

TOWN OF PARKER COUNCIL AGENDA
October 16, 2023
(CONTINUED TO OCTOBER 23, 2023, DUE TO AN ABSENCE OF A QUORUM)

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.

Public comment for items that are not on the agenda may be made in person or electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments in person or electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments submitted electronically through the website that are received by 5:00 p.m. on the day of the regular or special Town Council meeting will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting.

Public Viewing Only - YouTube: Town Council meetings may be viewed live on YouTube at www.youtube.com/townofparkerco.

PLEASE NOTE: Public participation is NOT available through YouTube.

1. TOWN COUNCIL MEETING SCHEDULE

- A. 5:00 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. 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 for those who signed up before the meeting.*

3. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

4. 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 - October 2, 2023*

B. *ORDINANCE NO. 13.111.1 - First Reading*
A Bill for an Ordinance Approving the Exclusion of Certain Property From the Boundaries of the Downtown Parker Business Improvement District and Making Findings Related Thereto
Department: Town Attorney, Kristin Hoffmann
Second Reading: November 6, 2023

- C. *RESOLUTION NO. 23-086*
A Resolution Approving the Release of the Slope Easement By and Between KPS Retail, LLC, and the Town of Parker Concerning Lot 2, Vantage Point Subdivision Filing No. 1, 1st Amendment
Department: Engineering and Public Works, Michael Walton
- D. *RESOLUTION NO. 23-087*
A Resolution Accepting the Conveyance of a Drainage Easement from Kaiser Foundation Health Plan of Colorado for a Portion of Lot 3, Pine Bluffs Filing No. 4
Department: Engineering and Public Works, Michael Walton
- E. *CONTRACTS OVER \$100,000*
1. *Lumen Metro Ethernet Circuits Contract (Continued from October 2, 2023)*
Amount: \$404,100
Contractor: Lumen Metro Ethernet Circuits
Department: Information Technology, Matt Lynch
2. *Jon Dickey, LLC Roof Contract Modification - Second Amendment to Master Agreement for On-Call Professional Services*
Amount: \$237,500 (Increase of \$82,500)
Contractor: Jon P. Dickey, LLC
Department: Community Development, Randy Sale
- F. *PROCLAMATION - Extra Mile Day - Christine Ott*

5. **PUBLIC HEARINGS**

A. **POPE PROPERTY ANNEXATION**

Applicant: David Brehm, Plan West
Location: Southwest corner of Twenty Mile Road and Dransfeldt Road
Department: Community Development, Stacey Nerger
TRAKiT No.: ANX22-009

ORDINANCE NO. 2.282 - Second Reading (Continued from February 6, 2023, May 1, 2023, July 17, 2023) (To be continued to November 20, 2023)
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Pope Property in Douglas County

6. ORDINANCES

A. ORDINANCE NO. 1.592 - Second Reading

A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Widening, Constructing, and Improving a Portion of Jordan Road, a Town Roadway, Through the Utilization of the Town's Power of Eminent Domain and Directing the Town's Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with All Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations

Department: Engineering and Public Works, Patrick Burke

B. ORDINANCE NO. 5.28.33 - Second Reading

A Bill for an Ordinance to Amend Section 5.02.180 to Authorize the Administrative Approval of Retail Establishment Permits, and to Repeal Article V of Chapter 5.02 Regarding the Greater Downtown Special Private Art Permit

Department: Town Attorney, Kristin Hoffmann

7. CONTRACTS OVER \$500,000

North Parker Road Operational Improvements

Amount: \$6,132,932.85

Contractor: Goodland Construction Inc.

Department: Engineering & Public Works, Alex Mestdagh

8. PUBLIC COMMENTS CONTINUED IF NECESSARY

9. ADJOURNMENT

Parker Town Council

Executive Session Agenda

October 16, 2023

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

1. CenturyLink Metro Ethernet Service Agreement

“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. Negotiations related to the proposed Annexation Agreement between the Town and the Denver Pope Family Limited Partnership concerning the real property commonly known as the Pope property, generally located adjacent to and west of the Kohl’s Shopping Center

**TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 2, 2023**

Mayor Jeff Toborg called the meeting to order at 6:30 p.m. All Councilmembers were present.

Town Attorney Kristin Hoffmann announced there were two topics for discussion in the Executive Session under C.R.S. § 24-6-402(4)(b). The first item was regarding CenturyLink Metro Ethernet Service Agreement. The second item was related to C.R.S. § 31-25-1220 concerning exclusion of property from the boundaries of a business improvement district.

EXECUTIVE SESSION

Brandi Wilks moved and Joshua Rivero seconded to enter into Executive Session at 6:31 p.m. 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.

Anne Barrington moved and John Diak seconded to come out of Executive Session at 6:59 p.m.

The motion was approved unanimously.

Brandi Wilks moved and Joshua Rivero seconded to recess the Regular Meeting until 7:00 p.m.

The motion was approved unanimously.

REGULAR SESSION

Mayor Toborg reconvened the meeting at 7:01 p.m.

Mayor Toborg led the Council and audience in the Pledge of Allegiance.

PUBLIC COMMENTS

None.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings and activities they had attended since the last Town Council meeting.

CONSENT AGENDA

A. *APPROVAL OF MINUTES - September 18, 2023*

B. *ORDINANCE NO. 1.592 - First Reading*

A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Widening, Constructing, and Improving a Portion of Jordan Road, a Town Roadway, Through the Utilization of the Town's Power of Eminent Domain and Directing the Town's Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with All Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations

Department: Engineering and Public Works, Patrick Burke

Second Reading: October 16, 2023

C. *ORDINANCE NO. 5.28.33 - First Reading*

A Bill for an Ordinance to Amend Section 5.02.180 to Authorize Administrative Approval of Retail Establishment Permits, and to Repeal Article V of Chapter 5.02 Regarding the Greater Downtown Special Private Art Permit

Department: Town Attorney, Kristin Hoffmann

Second Reading: October 16, 2023

D. *RESOLUTION NO. 23-038.1*

A Resolution to Amend Resolution 23-038, Series of 2023, Concerning the Town of Parker Policy Manual by the Adoption of a New Town of Parker Policy Statement Number 1-17 Concerning Complaints Against Employees Reporting Directly to Town Council

Department: Town Attorney, Kristin Hoffmann

E. *RESOLUTION NO. 23-085*

A Resolution Setting a Public Hearing for Consideration of a Petition to Exclude Property from the Downtown Parker Business Improvement District and Directing the Town Clerk to Cause Notice of Hearing to be Given and Published Pursuant to the Business Improvement District Act

Department: Town Attorney, Kristin Hoffmann

F. *CONTRACT OVER \$100,000*

1. Lumen Metro Ethernet Circuits Contract

Amount: \$404,100

Contractor: Lumen Metro Ethernet Circuits

Department: Information Technology, Matt Lynch

G. *PROCLAMATION - Community Planning Month - October 2023*

Joshua Rivero moved to remove item 4F1 from the Consent Agenda.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

Joshua Rivero moved to approve Consent Agenda Items 4A through 4E and 4G.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

Joshua Rivero moved to continue item 4F1, Contracts Over \$100,000, Lumen Metro Ethernet Circuits Contract to a date certain of October 16, 2023.

Brandi Wilks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

RESOLUTIONS

A. RESOLUTION NO. 23-061.1

A Resolution to Appoint One Regular Member to Fill a Vacancy on the Parker Youth Commission

Department: Town Manager, Cheri Sullivan

The term for four (4) regular members of the Parker Youth Commission (PYC) expired on August 31, 2023 and three (3) members were appointed in August 2023, leaving one vacancy. Six (6) candidates meeting the requirements for service applied for appointment to the PYC and were interviewed on

September 19, 2023. The Review Committee consisted of Town Councilmembers Anne Barrington and Joshua Rivero, Community Relations Liaison Cheri Sullivan, Cultural Education Manager Kirstin Fletcher, and Recreation Manager Errin Koon.

The Review Committee recommended the Town Council approve Resolution No. 23-061.1, which would appoint Isabella Corriere to a two-year term ending on August 31, 2025.

Public Comments: None.

Anne Barrington moved to approve Resolution No. 23-061.1.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

B. RESOLUTION NO. 23-083

A Resolution Authorizing the Town Manager to File a Commitment with the Colorado Department of Local Affairs Pursuant to Proposition 123 and State Law, and Acknowledging the Town's Commitment to a Regional Partnership with Douglas County Jurisdictions

Department: Town Council

The Colorado Division of Local Affairs (DOLA) has begun implementation of Proposition 123. Proposition 123 has recently been amended to allow funding and implementation of affordable housing activities through a regional, multi-jurisdictional approach. The Douglas County Housing Partnership (DCHP's) has proposed a regional approach to Proposition 123 that includes all local government members of DCHP including the Town of Parker. The Town would benefit from participation in DCHP's Proposition 123 initiative through increased funding to support affordable housing activities including down payment assistance, greater home ownership opportunities and funding for homelessness programs.

In order to participate in DCHP's Proposition 123 initiative, the Town must prepare and file a Proposition 123 Commitment with DOLA by November 1, 2023. The Town will also work with DCHP and Douglas County jurisdictions to prepare an Intergovernmental Agreement (IGA) to memorialize their commitment to activities that support affordable housing opportunities, increase affordable housing units, and establish a method of distributing affordable housing credits in excess of each jurisdiction's baseline commitments. Staff will schedule the IGA for Town Council consideration when it is ready.

Public Comments: None.

Brandi Wilks moved to approve Resolution No. 23-083.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak - yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

NEWLIN CROSSING TOWNHOMES SKETCH AND PRELIMINARY PLAN

Applicant: Lennar Colorado, L.L.C. and PCS Group

Location: 4241 E. Mainstreet

Department: Community Development, Julia Duncan

TRAKiT No.: SUB-21-057 & SUB21-058

Mayor Toborg opened the Public Hearing at 7:37 p.m.

The applicant, Lennar Colorado, L.L.C., has submitted a Sketch and Preliminary Plan application for future residential use of a portion of the Newlin Crossing Planned Development (PD) for future residential use. The applicant proposes to layout 96 lots for the development of attached single-family townhomes, 3.87 acres of open space, and associated improvements. The Newlin Crossing PD is located at the northeast corner of the intersection of Mainstreet and Chambers Road and the subject property is within the PD to the east of Newlin Gulch with frontage on Mainstreet.

On September 14, 2023, the Planning Commission unanimously recommended the Town Council approve the Sketch and Preliminary Plans, and staff concurred with this recommendation.

Allen Cunningham, Denver, made a presentation on behalf of the applicant and answered questions of Council.

Public Comments: None.

Mayor Toborg closed the Public Hearing at 7:57 p.m.

Anne Barrington moved to approve the Sketch Plan, based on staff findings, contained in the staff report.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

Anne Barrington moved to approve the Preliminary Plan, based on staff findings, contained in the staff report.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

CONTRACTS OVER \$500,000

A. Lemon Gulch Trail Improvements

Amount:	\$2,489,041
Contractor:	Jalisco International, Inc.
Department:	Engineering and Public Works, Michael Grabczyk Parks, Recreation, and Open Space, Brett Collins

The Lemon Gulch Trail Improvements (CIP22-035) will connect the Lemon Gulch Trail to the Cherry Creek Regional Trail at Stroh Soccer Park. Included with the improvements will be approximately 2,700 linear feet of trail, a 2,000 square yard sculpted concrete drop structure, earthwork, rip-rap, erosion control, and additional trail related improvements.

Three (3) contractors bid on the project, with Jalisco International, Inc. being the lowest responsible bidder. The contractor successfully completed the Mainstreet North Sidewalk Improvements this year as well as the resurfacing of Bradbury Ranch Drive and other roadways. Town staff recommended moving forward with the contract award in the amount of \$2,489,041.

Public Comments: None.

Laura Hefta moved to approve the staff recommendation as part of the regular agenda.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

B. O'Brien Park Streetscape Construction Contract (Continued from September 18, 2023)

Amount: \$616,504.27
Contractor: Sabell's Civil and Landscape, LLC
Department: Parks, Recreation and Open Space, Brett Collins

This item was for the award of a \$536,091.27 Trade Contractor Agreement with Sabell's Civil and Landscape, LLC, for the O'Brien Park Streetscape Project (CIP23-029-CI) and approval of a \$80,413 (15%) contingency for unanticipated project costs. The item was continued from the September 18, 2023, Town Council meeting. Staff recommended that the Town Council award a construction contract to Sabell's Civil and Landscape, LLC and approve a 15% contingency.

Public Comments: None.

Anne Barrington moved to approve the staff recommendation as a part of the regular agenda.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes
Anne Barrington - yes
Todd Hendreks - yes
John Diak - yes
Brandi Wilks - yes
Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

Joshua Rivero moved to adjourn the meeting at 8:12 p.m.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Anne Barrington - yes

Todd Hendreks - yes

John Diak -yes

Brandi Wilks - yes

Laura Hefta - yes

The motion was approved unanimously.

Susan L. Irvine, Deputy Town Clerk

Jeff Toborg, Mayor



Request for Town Council Action

Date: October 16, 2023

Submitted By: Kristin Hoffmann, Town Attorney

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 13.111.1 - First Reading**
A Bill for an Ordinance Approving the Exclusion of Certain Property
From the Boundaries of the Downtown Parker Business Improvement
District and Making Findings Related Thereto
Department: Town Attorney, Kristin Hoffmann
Second Reading: November 6, 2023

EXECUTIVE SUMMARY

This ordinance excludes certain property from the Downtown Parker Business Improvement District.

STAFF RECOMMENDATION

None.

