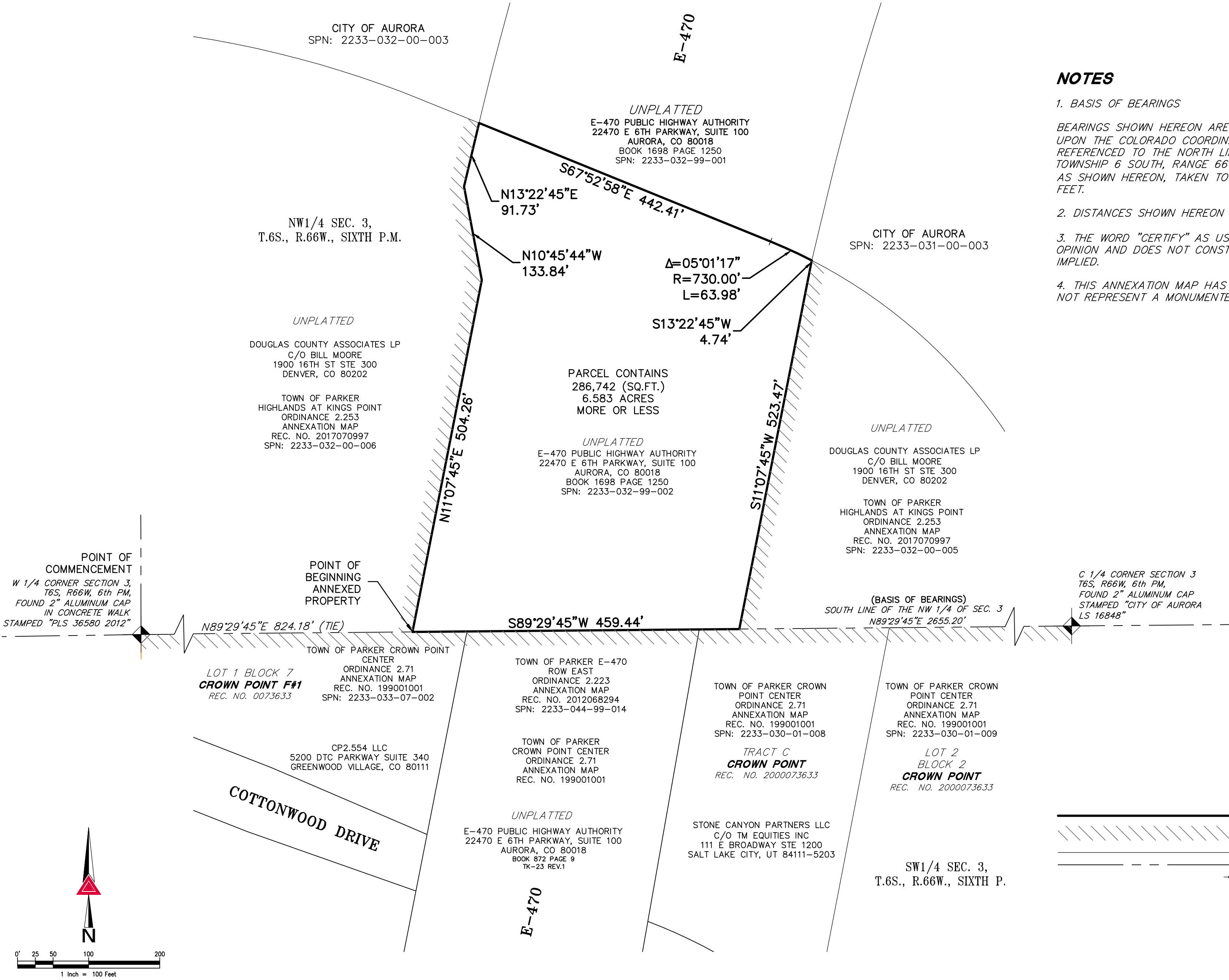
2. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET UNITS.

3. THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

4. THIS ANNEXATION MAP HAS BEEN PREPARED FROM RECORD INFORMATION AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

LEGEND

ANNEXATION BOUNDARY
ADJACENT TOWN OF PARKER ANNEXATION
LOT OR TRACT LINE
SECTION LINE
SECTION CORNER AS NOTED



SCALE 1"=100'	CD GEB	DATE 2019-05-07	CD GEB	DATE 2019-05-07
PER TOWN'S COMMENTS				
REVISION DESCRIPTION				
BY				
DATE				
300 East Mineral Ave., Suite 1 Littleton, Colorado, 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com				
AZTEC CONSULTANTS, INC.				
E-470 RIGHT-OF-WAY NORTHEAST ANNEXATION MAP TOWN OF PARKER, COLORADO PREPARED FOR THE TOWN OF PARKER 20120 EAST MAIN STREET, PARKER, CO 80138				
SHEET 1 OF 1 SHEETS				
24919-05 JOB NO.				

E-470 AREA DEVELOPMENT PLAN - E-470 RIGHT-OF-WAY NORTHEAST

ZONING MAP, TOWN OF PARKER
LOCATED IN THE NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO

ZONING PARCEL DESCRIPTION

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89°29'45" EAST, A DISTANCE OF 824.18 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. E-470 AS RECORDED IN BOOK 1698 AT PAGE 1250 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING (3) COURSES:

- NORTH 11°07'45" EAST, A DISTANCE OF 504.26 FEET;
- NORTH 10°45'44" WEST, A DISTANCE OF 133.84 FEET;
- NORTH 13°22'45" EAST, A DISTANCE OF 91.73 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 67°52'58" EAST, A DISTANCE OF 442.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 730.00 FEET;

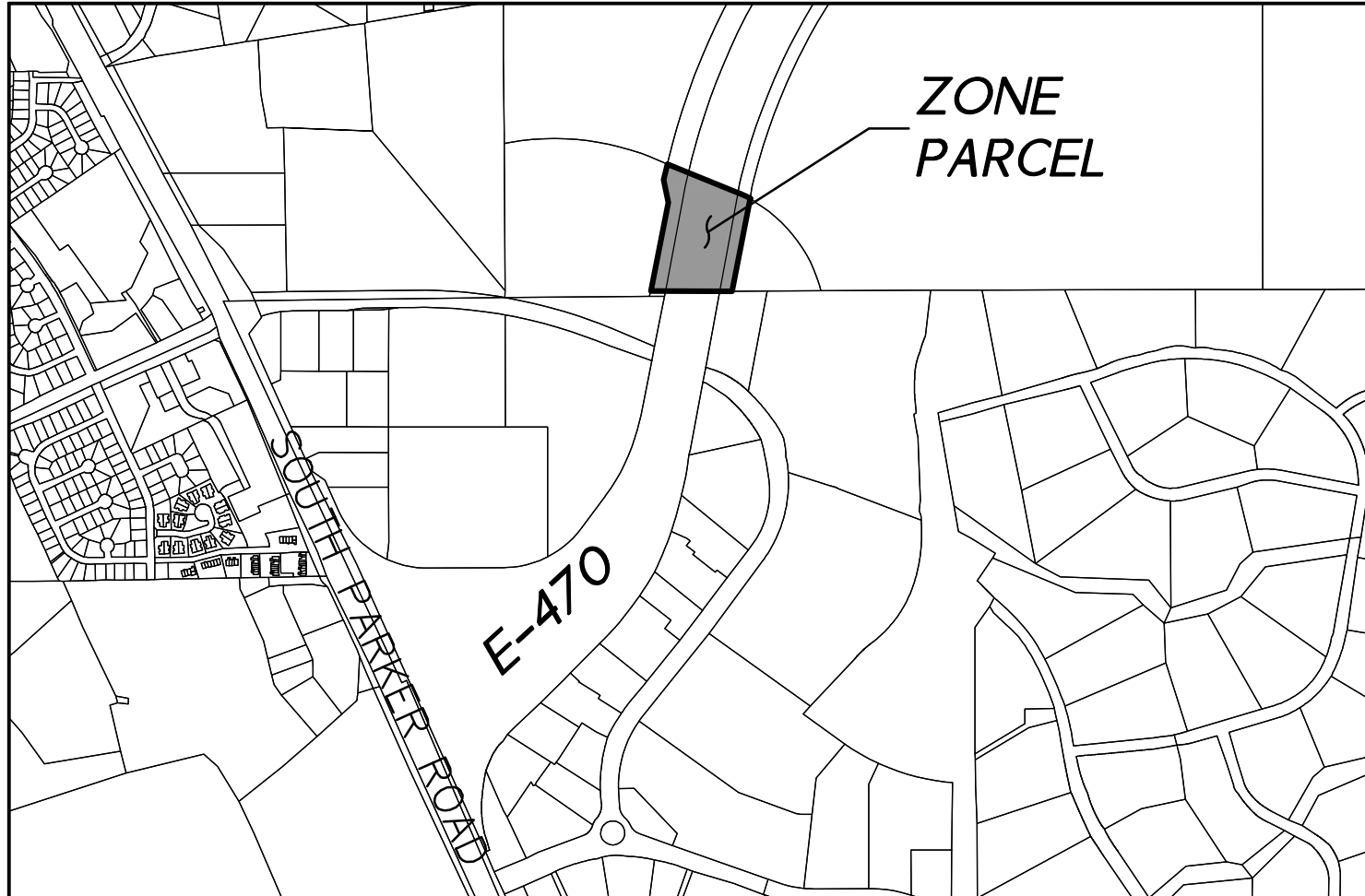
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°01'17", AN ARC LENGTH OF 63.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. E-470;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING (2) COURSES:

- NON-TANGENT TO SAID CURVE SOUTH 13°22'45" WEST, A DISTANCE OF 4.74 FEET;
- SOUTH 11°07'45" WEST, A DISTANCE OF 523.47 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, ALONG SAID SOUTH LINE, SOUTH 89°29'45" WEST A DISTANCE OF 459.44 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 6.583 ACRES, (286,742 SQUARE FEET), MORE OR LESS.



VICINITY MAP
SCALE: 1" = 1000'

ZONING

THE EXISTING ZONING OF THIS PARCEL IS A1 – AGRICULTURAL ONE AND PDU – PLANNED DEVELOPMENT (URBAN).

THE PROPOSED ZONING OF THIS PARCEL IS E-470 AREA PLANNED DEVELOPMENT.

THE PARCEL DESCRIBED HEREIN IS PLANNED AREA 1 – COMMERCIAL

OWNER

E-470 PUBLIC HIGHWAY AUTHORITY
22470 E 6TH PARKWAY, SUITE 100
AURORA, CO 80018

BY: _____

TITLE: _____

SURVEYOR'S CERTIFICATE

I, GERALD E. BOYSEN JR., A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING MAP WAS PREPARED UNDER MY DIRECT SUPERVISION AND 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.

GERALD E. BOYSEN JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR No. 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

PLANNING COMMISSION CERTIFICATE

THIS ZONING MAP WAS REVIEWED AND RECOMMENDED FOR APPROVAL BY THE TOWN OF PARKER PLANNING COMMISSION FOLLOWING A PUBLIC HEARING HELD ON

THIS _____ DAY OF _____, 2019.

COMMUNITY DEVELOPMENT DIRECTOR ON BEHALF OF THE PLANNING COMMISSION

TOWN COUNCIL ACCEPTANCE

THIS DEVELOPMENT PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER ON THE _____ DAY OF _____, 2019, FOR THE PROPERTY DESCRIBED AS THE E-470 RIGHT-OF-WAY NORTHEAST. THE ZONING INFORMATION SHOWN HEREON WAS CONFIRMED WITH THE ADOPTION OF ORDINANCE NO. _____.

MAYOR, TOWN OF PARKER

ATTEST: TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO }
COUNTY OF DOUGLAS } SS

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS _____ DAY OF

_____ 2019 A.D., AT _____ A.M./P.M. AND WAS RECORDED AT

RECEPTION NO. _____

COUNTY CLERK AND RECORDER

NOTES

- BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM GPS OBSERVATION BASED UPON THE COLORADO COORDINATE SYSTEM OF 1983 CENTRAL ZONE (NAD 83, 2011) REFERENCED TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST, SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED AS SHOWN HEREON, TAKEN TO BEAR NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET.

- DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET UNITS.

3. THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

- THIS ZONING MAP HAS BEEN PREPARED FROM RECORD INFORMATION AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY.

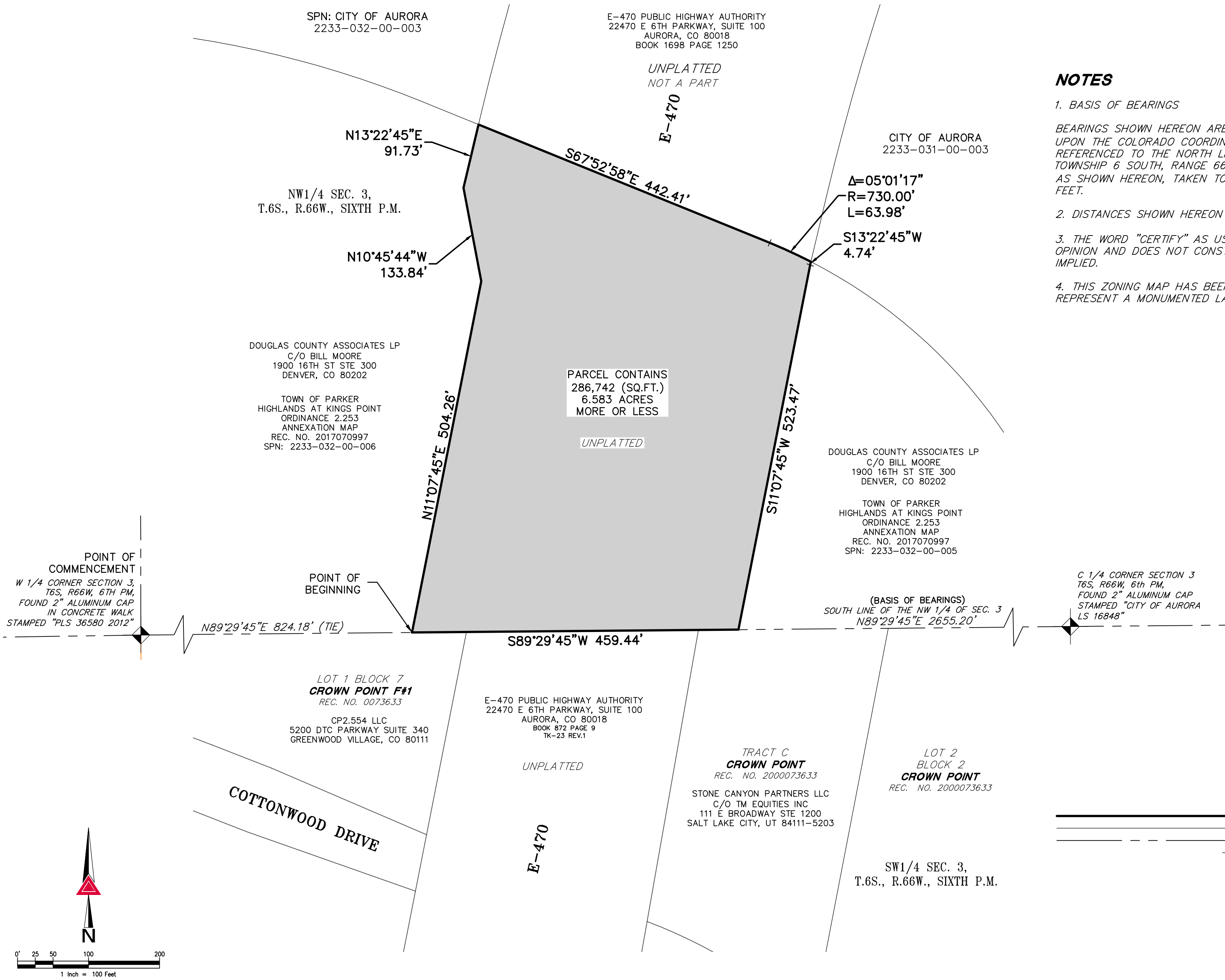
LEGEND

ZONE BOUNDARY

LOT OR TRACT LINE

SECTION LINE

SECTION CORNER AS NOTED



SCALE 1"=100'	OWN GEB	DATE 2019-05-07
PER TOWNS COMMENTS	PER TOWNS COMMENTS	REVISION DESCRIPTION
07/22/19	GB	BY
07/03/19	GB	DATE
06/19/19	GB	DATE

AZTEC
CONSULTANTS, INC.
300 East Mineral Ave., Suite 1
Littleton, Colorado, 80122
Phone: (303) 713-1898
Fax: (303) 713-1897
www.aztecconsultants.com

**E-470 RIGHT-OF-WAY NORTHEAST
ZONING MAP
TOWN OF PARKER, COLORADO**
PREPARED FOR
THE TOWN OF PARKER
20120 EAST MAINSTREET, PARKER, CO 80138

SHEET 1
OF 1 SHEETS
24919-05 JOB NO.

