



Board of County Commissioners

Eva J. Henry - District #1
Charles "Chaz" Tedesco - District #2
Emma Pinter - District #3
Steve O'Dorisio - District #4
Lynn Baca - District #5

PUBLIC HEARING AGENDA

NOTICE TO READERS: The Board of County Commissioners' meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Board members to gain a basic understanding, thus eliminating lengthy discussions. Timely action and short discussion on agenda items does not reflect a lack of thought or analysis on the Board's part. An informational packet is available for public inspection in the Board's Office one day prior to the meeting.

THIS AGENDA IS SUBJECT TO CHANGE

Tuesday
March 30, 2021
9:30 AM

Watch the virtual meeting through our You Tube Channel
<https://www.youtube.com/channel/UC7KDbF1XykrYlxnfhEH5XVA>

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOTION TO APPROVE AGENDA

4. AWARDS AND PRESENTATIONS

- A.** Proclamation of April 2021 as Sexual Assault Awareness Month

5. PUBLIC COMMENT

A. Citizen Communication

Members of the public may submit written comments on any matter within the Board's subject matter jurisdiction or request to speak at the meeting through our eComment system at <https://adccgov.legistar.com/Calendar.aspx>

Residents are encouraged to submit comments, prior to the meeting, through written comment using eComment; eComment is integrated with the published meeting agenda and individuals may review the agenda item details and indicate their position on each item. A request to speak at the meeting may also be submitted using the eComment feature. You will be prompted to set up a user profile to allow you to comment, which will become part of the official public record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting.

B. Elected Officials' Communication

6. CONSENT CALENDAR

- A. List of Expenditures Under the Dates of March 8-12, 2021
- B. Minutes of the Commissioners' Proceedings from March 16, 2021
- C. Resolution Authorizing the Acquisition of Property Interests from Denver Mart, LLC Necessary for the Construction of Improvements from the East 58th Avenue Improvements Project - East 58th Avenue from Washington Street to York Street
(File approved by ELT)
- D. Resolution Authorizing the Acquisition of Property Interests from the Denver Rock Island Railroad for the Construction of Improvements Necessary for the East 58th Avenue Improvements Project - East 58th Avenue from Washington Street to York Street
(File approved by ELT)
- E. Resolution Approving Small Cell Facility Master License Agreement between Adams County and New Cingular Wireless PCS, LLC for Small Cell Purposes
(File approved by ELT)
- F. Resolution Approving the Intergovernmental Agreement between Adams County and the City of Thornton for Animal Shelter/Adoption Center Services
(File approved by ELT)
- G. Resolution Approving the Intergovernmental Agreement between Adams County and the City of Northglenn for Animal Shelter/Adoption Center Services
(File approved by ELT)
- H. Resolution Approving a Memorandum of Understanding between the 460th Space Wing and the Adams County Human Services Department
(File approved by ELT)
- I. Resolution Approving Abatement Petitions and Authorizing the Refund of Taxes for Account Numbers P0037940, R0038455, R0038456, R0103080, R0038454, R0190068, R0164002, R0008246, R0188066, R0086575, R0014034, R0189412, R0116157, R0116158, R0095636, R0001102, P0035628, R0116147, R0170346 and R0180881
(File approved by ELT)
- J. Resolution Accepting Special Warranty Deed Conveying Property from Kendra B. Hengel and Clifton G. Dodge to Adams County for Road Right-of-Way
(File approved by ELT)
- K. Resolution Accepting Warranty Deed Conveying Property from Edward J. Bauer and Carol L. Bauer to Adams County for Road Right-of-Way
(File approved by ELT)
- L. Resolution Accepting Special Warranty Deed Conveying Property from Khoi Tran to Adams County for Road Right-of-Way
(File approved by ELT)
- M. Resolution Accepting Warranty Deed Conveying Property from Spera Family Investment Co., and Michele P. Erickson to Adams County for Road Right-of-Way
(File approved by ELT)
- N. Resolution Accepting Warranty Deed Conveying Property from Ready Mixed Concrete Company, LLC, to Adams County for Road Right-of-Way
(File approved by ELT)