BACKGROUND/DISCUSSION

On September 25, 2023, a petition for exclusion from the Downtown Parker Business Improvement District (the “District”) was filed with the Town. On October 2, 2023, the Town Council adopted a resolution setting the public hearing date for November 6, 2023.

Exclusion of property from the boundaries of a business improvement district is initiated through the filing of a petition by the owners of the proposed property, requesting that the property be excluded from the District. The property owned by the petitioners, and sought to be excluded from the District, is described in the attached petition and ordinance. The Town Clerk caused notice of the filing of the petition to be given and published. The notice informed all persons having objections to appear at the hearing and show cause why the petition should not be granted.

The Town Council, at the hearing on November 6, 2023, shall hear the petition and all objections that may be presented by any person showing cause why the petition should not be granted. The failure of any interested person to show cause shall be deemed an assent to the exclusion of the property.

If the change of boundaries of the District does not adversely affect the District and if the petition is granted, the governing body shall adopt an ordinance and file a certified copy with the county clerk and recorder. The property shall then be excluded from the District.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Petition for Exclusion
2. Ordinance No. 13.111.1

RECOMMENDED MOTION

I move to approve Ordinance No. 13.111.1 on first reading and to schedule second reading for November 6, 2023, as part of the consent agenda.

**PETITION FOR EXCLUSION OF PROPERTY
FROM
DOWNTOWN PARKER BUSINESS IMPROVEMENT DISTRICT**

TO: Town Council, Town of Parker, Colorado.

The undersigned, BONBECK PARKER LLC, a Colorado limited liability company, hereby respectfully petitions the Town Council of the Town of Parker in accordance with the provisions of Sections 31-25-1208 and -1220, C.R.S., for the exclusion of the hereinafter described property from the Downtown Parker Business Improvement District (the "District").

The undersigned hereby requests that the property described in **Exhibit A**, which is attached hereto and incorporated herein (the "Property"), be excluded from the District, that an Ordinance be adopted by the Town Council excluding the Property from the District, and that from and after the entry of such Ordinance, the Property shall be free and clear of any contract, obligation, lien, or charge to which it may be liable as a part of the District.

The undersigned represents to the Town Council that it is the owner of the Property, and that no other persons, entity or entities own an interest in the Property.

The legal description of said property situated in the Town of Parker, County of Douglas, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

[Signature page to follow]

**PETITIONER:
BONBECK PARKER LLC**

By: 

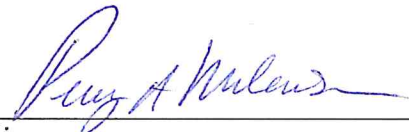
Name: Michael L. Becky, Manager

Petitioner's Street Address: 7844 S Magnolia Way, Centennial, CO 80112

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this 19th day of September, 2023, by Michael. L Becky as Manager of Bonbeck Parker LLC, a Colorado limited liability company, Petitioner.

Witness my hand and official seal.


Notary Public

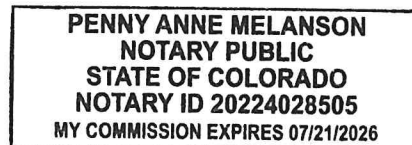


EXHIBIT A
Petition for Exclusion
Legal Description

PT LOT 3 REPLAT OF PARKER CENTRAL AREA #5 0.954 AM/L

Account #:
R0372673
State Parcel #:
2233-221-06-008

ORDINANCE NO. 13.111.1, Series of 2023

TITLE: A BILL FOR AN ORDINANCE APPROVING THE EXCLUSION OF CERTAIN PROPERTY FROM THE BOUNDARIES OF THE DOWNTOWN PARKER BUSINESS IMPROVEMENT DISTRICT AND MAKING FINDINGS RELATED THERETO

WHEREAS, by Ordinance No. 13.111, Series of 2023, adopted by the Town Council (the “Town Council”) of the Town of Parker (the “Town”) on August 21, 2023, the Town Council approved the organization and creation of the Downtown Parker Business Improvement District (the “BID”); and

WHEREAS, a petition for exclusion of certain property from the boundaries of the BID (the “Petition”) was filed with the Town Clerk on September 25, 2023; and

WHEREAS, the Petition sets forth, among other things:

- (a) the name of the owner of the property proposed to be excluded;
- (b) a description of the boundaries of the property proposed to be excluded;
- (c) a request that Town Council approve such exclusion; and

WHEREAS, if required, the Petition was to be filed with a cash deposit in such amount determined sufficient to cover all municipal expenses associated with these proceedings; and

WHEREAS, the Town Clerk verified the owner of the property proposed to be excluded and caused notice of the filing of the Petition to be given and published, and the date of the public hearing; and

WHEREAS, such notice informed all persons having objections to such exclusion to appear at the time and place of the public hearing and show cause as to why the petition should not be granted.

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

Section 1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. That following a duly noticed and held public hearing and upon consideration of a recommendation that an ordinance be enacted excluding certain property from the BID, the Town Council finds:

- (a) That the Petition was filed in the Office of the Town Clerk of the Town of Parker, on the 25th day of September, 2023, by the owner of the property proposed to be excluded;

(b) That Town Council has heretofore fixed a place and time for a hearing on the Petition, which hearing was scheduled for Monday, November 6, 2023, at 7:00 p.m., to be held at Parker Town Hall, 20120 E. Mainstreet, Parker, Colorado, 80138;

(c) That notice of such hearing was duly published and given as required by Section 31-25-1220, C.R.S;

(d) That the Town Council heard the Petition and all objections thereto which were presented by any person showing cause as to why said Petition should not be granted;

(e) That the exclusion of said property from the boundaries of the BID does not adversely affect the BID.

Section 3. The Town Council hereby orders that said property be excluded from the boundaries of the BID.

Section 4. This ordinance approving the exclusion of such property from the boundaries of the BID shall be filed with the County Clerk and Recorder and thereupon said property shall be excluded from the BID.

Section 5. The actions of the Town Clerk in providing public notice of the public hearing on the sufficiency of the Petition and her other actions in furtherance hereof are hereby ratified and confirmed.

Section 6. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed, except that this section shall not be construed so as to revive any act, order, resolution, or ordinance, or part thereof previously repealed.

Section 7. This Ordinance shall be recorded in the records of the Clerk and Recorder for Douglas County, Colorado.

Section 8. 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 9. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

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

INTRODUCED AND PASSED ON FIRST READING this _____ day of October, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this _____ day of November, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT A

**Legal Description of the Area to be Excluded from the Boundaries of the
Downtown Parker Business Improvement District**

Owner Name	Street Address	Legal Description	Parcel No.
BONBECK PARKER LLC	11000 S PARKER RD 105	PT LOT 3 REPLAT OF PARKER CENTRAL AREA #5 0.954 AM/L	2233-221-06-008



Request for Town Council Action

Date: October 16, 2023

Submitted By: Michael Walton, Deputy Traffic Engineer

Reviewed By: Michelle Kivela, Town Manager

Title: **RESOLUTION NO. 23-086**
A Resolution Approving the Release of the Slope Easement By and Between KPS Retail, LLC, and the Town of Parker Concerning Lot 2, Vantage Point Subdivision Filing No. 1, 1st Amendment

Department: Engineering and Public Works, Michael Walton

EXECUTIVE SUMMARY

The purpose of this resolution is to release a slope easement that was previously granted to provide support for Kings Point Way. The development of the adjacent property negates the need for the slope easement.

STAFF RECOMMENDATION

Approve with Conditions

BACKGROUND/DISCUSSION

The Town's roadway criterion requires that slope easements be dedicated over slopes which must be maintained at their current grade to ensure roadway stability of current or future proposed roadway alignments. Slope easements were obtained from the owner of Lot 2 Vantage Point Subdivision Filing 1, KPS Retail, to accommodate the construction of Kings Point Way.

The Engineering Department has reviewed and approved the construction plans associated with the development of Lot 2. The proposed grading of this lot will ensure the long-term stability of the roadway slope contained within the slope easement. Therefore, the slope easement is no longer necessary and can be released. A condition to this vacation is that the site plan and grading permit are approved to ensure the project moves forward with the approved grading, which will negate the need for the slope easement.

FINANCIAL IMPACT

The original slope easement was dedicated to the Town at no cost, so no reimbursement is being proposed. No financial impact anticipated to the Town.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. Resolution No. 23-086

RECOMMENDED MOTION

I move to approve Resolution No. 23-048, as part of the consent agenda.

Kings Point Vicinity Map



Stormwater

- | | | |
|---------------------|------------------------------|----------------------------|
| Inlet | Storm Pipe | Drop or Check |
| Inlet - by Others | Storm Pipe - by Others | Drop or Check - by Others |
| Outfall | Culvert | Streams |
| Outfall - by Others | Culvert - by Others | Pond |
| Manhole | Channel or Swale | Pond - by Others |
| Manhole - by Others | Channel or Swale - by Others | Retention Pond |
| | | Retention Pond - by Others |

Other Features

- | |
|----------------------------|
| Floodway |
| 100 Year Floodplain |
| Riparian Conservation Zone |
| Maintenance Regions |
| Town Boundary |

* Layers displayed in the map image are dependent on active layers at the time of print and may not reflect all layers shown in this legend.

RESOLUTION NO. 23-086, Series of 2023

TITLE: A RESOLUTION APPROVING THE RELEASE OF THE SLOPE EASEMENT BY AND BETWEEN KPS RETAIL, LLC, AND THE TOWN OF PARKER CONCERNING LOT 2, VANTAGE POINT SUBDIVISION FILING NO. 1, 1st AMENDMENT

WHEREAS, the Town and KPS Retail, LLC (the “Grantor”), entered into a slope easement on June 7, 2019, which was recorded at Reception No. 2019034597 of the Douglas County Clerk and Recorder’s Office (the “Slope Easement”);

WHEREAS, Grantor requested the release of the Slope Easement, subject to site plan approval and the issuing of a grading permit; and

WHEREAS, the Town desires to release the Slope Easement, subject to the conditions described below.

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

Section 1. The Town Council of the Town of Parker hereby approves the release of the Slope Easement, which is attached hereto as **Exhibit 1** and incorporated by this reference.

Section 2. This Resolution shall go into effect upon the Grantor obtaining Site Plan approval and a grading permit for the project.

Section 3. The Town Council directs the Town Clerk to record this Resolution with the Douglas County Clerk and Recorder, when this Resolution goes into effect.

RESOLVED AND PASSED this ____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

SLOPE EASEMENT

THIS SLOPE EASEMENT, made this 7 day of JUNE, 2019, between KPS RETAIL, LLC, a Colorado limited liability company, whose legal address is 50 Glenmoor Circle, Englewood, Colorado 80113 (the "Grantor"), and the TOWN OF PARKER, a Colorado home rule municipality, whose legal address is 20120 E. Mainstreet, Parker, Colorado 80138 (the "Grantee").

THE GRANTOR, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns forever, a perpetual easement over, across and on, the following described real property located in the County of Douglas, State of Colorado, and described as follows:

(See attached Exhibit "A")

Said easement is for the purpose of providing and maintaining (1) a proper sight distance and line of sight, (2) lateral support, and (3) proper drainage grade, as determined by the Parker Public Works Department, for a public roadway, road shoulder and attendant road improvements and construction. Grantee, its successors, contractors or assigns, and their agents and employees shall have full right to enter at all times upon said premises to survey, construct, repair, remove, replace, reconstruct, inspect, improve and maintain a suitable slope or grade which will provide the above mentioned proper sight distance and line of sight, lateral support, and proper drainage grade.

Grantor retains the right to use said property for any and all purposes which will not interfere with the Grantee's full use and enjoyment of the rights acquired herein. Provided, however, Grantor or his successors, assigns and subsequent Grantees, will not use or improve said property or grant any easements upon, over, across or under said property without first obtaining the written consent of the Grantee. Such consent will not be unreasonably withheld provided that the sight distance and line of sight, lateral support and proper drainage grade necessary for the roadway and its attendant facilities, as determined by the Grantee, is maintained.

Grantor for himself, his successors and assigns, does covenant, grant, bargain and agree with the Grantee, its successors and assigns, that at the time of the signing and delivery of this easement, he is well seized of the property on which the easement above conveyed is located, and has good, sure, perfect, absolute and indefeasible estate, in law, in fee simple and has good right, full power and lawful authority to grant, bargain, sell and convey the above easement in the manner and form set forth above, and that the property is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever.

Grantor and Grantee agree that this Easement may be released by Grantee upon the construction of an approved development on the Easement Property which provides the necessary adjacent support and protection of Kings Point Way that is created by this Easement.

The Grantor shall and will warrant and forever defend the above bargained easement in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof.

SLOPE EASEMENT

THIS SLOPE EASEMENT, made this 7 day of JUNE, 2019, between KPS RETAIL, LLC, a Colorado limited liability company, whose legal address is 50 Glenmoor Circle, Englewood, Colorado 80113 (the "Grantor"), and the TOWN OF PARKER, a Colorado home rule municipality, whose legal address is 20120 E. Mainstreet, Parker, Colorado 80138 (the "Grantee").

THE GRANTOR, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns forever, a perpetual easement over, across and on, the following described real property located in the County of Douglas, State of Colorado, and described as follows:

(See attached Exhibit "A")

Said easement is for the purpose of providing and maintaining (1) a proper sight distance and line of sight, (2) lateral support, and (3) proper drainage grade, as determined by the Parker Public Works Department, for a public roadway, road shoulder and attendant road improvements and construction. Grantee, its successors, contractors or assigns, and their agents and employees shall have full right to enter at all times upon said premises to survey, construct, repair, remove, replace, reconstruct, inspect, improve and maintain a suitable slope or grade which will provide the above mentioned proper sight distance and line of sight, lateral support, and proper drainage grade.