E-470 Area

January 2012

DEVELOPMENT GUIDE

PLANNED DEVELOPMENT

I. INTRODUCTION

A. Statement of Purpose

The purpose of this Development Guide is to establish standards for the development and improvement of the property. The standards contained in this Development Guide are intended to carry out the goals of this planned development.

B. Definitions

Unless otherwise stated herein, all provisions of and definitions found in the Town of Parker Land Development Ordinance shall apply.

II. AUTHORITY

A. Authority

The authority of this Development Guide is Section 13.04.150 PD-Planned Development, as amended, of the Town of Parker Municipal Code, as amended.

B. Relationship of Town Regulations

The provisions of this Development Guide shall apply to all property contained within the "E-470 Area" except as provided herein. The standards outlined in the Development Guide may be divergent from the zoning regulations contained in Chapter 13.04 of the Parker Municipal Code, but not any other chapter of the Parker Municipal Code. In the event there is a conflict between the standards contained in the Development Guide and the Parker Municipal Code (excluding Chapter 13.04) then the Parker Municipal Code shall control.

C. 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.

III. CONTROL PROVISIONS

A. Control Over Use

After the adoption of this Development Guide by the Town Council:

1. Any new building or other structure, and any parcel of land may be used as provided for in this Development Guide.
2. The location and bulk of all buildings and other structures built after the effective date of the Development Guide shall be in conformance with:
 - a. All applicable standards contained within the Development Guide; and
 - b. Any other applicable Town of Parker standards.

IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

A. Purpose

The purpose of this section is to establish general provisions and clarify standards and requirements for development, which occurs in the Development Guide.

B. Planning Area Standards

1. Planning Area 1 – Commercial
 - a. Uses permitted by right.
 - (1) Places for conducting the following public, quasi-public, commercial and service uses:
 - Automotive and truck repair
 - Car wash, automatic or coin-operated
 - Convenience stores
 - Drive-in eating and drinking establishments
 - Drug stores
 - Fast food establishments, drive-in and/or carry-out
 - Gas stations
 - Motels, hotels, including restaurants, gift shops and other incidental accessory uses located within the principal building
 - Offices: general, medical, dental, professional and governmental
 - Public and quasi-public facilities, including any facilities related to the operation of a public highway, as such term is defined in the Public Highway Authority Law, Section 43-4-503(12), C.R.S.
 - Recreation facilities
 - Restaurants and other eating establishments

b. Minimum area and yard requirements.

Development Control Standards		
Building Setbacks	Determined at Site Plan	N/A
Building Height	Permitted by Right	Up to 50 feet
	Use by Special Review	51-70 feet

RESOLUTION NO. 19-060, Series of 2019

TITLE: A RESOLUTION TO SET FORTH TOWN COUNCIL'S FINDINGS OF FACT AND CONCLUSIONS AS TO THE ELIGIBILITY OF THE E-470 RIGHT-OF-WAY NORTHEAST PROPERTY FOR ANNEXATION INTO THE TOWN OF PARKER

WHEREAS, an annexation petition was filed with the Town Clerk requesting the annexation of certain unincorporated territory located in the County of Douglas and State of Colorado, otherwise known as the E-470 Right-of-Way Northeast Property, and hereafter described in **Exhibit 1**, which is attached hereto and made a part hereof;

WHEREAS, the Town Council of the Town of Parker, Colorado, found substantial compliance of said petition with Colo. Rev. Stat. § 31-12-107;

WHEREAS, the Town Council of the Town of Parker, Colorado, conducted a public hearing as required by law to determine the eligibility for annexation of that property; described in attached Exhibit 1;

WHEREAS, public notice of such public hearing was given as required by law;

WHEREAS, the public hearing on the annexation petition was conducted in accordance with the requirements of the law; and

WHEREAS, pursuant to Colo. Rev. Stat. § 31-12-110, the Town Council, sitting as the governing body of the Town of Parker, Colorado, is required to set forth its findings of fact and its conclusion as to the eligibility of the property described in attached Exhibit 1 for annexation to the Town of Parker.

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

Section 1. A service plan for that area encompassing the property described in attached Exhibit 1 has been adopted by the Town Council, pursuant to Colo. Rev. Stat. § 31-12-105(1)(e).

Section 2. Not less than one-sixth (1/6th) of the perimeter of the area proposed to be annexed as described in attached Exhibit 1 is contiguous with the existing boundaries of the Town of Parker as required by law.

Section 3. A community of interest exists between the area proposed to be annexed as described in attached Exhibit 1 and the Town of Parker, and the area will be urbanized in the near future.

Section 4. The area proposed to be annexed is described in attached Exhibit 1 and is integrated or is capable of being integrated within the Town of Parker.

Section 5. The limitations of the Municipal Annexation Act and the Constitution of the State of Colorado do not prevent the annexation of the Property or any part thereof since:

a. No land in the territory to be annexed which is held in identical ownership and consists of either a single tract or parcel, or two or more contiguous tracts or parcels, has been divided or portion thereof excluded from the area to be annexed without the written consent of the owners thereof;

b. No land in the territory to be annexed which is held in identical ownership and comprises twenty (20) or more acres, having an assessed valuation for ad valorem tax purposes in excess of \$200,000.00 in the year next preceding the annexation, has been included in the area to be annexed without the written consent of the landowners;

c. No proceedings have been commenced by another municipality for the annexation of all or part of the territory to be annexed by the Town of Parker; and

d. The annexation will not result in the detachment of the area from the school district in which it is currently located.

Section 6. The petition for the annexation of the real estate described in attached Exhibit 1 meets the requirements of law and is in proper order for annexation for the property proposed to be annexed as described in attached Exhibit 1.

Section 7. No election is required, pursuant to Colo. Rev. Stat. § 31-12-107(2) or any other law of the State of Colorado or the Town of Parker.

Section 8. The proposed annexation will not have the effect of extending a municipal boundary more than three (3) miles in any direction from any point of the Town boundary in any one year.

Section 9. The entire width of any street or alley to be annexed is included within the annexation.

Section 10. The property described in the attached Exhibit 1 is eligible for annexation to the Town of Parker and all requirements of law have been met for such annexation, including the requirements of Colo. Rev. Stat. §§ 31-12-104 and 31-12-105, as amended.

Section 11. An ordinance annexing that property described in attached Exhibit 1 to the Town of Parker shall be considered by this Town Council pursuant to Colo. Rev. Stat. § 31-12-111.

RESOLVED AND PASSED this _____ day of _____, 2019.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT 1

E-470 RIGHT-OF-WAY NORTHEAST LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 3 BEARS NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET, WITH ALL BEARINGS HEREIN BEING REFERENCED THERETO;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89°29'45" EAST, A DISTANCE OF 824.18 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. E-470 AS RECORDED IN BOOK 1698 AT PAGE 1250 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING (3) COURSES:

1. NORTH 11°07'45" EAST, A DISTANCE OF 504.26 FEET;
2. NORTH 10°45'44" WEST, A DISTANCE OF 133.84 FEET;
3. NORTH 13°22'45" EAST, A DISTANCE OF 91.73 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 67°52'58" EAST, A DISTANCE OF 442.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 730.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°01'17", AN ARC LENGTH OF 63.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. E-470;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING (2) COURSES:

1. NON-TANGENT TO SAID CURVE SOUTH 13°22'45" WEST, A DISTANCE OF 4.74 FEET;
2. SOUTH 11°07'45" WEST, A DISTANCE OF 523.47 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER;

THENCE SAID EASTERLY RIGHT-OF-WAY, ALONG SAID SOUTH LINE, SOUTH 89°29'45" WEST A DISTANCE OF 459.44 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 6.583 ACRES, (286,742 SQUARE FEET), MORE OR LESS.

ORDINANCE NO. 2.273, Series of 2019

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE E-470 RIGHT-OF-WAY NORTHEAST PROPERTY IN DOUGLAS COUNTY

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Town Council of the Town of Parker, Colorado, written petition(s) for annexation to and by the Town of Parker, Colorado, of that property described in attached **Exhibit 1** (the “Property”), being contiguous unincorporated territory situated, lying, and being in the County of Douglas, State of Colorado;

WHEREAS, the Town Council of the Town of Parker, Colorado has conducted a public hearing, as required by law, to determine the eligibility for annexation of the Property; and

WHEREAS, the Town Council of the Town of Parker, Colorado, has satisfied itself concerning the eligibility for annexation of the Property, and concerning the conformance of the proposed annexation to the applicable law and the annexation policy of the Town of Parker, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, THAT:

Section 1. The annexation by and to the Town of Parker, State of Colorado, of the Property, situated, lying, and being in the County of Douglas, State of Colorado, meets all requirements of law and the annexation policy of the Town of Parker, and therefore, the said annexation is hereby approved.

Section 2. More than fifty percent (50%) of the owner(s) of more than fifty percent (50%) of the Property have petitioned for annexation.

Section 3. Rezoning of the Property shall be completed simultaneously with the annexation of the Property, pursuant to Section 15.9 of the Home Rule Charter for the Town of Parker (the “Charter”).

Section 4. Upon the effective date of this Annexation Ordinance, the Property shall become subject to the Municipal Laws of the State of Colorado pertaining to cities and to the Charter, ordinances, resolutions, rules and regulations of the Town of Parker, except general taxation, which shall be effective on and after January 1 of the next succeeding year following the passage of this Annexation Ordinance.

Section 5. The Town Council hereby approves the Annexation Agreement that is attached hereto as **Exhibit 2**, and incorporated by this reference, and authorizes the execution of the Annexation Agreement by the Mayor and Town Clerk.

Section 6. Considering all of the foregoing, and based on the conviction that annexation of the Property to the Town of Parker will serve the best interests of the Town of Parker and the owner(s) of the Property, the Property is hereby annexed to the Town of Parker, Colorado.

Section 7. The Town Clerk shall file for recording three (3) certified copies of the Annexation Ordinance and three (3) certified copies of the Annexation Map for the Property with the Clerk and Recorder of the County of Douglas, State of Colorado.

Section 8. The Annexation Map showing the boundaries of the newly annexed territory, as above described, shall be kept on file in the office of the Douglas County Clerk and Recorder.

Section 9. 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 10. This Annexation Ordinance shall become effective ten (10) days after the publication date of this Annexation Ordinance, except for the purpose of general taxation, and for such purposes it shall become effective on January 1st of the next succeeding year following passage of this Annexation Ordinance.

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

**E-470 RIGHT-OF-WAY NORTHEAST
LEGAL DESCRIPTION**

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 3 BEARS NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET, WITH ALL BEARINGS HEREIN BEING REFERENCED THERETO;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89°29'45" EAST, A DISTANCE OF 824.18 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. E-470 AS RECORDED IN BOOK 1698 AT PAGE 1250 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING (3) COURSES:

1. NORTH 11°07'45" EAST, A DISTANCE OF 504.26 FEET;
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3. NORTH 13°22'45" EAST, A DISTANCE OF 91.73 FEET;

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THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°01'17", AN ARC LENGTH OF 63.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. E-470;

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THENCE SAID EASTERLY RIGHT-OF-WAY, ALONG SAID SOUTH LINE, SOUTH 89°29'45" WEST A DISTANCE OF 459.44 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 6.583 ACRES, (286,742 SQUARE FEET), MORE OR LESS.

EXHIBIT 2

E-470 RIGHT-OF-WAY NORTHEAST ANNEXATION AGREEMENT

THIS E-470 RIGHT-OF-WAY NORTHEAST ANNEXATION AGREEMENT (the “Agreement”) is entered into this ____ day of _____, 2019, by and between the Town of Parker, a Colorado home rule municipality (the “Municipality”), and the E-470 PUBLIC HIGHWAY AUTHORITY, a political subdivision of the State of Colorado (the “Authority”).

WITNESSETH

WHEREAS, the Authority is the owner of that certain real property situated in the County of Douglas, State of Colorado, as more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, the Municipality has requested that the Property be annexed to the Municipality, and the Authority is willing to have the Property annexed to the Municipality; and

WHEREAS, the Municipality has determined that it is in the best interest of the residents of the Municipality that the Property be annexed within the boundaries of the Municipality; and

WHEREAS, the Authority and the Municipality are entering into this Agreement in furtherance of annexation and zoning on the Property; and

WHEREAS, the Authority and the Municipality desire to effectuate the annexation of Property, which includes certain portions of the E-470 Public Highway, while leaving unchanged the Authority’s and the Municipality’s pre-existing rights and obligations in all matters affecting the public highway, except as expressly provided herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties hereto hereby agree as follows:

SECTION 1. The Municipality agrees to prepare, at its expense, all materials necessary for the annexation and zoning of the Property, including, without limitation, the annexation petition, and associated maps for the annexation and zoning based on legal descriptions provided by the Authority.

SECTION 2. The Municipality agrees to take any and all appropriate actions, at the Municipality’s expense, as are required by the annexation laws of Colorado applicable to annexing municipalities, which are necessary with respect to the subject annexation petition including, but not limited to, the publication of all required notices and the holding of all required hearings regarding same. The Municipality further agrees to zone the Property PD-Planned Development, pursuant to the E-470 Area Development Guide and Plan 1st Amendment that is adopted contemporaneously with the annexation of the Property (the “Zoning Ordinance”).