- O.** Resolution Accepting Warranty Deed Conveying Property from Paris Family, LLC, to Adams County, for Road Right-of-Way
(File approved by ELT)
- P.** Resolution Accepting Warranty Deed Conveying Property from KSKK, LLC, to Adams County for Road Right-of-Way
(File approved by ELT)
- Q.** Resolution Accepting Warranty Deed Conveying Property from Clark A. Ltd., to Adams County for Road Right-of-Way
(File approved by ELT)

7. NEW BUSINESS

A. COUNTY MANAGER

- 1.** Resolution Approving an Agreement between Adams County and Ultimate Kronos Group for a Time and Attendance Management System
(File approved by ELT)
- 2.** Resolution Designating Pre-Qualified Contractors for the Construction Manager General Contractor Qualifications for the Veterans Memorial Project
(File approved by ELT)
- 3.** Resolution Approving Amendment Two to the Agreement between Adams County and Bear Communications, Inc. for the Acquisition and Installation of Equipment for County Emergency Vehicles
(File approved by ELT)
- 4.** Resolution Approving a Purchase Order between Adams County and Honnen Equipment Company for a John Deere 772GP Motor Grader
(File approved by ELT)
- 5.** Resolution Approving a Purchase Order between Adams County and Faris Machinery Company for an Elgin Street Sweeper
(File approved by ELT)
- 6.** Resolution Approving Amendment One to the Agreement between Adams County and Allied Recycled Aggregates for Crushed Recycled Aggregates
(File approved by ELT)
- 7.** Resolution Approving Amendment Two to the Agreement between Adams County and Albert Frei & Sons to Provide Crushed Virgin Class 6 Materials
(File approved by ELT)
- 8.** Resolution Approving Amendment One to the Agreement between Adams County and Industrial Pipe Solutions for the 2021 Video Inspection and Maintenance Program
(File approved by ELT)
- 9.** Resolution Approving Change Order Five to the Agreement between Adams County and Drexel, Barrell and Company for York Street Phase One - State Highway 224 to East 78th Avenue Improvements Project
(File approved by ELT)
- 10.** Resolution Approving Change Order One to the Agreement between Adams County and Drexel, Barrell & Company for Professional Engineering Services of the Broadway and 62nd Avenue Drainage Improvements Project
(File approved by ELT)

11. Resolution Approving an Agreement between Adams County and Aggregate Industries to Provide Services for the 2021 Street Paving Program
(File approved by ELT)
12. Resolution Approving Amendment Five to the Agreement between Adams County and Maiker Housing Partners to Provide Housing Services
(File approved by ELT)
13. Resolution Approving Amendment Four to the Agreement between Adams County and Almost Home Inc., to Provide Housing Services
(File approved by ELT)
14. Resolution Approving Amendment Five to the Agreement between Adams County and Access Housing, Inc. to Provide Housing Services
(File approved by ELT)

B. COUNTY ATTORNEY

8. Motion to Adjourn into Executive Session Pursuant to C.R.S. 24-6-402(4)(b) and (e) for the Purpose of Receiving Legal Advice and Instructing Negotiators Regarding Perez, HRDC, and Daves Matters

9. Motion to Adjourn into Executive Session Pursuant to C.R.S. 24-6-402(4)(b) and (e) for the Purpose of Receiving Legal Advice and Instructing Negotiators Regarding the Aerotropolis Regional Transportation Authority Negotiations

10. LAND USE HEARINGS

A. Cases to be Heard

1. RCU2020-00009 Lienzo Charro El Paraíso Equestrian Riding Academy
(File approved by ELT)
2. RCU2020-00012 StreetMedia 70th Avenue Billboard
(File approved by ELT)