Grantor retains the right to use said property for any and all purposes which will not interfere with the Grantee's full use and enjoyment of the rights acquired herein. Provided, however, Grantor or his successors, assigns and subsequent Grantees, will not use or improve said property or grant any easements upon, over, across or under said property without first obtaining the written consent of the Grantee. Such consent will not be unreasonably withheld provided that the sight distance and line of sight, lateral support and proper drainage grade necessary for the roadway and its attendant facilities, as determined by the Grantee, is maintained.

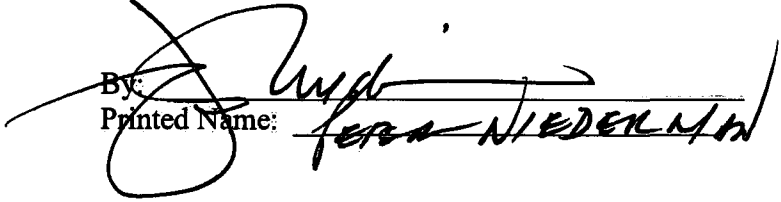
Grantor for himself, his successors and assigns, does covenant, grant, bargain and agree with the Grantee, its successors and assigns, that at the time of the signing and delivery of this easement, he is well seized of the property on which the easement above conveyed is located, and has good, sure, perfect, absolute and indefeasible estate, in law, in fee simple and has good right, full power and lawful authority to grant, bargain, sell and convey the above easement in the manner and form set forth above, and that the property is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever.

Grantor and Grantee agree that this Easement may be released by Grantee upon the construction of an approved development on the Easement Property which provides the necessary subjacent support and protection of Kings Point Way that is created by this Easement.

The Grantor shall and will warrant and forever defend the above bargained easement in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused his name to be subscribed hereto, the day and year first written above.

**GRANTOR: KPS RETAIL, LLC, a Colorado
limited liability company**

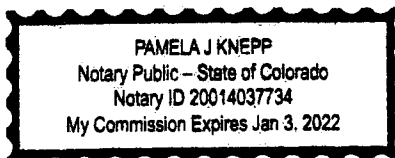
By: 
Printed Name: Peter NEDERMAN

STATE OF COLORADO)
) ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 7th day of JUNE, 2019, by Peter Nederman as Manager of KPS Retail, LLC.

My commission expires: 1/3/22

WITNESS my hand and official seal.

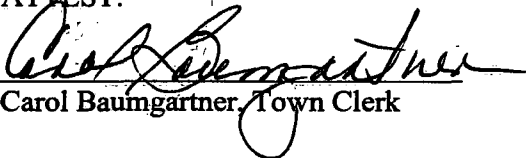



Notary Public

TOWN OF PARKER, COLORADO


Mike Waid, Mayor

ATTEST:


Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

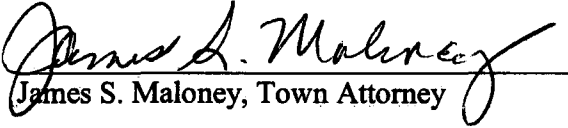

James S. Maloney, Town Attorney

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF LOT 2, VANTAGE POINT SUBDIVISION FILING NO. 1, 1ST AMENDMENT, RECORDED AT RECEPTION NO. 2016034965, IN THE RECORDS OF THE DOUGLAS COUNTY, COLORADO, CLERK AND RECORDERS, LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF PARKER, SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 4, WHENCE THE NORTHEAST CORNER OF SAID SECTION 4 BEARS NORTH 00°07'08" WEST, A DISTANCE OF 2,594.46 FEET;

THENCE NORTH 26°13'33" WEST, A DISTANCE OF 110.22 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2,888.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 08°29'45" WEST AND THE **POINT OF BEGINNING**;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°20'27", AN ARC LENGTH OF 17.19 FEET;

THENCE NORTH 00°07'08" WEST, A DISTANCE OF 41.33 FEET;

THENCE NORTH 08°43'21" EAST, A DISTANCE OF 126.42 FEET;

THENCE NORTH 08°30'58" EAST, A DISTANCE OF 36.53 FEET;

THENCE NORTH 11°49'57" EAST, A DISTANCE OF 2.83 FEET TO THE EASTERLY BOUNDARY OF SAID LOT 2;

THENCE ALONG SAID EASTERLY BOUNDARY, SOUTH 00°07'08" EAST, A DISTANCE OF 65.64 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 822.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 81°52'20" EAST;

THENCE DEPARTING SAID EASTERLY BOUNDARY, SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°14'49", AN ARC LENGTH OF 118.31 FEET;

THENCE SOUTH 00°07'08" EAST, A DISTANCE OF 24.10 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.053 ACRES, (2,316 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



GERALD E. BOYSEN JR., PLS 32428
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898

ILLUSTRATION TO EXHIBIT A

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	0°20'27"	2888.00'	17.19'
C2	8°14'49"	822.00'	118.31'

NE 1/4 SEC. 4,
T.6S., R.66W.,
SIXTH P.M.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°07'08"W	41.33'
L2	N08°43'21"E	126.42'
L3	N08°30'58"E	36.53'
L4	N11°49'57"E	2.83'
L5	S00°07'08"E	65.64'
L6	S00°07'08"E	24.10'

LOT 2
VANTAGE POINT
SUBDIVISION
FILING NO.
1, 1ST
AMENDMENT
REC. NO.
2016034965

TRACT C - VANTAGE POINT SUBDIVISION
REC. NO. 2015009596
N00°07'08"W 2594.46'
EAST LINE NE 1/4 SECTION 4
(BASIS OF BEARINGS)

OWNER:
TOWN
OF
PARKER
REC.
NO.
2016072202

UNPLATTED

NW 1/4 SEC. 3,
T.6S., R.66W.,
SIXTH P.M.

OWNER:
DOUGLAS COUNTY ASSOCIATES
LP C/O BILL MOORE
1900 16TH ST STE 300
DENVER, CO 80202

PARCEL CONTAINS
2,316 (SQ.FT.)
0.053 ACRES
MORE OR LESS

OWNER:
KPS RETAIL LLC
50 GLENMOOR CIR
ENGLEWOOD, CO
80113

POINT OF
BEGINNING

OWNER:
TOWN OF PARKER
PER PLAT REC. NO.
2015009596

N26°13'33"W
110.22' (TIE)

0' 50' 100' 200'
SCALE: 1" = 100'

COTTONWOOD
DRIVE

POINT OF
COMMENCEMENT

E1/4 CORNER OF SECTION 4,
T6S, R66W, SIXTH PM

NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH:
DWG NAME: SLOPE EASEMENT
DWG: RDR CHK: GEB
DATE: 05-28-2019
SCALE: 1" = 100'

AZTEC
CONSULTANTS, INC.

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

Q:\24918-10 - Prop Kings Point Way - L2 VPS F1, 1st Amd L&E\DWG\EXHIBITS

EXHIBIT A

NE1/4 S4, T6S, R66W, SIXTH PM.
PARKER, COLORADO

JOB NUMBER 24918-10

2 OF 2 SHEETS



Request for Town Council Action

Date: October 16, 2023

Submitted By: Michael Walton, Deputy Traffic Engineer

Reviewed By: Michelle Kivela, Town Manager

Title: **RESOLUTION NO. 23-087**
A Resolution Accepting the Conveyance of a Drainage Easement from Kaiser Foundation Health Plan of Colorado for a Portion of Lot 3, Pine Bluffs Filing No. 4

Department: Engineering and Public Works, Michael Walton

EXECUTIVE SUMMARY

This resolution accepts the conveyance of a drainage easement covering onsite drainage improvements proposed with the site plan for Pine Bluffs F4 L2 - Kaiser Permanente.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town's Stormwater criterion requires that drainage easements be dedicated over all storm drainage facilities located on private property. The drainage easements are necessary to ensure the long-term operation and maintenance of drainage infrastructure to minimize flooding and protect the quality of stormwater runoff.

The Engineering Department has reviewed and approved the construction drawings for the drainage facilities associated with an approved site plan for Pine Bluffs F4 L2 - Kaiser Permanente. This site plan requires onsite drainage infrastructure which was not originally assumed with the replat of the property. Since the drainage facilities are being constructed as part of a site plan process, and not a plat, the easements need to be dedicated by a separate instrument.

FINANCIAL IMPACT

As the drainage improvements proposed within the easement will be the maintenance responsibility of the property owner, there is no financial impact on the Town.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Vicinity Map
2. Resolution No 23-087

RECOMMENDED MOTION

I move to approve Resolution No. 23-087, as part of the consent agenda.

Kaiser Vicinity Map



Stormwater

- Inlet
- Inlet - by Others
- Outfall
- Outfall - by Others
- Manhole
- Manhole - by Others
- Storm Pipe
- Storm Pipe - by Others
- Culvert
- Culvert - by Others
- Channel or Swale
- Channel or Swale - by Others

- Drop or Check
- Drop or Check - by Others
- Streams
- Pond
- Pond - by Others
- Retention Pond
- Retention Pond - by Others

Other Features

- Floodway
- 100 Year Floodplain
- Riparian Conservation Zone
- Maintenance Regions
- Town Boundary

* Layers displayed in the map image are dependent on active layers at the time of print and may not reflect all layers shown in this legend.

RESOLUTION NO. 23-087, Series of 2023

TITLE: A RESOLUTION ACCEPTING THE CONVEYANCE OF A DRAINAGE EASEMENT FROM KAISER FOUNDATION HEALTH PLAN OF COLORADO FOR A PORTION OF LOT 3, PINE BLUFFS FILING NO. 4

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities;

WHEREAS, Section 1.06.010 of the Town of Parker Municipal Code requires the acceptance of a conveyance of real property to the Town be effectuated by resolution; and

WHEREAS, the Town Council of the Town of Parker desires to accept the grant of an easement specified hereinbelow to the Town by this Resolution.

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

Section 1. The Town Council of the Town of Parker hereby accepts the conveyance of certain property interests for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities from Kaiser Foundation Health Plan of Colorado, for a Portion of Lot 3, Pine Bluffs Filing No. 4, as provided in the Drainage Easement Agreement attached as **Exhibit 1** and incorporated by this reference, and authorizes the Mayor of the Town to enter into the Agreement on behalf of the Town.

RESOLVED AND PASSED this ____ day of _____, 2023.

TOWN OF PARKER, COLORADO

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

EXHIBIT 1

DRAINAGE EASEMENT AGREEMENT

THIS DRAINAGE EASEMENT AGREEMENT (the "Easement Agreement") is made this ____ day of _____, 2023, by and between Kaiser Foundation Health Plan of Colorado, having an address of One Kaiser Plaza, Oakland, California 94612 ("Grantor"), and the Town of Parker, a Colorado home rule municipality, having an address of 20120 East Mainstreet, Parker, Colorado 80138 ("Grantee").

RECITALS

A. Grantor constructed a drainage pipe and appurtenant drainage facilities (the "Drainage Facilities") within its privately-owned property.

B. Pursuant to Section 4.08.090(b) of the Parker Municipal Code, the Grantor is responsible for the maintenance of the Drainage Facilities. However, the Grantee may choose to maintain the Drainage Facilities if the Grantor fails to do so in order to protect the public health, safety, and welfare from stormwater runoff damage.

C. Grantee desires to acquire an easement for the purpose of the maintenance of the Drainage Facilities on and through the property more particularly described and depicted in **Exhibit A** ("Easement Property"), attached hereto and incorporated herein by this reference; and

D. Grantor is willing to grant an easement to Grantee for the aforesaid purposes on the terms and conditions set forth hereinbelow.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration by Grantee to Grantor, the covenants of Grantee herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of Easement. Grantor does hereby grant and convey unto Grantee, its successors, assigns, lessees, licensees and agents, an easement under and through the Easement Property, for the purpose of providing the maintenance of the Drainage Facilities. Subject to the terms of this Easement Agreement, Grantee shall also have the specific rights of ingress and egress for the construction, reconstruction, operation and maintenance of a drainage pipe and appurtenant drainage facilities; additionally, Grantee shall have the right to remove impediments to operation and maintenance of the Easement Property such as trees, asphalt and sidewalks. Grantee further agrees to coordinate all construction, reconstruction, operation, maintenance, removal and any other activities which disturb the Easement Property with Grantor so as to minimize any disruption to Grantor's property.

2. Unencumbered Title. Grantor warrants that the Easement Property is free and clear of all liens and encumbrances that could have any impact on the easement granted to the Grantee by this Agreement.

3. Operation and Maintenance.

a. The operation and maintenance of the Drainage Facilities described herein and located within the Easement Property shall be the responsibility of the Grantor; provided, however, that Grantee shall have the right to maintain the Drainage Facilities in the event Grantee, in its sole discretion, determines to enter the Easement Property for the operation and/or maintenance of the Drainage Facilities as set forth in subsection b. hereinbelow. The Grantor acknowledges and agrees that the Grantee has the right to enter the Easement Property to maintain and operate the Drainage Facilities covered by Chapter 4.08 of the Parker Municipal Code or to maintain and operate the Drainage Facilities in the manner described herein.

b. If Grantor fails to adequately maintain the Drainage Facilities located within the Easement Property, and the Grantor (i) fails to correct the maintenance problem within fourteen (14) days after the date of written notice from Grantee (the "Correction Period"); or (ii) fails to begin to clean, cure or correct such problem within fourteen (14) days after receipt of notice if such problem cannot be reasonably cleaned, cured or corrected within the Correction Period, and fails to diligently prosecute such cleaning, cure or correction to completion, then Grantee may correct the maintenance problem as provided herein. Notwithstanding the foregoing, Grantee may, in the event of an emergency, as determined by Grantee in its sole discretion, clean, cure or correct any damage caused by Grantor's failure to adequately maintain the Drainage Facilities located within the Easement Property. The Grantor shall reimburse the Grantee for the cost of such maintenance to the extent that (i) the Drainage Facilities and/or the type of maintenance performed by Grantee are not covered by Chapter 4.08 of the Parker Municipal Code, as amended, or (ii) if the Drainage Facilities and/or the type of maintenance performed by the Grantee is covered by Chapter 4.08 of the Parker Municipal Code, as amended, and the Grantee determines in its sole discretion that there are not sufficient funds available for such maintenance. If Grantor fails to reimburse Grantee for the cost of such maintenance, within thirty (30) days after receipt of an invoice from Grantee describing the corrective or maintenance action taken, the unpaid amount shall constitute a lien on the Easement Property until paid in full, with priority over all other liens, except general tax liens, which liens shall be certified to the Douglas County Treasurer and collected in the same manner as other taxes are collected. Grantor further agrees that Grantee may also pursue any and all other remedies available at law or in equity.