SECTION 3. The Authority and the Municipality agree that the Property shall be

proposed only for zoning which permits the Authority's statutorily allowed powers and purposes, as such may be amended from time to time.

SECTION 4. The Authority acknowledges that the annexation and zoning of the Property are subject to the plenary legislative discretion of the Town Council of the Municipality and rights of initiative and referendum reserved unto its citizens. The sole and exclusive remedy of the Authority shall be the withdrawal of the annexation petition in accordance with the Colorado Municipal Annexation Act of 1965. The Municipality and the Authority expressly agree that the Authority shall retain the right, in its sole discretion, to withdraw the petition for annexation for any reason or for no reason at any time prior to the effective date of the annexation pursuant to Section 31-12-113, C.R.S. or the effective date of annexation pursuant to the relevant code of the Municipality, whichever is applicable and later in time. The Municipality agrees that, in the event that the Authority withdraws the petition for annexation, the Municipality shall immediately cease all efforts in connection with the annexation petition. Notwithstanding Section 7 of this Agreement, this Section 4 shall be effective upon execution of the Agreement by the Municipality and the Authority.

SECTION 5. The Municipality agrees that the Authority has satisfied any Municipality public land dedication requirements for the Property by making appropriate parts of the Authority's right-of-way (either fee or easement) available for recreation trails pursuant to the Authority's policy. The Municipality shall not impose upon the Authority nor shall the Authority be required to construct soundwalls, recreation trails, or other amenities along or in connection with the Property and its uses as a public highway, as such term is defined in the Public Highway Authority Law, Section 43-4-503(12), C.R.S. However, the parties may mutually agree to construct such amenities by separate agreement.

SECTION 6. The Authority is responsible for the design, construction, expansion, maintenance, and operation of that certain public highway known as the "E-470 Public Highway" located on the Property, and the annexation of the Property and this Agreement shall in no way alter the Authority's and the Municipality's responsibilities therefor or powers and authorities in connection with the law and with the 2018 Third Amended and Restated Establishing Contract of the Authority. The Municipality agrees that it shall take no action against the Authority which would impair the function of the Authority in carrying out its duties and responsibilities as a public highway authority, nor shall it impose additional costs upon the Authority with respect to the Authority's design, construction, expansion, maintenance and/or operation of the E-470 Public Highway. The Municipality shall take no action that impacts the Authority's ability to operate and/or maintain its present or future facilities or from expanding its facilities in accordance with any and all laws applicable to the Authority.

SECTION 7. This Agreement shall not be effective until the annexation ordinance and this Agreement are recorded.

SECTION 8. This Agreement shall be recorded with the Clerk and Recorder of Douglas County and constitute a covenant running with the land. This Agreement shall be binding on the Authority and future assigns of the Authority and all other persons who may purchase any portion of the land described herein from the Authority or any persons hereinafter having any

interest in the Property, or portion thereof. Whereas used herein, the term “Authority” shall also mean any of the transferees or assigns of the Authority and all such parties shall have the right to enforce and be enforced under the terms of the Agreement as if they were the original parties hereto.

SECTION 9. In addition to any other remedies which may exist, this Agreement may be enforceable by an action for specific performance.

SECTION 10. The Authority shall not be required to obtain any permit from the Municipality, nor pay any fee or assessment to the Municipality, for any work performed by the Authority in connection with the Authority’s design, construction, expansion, operation and maintenance of the Property; nor shall the Municipality require the Authority to conduct or allow any inspection for or on behalf of the Municipality in connection with any such work. The Authority shall be required to obtain permits from the Municipality (without payment of any fee assessment) for work performed by the Authority in the Municipality’s rights-of-way. The Municipality shall be required to obtain permits from the Authority (without payment of any fee assessment) for work performed by the Municipality in the E-470 Public Highway; provided, however, that any work performed by the Municipality within the Authority’s multi-use easement or any other real property held in fee by the Authority shall be subject to the E-470 Public Highway Permit Manual including all fees specified therein. In addition, the Municipality shall not require the Authority to construct or bear any portion of the costs of constructing, any improvements of any kind on or adjacent to the Property. However, the parties may mutually agree to construct such amenities by separate agreement.

SECTION 11. Reserved.

SECTION 12. The Municipality agrees that the Authority is exempt from payment of any and all municipal taxes.

SECTION 13. The Authority and the Municipality further agree to the terms and conditions set forth in **Exhibit “B”** attached hereto and incorporated herein by this reference.

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

IN WITNESS WHEREOF, the parties hereto have caused this Annexation Agreement to be executed by their authorized representatives.

E-470 PUBLIC HIGHWAY AUTHORITY

By: _____
Timothy E. Stewart, Executive Director
Date: _____

ATTEST:

By: _____

APPROVED AS TO FORM:

ICENOGLE SEAVER POGUE, P.C.

General Counsel

DATE APPROVED BY THE BOARD OF DIRECTORS: _____

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

TOWN OF PARKER, COLORADO

By: _____
Mike Waid, Mayor

Date: _____

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

E-470 RIGHT-OF-WAY NORTHEAST LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 3 BEARS NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET, WITH ALL BEARINGS HEREIN BEING REFERENCED THERETO;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89°29'45" EAST, A DISTANCE OF 824.18 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. E-470 AS RECORDED IN BOOK 1698 AT PAGE 1250 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING (3) COURSES:

1. NORTH 11°07'45" EAST, A DISTANCE OF 504.26 FEET;
2. NORTH 10°45'44" WEST, A DISTANCE OF 133.84 FEET;
3. NORTH 13°22'45" EAST, A DISTANCE OF 91.73 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 67°52'58" EAST, A DISTANCE OF 442.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 730.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°01'17", AN ARC LENGTH OF 63.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. E-470;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING (2) COURSES:

1. NON-TANGENT TO SAID CURVE SOUTH 13°22'45" WEST, A DISTANCE OF 4.74 FEET;
2. SOUTH 11°07'45" WEST, A DISTANCE OF 523.47 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER;

THENCE SAID EASTERLY RIGHT-OF-WAY, ALONG SAID SOUTH LINE, SOUTH 89°29'45" WEST A DISTANCE OF 459.44 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 6.583 ACRES, (286,742 SQUARE FEET), MORE OR LESS.

EXHIBIT B

SECTION A. The Authority acknowledges and agrees that, as of the date of execution of this Agreement, it has not requested that the Municipality provide police, fire or other emergency services or road sweeping, trash removal or other maintenance service to the Property until and unless the Authority and the Municipality mutually agree to a service or services. The Municipality agrees that it will provide a service or services to the Property, at such time a written request therefore is submitted to the Municipality by the Authority, to the extent the Municipality currently is providing the service or services at the time the Authority makes such a request. The Authority will compensate the Municipality therefore as it compensates other providers of services on the E-470 Public Highway.

SECTION B. Reserved.

SECTION C. The Municipality shall not impose, levy or assess any fee or charge on privately owned facilities that are currently located on the Authority's Property or on the Authority's MUE adjacent to the Property which facilities are not habitable. The Municipality shall not impose land use and regulatory requirements on the facilities beyond the requirements existing on those facilities prior to Annexation.

SECTION D. Neither annexation nor this Agreement shall change or waive the terms of any agreement currently existing between the Municipality and the Authority, nor shall they in any way alter the Authority's and the Municipality's responsibilities or powers and authorities there under.

SECTION E. In the event the Municipality provides water and/or sewer service in the future, the Municipality shall provide water and/or sewer service to the Property upon the Authority's request and payment of costs established in the Municipality's Code and ordinances then in effect at the time service is requested.

SECTION F. The Authority agrees to abide by the Municipality's permitting and inspection requirements, as generally applicable, in connection with habitable buildings, including buildings used for the commercial and service uses described in the Zoning Ordinance.

SECTION G. Reserved.

SECTION H. Reserved.

ORDINANCE NO. 3.296.1, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO AMEND ZONING CERTAIN PROPERTY WITHIN THE TOWN OF PARKER, COLORADO, KNOWN AS THE E-470 RIGHT-OF-WAY NORTHEAST PROPERTY TO PD-PLANNED DEVELOPMENT DISTRICT PURSUANT TO THE PARKER LAND DEVELOPMENT ORDINANCE AND AMENDING THE ZONING ORDINANCE AND MAP TO CONFORM THEREWITH

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, THAT:

Section 1. Findings of Fact.

a. An application has been made for rezoning certain property described in attached **Exhibit 1**, within the Town of Parker, Colorado (the “Property”), as PD-Planned Development District, pursuant to the Parker Land Development Ordinance.

b. Public notice has been given of such zoning by one (1) publication in the *Douglas County News-Press*, a newspaper of general circulation within the Town and the official newspaper of the Town, at least fifteen (15) days before the public hearing of such zoning.

c. Written notice was sent by certified mail to all owners of property within five hundred (500) feet of 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(f) of the Parker Land Development Ordinance are satisfied for rezoning this Property PD-Planned Development District, as described in the Parker Land Development Ordinance.

Section 2. The Property is hereby rezoned as PD-Planned Development District, pursuant to the Parker Land Development Ordinance.

Section 3. The E-470 Area Development Guide and Plan is hereby amended as provided by the “E-470 Area Development Guide and Plan, 1st Amendment,” which is attached hereto as **Exhibit 2** and incorporated by this reference to include the Property. The uses permitted for the Property are specifically described in the attached Development Plan.

Section 4. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change to the Property.

Section 5. 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 6. 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 second reading of this Ordinance creates a financial burden on the Town and 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 7. 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 8. This Ordinance shall become effective ten (10) days after final publication. This Ordinance shall not be deemed approved until the Annexation Ordinance for the Property goes into effect. In the event the Annexation Ordinance for the Property goes into effect, then in that event 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

**E-470 RIGHT-OF-WAY NORTHEAST
LEGAL DESCRIPTION**

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 3 BEARS NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET, WITH ALL BEARINGS HEREIN BEING REFERENCED THERETO;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89°29'45" EAST, A DISTANCE OF 824.18 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. E-470 AS RECORDED IN BOOK 1698 AT PAGE 1250 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING (3) COURSES:

1. NORTH 11°07'45" EAST, A DISTANCE OF 504.26 FEET;
2. NORTH 10°45'44" WEST, A DISTANCE OF 133.84 FEET;
3. NORTH 13°22'45" EAST, A DISTANCE OF 91.73 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 67°52'58" EAST, A DISTANCE OF 442.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 730.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°01'17", AN ARC LENGTH OF 63.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. E-470;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING (2) COURSES:

1. NON-TANGENT TO SAID CURVE SOUTH 13°22'45" WEST, A DISTANCE OF 4.74 FEET;
2. SOUTH 11°07'45" WEST, A DISTANCE OF 523.47 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER;

THENCE SAID EASTERLY RIGHT-OF-WAY, ALONG SAID SOUTH LINE, SOUTH 89°29'45" WEST A DISTANCE OF 459.44 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 6.583 ACRES, (286,742 SQUARE FEET), MORE OR LESS.

EXHIBIT 2

E-470 AREA DEVELOPMENT GUIDE AND PLAN, 1ST AMENDMENT

PLANNED DEVELOPMENT

I. INTRODUCTION

A. Statement of Purpose

The purpose of this Development Guide is to establish standards for the development and improvement of the property described in the Development Plan, which is attached as **Replacement Exhibit 1** to this Development Guide and incorporated by this reference. The standards contained in this Development Guide are intended to carry out the goals of this planned development.

B. Definitions

Unless otherwise stated herein, all provisions of and definitions found in the Town of Parker Land Development Ordinance shall apply.

II. AUTHORITY

A. Authority

The authority of this Development Guide is Section 13.04.150 PD-Planned Development, as amended, of the Town of Parker Municipal Code, as amended.

B. Relationship of Town Regulations

The provisions of this Development Guide shall apply to all property contained within the “E-470 Area” except as provided herein. The standards outlined in the Development Guide may be divergent from the zoning regulations contained in Chapter 13.04 of the Parker Municipal Code, but not any other chapter of the Parker Municipal Code. In the event there is a conflict between the standards contained in the Development Guide and the Parker Municipal Code (excluding Chapter 13.04) then the Parker Municipal Code shall control.

C. 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.

III. CONTROL PROVISIONS

Control Over Use

After the adoption of this Development Guide by the Town Council:

1. Any new building or other structure, and any parcel of land may be used as provided for in this Development Guide.
2. The location and bulk of all buildings and other structures built after the effective date of the Development Guide shall be in conformance with:
 - a. All applicable standards contained within the Development Guide; and
 - b. Any other applicable Town of Parker standards.

IV. GENERAL PROVISIONS AND DEVELOPMENT STANDARDS

A. Purpose

The purpose of this section is to establish general provisions and clarify standards and requirements for development, which occurs in the Development Guide.

B. Planning Area Standards

1. Planning Area 1 – Commercial
 - a. Uses permitted by right.
 - (1) Places for conducting the following public, quasi-public, commercial and service uses:
 - Automotive and truck repair
 - Car wash, automatic or coin-operated
 - Convenience stores
 - Drive-in eating and drinking establishments
 - Drug stores
 - Fast food establishments, drive-in and/or carry-out
 - Gas stations
 - Motels, hotels, including restaurants, gift shops and other incidental accessory uses located within the principal building
 - Offices: general, medical, dental, professional and governmental
 - Public and quasi-public facilities, including any facilities related to the operation of a public highway, as such term is defined in the Public Highway Authority Law, Section 43-4-503(12), C.R.S., as may be amended from time to time.
 - Recreation facilities
 - Restaurants and other eating establishments
 - b. Minimum area and yard requirements.

Development Control Standards		
Building Setbacks	Determined at Site Plan	N/A
Building Height	Permitted by Right	Up to 50 feet
	Use by Special Review	51-70 feet

REPLACEMENT EXHIBIT 1

Development Plan

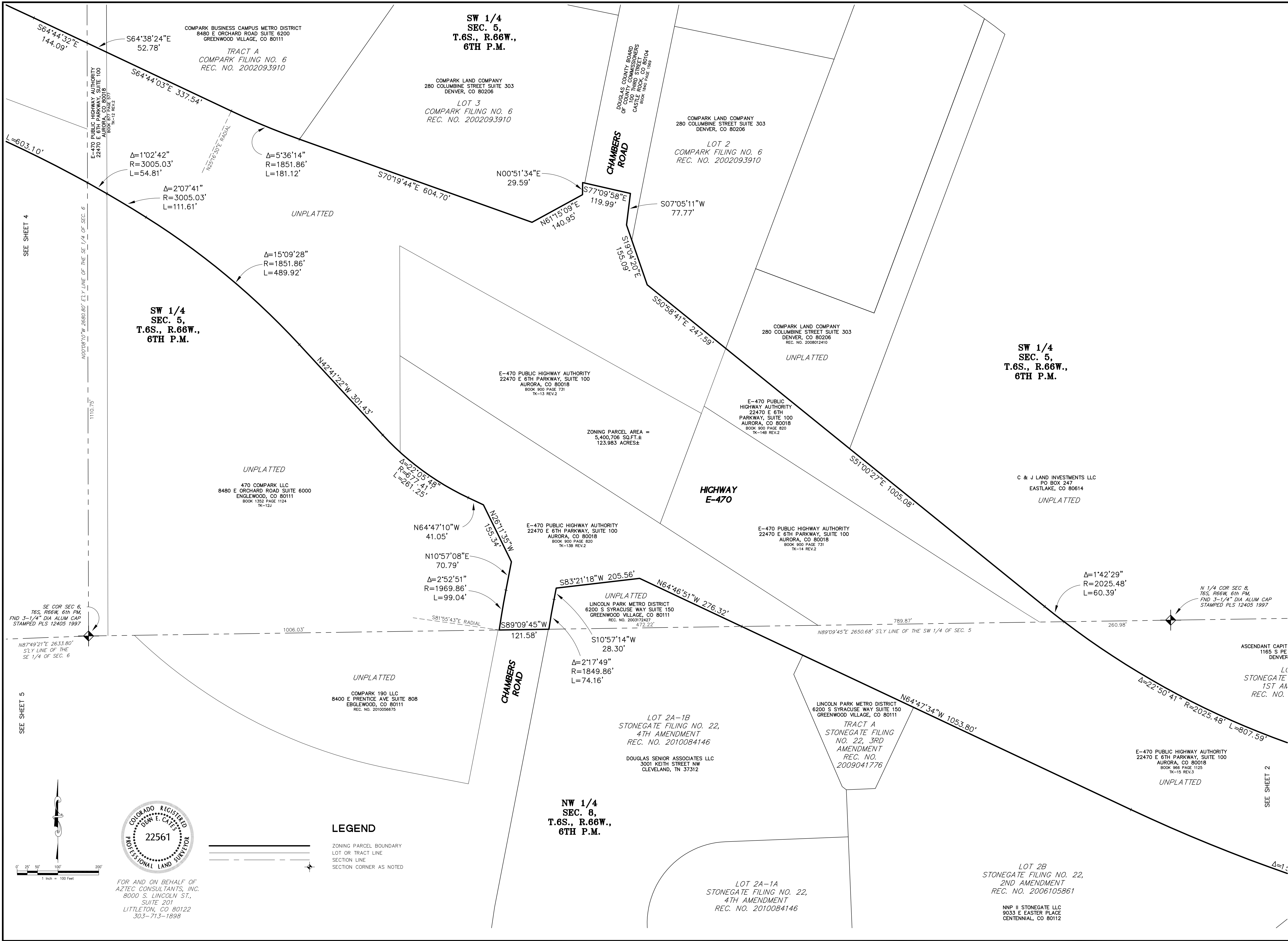
ZONING MAP, TOWN OF PARKER
LOCATED IN THE NORTHWEST QUARTER OF SECTION 3,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO

COUNTY CLERK AND RECORDER

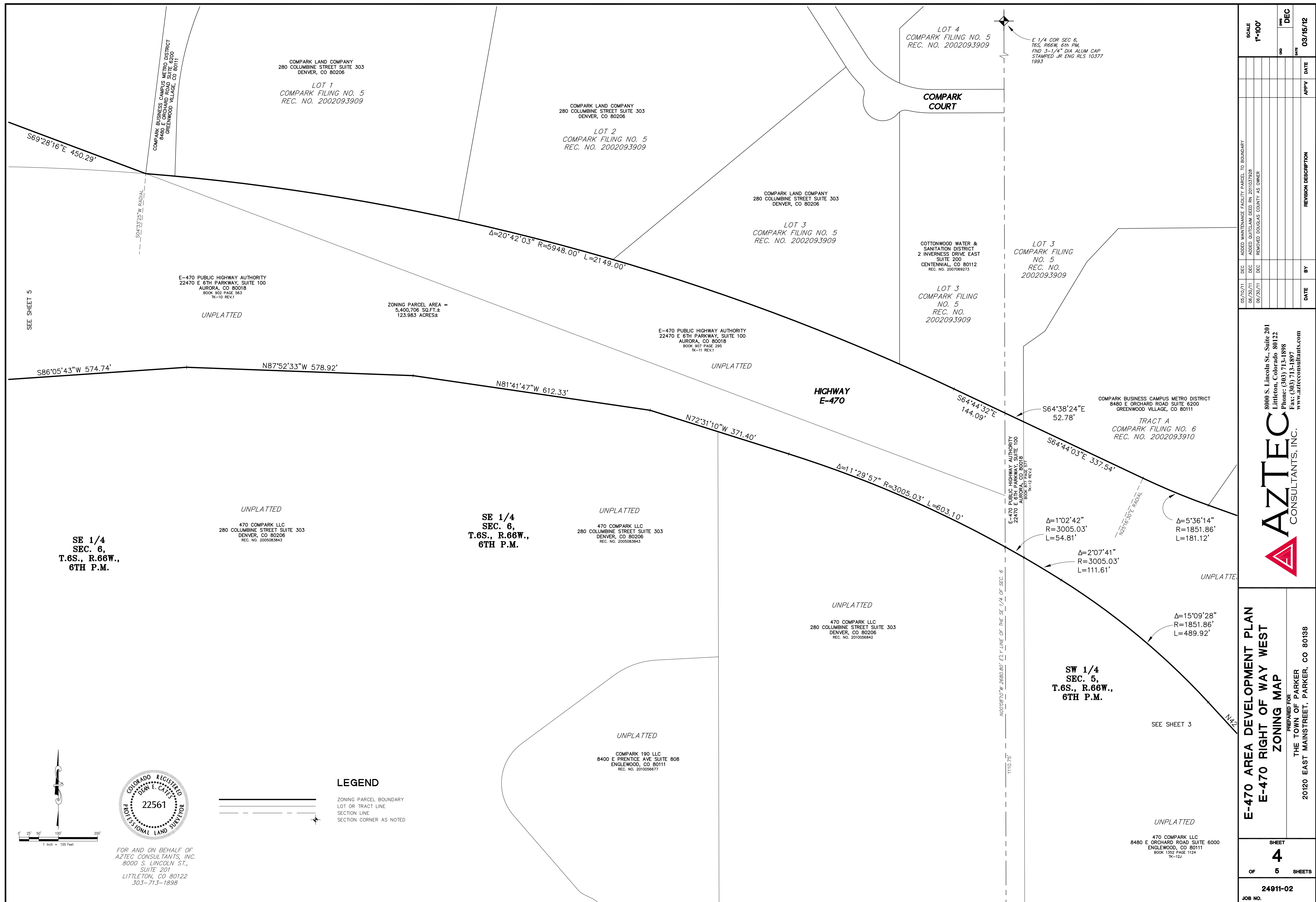
ZONE BOUNDARY
 LOT OR TRACT LINE
 SECTION LINE
 SECTION CORNER AS NOTED

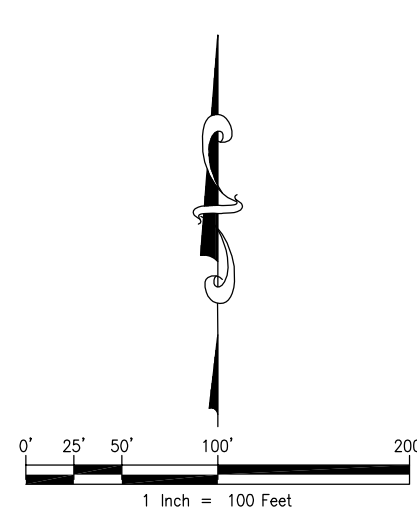
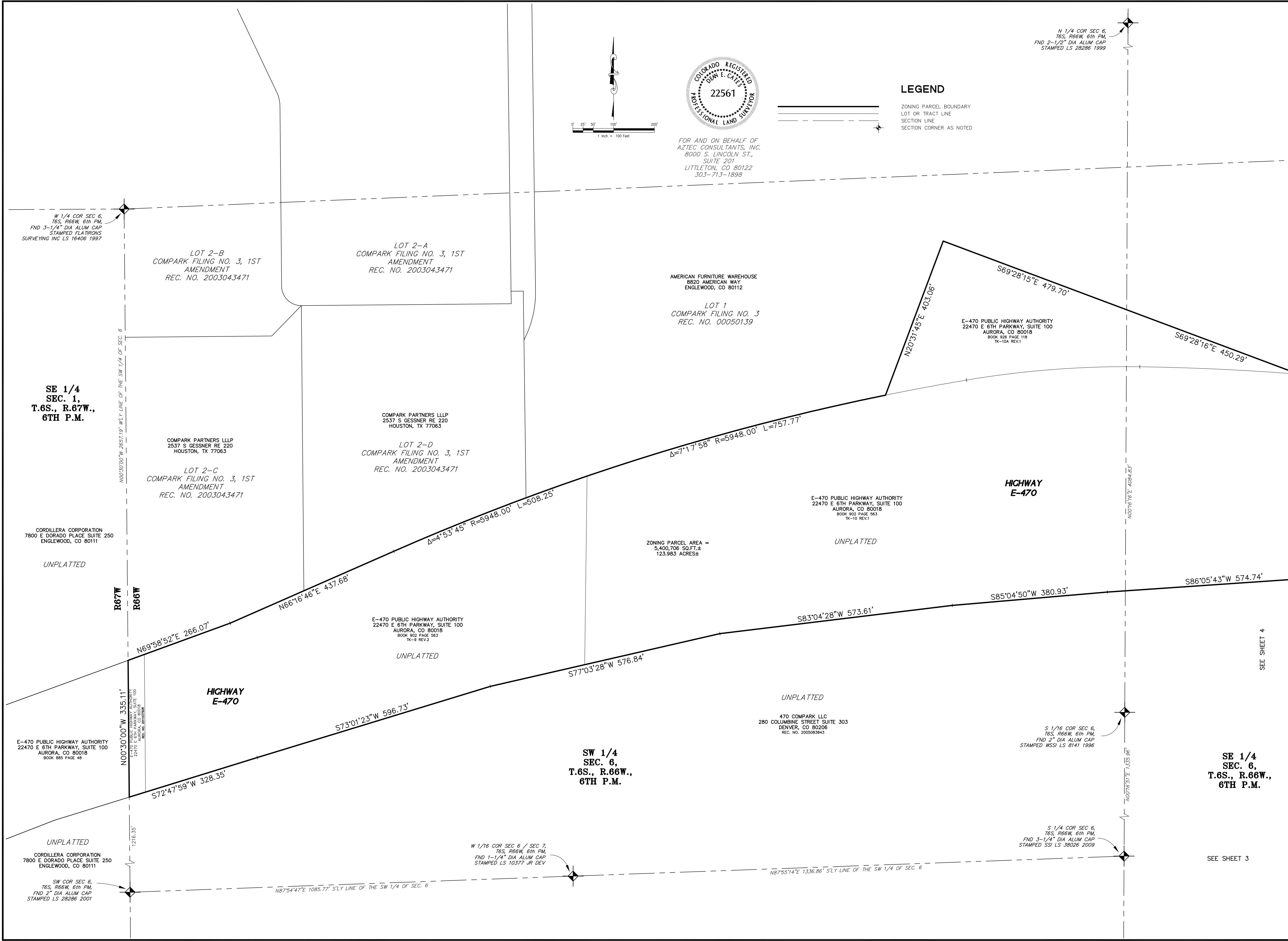
E-470 RIGHT-OF-WAY NORTHEAST ZONING MAP TOWN OF PARKER, COLORADO		300 East Mineral Ave., Suite 1 Littleton, Colorado 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com		AZTEC CONSULTANTS, INC.		07/05/18 GB PER TOWNS COMMENTS 06/13/18 GB PER TOWNS COMMENTS DATE BY REVISION DESCRIPTION		SCALE 1"=100'	
OF	1	SHEETS							
24919-05 JOB NO.									

24911-02



E-470 AREA DEVELOPMENT PLAN E-470 RIGHT OF WAY WEST ZONING MAP		SHEET 3		OF 5 SHEETS	
THE TOWN OF PARKER 20120 EAST MAINSTREET, PARKER, CO 80138					
		8000 S. Lincoln St., Suite 201 Littleton, Colorado 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com			
AZTEC CONSULTANTS, INC.					
05/10/11		DEC	ADDED MAINTENANCE FACILITY PARCEL TO BOUNDARY		SCALE 1"=100'
06/30/11		DEC	ADDED QUILCLAM DEED RN 2011037928		DATE 03/15/12
06/30/11		DEC	REMOVED DOUGLAS COUNTY AS OWNER		





FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.
8000 S. LINCOLN ST.,
SUITE 201
LITTLETON, CO 80122
303-713-1898

LEGEND
ZONING PARCEL BOUNDARY
LOT OR TRACT LINE
SECTION LINE
SECTION CORNER AS NOTED

N 1/4 COR SEC 6,
T6S, R66W, 6th PM,
FND 2-1/2" DIA ALUM CAP
STAMPED LS 28286 1999

W 1/4 COR SEC 6,
T6S, R66W, 6th PM,
FND 3-1/4" DIA ALUM CAP
STAMPED FLATIRON
SURVEYING INC LS 16406 1997

LOT 2-B
COMPARK FILING NO. 3, 1ST
AMENDMENT
REC. NO. 2003043471

LOT 2-A
COMPARK FILING NO. 3, 1ST
AMENDMENT
REC. NO. 2003043471

AMERICAN FURNITURE WAREHOUSE
8820 AMERICAN WAY
ENGLEWOOD, CO 80112

LOT 1
COMPARK FILING NO. 3
REC. NO. 00050139

E-470 PUBLIC HIGHWAY AUTHORITY
22470 E 6TH PARKWAY, SUITE 100
AURORA, CO 80018
BOOK 928 PAGE 118
TK-10A REV.1

S69°28'15"E 479.70'
S69°28'16"E 450.29'

SE 1/4
SEC. 1,
T.6S., R.67W.,
6TH P.M.

COMPARK PARTNERS LLLP
2537 S GESSNER RE 220
HOUSTON, TX 77063

COMPARK PARTNERS LLLP
2537 S GESSNER RE 220
HOUSTON, TX 77063

LOT 2-D
COMPARK FILING NO. 3, 1ST
AMENDMENT
REC. NO. 2003043471

LOT 2-C
COMPARK FILING NO. 3, 1ST
AMENDMENT
REC. NO. 2003043471

CORDILLERA CORPORATION
7800 E DORADO PLACE SUITE 250
ENGLEWOOD, CO 80111

E-470 PUBLIC HIGHWAY AUTHORITY
22470 E 6TH PARKWAY, SUITE 100
AURORA, CO 80018
BOOK 902 PAGE 563
TK-10 REV.1

**HIGHWAY
E-470**

ZONING PARCEL AREA =
5,400,708 SQ.FT.±
123.963 ACRES±

UNPLATTED

E-470 PUBLIC HIGHWAY AUTHORITY
22470 E 6TH PARKWAY, SUITE 100
AURORA, CO 80018
BOOK 902 PAGE 563
TK-9 REV.2

UNPLATTED

UNPLATTED

470 COMPARK LLC
280 COLUMBINE STREET SUITE 303
DENVER, CO 80206
REC. NO. 2005083843

SW 1/4
SEC. 6,
T.6S., R.66W.,
6TH P.M.