4. Grantor Defined. The word "Grantor" as used herein, whenever the context requires or permits, shall include the heirs, personal representatives, beneficiaries, successors, grantees and assigns of the owners of the land through which the easement runs, or the respective owners from time to time of portions thereof. The burdens and benefits of this Easement Agreement shall be deemed covenants running with the real property identified on **Exhibit A**. Notwithstanding any contrary provision in this Easement Agreement, however, any obligation under this Easement Agreement which is to be performed by the owner of any land which is burdened by this Easement Agreement shall be enforceable only against the then owner of such land, and not against any such owner's predecessors in interest.

5. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor, and its successors and assigns, as follows:

a. Grantee shall protect the Easement Property, and the adjacent lands of Grantor over which Grantee has rights of ingress and egress, from damage caused, in whole or in part, by acts

or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents.

b. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource, Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act, and any amendments thereto, to be dumped, spilled, released, permanently stored or deposited on, over or beneath the Easement Property or any other lands owned by Grantor.

6. Retained Rights. Grantor shall have all rights to the Easement Property not granted hereby.

7. Miscellaneous.

a. Except as otherwise expressly provided herein, all provisions herein contained, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

b. This easement constitutes all of the agreements, understandings and promises between the parties hereto, with respect to the subject matter hereof.

c. This easement shall be of no force and effect until this easement is duly and validly executed by all parties hereto.

[Remainder of the page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the date and year first above written.

**GRANTOR: KAISER FOUNDATION
HEALTH PLAN OF COLORADO**



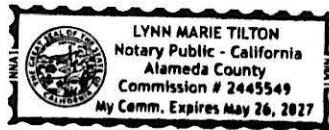
Ethan M Sullivan, Interim Vice President, Real
Estate Acquisition

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

The foregoing instrument was acknowledged before me this 29 day of September, 2023, by Terry J. Wood, as Vice President, Real Estate Acquisition, Kaiser Foundation Health Plan of Colorado.

My commission expires: 5/26/27

(S E A L)


Notary Public

GRANTEE: TOWN OF PARKER

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

**TOWN OF PARKER DRAINAGE EASEMENT
EXHIBIT "A"**

PAGE 1 OF 3

A PARCEL OF LAND BEING A PORTION OF LOT 3, PINE BLUFFS FILING NO. 4, RECEPTION NO. 2006048163, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE NORTHWESTERLY LINE OF SAID LOT 3, BEARING NORTH 04°28'12" EAST, A DISTANCE OF 178.87 FEET AS SHOWN ON THE PLAT THEREOF BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

-THE NORTHWEST CORNER OF SAID LOT 3 BEING A FOUND 1" BRASS DISK, PLS 38035.

-THE SOUTHERLY END OF SAID NORTHWESTERLY LINE BEING A FOUND #5 REBAR AND 1.5" BLUE PLASTIC CAP, PLS 38035.

COMMENCING AT SAID NORTHWEST CORNER OF SAID LOT 3;

THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 04°28'12" WEST, A DISTANCE OF 31.27 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 32.24 FEET;

THENCE SOUTH 21°43'17" EAST, A DISTANCE OF 92.66 FEET;

THENCE SOUTH 21°47'14" WEST, A DISTANCE OF 40.13 FEET;

THENCE SOUTH 22°54'54" EAST, A DISTANCE OF 111.37 FEET;

THENCE SOUTH 25°51'05" EAST, A DISTANCE OF 114.03 FEET;

THENCE NORTH 63°28'53" EAST, A DISTANCE OF 51.63 FEET;

THENCE SOUTH 41°06'42" EAST, A DISTANCE OF 49.31 FEET;

THENCE SOUTH 45°39'19" EAST, A DISTANCE OF 13.20 FEET;

THENCE NORTH 48°53'18" EAST, A DISTANCE OF 127.32 FEET;

THENCE SOUTH 59°25'55" EAST, A DISTANCE OF 32.52 FEET;

THENCE NORTH 63°30'12" EAST, A DISTANCE OF 50.76 FEET;

THENCE SOUTH 26°29'48" EAST, A DISTANCE OF 25.00 FEET;

THENCE SOUTH 63°30'12" WEST, A DISTANCE OF 64.35 FEET;

THENCE NORTH 59°25'55" WEST, A DISTANCE OF 28.06 FEET;

THENCE SOUTH 48°53'18" WEST, A DISTANCE OF 132.35 FEET;

THENCE NORTH 45°39'19" WEST, A DISTANCE OF 27.45 FEET;

THENCE SOUTH 47°25'04" WEST, A DISTANCE OF 30.62 FEET;

THENCE NORTH 41°06'51" WEST, A DISTANCE OF 20.01 FEET;

THENCE NORTH 47°25'04" EAST, A DISTANCE OF 29.84 FEET;

THENCE NORTH 41°06'42" WEST, A DISTANCE OF 20.80 FEET;

THENCE SOUTH 63°28'53" WEST, A DISTANCE OF 57.60 FEET;

THENCE NORTH 25°51'05" WEST, A DISTANCE OF 129.78 FEET;

THENCE SOUTH 64°44'31" WEST, A DISTANCE OF 11.61 FEET;

THENCE NORTH 25°51'10" WEST, A DISTANCE OF 20.00 FEET;

THENCE NORTH 64°44'31" EAST, A DISTANCE OF 12.11 FEET;

THENCE NORTH 22°54'54" WEST, A DISTANCE OF 112.47 FEET;

THENCE NORTH 21°47'14" EAST, A DISTANCE OF 40.44 FEET;

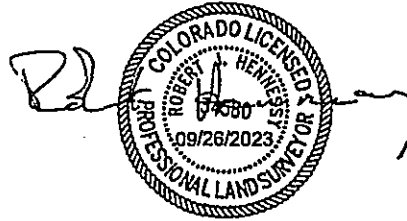
THENCE NORTH 21°43'17" WEST, A DISTANCE OF 65.73 FEET;

THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 17.24 FEET TO SAID NORTHWESTERLY LINE;

THENCE ALONG SAID NORTHWESTERLY LINE NORTH 04°28'12" EAST, A
DISTANCE OF 25.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,979 SQUARE FEET OR 0.436 ACRES, MORE OR LESS.

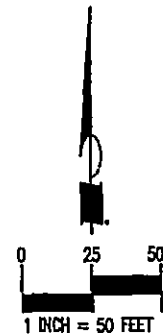
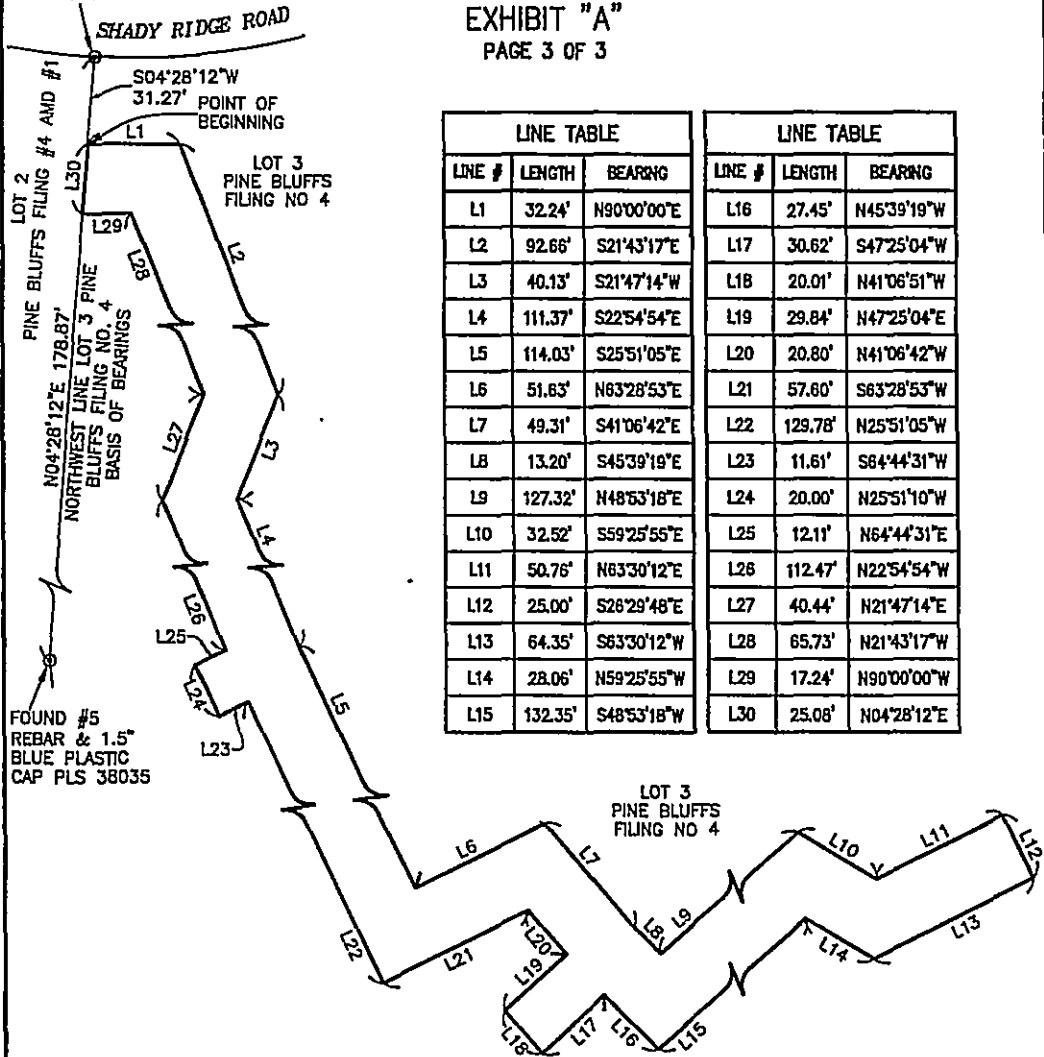
I, ROBERT J. HENNESSY, A SURVEYOR LICENSED IN THE STATE OF COLORADO,
DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION AND CHECKING.



ROBERT J. HENNESSY, PLS NO. 34580 DATE
FOR AND ON BEHALF OF RICK ENGINEERING CO.
5690 WEBSTER STREET, ARVADA, CO. 80002
\\CPRICKENG.COM\PROJECTS\DO2000\2365_PARKERRREPLACEMENT\MOBISURVEY\EXHIBITS\STORM SEWER
EASEMENT LEGAL.DOCX

FOUND 1" BRASS
DISK PLS 38035
POINT OF
COMMENCEMENT

TOWN OF PARKER DRAINAGE EASEMENT EXHIBIT "A" PAGE 3 OF 3



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED LEGAL DESCRIPTION.

RICK ENGINEERING COMPANY	LOCATION: A PORTION OF THE SE 1/4 OF SECTION 27, TOWNSHIP 6 SOUTH, RANGE 66 WEST 6TH P.M. TOWN OF PARKER, COUNTY OF DOUGLAS, STATE OF COLORADO	
	0.436 ACRES±	TITLE: STORM SEWER EASEMENT
	SCALE: 1" = 50'	REVISED: 8.24.23 D02365



Request for Town Council Action

Date: October 16, 2023

Submitted By: Matt Lynch, Sr. Systems Administrator

Reviewed By: Michelle Kivela, Town Manager

Title: **Lumen Metro Ethernet Circuits Contract (Continued from October 2, 2023)**

Amount: \$404,100

Contractor: Lumen Metro Ethernet Circuits

Department: Information Technology, Matt Lynch

EXECUTIVE SUMMARY

This is a multi-year contract for Lumen Metro Ethernet Circuits to provide redundant connectivity between most Town facilities.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

This contract provides redundant connections between all the Town facilities and the Town's internet service provider. The 3-year contract provides significant discounts and lowers the Town's financial burden by half. Without the Lumen Metro Ethernet, the Town only has one network path to provide communication within the Town and externally.

FINANCIAL IMPACT

\$404,100 over 3 years, payable as \$11,225 per month.

STRATEGIC GOAL(S)



ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.



Request for Town Council Action

Date: October 16, 2023

Submitted By: Randy Sale, Assistant Director - Building

Reviewed By: Michelle Kivela, Town Manager

Title: **Jon Dickey, LLC Roof Contract Modification - Second Amendment to Master Agreement for On-Call Professional Services**

Amount: **\$237,500 (Increase of \$82,500)**

Contractor: **Jon P. Dickey, LLC**

Department: **Community Development, Randy Sale**

EXECUTIVE SUMMARY

The Town contracts with Jon Dickey, LLC to complete all roof inspections within the Town. The Town has seen multiple hail storms this year, and, as a result, is witnessing a significant increase in roofing permit activity. The increase in roofing permits necessitates a revision to the existing agreement with Jon Dickey, LLC to increase it to \$237,500 for 2023. The Town receives revenue from the issuance of all roofing permits that offsets this expense including the increase in activity this year.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In late 2022, the Town entered into a 5-year agreement with Jon Dickey, LLC to complete all roof inspections within the Town of Parker's jurisdiction. For 2023, the current agreement is \$155,000 for inspection services. This agreement amount is usually sufficient in a typical year. However, the Town has experienced multiple hailstorms in 2023 and, as a result, there has been a significant increase in permit applications for roof repairs. For context, the Town issued 249 permits last year for new roofs from January 1, 2022 to October 3, 2022 compared with 2,292 permits for the same period in 2023. The substantial increase in permit applications for roof repairs and related inspection activity has caused the Building Division to utilize the budget for roof inspections at a greater rate than expected.