W 1/16 COR SEC 6 / SEC 7,
T6S, R66W, 6th PM,
FND 1-1/4" DIA ALUM CAP
STAMPED LS 10377 JR DEV

S 1/16 COR SEC 6,
T6S, R66W, 6th PM,
FND 2" DIA ALUM CAP
STAMPED WSSI LS 8141 1996

SE 1/4
SEC. 6,
T.6S., R.66W.,
6TH P.M.

S 1/4 COR SEC 6,
T6S, R66W, 6th PM,
FND 3-1/4" DIA ALUM CAP
STAMPED SSI LS 39026 2009

CORDILLERA CORPORATION
7800 E DORADO PLACE SUITE 250
ENGLEWOOD, CO 80111

SW COR SEC 6,
T6S, R66W, 6th PM,
FND 2" DIA ALUM CAP
STAMPED LS 28286 2001

N87°54'47"E 1085.77' S'LY LINE OF THE SW 1/4 OF SEC. 6

N87°55'14"E 1336.86' S'LY LINE OF THE SW 1/4 OF SEC. 6

TWO 1/16 S 1/4 E 1335.46'

N00°16'16"E 4084.63'

N00°30'00"W 2652.19' W'LY LINE OF THE SW 1/4 OF SEC. 6

R67W

R66W

N00°30'00"W 335.11'

1216.35'

SEE SHEET 4

SEE SHEET 3

SCALE 1"=100'		OWN DEC		DATE 03/15/12													
<table border="1"><thead><tr><th>DATE</th><th>BY</th><th>REVISION DESCRIPTION</th></tr></thead><tbody><tr><td>05/10/11</td><td>DEC</td><td>ADDED MAINTENANCE FACILITY PARCEL TO BOUNDARY</td></tr><tr><td>06/29/11</td><td>DEC</td><td>ADDED QUILCLAN DEED RN 2011037928</td></tr><tr><td>06/29/11</td><td>DEC</td><td>REMOVED DOUGLAS COUNTY AS OWNER</td></tr></tbody></table>						DATE	BY	REVISION DESCRIPTION	05/10/11	DEC	ADDED MAINTENANCE FACILITY PARCEL TO BOUNDARY	06/29/11	DEC	ADDED QUILCLAN DEED RN 2011037928	06/29/11	DEC	REMOVED DOUGLAS COUNTY AS OWNER
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DATE	BY	REVISION DESCRIPTION															
05/10/11	DEC	ADDED MAINTENANCE FACILITY PARCEL TO BOUNDARY															
06/29/11	DEC	ADDED QUILCLAN DEED RN 2011037928															
06/29/11	DEC	REMOVED DOUGLAS COUNTY AS OWNER															

E-470 AREA DEVELOPMENT PLAN
E-470 RIGHT OF WAY WEST
ZONING MAP

PREPARED FOR
THE TOWN OF PARKER
20120 EAST MAINSTREET, PARKER, CO 80138

AZTEC
CONSULTANTS, INC.

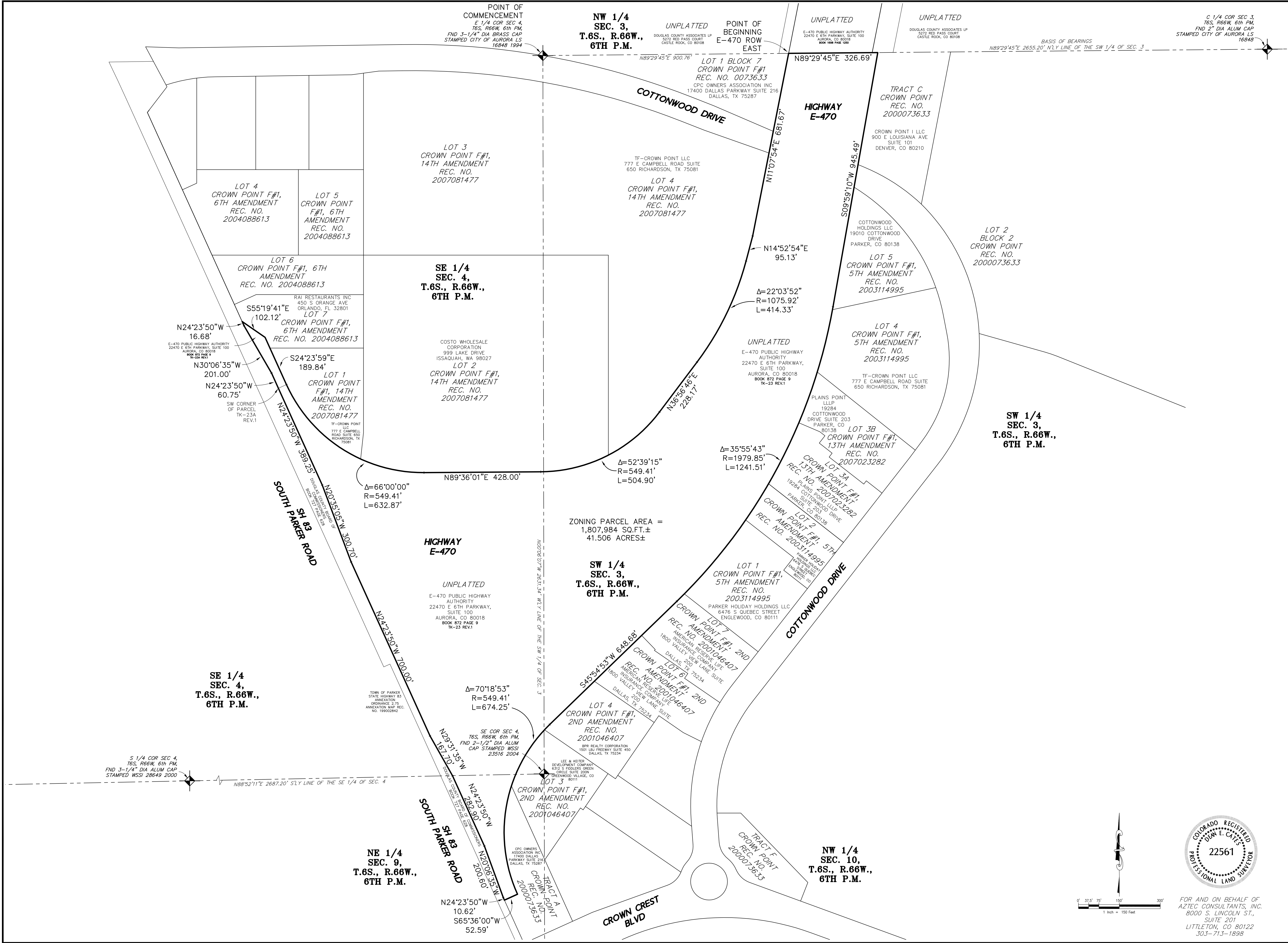
8000 S. Lincoln St., Suite 201
Littleton, Colorado, 80122
Phone: (303) 713-1898
Fax: (303) 713-1897
www.aztecconsultants.com

SHEET
5
OF 5 SHEETS

24911-02
JOB NO.

ZONING MAP
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, THE SOUTHEAST QUARTER OF SECTION 4,
AND IN THE NORTHEAST QUARTER OF SECTION 9,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO

24911-02
JOB NO.



SCALE 1"=150'		DATE 03/15/12	
BY		DATE	
REVISION DESCRIPTION		DATE	
APPV		DATE	

8000 S. Lincoln St., Suite 201
Littleton, Colorado 80122
Phone: (303) 713-1898
Fax: (303) 713-1897
www.aztecconsultants.com

AZTEC
CONSULTANTS, INC.

E-470 AREA DEVELOPMENT PLAN
E-470 RIGHT OF WAY EAST
ZONING MAP

PREPARED FOR
THE TOWN OF PARKER
20120 EAST MAINSTREET, PARKER, CO 80138

SHEET
2
OF 2 SHEETS

24911-02
JOB NO.

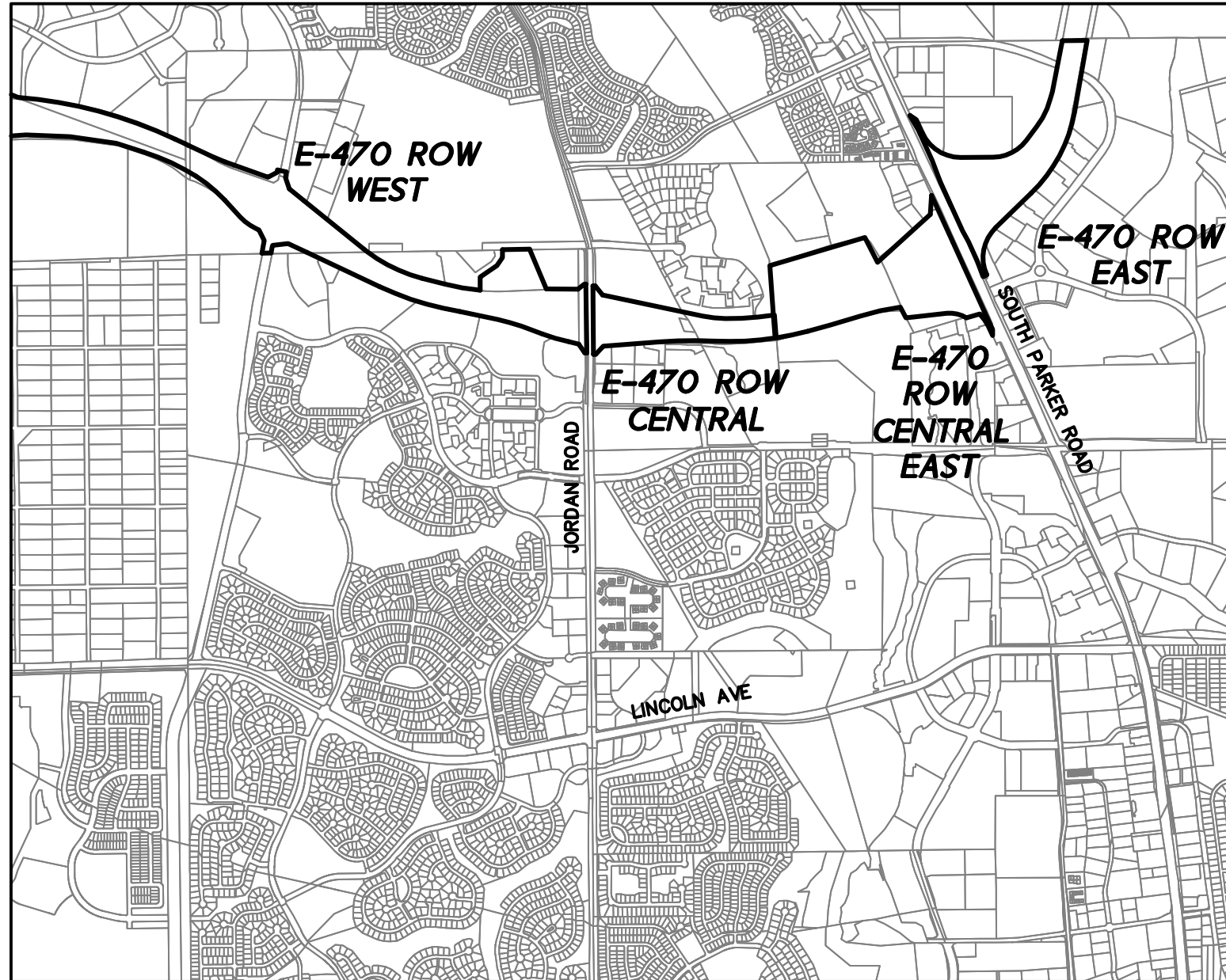
ZONING MAP
LOCATED IN THE NORTHWEST QUARTER OF SECTION 9,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO

A PARCEL OF LAND RECORDED IN BOOK 900 AT PAGE 731 AND IN BOOK 938 AT PAGE 652 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE SOUTH 00°48'57" EAST ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 486.49 FEET;

THENCE ALONG THE BOUNDARY LINES OF PARCELS TK-18A REV.2 AND TK-18 REV.1 SAID BOOK 900 AT PAGE 731 AND PARCEL TK-19 REV.3 SAID BOOK 938 AT PAGE 652 THE FOLLOWING (12) COURSES:

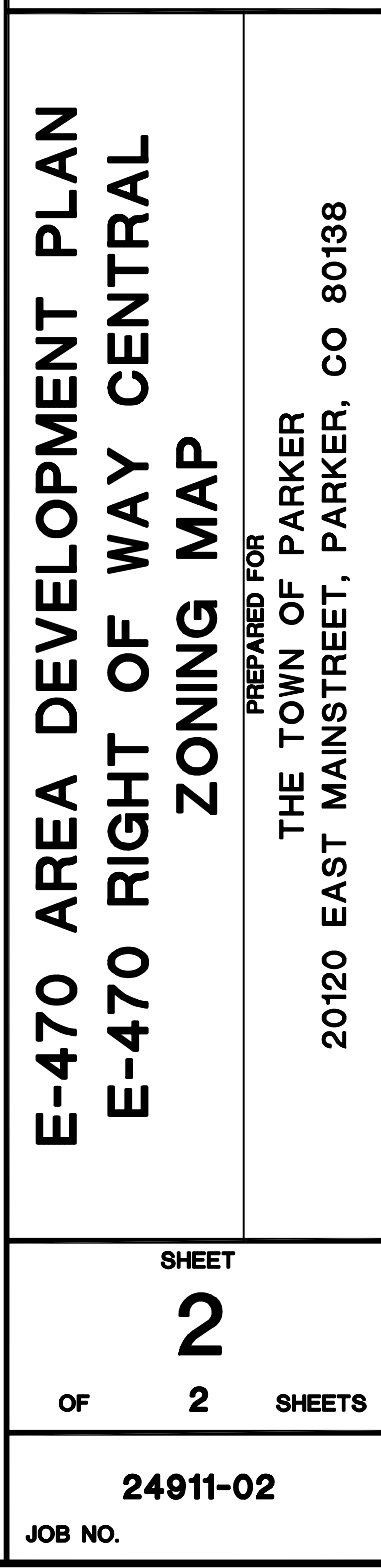
- CONTAINING AN AREA OF 23.689 ACRES (1,031,895 SQUARE FEET) MORE OR LESS.



TOWN CLERK

 ZONING PARCEL BOUNDARY
 LOT OR TRACT LINE
 SECTION LINE
 SECTION CORNER AS NOTED

E-470 AREA DEVELOPMENT PLAN E-470 RIGHT OF WAY CENTRAL ZONING MAP						SHEET 1							
						OF 2 SHEETS							
THE TOWN OF PARKER PREPARED FOR 20120 EAST MAINSTREET, PARKER, CO 80138													
 AZTEC CONSULTANTS, INC. 8000 S. Lincoln St., Suite 201 Littleton, Colorado 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com													
SCALE NA CSD DATE DEC 03/15/12													
DATE													
APPLY													
REVISION DESCRIPTION													
BY													
DATE													



ZONING MAP

ZONING PARCEL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL SOUTH 24°26'11" EAST, A DISTANCE OF 1,016.65 FEET TO THE NORTHEAST CORNER OF PARCEL TK 24 IN RULE AND ORDER RECORDED IN BOOK 1188 AT PAGE 229 IN SAID RECORDS;

THENCE ALONG THE BOUNDARY LINES OF SAID PARCEL THE FOLLOWING (4) COURSES:

- THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1 SOUTH 73°16'09" WEST, A DISTANCE OF 180.99 FEET TO THE MOST EASTERLY CORNER OF PARCEL 1 IN DEED RECORDED AT RECEPTION NO. 2009066863 IN SAID RECORDS AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 399.41 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 32°32'10" WEST;

THENCE ALONG THE NORTHERLY LINES OF SAID PARCEL THE FOLLOWING (3) COURSES:

- THENCE ALONG SAID EASTERLY LINE NORTH 27°01'27" WEST, A DISTANCE OF 158.08 FEET TO THE SOUTHEAST CORNER OF PARCEL TK REV.1 RECORDED IN BOOK 861 AT PAGE 742 IN SAID RECORDS AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 3,749.72 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 08°25'38" EAST;

THENCE ALONG THE BOUNDARY LINES OF SAID PARCEL THE FOLLOWING (5) COURSES:

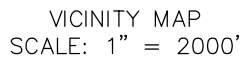
- 1) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°11'43" AN ARC LENGTH OF 536.34 FEET;
- 2) TANGENT TO SAID CURVE SOUTH 73°22'39" WEST, A DISTANCE OF 421.31 FEET;
- 3) SOUTH 74°39'38" WEST, A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING RADIUS OF 3,969.72 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 15°14'55" WEST;
- 4) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°21'21" AN ARC LENGTH OF 440.36 FEET;
- 5) NON-TANGENT TO SAID CURVE NORTH 04°21'36" WEST, A DISTANCE OF 301.02 FEET TO THE SOUTHWEST CORNER OF PARCEL TK 2 REV1 RECORDED IN SAID BOOK 861 AT PAGE 742;

THENCE ALONG THE BOUNDARY LINES OF SAID PARCEL THE FOLLOWING (3) COURSES:

- TENCE ALONG SAID SOUTHERLY LINE AND ALONG THE SOUTHERLY LINES OF LOT 6 PARKER CROSSING SUBDIVISION RECORDED AT RECEPTION NO. 2001050400 IN SAID RECORDS, AND ALONG THE SOUTHERLY LINES OF LOT 2A-1, BLOCK 1, PARKER CROSSING SUBDIVISION RECORDED AT RECEPTION NO. 2001050400 IN SAID RECORDS, AND ALONG THE SOUTHERLY LINES OF LOT 2A-1, BLOCK 1, PARKER CROSSING SUBDIVISION RECORDED AT RECEPTION NO. 2008007348 IN SAID RECORDS THE FOLLOWING (3) COURSES:

- THENCE ALONG THE WESTERLY LINE OF PARCEL NO. 46 RECORDED IN BOOK 697 AT PAGE 869 IN SAID RECORDS AND THE WESTERLY LINE OF PARCEL NO. 47 RECORDED IN BOOK 825 AT PAGE 968 IN SAID RECORDS SOUTH 24°23'59" EAST, A DISTANCE OF 674.27 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 60.535 ACRES, (2,636,899 SQUARE FEET), MORE OR LESS.



ZONING

THE EXISTING ZONING OF THIS PARCEL IS PINE LANE BUSINESS PARK PLANNED DEVELOPMENT AND A1 - AGRICULTURAL ONE

THE PROPOSED ZONING OF THIS PARCEL IS E-470 AREA PLANNED DEVELOPMENT.

THE PARCEL DESCRIBED HEREIN IS PLANNING AREA 1 - COMMERCIAL.

NOTES

- 1) THIS ZONING MAP HAS BEEN PREPARED FROM RECORD INFORMATION AND DOES NOT REPRESENT A FIELD MONUMENTED SURVEY.
- 2) BEARINGS ARE GRID BEARINGS COLORADO COORDINATE SYSTEM CENTRAL ZONE NAD 83 (1992) AND ARE BASED UPON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING SOUTH 00°09'57" EAST BETWEEN THE MONUMENTS SHOWN HEREON.
- 3) THE DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET UNITS.
- 4) THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

OWNER

E-470 PUBLIC HIGHWAY AUTHORITY
22470 E 6TH PARKWAY SUITE 100
AURORA, CO 80018

BY: _____

TITLE: _____

SURVEYOR'S CERTIFICATE

I, DEAN E. CATES, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING MAP WAS PREPARED UNDER MY DIRECT SUPERVISION AND 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.



DEAN E. CATES
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 22561
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

ACCEPTANCE

ACCEPTED BY THE PARKER TOWN COUNCIL THIS _____ DAY OF _____, 2012.

MAYOR

ATTEST:

TOWN CLERK

AZTEC
CONSULTANTS, INC.

8000 S. Lincoln St., Suite 201
Littleton, Colorado 80122
Phone: (303) 713-1898
Fax: (303) 713-1897
www.aztecconsultants.com

SHEET
1
OF **2** SHEETS
24912-06
JOB NO.

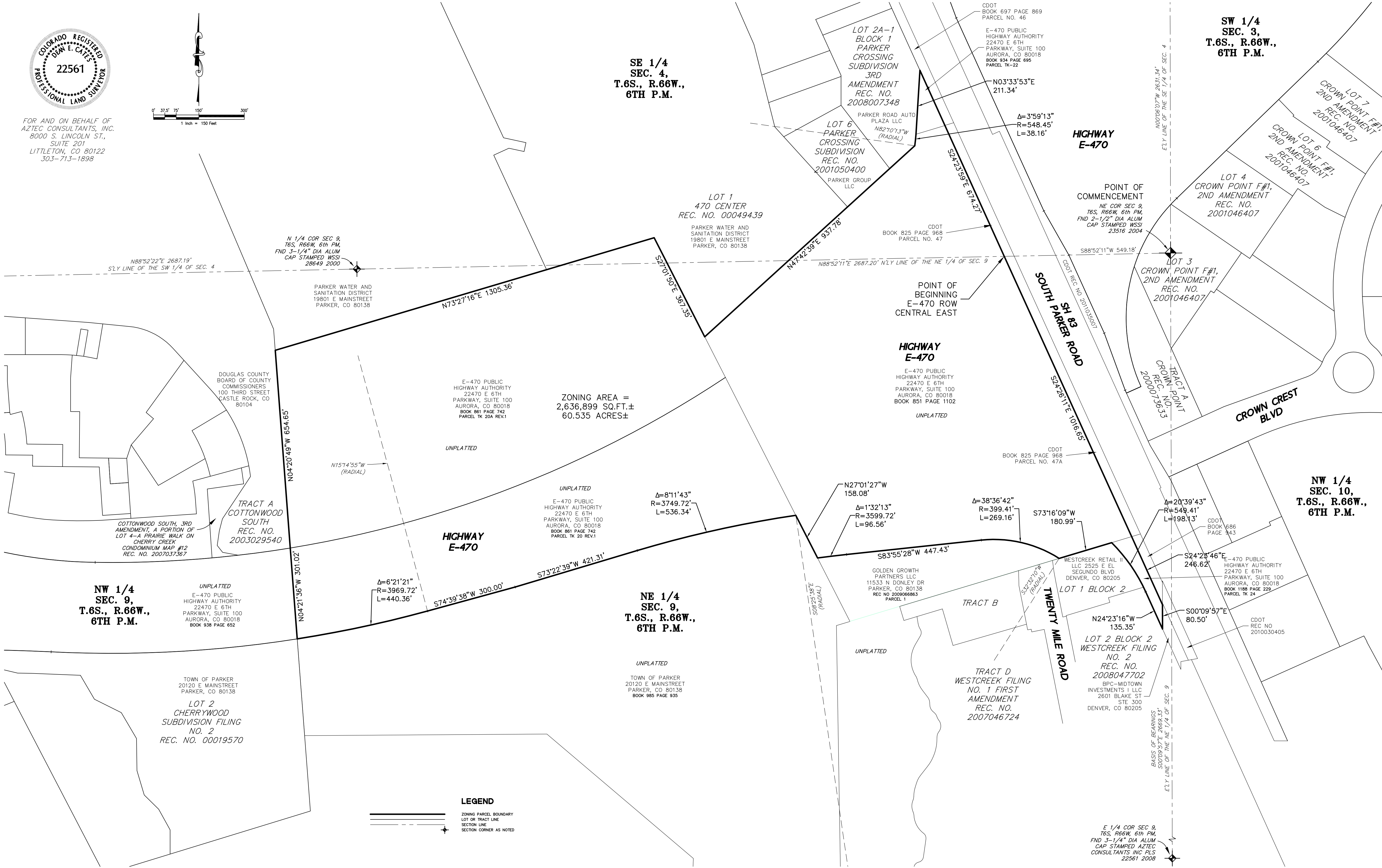
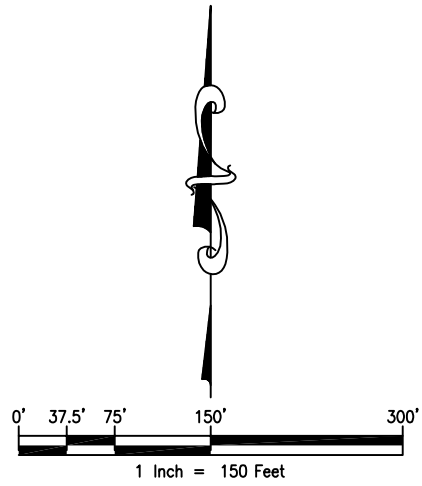
E-470 AREA DEVELOPMENT PLAN - E-470 RIGHT OF WAY CENTRAL EAST

ZONING MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4 AND IN THE NORTH HALF OF SECTION 9,
TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO



FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.
8000 S. LINCOLN ST.,
SUITE 201
LITTLETON, CO 80122
303-713-1898



SCALE 1"=150'		DWG DEC		DATE 03/16/12	
APPV		BY		DATE	
REVISION DESCRIPTION		BY		DATE	

8000 S. Lincoln St., Suite 201
Littleton, Colorado 80122
Phone: (303) 713-1898
Fax: (303) 713-1897
www.aztecconsultants.com

AZTEC
CONSULTANTS, INC.

E-470 AREA DEVELOPMENT PLAN
E-470 RIGHT OF WAY CENTRAL EAST
ZONING MAP

PREPARED FOR
THE TOWN OF PARKER
20120 EAST MAINSTREET, PARKER, CO 80138

SHEET 2
OF 2 SHEETS
24912-06 JOB NO.

E-470 RIGHT-OF-WAY NORTHEAST ANNEXATION AGREEMENT

THIS E-470 RIGHT-OF-WAY NORTHEAST ANNEXATION AGREEMENT (the “Agreement”) is entered into this ____ day of _____, 2019, by and between the Town of Parker, a Colorado home rule municipality (the “Municipality”), and the E-470 PUBLIC HIGHWAY AUTHORITY, a political subdivision of the State of Colorado (the “Authority”).

WITNESSETH

WHEREAS, the Authority is the owner of that certain real property situated in the County of Douglas, State of Colorado, as more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, the Municipality has requested that the Property be annexed to the Municipality, and the Authority is willing to have the Property annexed to the Municipality; and

WHEREAS, the Municipality has determined that it is in the best interest of the residents of the Municipality that the Property be annexed within the boundaries of the Municipality; and

WHEREAS, the Authority and the Municipality are entering into this Agreement in furtherance of annexation and zoning on the Property; and

WHEREAS, the Authority and the Municipality desire to effectuate the annexation of Property, which includes certain portions of the E-470 Public Highway, while leaving unchanged the Authority’s and the Municipality’s pre-existing rights and obligations in all matters affecting the public highway, except as expressly provided herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties hereto hereby agree as follows:

SECTION 1. The Municipality agrees to prepare, at its expense, all materials necessary for the annexation and zoning of the Property, including, without limitation, the annexation petition, and associated maps for the annexation and zoning based on legal descriptions provided by the Authority.

SECTION 2. The Municipality agrees to take any and all appropriate actions, at the Municipality’s expense, as are required by the annexation laws of Colorado applicable to annexing municipalities, which are necessary with respect to the subject annexation petition including, but not limited to, the publication of all required notices and the holding of all required hearings regarding same. The Municipality further agrees to zone the Property PD-Planned Development, pursuant to the E-470 Area Development Guide and Plan 1st Amendment that is adopted contemporaneously with the annexation of the Property (the “Zoning Ordinance”).

SECTION 3. The Authority and the Municipality agree that the Property shall be

proposed only for zoning which permits the Authority's statutorily allowed powers and purposes, as such may be amended from time to time.

SECTION 4. The Authority acknowledges that the annexation and zoning of the Property are subject to the plenary legislative discretion of the Town Council of the Municipality and rights of initiative and referendum reserved unto its citizens. The sole and exclusive remedy of the Authority shall be the withdrawal of the annexation petition in accordance with the Colorado Municipal Annexation Act of 1965. The Municipality and the Authority expressly agree that the Authority shall retain the right, in its sole discretion, to withdraw the petition for annexation for any reason or for no reason at any time prior to the effective date of the annexation pursuant to Section 31-12-113, C.R.S. or the effective date of annexation pursuant to the relevant code of the Municipality, whichever is applicable and later in time. The Municipality agrees that, in the event that the Authority withdraws the petition for annexation, the Municipality shall immediately cease all efforts in connection with the annexation petition. Notwithstanding Section 7 of this Agreement, this Section 4 shall be effective upon execution of the Agreement by the Municipality and the Authority.

SECTION 5. The Municipality agrees that the Authority has satisfied any Municipality public land dedication requirements for the Property by making appropriate parts of the Authority's right-of-way (either fee or easement) available for recreation trails pursuant to the Authority's policy. The Municipality shall not impose upon the Authority nor shall the Authority be required to construct soundwalls, recreation trails, or other amenities along or in connection with the Property and its uses as a public highway, as such term is defined in the Public Highway Authority Law, Section 43-4-503(12), C.R.S. However, the parties may mutually agree to construct such amenities by separate agreement.

SECTION 6. The Authority is responsible for the design, construction, expansion, maintenance, and operation of that certain public highway known as the "E-470 Public Highway" located on the Property, and the annexation of the Property and this Agreement shall in no way alter the Authority's and the Municipality's responsibilities therefor or powers and authorities in connection with the law and with the 2018 Third Amended and Restated Establishing Contract of the Authority. The Municipality agrees that it shall take no action against the Authority which would impair the function of the Authority in carrying out its duties and responsibilities as a public highway authority, nor shall it impose additional costs upon the Authority with respect to the Authority's design, construction, expansion, maintenance and/or operation of the E-470 Public Highway. The Municipality shall take no action that impacts the Authority's ability to operate and/or maintain its present or future facilities or from expanding its facilities in accordance with any and all laws applicable to the Authority.

SECTION 7. This Agreement shall not be effective until the annexation ordinance and this Agreement are recorded.