As a result of the above, the Building Division has utilized most of its budget of \$155,000 for roof inspections by Jon Dickey, LLC. The remaining balance is \$13,100 as of October 3, 2023 with three (3) months remaining in the budget year. Staff projects that a total of 1,500 roof inspections will be scheduled for the rest of 2023, a rate of 500 per month, with the caveat that the actual number of inspections is affected by weather, insurance company payouts, and scheduling by roofing contractors. We estimate that an additional \$82,500 is needed to cover the additional 1,500 roof inspections that are projected through the end of the year.

In summary, the Town's agreement with Jon Dickey, LLC for 2023 would be amended from \$155,000 to \$237,500 subject to Town Council approval.

FINANCIAL IMPACT

None. The Town's fee structure for roof permits includes the cost of roof inspections done by the Building Division through Jon Dickey, LLC. The revenue from roof permits fully covers the expense of having this vendor perform the roof inspections, including the requested increase of \$82,500 to the current agreement.

STRATEGIC GOAL(S)

PROMOTE A SAFE AND
HEALTHY COMMUNITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.

PROCLAMATION
EXTRA MILE DAY

WHEREAS, Parker, Colorado, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Parker, Colorado, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Parker, Colorado, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Parker, Colorado, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2023.

NOW THEREFORE, I, Mayor of Parker, Colorado, do hereby proclaim
November 1, 2023, as

Extra Mile Day

and urge each individual in the community to take time on this day to not only “go the extra mile.”

In witness whereof, I have hereunto set my hand this 16th day of October 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk



Request for Town Council Action

Date: October 16, 2023

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

Reviewed By: Michelle Kivela, Town Manager

Title: **POPE PROPERTY ANNEXATION**
Applicant: David Brehm, Plan West
Location: Southwest corner of Twenty Mile Road and Dransfeldt Road
Department: Community Development, Stacey Nerger
TRAKiT ANX22-009
No.:

EXECUTIVE SUMMARY

The owner of a 38-acre enclave parcel located in unincorporated Douglas County, known as the Pope property, has submitted an Annexation Petition to the Town.

STAFF RECOMMENDATION

Continue

BACKGROUND/DISCUSSION

Prior Action

On October 3, 2022, the Town Council approved Resolution No. 22-048 that determined the submitted Annexation Petition substantially complies with the Colorado Municipal Annexation Act of 1965 (the "Act", § 31-12-107(l)) and which set a public hearing date of November 21, 2022 to determine eligibility for annexation into the Town.

On November 21, 2022, the Town Council approved Resolution No. 22-061 that determined the Pope property is eligible for annexation into the Town as provided by the Act. In addition, the annexation ordinance was scheduled for a public hearing of the Town Council on February 6, 2023.

On January 17, 2023, the Town Council approved the Annexation Ordinance on first reading with the annexation public hearing scheduled for February 6, 2023.

On February 6, 2023, the Town Council continued the annexation public hearing to May 1, 2023 to allow the applicant additional time to continue to negotiate terms for an Annexation Agreement, process the required inclusion into the Parker Water and Sanitation District (PWSD) and process the required zoning application.

On May 1, 2023, the Town Council again continued the annexation public hearing to July 17, 2023 to allow the applicant additional time to negotiate terms for an Annexation Agreement, process the required inclusion into the PWSD and process the required zoning application.

On July 17, 2023, the Town Council continued the annexation public hearing to October 16, 2023 to allow the applicant additional time to negotiate terms for an Annexation Agreement, process the required inclusion into the PWSD and process the required zoning application.

Summary

The subject property, known as the Pope property, is an enclave parcel located in unincorporated Douglas County that is contiguous to the Town. The property is approximately 38 acres in total and is currently used as FlatAcres Farm, an "agritainment" and commercial recreation business.

The subject property fronts Twenty Mile Road and is bordered to the north by commercial uses at the Parker Valley Center (Target); to the south by Cherry Creek open space and future Salisbury Park North; to the east by commercial uses at FlatAcres Marketplace (Kohls); and to the west by Cherry Creek open space. The property and adjacent areas in the Cherry Creek open space contain environmentally sensitive land including a 100-year floodplain and habitat for the Preble's Meadow Jumping Mouse, which is protected by the U.S. Endangered Species Act.

The Town surrounds the subject property and has identified it as a candidate for future annexation within its Municipal Planning Area (urban growth boundary). This is an existing land use policy recommendation supported by the annual Three-Mile Area Plan and the Parker 2035 Master Plan.

The applicant is proposing to divide the 38 acre property into three (3) different zone districts. The western section of the property along Cherry Creek consisting of approximately 9.2 acres will be zoned Open Space and dedicated to the Town. A portion of the central section of the property consisting of approximately 11.9 acres will be zoned Agricultural and will allow the applicant to continue the "agritainment" uses currently in operation. The remainder of the central section and the section to the east of the future Dransfeldt Road extension consisting of approximately 17.48 acres will be zoned Greater Downtown District - Market Center and permit future commercial use.

Staff has worked with the applicant to accommodate the "agritainment" uses currently operated on the subject property and believes that the proposed zoning is appropriate because it is consistent with the Parker 2035 Master Plan. The Master Plan identifies the property as 100-year floodplain and recommends a mix of uses including future commercial, open space and transportation use. Further, the Transportation Master Plan recommends the Dransfeldt Road extension through the subject property to expand the transportation system for greater vehicular, bicycle and pedestrian mobility across Cherry Creek.

The Town of Parker and the PWSD have an intergovernmental agreement that requires properties to be included into the District prior to annexation into the Town. The applicant started the process for inclusion into PWSD on December 29, 2022. However, all requirements

to start the review of this application were not completed by the applicant until August, 2023.

PWSD has a process that will take several months for inclusion to be completed once a complete application has been submitted. The Town and PWSD have been working together to find a solution to keep the requested annexation moving forward but details are still being negotiated among the two (2) public entities and the property owner.

As a result of the above, staff recommends that the Town Council continue the annexation public hearing from October 16, 2023 to November 20, 2023 so the property owner, Town and PWSD have additional time to work out the remaining details of inclusion into the District and process the required zoning application with the Town.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Vicinity Map
2. Ordinance No. 2.282

RECOMMENDED MOTION

I move to continue the public hearing to consider Ordinance No. 2.282 to a date certain of November 20, 2023.

Annexation and Zoning



ORDINANCE NO. 2.282, Series of 2023

TITLE: A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY KNOWN AS THE POPE 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 _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney

EXHIBIT 1

Legal Description

FLATACRES MARKETCENTER #2 ANNEXATION AND ZONING

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22 SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°07'48"W ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 A DISTANCE OF 1111.96 FEET; THENCE N89°48'03"E A DISTANCE OF 1090.40 FEET TO A POINT THE SOUTH RIGHT-OF-WAY OF 20 MILE ROAD AS DESCRIBED IN BOOK 1668, PAGE 50 AND BOOK 1653, PAGE 1126 AT THE OFFICE THE CLERK AND RECORDER OF DOUGLAS COUNTY; THENCE S77°23'50"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 466.68 FEET TO THE NORTHWEST CORNER OF TRACT B, FLATACRES MARKETCENTER RECORDED OCTOBER 25, 2002 AT RECEPTION NO. 2002112467; THENCE ALONG SAID TRACT B THE FOLLOWING FIFTEEN (15) CONSECUTIVE COURSES; 1.) S12°36'10"W A DISTANCE OF 141.39 FEET; 2.) THENCE S77°23'50"E A DISTANCE OF 103.64 FEET; 3.) THENCE S12°35'53"W A DISTANCE OF 190.51 FEET; 4.) THENCE S77°24'07"E A DISTANCE OF 59.58 FEET; 5.) THENCE S00°00'17"E A DISTANCE OF 554.32 FEET; 6.) THENCE N89°59'01"W A DISTANCE OF 188.02 FEET; 7.) THENCE N69°54'00"W A DISTANCE OF 116.48 FEET; 8.) THENCE N89°59'51"W A DISTANCE OF 444.37 FEET; 9.) THENCE N48°54'15"W A DISTANCE OF 163.19 FEET; 10.) THENCE S41°05'45"W A DISTANCE OF 112.51 FEET; 11.) THENCE S48°54'15"E A DISTANCE OF 30.00 FEET; 12.) THENCE N41°05'45"E A DISTANCE OF 82.51 FEET; 13.) THENCE S48°54'15"E A DISTANCE OF 250.94 FEET; 14.) THENCE S89°59'51"E A DISTANCE OF 385.67 FEET; 15.) THENCE S00°53'59"E A DISTANCE OF 40.07 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 22; THENCE S89°59'43"W ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 1343.78 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 38.602 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, WHICH BEARS N00°13'15"W AND BEING MONUMENTED BY A FOUND 3 ¼" ALUMINUM CAP PLS # ILLEGIBLE IN RANGE BOX AT THE CENTER QUARTER CORNER AND A FOUND 3 ¼" ALUMINUM CAP PLS # 9133 AT THE SOUTH QUARTER CORNER.

PREPARED BY RICHARD A. NOBBE PLS
FOR AND ON BEHALF OF:
MARTIN/MARTIN INC.
12499 W. COLFAX AVE.
LAKEWOOD, CO 80215

EXHIBIT 2

Annexation Agreement

[To be provided prior to public hearing.]



Request for Town Council Action

Date: October 16, 2023

Submitted By: Patrick Burke, Project Engineer

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 1.592 - Second Reading**
A Bill for an Ordinance Stating the Intent of the Town of Parker to Acquire Certain Property Interests for the Purpose of Widening, Constructing, and Improving a Portion of Jordan Road, a Town Roadway, Through the Utilization of the Town's Power of Eminent Domain and Directing the Town's Staff and Town Attorney to Notify All Persons Affected Thereby of the Above-Stated Intent of the Town, and Thereafter to Comply with All Pertinent Provisions of C.R.S. § 38-1-101, et seq., Relating to Good Faith Negotiations
Department: Engineering and Public Works, Patrick Burke

EXECUTIVE SUMMARY

This item is for an ordinance to provide notice of the Town's intent to acquire right-of-way and easements for proposed improvements on Jordan Road between Lincoln Avenue and Stonegate Parkway that are part of the Jordan Road/Newlin Gulch Improvements Project.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Improvements to Jordan Road between Lincoln Avenue and Stonegate Parkway are included in the project scope for the proposed Jordan Road/Newlin Gulch Improvements Project. This stretch of Jordan Road is shown on the attached vicinity map for reference. This roadway will be improved by extending existing acceleration and deceleration lanes, constructing a new sidewalk along Jordan Road, and widening the existing Jordan Road/Newlin Gulch bridge. These improvements require additional right-of-way and easements to construct.

This ordinance is for needed roadway improvements and will affect four (4) property owners along this section of Lincoln Avenue. The needed areas are as follows:

1. Right-of-way (fee conveyance) = 3,274 SF (0.075 acres)
2. Permanent easement = 38,304 SF (0.879 acres)
3. Temporary construction easement = 55,416 SF (1.272 acres)

Attached to this document is a "key map", which is Exhibit D to the proposed ordinance, showing the easement areas in relation to each other.

This proposed intent to acquire ordinance is specific to the proposed Jordan Road/Newlin Gulch improvements associated with the proposed Jordan Road/Newlin Gulch Improvements Project.

FINANCIAL IMPACT

Funding for these acquisitions is included in the approved funding for the Jordan Road at Lincoln Ave Improvements Project line item of the Highway and Streets Capital Projects accounts (301-4310).