SECTION 8. This Agreement shall be recorded with the Clerk and Recorder of Douglas County and constitute a covenant running with the land. This Agreement shall be binding on the Authority and future assigns of the Authority and all other persons who may purchase any portion of the land described herein from the Authority or any persons hereinafter having any

interest in the Property, or portion thereof. Whereas used herein, the term “Authority” shall also mean any of the transferees or assigns of the Authority and all such parties shall have the right to enforce and be enforced under the terms of the Agreement as if they were the original parties hereto.

SECTION 9. In addition to any other remedies which may exist, this Agreement may be enforceable by an action for specific performance.

SECTION 10. The Authority shall not be required to obtain any permit from the Municipality, nor pay any fee or assessment to the Municipality, for any work performed by the Authority in connection with the Authority’s design, construction, expansion, operation and maintenance of the Property; nor shall the Municipality require the Authority to conduct or allow any inspection for or on behalf of the Municipality in connection with any such work. The Authority shall be required to obtain permits from the Municipality (without payment of any fee assessment) for work performed by the Authority in the Municipality’s rights-of-way. The Municipality shall be required to obtain permits from the Authority (without payment of any fee assessment) for work performed by the Municipality in the E-470 Public Highway; provided, however, that any work performed by the Municipality within the Authority’s multi-use easement or any other real property held in fee by the Authority shall be subject to the E-470 Public Highway Permit Manual including all fees specified therein. In addition, the Municipality shall not require the Authority to construct or bear any portion of the costs of constructing, any improvements of any kind on or adjacent to the Property. However, the parties may mutually agree to construct such amenities by separate agreement.

SECTION 11. Reserved.

SECTION 12. The Municipality agrees that the Authority is exempt from payment of any and all municipal taxes.

SECTION 13. The Authority and the Municipality further agree to the terms and conditions set forth in **Exhibit “B”** attached hereto and incorporated herein by this reference.

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

IN WITNESS WHEREOF, the parties hereto have caused this Annexation Agreement to be executed by their authorized representatives.

E-470 PUBLIC HIGHWAY AUTHORITY

By: _____
Timothy E. Stewart, Executive Director
Date: _____

ATTEST:

By: _____

APPROVED AS TO FORM:

ICENOGLE SEAVER POGUE, P.C.

General Counsel

DATE APPROVED BY THE BOARD OF DIRECTORS: _____

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

TOWN OF PARKER, COLORADO

By: _____
Mike Waid, Mayor

Date: _____

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A

E-470 RIGHT-OF-WAY NORTHEAST LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 3 BEARS NORTH 89°29'45" EAST, A DISTANCE OF 2655.20 FEET, WITH ALL BEARINGS HEREIN BEING REFERENCED THERETO;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, NORTH 89°29'45" EAST, A DISTANCE OF 824.18 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. E-470 AS RECORDED IN BOOK 1698 AT PAGE 1250 IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDER AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING (3) COURSES:

1. NORTH 11°07'45" EAST, A DISTANCE OF 504.26 FEET;
2. NORTH 10°45'44" WEST, A DISTANCE OF 133.84 FEET;
3. NORTH 13°22'45" EAST, A DISTANCE OF 91.73 FEET;

THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, SOUTH 67°52'58" EAST, A DISTANCE OF 442.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 730.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°01'17", AN ARC LENGTH OF 63.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE HIGHWAY NO. E-470;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING (2) COURSES:

1. NON-TANGENT TO SAID CURVE SOUTH 13°22'45" WEST, A DISTANCE OF 4.74 FEET;
2. SOUTH 11°07'45" WEST, A DISTANCE OF 523.47 FEET TO SAID SOUTH LINE OF THE NORTHWEST QUARTER;

THENCE SAID EASTERLY RIGHT-OF-WAY, ALONG SAID SOUTH LINE, SOUTH 89°29'45" WEST A DISTANCE OF 459.44 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 6.583 ACRES, (286,742 SQUARE FEET), MORE OR LESS.

EXHIBIT B

SECTION A. The Authority acknowledges and agrees that, as of the date of execution of this Agreement, it has not requested that the Municipality provide police, fire or other emergency services or road sweeping, trash removal or other maintenance service to the Property until and unless the Authority and the Municipality mutually agree to a service or services. The Municipality agrees that it will provide a service or services to the Property, at such time a written request therefore is submitted to the Municipality by the Authority, to the extent the Municipality currently is providing the service or services at the time the Authority makes such a request. The Authority will compensate the Municipality therefore as it compensates other providers of services on the E-470 Public Highway.

SECTION B. Reserved.

SECTION C. The Municipality shall not impose, levy or assess any fee or charge on privately owned facilities that are currently located on the Authority's Property or on the Authority's MUE adjacent to the Property which facilities are not habitable. The Municipality shall not impose land use and regulatory requirements on the facilities beyond the requirements existing on those facilities prior to Annexation.

SECTION D. Neither annexation nor this Agreement shall change or waive the terms of any agreement currently existing between the Municipality and the Authority, nor shall they in any way alter the Authority's and the Municipality's responsibilities or powers and authorities there under.

SECTION E. In the event the Municipality provides water and/or sewer service in the future, the Municipality shall provide water and/or sewer service to the Property upon the Authority's request and payment of costs established in the Municipality's Code and ordinances then in effect at the time service is requested.

SECTION F. The Authority agrees to abide by the Municipality's permitting and inspection requirements, as generally applicable, in connection with habitable buildings, including buildings used for the commercial and service uses described in the Zoning Ordinance.

SECTION G. Reserved.

SECTION H. Reserved.



Request for Town Council Action

Date: October 7, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 13.109 - Second Reading**
A Bill for an Ordinance Amending Chapter 10.11 of the
Parker Municipal Code Concerning Special Districts

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This ordinance amends Chapter 10.07 concerning special districts, to update the annual report requirements and application fees.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In May, Town Council approved new special district service plan and intergovernmental agreement forms. The purpose of this ordinance is to update Chapter 10.07 so that the annual report requirements conform with the annual report requirements in those approved forms. This ordinance also adds the term "Bond" or "Bonds" to the definition of "Debt", clarifies the definition for "Public Improvements", requires that the district boundary map be stamped by a registered professional engineer, and updates the application fees from \$7,000 per service plan to \$8,000, and from \$250 per amendment to \$4,000. This increase will capture the actual costs for staff and outside counsel review time. Most service plan amendments are actually amended and restated service plans, requiring nearly as much review time as original service plans. Additionally, the ordinance now treats multiple districts that are submitting separate service plans or amendments, which are substantially similar, to pay one fee, rather than separate fees for each plan or amendment.

FINANCIAL IMPACT

Changes to the application fees will result in coverage of the actual staff time and outside counsel fees spent on service plan and amendment applications.

STRATEGIC GOAL(S)

**ATTACHMENTS**

1. Ordinance No. 13.109

RECOMMENDED MOTION

I move to approve Ordinance No. 13.109 on second reading.

ORDINANCE NO. 13.109, Series of 2019

TITLE: A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.11 OF THE PARKER MUNICIPAL CODE CONCERNING SPECIAL DISTRICTS

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

Section 1. Section 10.11.020 of the Parker Municipal Code is amended to read as follows:

10.11.020 Definitions.

As used in this Chapter, the following terms, phrases and words shall have the following meanings:

* * *

Bond, bonds or debt ~~Debt~~ means bonds or other obligations for the payment of which a District has promised to impose an ad valorem property tax mill levy.

* * *

Public Improvements means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, **and** redeveloped **as part of an approved development plan**, and financed as generally described in the Special District Act to serve the inhabitants and taxpayers of a District as determined by a District's Board of Directors.

Section 2. Section 10.11.040 of the Parker Municipal Code is amended to read as follows:

10.11.040 Required annual report.

Not later than September 1 of each calendar year, each District shall file an annual report (the "annual report") with the Town Clerk, the requirements of which may be waived in whole or in part by the Town Council, if such reporting requirements place an undue hardship on such District. The annual report shall reflect activity and financial events of the District through the preceding December 31 (the "report year"). The annual report shall include the following:

(1) ~~A narrative summary of the progress of the District in implementing its service plan for the report year;~~ **A list of public infrastructure the District conducted or installed during the report year, and a schedule for the construction or installation of future public infrastructure, as well as any maintenance operations or activities the District plans to undertake in the upcoming year;**

* * *

(4) Unless disclosed within a separate schedule to the financial statements, a summary of the financial obligations of the District at the end of the report year, including the amount of outstanding ~~indebtedness~~ **debt**, the amount and terms of any new District ~~indebtedness or long-term obligations~~ **debt** issued in the report year, the amount of payment or retirement of existing ~~indebtedness~~ **debt** of the District in the report year, the total assessed valuation of all taxable properties within the District as of January 1 of the report year and the current mill levy of the District pledged to debt retirement in the report year;

* * *

(8) Certification of the Board that no action, event or condition enumerated in Section 10.11.060 below has occurred in the report year or certification that such event has occurred but that an amendment to the service plan that allows such event has been approved by the Town Council; ~~and~~

(9) The name, business address and telephone number of each member of the Board and its chief administrative officer and general counsel, together with the date, place and time of the regular meetings of the Board;

(10) Certification from the Board of the District that the District is in compliance with all provisions of the service plan;

(11) A copy of the most recent notice issued by the District, pursuant to Section 32-1-809, C.R.S.; and

(12) A copy of any intergovernmental agreements entered into by the District since the filing of the last annual report.

Section 3. Subsection 10.11.080(b) of the Parker Municipal Code is amended to read as follows:

10.11.080 Service plan amendment.

* * *

(b) All of the required information shall be supported by appropriate technical analysis, reports and supporting documents of qualified professionals and consultants. The amendment shall be processed and reviewed in the same manner as prescribed by this Chapter for an initial service plan, except that the submittal requirements of this Section shall be substituted for those of Section 10.11.050 above, and the application fee shall be ~~two hundred fifty dollars (\$250.00)~~ **four thousand dollars (\$4,000)**. This Section shall not impair the right of the Town to bring an action in the district court to enjoin the activities of the District pursuant to Section 32-1-207(3)(b), C.R.S., as amended.

Section 4. Subsection 10.11.140(b) of the Parker Municipal Code is amended to read as follows:

10.11.140 Filing of proposed service plan.

* * *

(b) The application and processing fee for a service plan shall be ~~seven thousand five hundred dollars (\$7,500.00)~~ **eight thousand dollars (\$8,000).** provided that, if the Town Council determines that special review of the service plan or amendment is required, the Town Council may impose an additional fee to reimburse the Town for reasonable direct costs related to such special review. The Town Council may waive all or any portion of the application and processing fee for smaller Districts initiated by the Town's existing residents or businesses. The Town will reimburse any portion of the ~~application and processing~~ **additional** fee that is not expended by the Town. **Where service plans or amendments for multiple districts could be consolidated but the Town and the districts agree to submit separate service plans or amendments, the application and processing fee identified in this Subsection (b) or in Subsection 10.11.080(b) of this Chapter shall cover the review and processing of all such plans or amendments.**

* * *

Section 5. Section 10.11.150 of the Parker Municipal Code is amended to read as follows:

10.11.150 Service plan contents.

The proposed service plan shall include the following:

* * *

(2) A map of the proposed District boundaries with a legal description, ~~or lot and block description~~ **stamped by a registered professional engineer.**

Section 6. **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 7. **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 8. 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: October 7, 2019

Submitted By: Kristin Schledorn, Deputy Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.83 - Second Reading**
A Bill for an Ordinance to Add a New Chapter 6.07 to the Parker Municipal Code to Prohibit the Sale of Kratom

Department: Town Attorney, Kristin Schledorn

EXECUTIVE SUMMARY

This ordinance bans the sale of kratom for human consumption in the Town of Parker.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Kratom is an herbal substance found in the leaves of a plant that grows naturally in Thailand, Malaysia, Indonesia, and Papua, New Guinea. The leaves can be made into a tea, chewed or made into a capsule. The active ingredients in kratom have effects similar to an amphetamine or opioids, and have been used for various purposes such as pain relief.

There are no FDA-approved uses for kratom. It is currently imported into the United States marked “not for human consumption.” The U.S. Food and Drug Administration is warning consumers not to use kratom, noting that it “affects the same opioid brain receptors as morphine, appears to have properties that expose users to the risks of addiction, abuse, and dependence.” Proponents of kratom support legal access to professionally-manufactured kratom, labeled for adult-only consumption, citing its effectiveness and usefulness in ending opioid dependence for numerous former addicts. The U.S. Drug Enforcement Agency is still weighing evidence to determine whether kratom should be labeled a Schedule 1 drug.

Kratom can be purchased in the Town of Parker. Tri-County Health has recommended that the Town ban the sale of kratom. Attached is a letter dated September 3, 2019, from physicians at Tri-County Health.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 5.83
2. Tri-County Health Letter Kratom_Town of Parker

RECOMMENDED MOTION

I move to approve Ordinance No. 5.83 on second reading.

ORDINANCE NO. 5.83, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO ADD A NEW CHAPTER 6.07 TO THE PARKER MUNICIPAL CODE TO PROHIBIT THE SALE OF KRATOM

WHEREAS, *Mitragyna speciosa*, known commonly as “kratom”, is a plant with psychoactive properties indigenous to Thailand, Malaysia, Indonesia and Papua New Guinea;

WHEREAS, the Federal Food and Drug Administration (FDA) has warned consumers against its use and has banned the importation of kratom for human consumption;

WHEREAS, the FDA has not approved kratom as a drug, dietary supplement or food ingredient;

WHEREAS, the State of Colorado has not taken any action regarding kratom consumer protections;

WHEREAS, physicians at the Tri-County Health Department, the district health department for Adams, Arapahoe and Douglas Counties, have recommended that Town Council ban the sale of kratom in Parker; and

WHEREAS, in the interest of the health, safety, and welfare of the citizens of Parker, Town Council believes it prudent to heed the recommendation of Tri-County Health Department to ban the sale of kratom in the Town at least and until such time as standards and regulations are adopted by the state or federal governments to protect consumers.

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

Section 1. A new Chapter 6.07 entitled “Kratom” is hereby added to Title 6 of the Parker Municipal Code to read as follows:

6.07.010 Sales of kratom prohibited.

No person shall sell or offer to sell at retail within the Town any kratom products intended for human consumption. For purposes of this section, kratom includes any product, material, compound, mixture or preparation derived from the plant *Mitragyna speciosa*, or containing any quantity of the following substances: 7-Hydroxymitragynine, Mitragynine and Epicatechin.