STRATEGIC GOAL(S)



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH



PROMOTE A SAFE AND
HEALTHY COMMUNITY



SUPPORT AN
ACTIVE COMMUNITY

ATTACHMENTS

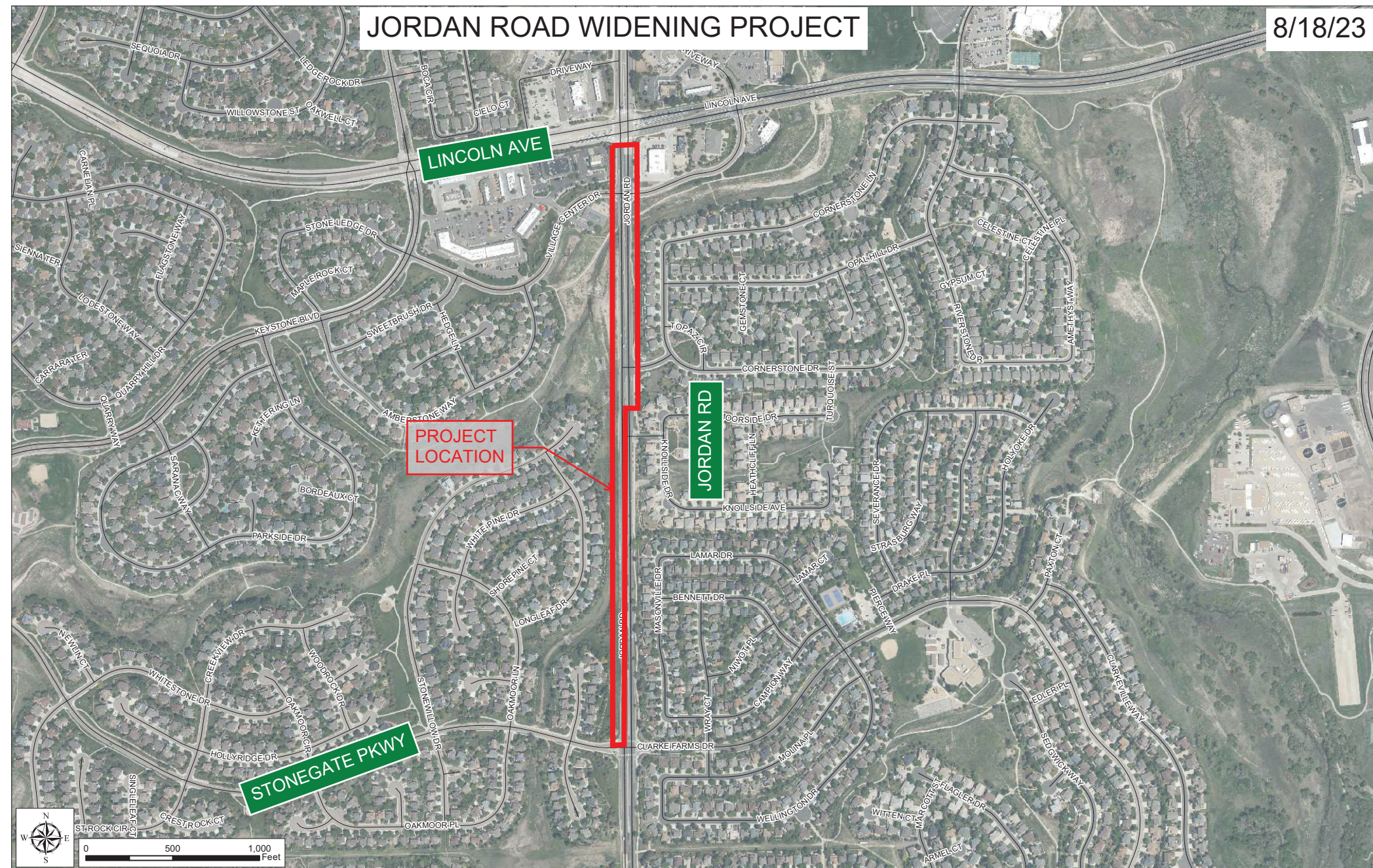
1. Vicinity Map
2. Ordinance No. 1.592

RECOMMENDED MOTION

I move to approve Ordinance No. 1.592 on second reading.

JORDAN ROAD WIDENING PROJECT

8/18/23



ORDINANCE NO. 1.592, Series of 2023

TITLE: A BILL FOR AN ORDINANCE STATING THE INTENT OF THE TOWN OF PARKER TO ACQUIRE CERTAIN PROPERTY INTERESTS FOR THE PURPOSE OF WIDENING, CONSTRUCTING AND IMPROVING A PORTION OF JORDAN ROAD, A TOWN ROADWAY, THROUGH THE UTILIZATION OF THE TOWN'S POWER OF EMINENT DOMAIN AND DIRECTING THE TOWN'S STAFF AND TOWN ATTORNEY TO NOTIFY ALL PERSONS AFFECTED THEREBY OF THE ABOVE-STATED INTENT OF THE TOWN, AND THEREAFTER TO COMPLY WITH ALL PERTINENT PROVISIONS OF C.R.S. § 38-1-101, *ET SEQ.*, RELATING TO GOOD FAITH NEGOTIATIONS

WHEREAS, the Town of Parker, Colorado possesses the power of eminent domain pursuant to the provisions of Article XX, § 1 of the Colorado Constitution, Section 15.5 of the Town of Parker Home Rule Charter, C.R.S. § 38-1-101, *et seq.*, and C.R.S. § 38-6-101, *et seq.*;

WHEREAS, the Town of Parker wishes to acquire the parcels of property more particularly described in **Exhibit A** (right-of-way acquisitions), **Exhibit B** (permanent easement acquisitions), and **Exhibit C** (temporary construction easement acquisitions), attached hereto and incorporated herein by this reference (collectively, the "Subject Properties"), for the purpose of constructing and widening Jordan Road, a Town roadway, as generally depicted on **Exhibit D**; and

WHEREAS, the Town Council of the Town of Parker wishes to comply with all applicable provisions of C.R.S. § 38-1-101, *et seq.*, including without limitation the notice and negotiation requirements and provisions thereof.

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

Section 1. Notice is hereby given pursuant to C.R.S. § 38-1-121(1) that the Town of Parker, Colorado, intends to acquire the parcels of property more particularly described in **Exhibits A, B, and C** (the "Subject Properties").

Section 2. The acquisition of the Subject Properties serves a public purpose and is necessary and essential to the Town's ability to provide public streets and roadways for the residents of the Town of Parker.

Section 3. The Town Attorney is hereby directed to provide a copy of this Ordinance to all persons who presently own or maintain an ownership interest in the Subject Properties notifying them of the intent of the Town of Parker to acquire such property through the use of the Town's power of eminent domain.

Section 4. The staff of the Town, together with the Town Attorney, and any and all persons retained or employed by the Town of Parker in the prosecution of this matter, are directed to comply with all notice and good faith negotiation requirements set forth in C.R.S. § 38-1-101, *et seq.*, in the conduct of the within authorized eminent domain actions.

Section 5. In the prosecution of the within authorized eminent domain actions, the Town shall retain all rights and powers lawfully delegated to it by the Colorado Constitution, the Town of Parker Home Rule Charter, and C.R.S. § 38-1-101, *et seq.*

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 (2) public places, two (2) 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 _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin S. Hoffmann, Town Attorney

EXHIBIT "A"

PARCEL NUMBER: RW-3
September 1, 2023
DESCRIPTION

A PARCEL OF LAND NO. RW-3, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF LOT 1, STONEGATE FILING NO. 2, 1st AMENDMENT, RECORDED MAY 10, 1994 AT RECEPTION NO. 9426006, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 01°42'48" WEST, A DISTANCE OF 1,669.14 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 1 AND THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, NORTH 00°23'53" WEST, A DISTANCE OF 91.17 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 1, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF VILLAGE CENTER DRIVE RECORDED AT RECEPTION NO. 9426006 IN SAID OFFICIAL RECORDS, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 75°32'44" WEST;

THENCE ALONG SAID NORTHERLY BOUNDARY AND SOUTHERLY RIGHT-OF-WAY, SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°03'23", AN ARC LENGTH OF 12.27 FEET TO THE EASTERLY BOUNDARY OF SAID LOT 1, ALSO BEING THE WESTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763;

THENCE ALONG SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. SOUTH 00°23'53" EAST, A DISTANCE OF 26.78 FEET;
2. SOUTH 03°15'38" EAST, A DISTANCE OF 48.39 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, SOUTH 44°35'53" WEST, A DISTANCE OF 5.54 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF 0.004 ACRES, (191 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "A"

PARCEL NUMBER: RW-4
September 1, 2023
DESCRIPTION

A PARCEL OF LAND NO. RW-4, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 19, RECORDED AUGUST 11, 1995 AT RECEPTION NO. 9537419, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 02°28'07" EAST, A DISTANCE OF 1,660.68 FEET TO THE WESTERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE EASTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, NORTH 00°23'53" WEST, A DISTANCE OF 45.55 FEET;

THENCE DEPARTING SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, SOUTH 90°00'00" EAST, A DISTANCE OF 1.50 FEET;

THENCE SOUTH 00°23'53" EAST, A DISTANCE OF 45.10 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT A;

THENCE ALONG SAID SOUTHERLY BOUNDARY, SOUTH 73°07'20" WEST, A DISTANCE OF 1.56 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF 0.002 ACRES, (68 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "A"

PARCEL NUMBER: RW-5

September 1, 2023

DESCRIPTION

A PARCEL OF LAND NO. RW-5, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 2, 1st AMENDMENT, RECORDED MAY 10, 1994 AT RECEPTION NO. 9426006, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 01°42'48" WEST, A DISTANCE OF 1,669.14 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT A AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY BOUNDARY, NORTH 44°35'53" EAST, A DISTANCE OF 5.54 FEET TO THE EASTERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE WESTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. SOUTH 03°15'38" EAST, A DISTANCE OF 151.88 FEET;
2. SOUTH 00°23'53" EAST, A DISTANCE OF 159.63 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, NORTH 11°34'51" WEST, A DISTANCE OF 59.29 FEET;

THENCE NORTH 00°23'53" WEST, A DISTANCE OF 249.24 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF 0.061 ACRES, (2,663 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "A"

PARCEL NUMBER: RW-6
September 1, 2023
DESCRIPTION

A PARCEL OF LAND NO. RW-6, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 21C, RECORDED MARCH 4, 1997 AT RECEPTION NO. 9711464, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 02°28'07" EAST, A DISTANCE OF 1,660.68 FEET TO THE WESTERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE EASTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, SOUTH 00°23'53" EAST, A DISTANCE OF 234.74 FEET;

THENCE DEPARTING SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, NORTH 90°00'00" EAST, A DISTANCE OF 1.50 FEET;

THENCE NORTH 00°23'53" WEST, A DISTANCE OF 235.19 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT A;

THENCE ALONG SAID NORTHERLY BOUNDARY, SOUTH 73°07'20" WEST, A DISTANCE OF 1.56 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF 0.008 ACRES, (352 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "B"

PARCEL NUMBER: PE-4

September 1, 2023

DESCRIPTION

A PERMANENT EASEMENT NO. PE-4, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 19, RECORDED AUGUST 11, 1995 AT RECEPTION NO. 9537419, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 03°28'52" EAST, A DISTANCE OF 1,653.43 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT A AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTHERLY BOUNDARY, SOUTH 73°07'20" WEST, A DISTANCE OF 28.60 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, NORTH 00°23'53" WEST, A DISTANCE OF 45.10 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 1.50 FEET TO THE WESTERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE EASTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, NORTH 00°23'53" WEST, A DISTANCE OF 26.87 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF VILLAGE CENTER DRIVE RECORDED AT RECEPTION NO. 9517106 IN SAID OFFICIAL RECORDS, ALSO BEING THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 50.00 FEET;

THENCE ALONG SAID NORTHERLY BOUNDARY AND SOUTHERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 84°26'16", AN ARC LENGTH OF 73.69 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 330.00 FEET;
2. EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°49'34", AN ARC LENGTH OF 39.32 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY AND SOUTHERLY RIGHT-OF-WAY, NON-TANGENT TO SAID CURVE, SOUTH 24°17'03" WEST, A DISTANCE OF 131.80 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS AN AREA OF 0.135 ACRES, (5,879 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "B"

PARCEL NUMBER: PE-6

September 1, 2023

DESCRIPTION

A PERMANENT EASEMENT NO. PE-6, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 21C, RECORDED MARCH 4, 1997 AT RECEPTION NO. 9711464, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 03°28'52" EAST, A DISTANCE OF 1,653.43 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT A AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY BOUNDARY, SOUTH 73°07'20" WEST, A DISTANCE OF 28.60 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY, SOUTH 00°23'53" EAST, A DISTANCE OF 235.19 FEET;

THENCE NORTH 90°00'00" WEST, A DISTANCE OF 1.50 FEET TO THE WESTERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE EASTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, SOUTH 00°23'53" EAST, A DISTANCE OF 202.09 FEET;

THENCE DEPARTING SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, NORTH 22°59'32" EAST, A DISTANCE OF 62.97 FEET;

THENCE NORTH 00°23'53" WEST, A DISTANCE OF 379.04 FEET;

THENCE NORTH 24°17'03" EAST, A DISTANCE OF 9.41 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS AN AREA OF 0.228 ACRES, (9,952 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "B"

PARCEL NUMBER: PE-7

September 1, 2023

DESCRIPTION

A PERMANENT EASEMENT NO. PE-7, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 15C, RECORDED MAY 10, 1994 AT RECEPTION NO. 9345021, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 00°44'27" WEST, A DISTANCE OF 2,515.35 FEET TO THE INTERSECTION OF THE NORTHERLY BOUNDARY OF THAT CERTAIN THIRTY (30) FOOT WIDE DRAINAGE EASEMENT RECORDED AT RECEPTION NO. 2010027277 IN SAID OFFICIAL RECORDS AND THE WESTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS AND THE EASTERLY BOUNDARY OF SAID TRACT A AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY BOUNDARY, SOUTH 89°02'00" WEST, A DISTANCE OF 59.51 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY, NORTH 03°06'30" WEST, A DISTANCE OF 211.87 FEET;

THENCE NORTH 02°45'04" WEST, A DISTANCE OF 41.28 FEET;

THENCE NORTH 12°48'06" WEST, A DISTANCE OF 52.80 FEET;

THENCE SOUTH 75°12'19" WEST, A DISTANCE OF 60.25 FEET;

THENCE NORTH 14°43'27" WEST, A DISTANCE OF 36.00 FEET;

THENCE NORTH 75°16'33" EAST, A DISTANCE OF 69.89 FEET;

THENCE NORTH 41°40'55" EAST, A DISTANCE OF 38.31 FEET;

THENCE NORTH 03°38'39" WEST, A DISTANCE OF 23.61 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT A;

THENCE ALONG SAID LAST DESCRIBED NORTHERLY BOUNDARY, NORTH 89°36'06" EAST, A DISTANCE OF 57.77 FEET TO SAID EASTERLY BOUNDARY OF TRACT A, AND SAID WESTERLY RIGHT-OF-WAY OF JORDAN ROAD;

THENCE ALONG SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, SOUTH 00°23'53" EAST, A DISTANCE OF 393.07 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PERMANENT EASEMENT CONTAINS AN AREA OF 0.671 ACRES, (29,223 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

**PARCEL NUMBER: TCE-1
September 1, 2023
DESCRIPTION**

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-1, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF LOT 2D, STONEGATE FILING NO. 2, 3RD AMENDMENT, RECORDED FEBRUARY 18, 1999 AT RECEPTION NO. 99015124, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 02°19'53" WEST, A DISTANCE OF 1,259.94 FEET TO THE EASTERLY BOUNDARY OF SAID LOT 2D, ALSO BEING THE WESTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID RECORDS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, SOUTH 00°23'53" EAST, A DISTANCE OF 170.47 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 2D, ALSO BEING THE NORTHERLY RIGHT-OF-WAY OF VILLAGE CENTER DRIVE RECORDED AT RECEPTION NO. 9426006 IN SAID OFFICIAL RECORDS, ALSO BEING THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50.00 FEET;

THENCE ALONG SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT-OF-WAY, SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°54'35", AN ARC LENGTH OF 54.90 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT-OF-WAY, NON-TANGENT TO SAID CURVE, NORTH 02°35'14" EAST, A DISTANCE OF 31.91 FEET;

THENCE NORTH 00°23'53" WEST, A DISTANCE OF 24.23 FEET;

THENCE NORTH 79°38'14" EAST, A DISTANCE OF 13.92 FEET;

THENCE NORTH 00°00'00" EAST, A DISTANCE OF 156.55 FEET;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 10.77 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.067 ACRES, (2,930 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

PARCEL NUMBER: TCE-2
September 1, 2023
DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-2, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF LOT 1, STONEGATE FILING NO. 17, RECORDED APRIL 18, 1995 AT RECEPTION NO. 9517106, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 03°07'45" EAST, A DISTANCE OF 1,259.29 FEET TO THE WESTERLY BOUNDARY OF SAID LOT 1, ALSO BEING THE EASTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID RECORDS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, SOUTH 00°23'53" EAST, A DISTANCE OF 168.00 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 1, ALSO BEING THE NORTHERLY RIGHT-OF-WAY OF VILLAGE CENTER DRIVE RECORDED AT RECEPTION NO. 9517106 IN SAID OFFICIAL RECORDS, ALSO BEING THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 50.00 FEET;

THENCE ALONG SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT-OF-WAY, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°24'50", AN ARC LENGTH OF 37.01 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT-OF-WAY, NON-TANGENT TO SAID CURVE, NORTH 07°47'59" WEST, A DISTANCE OF 44.10 FEET;

THENCE NORTH 00°00'32" WEST, A DISTANCE OF 157.94 FEET;

THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 8.48 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.036 ACRES, (1,564 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

PARCEL NUMBER: TCE-3
September 1, 2023
DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-3, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF LOT 1, STONEGATE FILING NO. 2, 1st AMENDMENT, RECORDED MAY 10, 1994 AT RECEPTION NO. 9426006, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 01°42'48" WEST, A DISTANCE OF 1,669.14 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 1 AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTHERLY BOUNDARY, SOUTH 44°36'06" WEST, A DISTANCE OF 18.96 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, NORTH 10°28'10" EAST, A DISTANCE OF 16.97 FEET;

THENCE NORTH 01°29'22" WEST, A DISTANCE OF 97.87 FEET;

THENCE NORTH 51°06'13" WEST, A DISTANCE OF 44.00 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 1, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF VILLAGE CENTER DRIVE RECORDED AT RECEPTION NO. 9426006 IN SAID OFFICIAL RECORDS, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 02°19'57" WEST;

THENCE ALONG SAID NORTHERLY BOUNDARY AND SOUTHERLY RIGHT-OF-WAY, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 73°12'47", AN ARC LENGTH OF 63.89 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY AND SOUTHERLY RIGHT-OF-WAY, NON-TANGENT TO SAID CURVE, SOUTH 00°23'53" EAST, A DISTANCE OF 91.17 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.035 ACRES, (1,537 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

PARCEL NUMBER: TCE-4
September 1, 2023
DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-4, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 19, RECORDED AUGUST 11, 1995 AT RECEPTION NO. 9537419, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 03°28'52" EAST, A DISTANCE OF 1,653.43 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT A AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTHERLY BOUNDARY, NORTH 73°07'20" EAST, A DISTANCE OF 6.64 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, NORTH 24°17'03" EAST, A DISTANCE OF 12.72 FEET;

THENCE NORTH 58°58'25" EAST, A DISTANCE OF 68.42 FEET;

THENCE NORTH 30°42'20" WEST, A DISTANCE OF 47.54 FEET;

THENCE NORTH 24°17'03" EAST, A DISTANCE OF 35.02 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF VILLAGE CENTER DRIVE RECORDED AT RECEPTION NO. 9517106 IN SAID OFFICIAL RECORDS, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 330.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 13°52'57" WEST;

THENCE ALONG SAID NORTHERLY BOUNDARY AND SOUTHERLY RIGHT-OF-WAY, WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°05'46", AN ARC LENGTH OF 6.31 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY AND SOUTHERLY RIGHT-OF-WAY, NON-TANGENT TO SAID CURVE, SOUTH 24°17'03" WEST, A DISTANCE OF 131.80 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.052 ACRES, (2,284 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

**PARCEL NUMBER: TCE-5
September 1, 2023
DESCRIPTION**

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-5, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 2, 1st AMENDMENT, RECORDED MAY 10, 1994 AT RECEPTION NO. 9426006, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 01°42'48" WEST, A DISTANCE OF 1,669.14 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT A AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY BOUNDARY, SOUTH 44°36'06" WEST, A DISTANCE OF 18.96 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY, SOUTH 10°28'10" WEST, A DISTANCE OF 21.98 FEET;

THENCE SOUTH 49°36'25" WEST, A DISTANCE OF 59.11 FEET;

THENCE SOUTH 42°39'31" EAST, A DISTANCE OF 51.39 FEET;

THENCE SOUTH 00°02'23" WEST, A DISTANCE OF 138.37 FEET;

THENCE SOUTH 05°04'40" EAST, A DISTANCE OF 127.76 FEET;

THENCE SOUTH 19°58'31" EAST, A DISTANCE OF 69.55 FEET;

THENCE SOUTH 03°27'02" EAST, A DISTANCE OF 11.55 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT A;

THENCE ALONG SAID SOUTHERLY BOUNDARY, NORTH 89°36'06" EAST, A DISTANCE OF 6.49 FEET TO THE EASTERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE WESTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, NORTH 00°23'53" WEST, A DISTANCE OF 146.37 FEET;

THENCE DEPARTING SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, NORTH 11°34'51" WEST, A DISTANCE OF 59.29 FEET;

THENCE NORTH 00°23'53" WEST, A DISTANCE OF 249.24 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.303 ACRES, (13,180 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

**PARCEL NUMBER: TCE-6
September 1, 2023
DESCRIPTION**

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-6, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 21C, RECORDED MARCH 4, 1997 AT RECEPTION NO. 9711464, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 03°28'52" EAST, A DISTANCE OF 1,653.43 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT A AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY BOUNDARY, NORTH 73°07'20" EAST, A DISTANCE OF 6.64 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY, SOUTH 24°17'03" WEST, A DISTANCE OF 12.68 FEET;

THENCE SOUTH 00°23'53" EAST, A DISTANCE OF 378.98 FEET;

THENCE SOUTH 22°59'32" WEST, A DISTANCE OF 75.57 FEET TO THE WESTERLY BOUNDARY OF SAID TRACT A, ALSO BEING THE EASTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, NORTH 00°23'53" WEST, A DISTANCE OF 12.59 FEET;

THENCE DEPARTING SAID WESTERLY BOUNDARY AND EASTERLY RIGHT-OF-WAY, NORTH 22°59'32" EAST, A DISTANCE OF 62.97 FEET;

THENCE NORTH 00°23'53" WEST, A DISTANCE OF 379.04 FEET;

THENCE NORTH 24°17'03" EAST, A DISTANCE OF 9.41 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.053 ACRES, (2,297 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

PARCEL NUMBER: TCE-7

September 1, 2023

DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-7, BEING A PORTION OF THE EAST HALF OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT A, STONEGATE FILING NO. 15C, RECORDED MAY 10, 1994 AT RECEPTION NO. 9345021, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 00°43'39" WEST, A DISTANCE OF 2,545.34 FEET TO THE INTERSECTION OF THE EASTERLY BOUNDARY OF SAID TRACT A, AND THE WESTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 IN SAID OFFICIAL RECORDS AND THE SOUTHERLY BOUNDARY OF THAT CERTAIN THIRTY (30) FOOT WIDE DRAINAGE EASEMENT RECORDED AT RECEPTION NO. 2010027277 IN SAID OFFICIAL RECORDS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. SOUTH 00°23'53" EAST, A DISTANCE OF 108.72 FEET;
2. SOUTH 00°23'15" EAST, A DISTANCE OF 641.64 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT A;

THENCE DEPARTING SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, AND ALONG SAID SOUTHERLY BOUNDARY, SOUTH 89°36'45" WEST, A DISTANCE OF 15.71 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY, NORTH 00°14'17" WEST, A DISTANCE OF 123.22 FEET;

THENCE NORTH 00°00'00" EAST, A DISTANCE OF 596.55 FEET;

THENCE NORTH 04°08'56" WEST, A DISTANCE OF 30.53 FEET TO SAID SOUTHERLY BOUNDARY;

THENCE ALONG SAID SOUTHERLY BOUNDARY, NORTH 89°02'00" EAST, A DISTANCE OF 13.34 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.236 ACRES, (10,269 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

PARCEL NUMBER: TCE-8
September 1, 2023
DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-8, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT D, STONEGATE FILING NO. 15E, 1ST AMENDMENT, RECORDED JULY 27, 1994 AT RECEPTION NO. 9439555, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 00°18'24" WEST, A DISTANCE OF 4,086.54 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT D, ALSO BEING THE WESTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 AND THE **POINT OF BEGINNING**;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID TRACT D AND SAID WESTERLY RIGHT-OF-WAY, NORTH 00°23'15" WEST, A DISTANCE OF 791.03 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT D;

THENCE DEPARTING SAID EASTERLY BOUNDARY AND WESTERLY RIGHT-OF-WAY, AND ALONG SAID NORTHERLY BOUNDARY SOUTH 89°36'45" WEST, A DISTANCE OF 15.71 FEET;

THENCE DEPARTING SAID NORTHERLY BOUNDARY, SOUTH 00°14'17" EAST, A DISTANCE OF 39.11 FEET;

THENCE SOUTH 00°05'20" WEST, A DISTANCE OF 236.15 FEET;

THENCE SOUTH 01°41'30" EAST, A DISTANCE OF 95.42 FEET;

THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 40.15 FEET;

THENCE SOUTH 17°53'29" EAST, A DISTANCE OF 13.02 FEET;

THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 370.21 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT D;

THENCE ALONG SAID SOUTHERLY BOUNDARY, NORTH 80°14'44" EAST, A DISTANCE OF 14.66 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.272 ACRES, (11,854 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

EXHIBIT "C"

PARCEL NUMBER: TCE-9
September 1, 2023
DESCRIPTION

A TEMPORARY CONSTRUCTION EASEMENT NO. TCE-9, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, UNINCORPORATED DOUGLAS COUNTY, COLORADO, BEING A PORTION OF TRACT E, STONEGATE FILING NO. 15G, RECORDED DECEMBER 7, 1993 AT RECEPTION NO. 9360340, IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF DOUGLAS, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN WHENCE THE NORTH LINE OF SAID SECTION 16 BEARS NORTH 89°14'39" EAST, A DISTANCE OF 5,312.69 FEET, ALL BEARINGS HEREON ARE REFERENCED TO SAID LINE;

THENCE SOUTH 00°18'24" WEST, A DISTANCE OF 4,086.54 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT E, ALSO BEING THE WESTERLY RIGHT-OF-WAY OF JORDAN ROAD RECORDED IN BOOK 573 AT PAGE 763 AND THE **POINT OF BEGINNING**;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID TRACT E AND SAID WESTERLY RIGHT-OF-WAY, SOUTH 00°23'15" EAST, A DISTANCE OF 536.38 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT E AND THE NORTHERLY RIGHT-OF-WAY OF STONEGATE PARKWAY RECORDED AT RECEPTION NO. 9337944 IN SAID OFFICIAL RECORDS, ALSO BEING THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50.00 FEET;

THENCE ALONG SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT-OF-WAY, SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54°55'40", AN ARC LENGTH OF 47.93 FEET;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY AND NORTHERLY RIGHT-OF-WAY, NON-TANGENT TO SAID CURVE, NORTH 01°37'26" EAST, A DISTANCE OF 102.83 FEET;

THENCE NORTH 00°00'00" EAST, A DISTANCE OF 472.16 FEET TO THE NORTHERLY BOUNDARY OF SAID TRACT E;