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



September 3, 2019

TO: Honorable Mayor Waid and Town Councilmembers
Town of Parker, Colorado
20120 E. Mainstreet
Parker, CO 80138

FROM: Bernadette Albanese, M.D., M.P.H.
Medical Epidemiologist

John M. Douglas Jr., M.D.
Executive Director
Tri-County Health Department
Greenwood Village, Colorado

Re: Proposed ordinance for the Town of Parker to ban kratom sales

Tri-County Health Department (TCHD) is the district health department for Adams, Arapahoe, and Douglas Counties and the Town of Parker, Colorado. As physicians at TCHD, we are concerned about the potential consequences of increasing sales of kratom in our jurisdiction. Our stance on kratom use aligns with the U.S. Food and Drug Administration (FDA). **As a precautionary measure, TCHD strongly recommends that the Town of Parker proactively ban any sale of kratom in its jurisdiction.**

For several years, the FDA has issued clear warnings about the use of kratom^{1,2,3,4} and has banned importation of kratom for human consumption as a drug or dietary ingredient. FDA does not consider kratom safe to consume because of the lack of oversight of kratom's production overseas and adverse health effects. Kratom contains psychoactive chemicals that interact in the brain like opioids. The FDA ban and warnings are based on a growing number of

¹ www.fda.gov/news-events/public-health-focus/fda-and-kratom

² www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-new-warning-letters-fda-issuing-companies-marketing

³ www.fda.gov/news-events/press-announcements/fda-warns-companies-selling-illegal-unapproved-kratom-products-marketed-opioid-cessation-pain

⁴ www.fda.gov/food/outbreaks-foodborne-illness/fda-investigated-multistate-outbreak-salmonella-infections-linked-products-reported-contain-kratom

reports about significant adverse health effects in people, such as high heart rate, agitation, irritability, drowsiness, hallucinations, nausea, and high blood pressure. There are reports of liver damage, seizures, and death⁵ (including deaths attributed to kratom in Colorado⁶). Additionally, kratom is produced outside the U.S. from the leaves of a tropical tree native to Southeast Asia. That means there are no U.S. standards for kratom production, no quality control, and no system-wide safeguards to ensure the product being sold in the U.S. is kratom and free from impurities or contamination.

FDA has federal authority over drugs or other products marketed as having a medical claim to treat a health condition. However, kratom has not been FDA-approved as a drug, dietary supplement, or food ingredient. Despite these federal restrictions and concerns about production quality, the U.S. kratom industry still imports this product even if labeled not for human consumption, then repackages the substance and sells via online or other retail outlets purposely for people to ingest.

When consumed, kratom exerts opioid-like effects in the body and is being actively marketed by the kratom industry to treat medical ailments — like body aches, muscle fatigue, or to regulate mood, reduce tension, or support healthy metabolism, and as a way to wean off prescription opioids — despite absent or inadequate scientific evidence to support these unproven medical claims. Repeatedly, the kratom industry has been unable to provide scientific evidence to meet FDA criteria for kratom to be approved for therapeutic use or as a dietary supplement.

In public settings, kratom industry representatives have acknowledged these issues:

- That imported kratom can be adulterated or contaminated.
- That kratom can be addicting.
- That there are risks and unknown health effects of using kratom and other drugs, including opioids, despite the medical claim of using kratom to wean off opioids.
- That it is unknown whether kratom is contraindicated when using other prescription drugs.
- That the effects of using kratom while driving are unknown.
- That the effects of kratom on a pregnant woman or a fetus are unknown.

People are using kratom without being fully informed about risks, proper dosing, contraindications, or drug interactions. There is a lack of accurate information on whether kratom actually works to treat their medical condition. It is the responsibility of federal

⁵ Unintentional drug overdose deaths with kratom detected. *Morb Mortal Wkly Rep* 2019;68:326-7

⁶ Deaths in Colorado attributed to kratom. *N Engl J Med* 2019;380:97–8. <https://doi.org/10.1056/NEJMc1811055>.

authorities, not local municipalities, to ensure a product being sold for human consumption — as either a drug or dietary supplement (to treat a medical condition) or as a food ingredient — is legal, approved, and safe to use. However, given the current ambiguity under which kratom is being marketed, it is reasonable and appropriate for a local municipality to ban its sale.

Therefore, in summary, TCHD strongly recommends the Town of Parker ban sales of kratom in its jurisdiction. FDA does not consider kratom safe to consume and there are significant warnings from the medical community about adverse outcomes, including death. There simply is not enough scientific data in the U.S. on how to use kratom safely and properly to justify sales to anyone of any age. Possibly over time, the kratom industry will compile the necessary scientific evidence about safety, dosing, and proven medical effects needed to complete the FDA approval process.

For questions, concerns, or any additional information, please contact Dr. Bernadette Albanese at balbanese@tchd.org or 303-220-9200.

Supplemental materials:

- Sample warning letter from the FDA to kratom wholesalers violating the Federal Food, Drug, and Cosmetic Act by introducing kratom into interstate commerce.
 - www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/chillin-mix-kratom-559280-09042018
 - www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/mitra-distributing-inc-562402-09042018

This information is provided on behalf of the Tri-County Health Department as the district public health agency and not on behalf of the Commissioners of Adams, Arapahoe or Douglas Counties.



Request for Town Council Action

Date: October 7, 2019

Submitted By: David King, Chief
Jim Tsurapas, Deputy Chief

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.301 - Second Reading (Continued from 9-16-19)**
A Bill for an Ordinance Approving the Amended and Restated Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshall Program (SMP)

Department: Police, David King

EXECUTIVE SUMMARY

The Town entered into an Intergovernmental Agreement (IGA) with the Douglas County School District to make available its police officers to function as School Marshal Officers (SMOs) at district elementary schools in addition to four (4) charter schools within the District; Challenge to Excellence, Global Village Academy, Parker Performing Arts School and Leman Academy.

Staff is requesting approval of Ordinance NO. 9.301. The Town of Parker shall make available one (1) police officer to serve full-time as a School Marshal Office and additional officers to serve as School Marshal Officers during the 2019-2020 school year. The Douglas County School District shall pay the Town the not to exceed amount of \$185,276 for the 2019-2020 school year. This amount will support the salary and benefits of one (1) full-time School Marshal officer and a maximum of 1,023.5 hours of coverage by additional officers during the 2019-2020 school year.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

School Marshal Officers add another layer of security at our elementary and charter schools via

multiple daily unannounced visits. The officer's primary responsibility during their shift is to visit and patrol schools within the Town of Parker. While they may assist with a law enforcement issue at a school, if needed, they will not be called away to answer other calls for service in the community. The School Marshal Officer provides law enforcement patrol, crime prevention, emergency preparedness and emergency response services to the contracted schools in our jurisdiction.

FINANCIAL IMPACT

The District shall pay the Town the not-to-exceed amount of \$185,276 for the school year 2019-2020. The District agrees to pay plan market movement and all costs of attendance at the NASRO conference by the School Marshal Officer(s). The District shall pay the Town on a monthly basis as invoiced monthly by the Town.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 9.301

RECOMMENDED MOTION

I move to approve Ordinance No. 9.301 on second reading.

ORDINANCE NO. 9.301, Series of 2019

TITLE: A BILL FOR AN ORDINANCE TO APPROVE THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN DOUGLAS COUNTY SCHOOL DISTRICT RE-1 AND THE TOWN OF PARKER REGARDING PROVIDING POLICE OFFICERS TO PATROL ELEMENTARY AND MIDDLE SCHOOLS AND OTHER FACILITIES UNDER THE SCHOOL MARSHAL PROGRAM (SMP)

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 Amended and Restated Intergovernmental Agreement between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshall Program (SMP), 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

AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN DOUGLAS COUNTY SCHOOL DISTRICT RE-1 AND THE TOWN OF PARKER REGARDING PROVIDING POLICE OFFICERS TO PATROL ELEMENTARY AND MIDDLE SCHOOLS AND OTHER FACILITIES UNDER THE SCHOOL MARSHAL PROGRAM (SMP)

This AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT by and between Douglas County School District RE-1 ("District") and the Town of Parker ("Town") is made and entered on this ____ day of _____, 2019.

RECITALS

WHEREAS, the District and the local law enforcement agencies have a long tradition of collaboration and cooperation in keeping the students, staff and parents in our schools safe; and

WHEREAS, in the aftermath of the tragic events on December 14, 2012, at Sandy Hook Elementary School in Connecticut, the leaders of the District and all law enforcement agencies in Douglas County came together to review the current status of safety measures in our schools, and to discuss what additional measures could be taken to enhance protection of students, staff, parents and other patrons of our schools; and

WHEREAS, after study, a committee of District and law enforcement collaborated on making recommendations for a number of protective initiatives, including ways to increase trained law enforcement presence and response to elementary and middle schools, since high schools already benefit from such presence in the form of School Resource Officers on site; and

WHEREAS, the District and the Town entered into that certain Intergovernmental Agreement Between Douglas County School District RE-1 and the Town of Parker Regarding Providing Police Officers to Patrol Elementary and Middle Schools and Other Facilities Under the School Marshal Program (SMP) dated July 16, 2013 (the "Previous Agreement"); and

WHEREAS, the District and the Town wish to amend and restate the Previous Agreement as to the providing of armed police officers designated as "School Marshal Officers" to patrol elementary and middle schools and other facilities within their jurisdiction; and

WHEREAS, the District desires to have School Marshal Officers visiting schools on regularly scheduled school days during normal school hours within their jurisdiction; and

WHEREAS, the Town is willing to make available at designated schools within the District as set forth herein police officer(s) to act as School Marshal Officers; and

WHEREAS, Section 29-1-203, C.R.S., authorizes local governments to cooperate or contract with each other to provide any function or service lawfully authorized to each other; and

WHEREAS, the District agrees to provide funding to cover the cost of providing police officer(s) as School Marshal Officers in the District and allocate and deliver these funds to the Town monthly.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the District and the Town agree as follows:

1. The Town shall make available one police officer to serve full-time as a School Marshal Officer, and additional officers to serve as School Marshal Officers for up to a maximum of 1,023.5 hours, during the school year 2019-2020, at the schools identified on Exhibit A. The School Marshal Officers additionally shall provide limited services to include law enforcement, counseling and education to the students of each school within their jurisdiction to the extent possible.

2. The Town and District will create a SMP policy that details the duties and responsibilities of the officer(s) assigned to the program.

3. School Marshal Officer is defined as a sworn police officer or sheriff's deputy whose primary role is to provide an enhanced security presence at elementary and middle schools and other facilities, as identified in the attached Exhibit A, during school hours. The duties of the School Marshal Officer shall include, but not be limited to the following:

- Patrolling the exterior and interior of elementary and middle schools within their jurisdiction.
- Make a minimum of one visit to each school daily to the extent possible.
- Interaction with staff and students is encouraged and expected in order to promote a sense of calmness and regularity.
- Upon visiting each school, present the assigned access proximity card to the door reader to gain access to the school and log the visit into the District's database for tracking and accounting purposes.
- Provide education and counseling to students on law enforcement and general safety matters.
- Conduct informal safety assessments of each school and report any concerns or recommendations to the District Security Director. Recommendations for safety or security improvements **shall not** be directed to the Principal or building administrator unless there is an imminent safety concern requiring immediate action to preserve the welfare and safety of students and staff.
- Act as a liaison between the Parker Police Department and the District;
- Coordinate matters of mutual law enforcement concerns between the District and the Parker Police Department.
- Create an open, uninhibited environment of discussion geared to understanding and respect for the District, Parker Police Department, and the Town.
- Investigate law enforcement and public safety issues while on campus when necessary.
- Assist with incidents occurring at the school if time permits or request another officer be sent to take over in order to resume patrols.

4. The School Marshal Officers shall use regular patrol uniforms and a regular patrol vehicle. All equipment utilized by the School Marshall Officers will be issued, regulated, maintained and/or owned by the Parker Police Department.

5. The District shall pay the Town the not-to-exceed amount of \$185,276 for the school year 2019-2020. The District agrees to pay the Town's plan market movement and all costs of attendance at the NASRO conference by the School Marshal Officer(s). The District shall pay the Town on a monthly basis as invoiced monthly by the Town. For future school years, the Town shall notify the District prior to the end of the term of this Agreement the not-to-exceed amount to be paid by the District, at which time either party may terminate in accordance with Section 9 below. If the Agreement is not so terminated, the parties agree that such amount shall be paid by the District for such school year, in accordance with this Section 5.

6. The School Marshal Officers shall remain employees of the Town at all times.

7. The School Marshal Officers shall be subject to the Parker Police Department's supervision, chain of command and to the policies, procedures, rules, regulations, directives, written evaluations, and orders of the Parker Police Department and the Town. The School Marshal Officers will also comply with the laws, policies, and regulations of the District to the extent that such measures are not in conflict with those of the Town or of the Parker Police Department. Although the School Marshal Officers will work closely with school administrators and faculty to determine the most effective use of the School Marshal Officers' time and expertise, the School Marshal Officers shall not be subject to supervision or direction by the District.

8. The term of this Agreement will be from July 1, 2019, through June 30, 2020. Thereafter, this Agreement shall be continued for successive one-year terms unless sooner terminated by either party. The financial obligation hereto is subject to annual budgeting and appropriation of the necessary funds.

9. This Agreement may be terminated by either party upon sixty (60) days' written notice to the other party. The District shall only be responsible for the costs outlined in Section 5 for services performed as of such termination date.

10. Any notice required to be given by this Agreement shall be given as follows:

To the District: Douglas County School District RE-1
Attn: Director of Strategic Sourcing and Contract Management
620 Wilcox Street
Castle Rock, CO 80104

To the District: Douglas County School District RE-1
Office of Legal Counsel
Attn: Legal Counsel
620 Wilcox Street
Castle Rock, CO 80104

To the Town: Town of Parker
Attn: Town Attorney
20120 E. Mainstreet
Parker, CO 80138

With a copy to: Parker Police Department
 Attn: Chief of Police
 18600 E. Lincoln Meadows Pkwy
 Parker, CO 80134

11. None of the terms or conditions of this Agreement gives or allows any claim, benefit, or right of action by any third person not a party hereto. Nothing in this Agreement shall be deemed as a waiver of immunity or liability limits granted to the Town or District under the Colorado Governmental Immunity Act.

12. This Agreement constitutes the entire agreement of the parties hereto and supersedes all prior negotiations, representations or agreements, either written or oral, including the Previous Agreement, which is hereby amended and restated. This Agreement may be amended, modified or changed, in whole or in part, only by written agreement approved by each party.

 This Agreement is entered into as of the day and year set forth above.

ATTEST:

TOWN OF PARKER

Carol Baumgartner, Town Clerk

Mike Waid, Mayor

Approved as to form:

Jim Maloney, Town Attorney

ATTEST:

**DOUGLAS COUNTY SCHOOL
DISTRICT RE-1**

Board of Education Secretary

David Ray, President
Board of Education

Lindsay Bergemann
Director of Strategic Sourcing and Contract
Management

EXHIBIT A

Douglas County School District Elementary, Middle and Charter Schools within Parker Police Department Jurisdiction

1. Cherokee Trail Elementary
2. Frontier Valley Elementary
3. Gold Rush Elementary
4. Iron Horse Elementary
5. Legacy Point Elementary
6. Pine Lane Intermediate
7. Pine Lane Primary
8. Pioneer Elementary
9. Prairie Crossing Elementary

Charter Schools

1. Challenge to Excellence
2. Leman Academy
3. Global Village Academy
4. Parker Performing Arts School

Officers Hired For SMP

Town of Parker Police Department Reimbursement (\$14,252 x 13 schools)	\$185,276
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