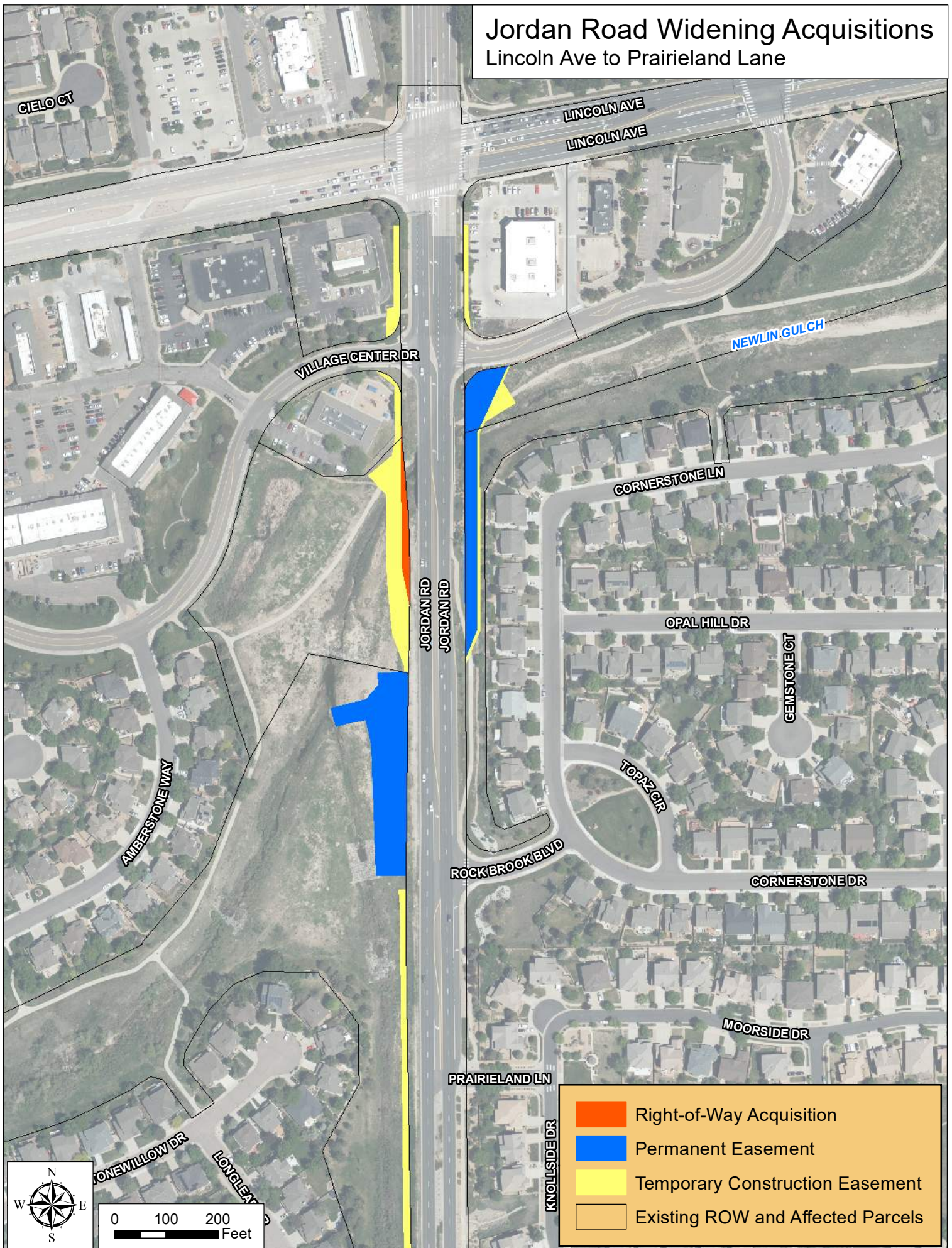
THENCE ALONG SAID NORTHERLY BOUNDARY, NORTH 80°14'44" EAST, A DISTANCE OF 14.66 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS AN AREA OF 0.214 ACRES, (9,342 SQUARE FEET), MORE OR LESS.

KARL D. SZYSZKOSKI PLS 38691
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 E. MINERAL AVENUE, SUITE 1
LITTLETON, CO 80122

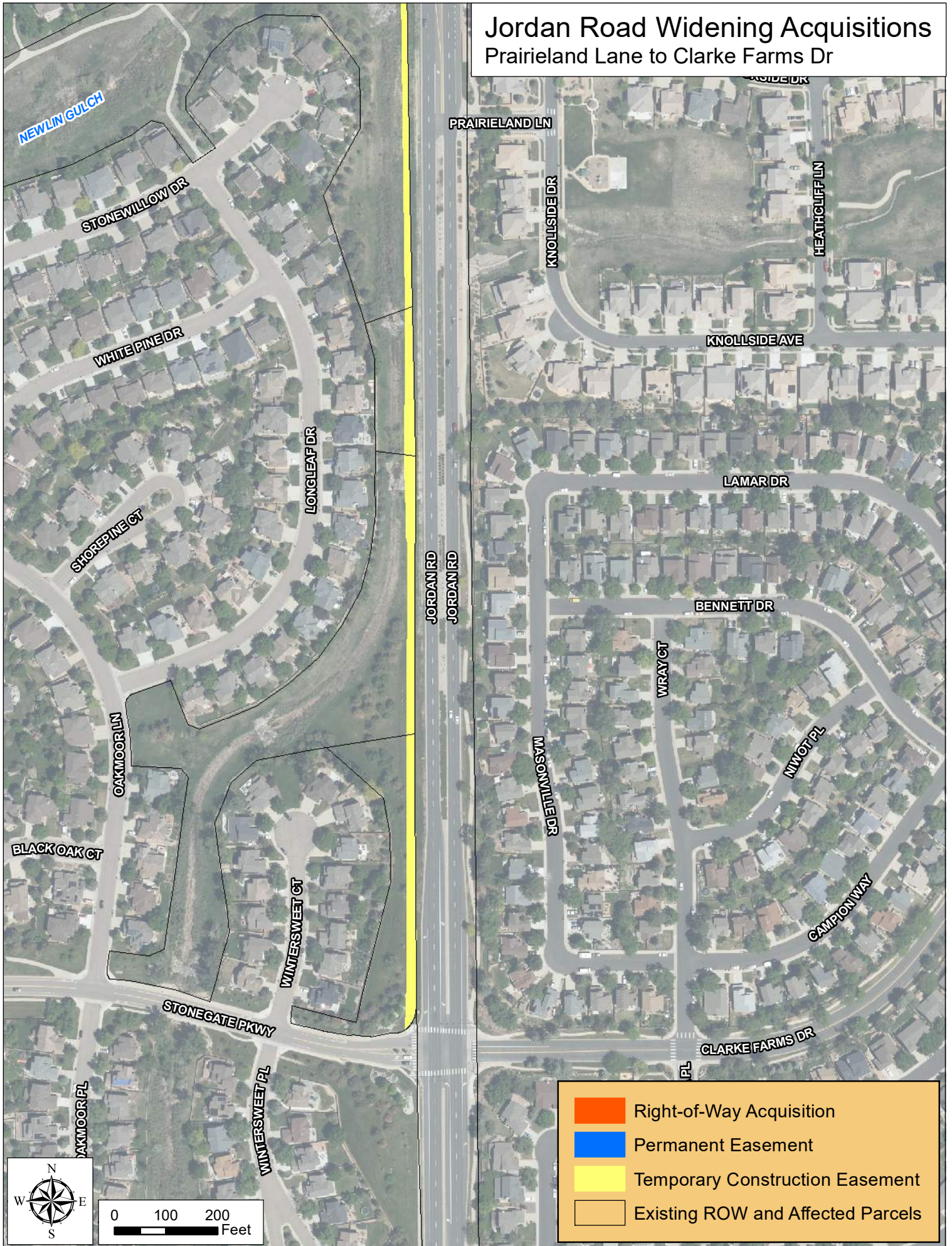
EXHIBIT D

Jordan Road Widening Acquisitions Lincoln Ave to Prairieland Lane



Jordan Road Widening Acquisitions

Prairie Land Lane to Clarke Farms Dr





Request for Town Council Action

Date: October 16, 2023

Submitted By: Kristin Hoffmann, Town Attorney

Reviewed By: Michelle Kivela, Town Manager

Title: **ORDINANCE NO. 5.28.33 - Second Reading**
A Bill for an Ordinance to Amend Section 5.02.180 to Authorize the Administrative Approval of Retail Establishment Permits, and to Repeal Article V of Chapter 5.02 Regarding the Greater Downtown Special Private Art Permit

Department: Town Attorney, Kristin Hoffmann

EXECUTIVE SUMMARY

This ordinance amends Section 5.02.180 of the Parker Municipal Code to authorize the administrative approval of retail establishment permits by the Town Clerk and repeals Article V of Chapter 5.02 regarding the Greater Downtown Special Private Art Permit.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

House Bill 23-1061 was passed into law during the 2023 legislative session. It expands the art gallery permit to allow almost all other types of retail establishments to serve alcoholic beverages at their place of business, subject to certain requirements.

1. No sale of alcohol beverages;
2. No service of alcohol beverages for more than 4 hours in a 24-hour period;
3. A limitation on the serving of alcohol beverages to no more than 24 days per year;
4. No charging of an entrance fee or a cover charge in connection with offering complimentary alcohol beverages;
5. No violating of the Colorado Liquor Code provisions;
6. No more than 250 people to be on the premises at one time when alcohol beverages are being served;
7. A maximum serving size of 12 ounces for beer, 5 ounces for wine (which can be mixed with nonalcohol beverages for a larger serving size), 1.5 ounces for spirits (which also can be mixed with nonalcohol beverages for a larger serving size), except that no pre-mixed alcohol beverage can exceed 12 ounces;
8. A person is prohibited from holding the retail establishment permit and another liquor license;
9. Serving or distributing alcohol beverages is prohibited between 2 a.m. and 7 a.m.; and
10. Underage servers are prohibited, except that servers over 18 may serve alcohol under the

supervision of a person over the age of 21. C.R.S. § 44-3-424(1)(b).

A retail business may obtain a retail establishment permit if (a) the establishment conducts business at a physical building in Colorado, (b) sells goods or services to the public at the location, and (c) derives less than 50% of the establishment's gross sales of goods and services from the sale of food. C.R.S. § 44-3-424(7)(b). "Retail establishment" is further defined as a business that has no more than 25 employees and has retail sales of no more than 5 million dollars per year. C.R.S. § 44-3-424(1)(c)(I)(B). The following types of businesses are not eligible for a permit: a retail establishment that sells firearms, motor vehicles, marijuana, gasoline or diesel fuel; an establishment that educates students or provides childcare; or a convenience store. C.R.S. § 44-3-424(1)(c)(II).

At its regular meeting on August 17, 2023, the Special Licensing Authority recommended that the Town Council approve an ordinance authorizing retail establishment permits.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)

ENHANCE ECONOMIC
VITALITY

ATTACHMENTS

1. Ordinance No. 5.28.33

RECOMMENDED MOTION

I move to approve Ordinance No. 5.28.33 on second reading.

ORDINANCE NO. 5.28.33, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 5.02.180 TO AUTHORIZE THE ADMINISTRATIVE APPROVAL OF RETAIL ESTABLISHMENT PERMITS, AND TO REPEAL ARTICLE V OF CHAPTER 5.02 REGARDING THE GREATER DOWNTOWN SPECIAL PRIVATE ART PERMIT

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

Section 1. Section 5.02.180, Subsection (b), of the Parker Municipal Code is hereby amended by the addition thereto of a new Paragraph (7) as follows:

5.02.180 Administrative approval of certain applications.

* * *

(b) The Town Clerk is further authorized to administratively approve the following applications:

* * *

(7) Retail establishment permits.

Section 2. Article V of Chapter 5.02 of the Parker Municipal Code, authorizing a Greater Downtown Special Private Art Permit, is hereby repealed in its entirety.

Section 3. 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 4. 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 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney



Request for Town Council Action

Date: October 16, 2023
Submitted By: Alex Mestdagh, Engineering Service Manager
Reviewed By: Michelle Kivela, Town Manager
Title: **North Parker Road Operational Improvements**
Amount: **\$6,132,932.85**
Contractor: **Goodland Construction Inc.**
Department: **Engineering & Public Works, Alex Mestdagh**

EXECUTIVE SUMMARY

This item proposes to issue a construction contract to Goodland Construction Inc. for the North Parker Road Operational Improvements Project (CIP 22-006).

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The North Parker Road Operational Improvements project was originally advertised for competitive bids on July 5, 2023. No bids were received for the project with this original advertisement. This project was advertised for competitive bids for a second time on August 1, 2023, and bids were opened on August 24, 2023. One bid was received with the second advertisement, from Goodland Construction Inc. in the amount of \$6,132,932.85. This bid exceeded the engineer's estimate for the project of \$5,081,844.

Following the second bidding period, staff contacted several contractors who chose not to submit a bid to determine if there were issues with the proposed plans that could impact contractor interest in the project. Multiple contractors communicated to staff that there were no such issues that could be corrected through plan revisions. In staff's opinion, the segmented nature of the project - with multiple work areas along the Parker Road corridor - and the work and traffic control restrictions required by CDOT along Parker Road contributed to the lack of interest in the project. Staff feels that these elements, along with the extensive amount of construction work available in the Denver metro area, are likely to result in a similar contractor response should the project be bid for a third time.

For these reasons, staff recommends awarding the contract to Goodland Construction, Inc. While Goodland has not done a project of this size for the Town in some time, staff requested and contacted other municipal references for this contractor. Based on discussions with Goodland and positive feedback from these references, staff feels that Goodland can satisfactorily complete this project. While the bid is approximately \$1.1M higher than the engineer's estimate, this amount is within the Town's appropriated funding for this project.

FINANCIAL IMPACT

This project has been awarded State and Federal funding, and Douglas County has contributed project funding as well. The funding breakdown is as follows:

Federal Funds	\$1,400,000
State Funds	\$1,100,000
County Funds	\$500,000
Town Funds	\$3,192,933

The necessary Town funds are included in the 2023 appropriated budget.

STRATEGIC GOAL(S)



INNOVATE WITH
COLLABORATIVE
GOVERNANCE



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the regular agenda.