11. ADJOURNMENT

AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE

Proclamation
Sexual Assault Awareness Month
April 2021

Whereas, April is Sexual Assault Awareness Month and calls attention to the fact that sexual violence is widespread, impacting 1 in 3 women and 1 in 4 men in Colorado; and

Whereas, rape, sexual assault, and sexual harassment impacts residents of Adams County, regardless of age, race, or gender; and

Whereas, victims of sexual assault are significantly more likely to suffer from depression, post-traumatic stress disorder, and chemical dependencies, and even contemplate suicide; and

Whereas, this crime occurs far too frequently, goes unreported far too often, and leaves long-lasting physical and emotional scars; and

Whereas, as a community, we share the responsibility of supporting victims by believing friends, family, and co-workers when it does occur, and bringing perpetrators to justice; and

Whereas, we must work together to educate the Adams County community about sexual violence, support survivors, and speak out against harmful attitudes and actions impeding victims from seeking services; and

Whereas, prevention is possible when the entire community is involved. The first step is increasing awareness through education and supporting and believing victims. It is time for all of us to take action to end sexual assault.

Now, Therefore, Be It Resolved, that the Adams County Board of Commissioners does hereby proclaim the month of April 2021 as

Sexual Assault Awareness Month

We, the undersigned, are taking action as leaders in our community in creating an environment in which sexual assault is unacceptable, and survivors are supported. We join criminal justice agencies, victim advocates, and community service providers across Adams County in taking action to prevent sexual violence and create change for the future.

County of Adams
Net Warrant by Fund Summary

Fund Number	Fund Description	Amount
1	General Fund	2,188,281.46
5	Golf Course Enterprise Fund	31,085.34
6	Equipment Service Fund	232,189.30
7	Stormwater Utility Fund	17,550.42
13	Road & Bridge Fund	7,250.00
19	Insurance Fund	368,190.83
28	Open Space Sales Tax Fund	15,000.00
30	Community Dev Block Grant Fund	86,103.75
31	Head Start Fund	14,849.61
35	Workforce & Business Center	5,906.74
43	Colorado Air & Space Port	17,711.75
50	FLATROCK Facility Fund	1,606.87
		<u>2,985,726.07</u>

Net Warrants by Fund Detail

1 General Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00007275	1006441	BKD LLP	3/9/2021	9,466.75
00007276	378404	CARUSO JAMES LOUIS	3/9/2021	5,125.00
00007277	37193	CINA & CINA FORENSIC CONSULTIN	3/9/2021	12,100.00
00007280	1016895	G4S SECURE SOLUTIONS USA INC	3/9/2021	18,639.06
00007282	1097323	MCGUINN CONOR MATTHEW	3/9/2021	625.00
00007285	1005579	TEHAN JENNIFER	3/9/2021	30.00
00007289	492573	ADVANCED URGENT CARE AND OCC M	3/10/2021	4,282.50
00007290	1054420	BAWDEN JANAE A	3/10/2021	593.75
00007291	1016895	G4S SECURE SOLUTIONS USA INC	3/10/2021	21,934.16
00007296	1143613	COMMERCE CITY HOUSING AUTHORIT	3/12/2021	801,055.00
00007298	1105897	OLDER ADULTS TECHNOLOGY SERVIC	3/12/2021	93,000.00
00757470	363904	STEHLE KRYSTI	3/11/2021	2,094.00
00757473	1128011	ADT COMMERCIAL LLC	3/11/2021	12,247.46
00757474	8579	AGFINITY INC	3/11/2021	50.00
00757476	950536	ALICIA AVILA STENOGRAPHER SERV	3/11/2021	397.50
00757477	5991	ALMOST HOME INC	3/11/2021	15,167.97
00757478	5991	ALMOST HOME INC	3/11/2021	197,626.53
00757479	5991	ALMOST HOME INC	3/11/2021	38,318.00
00757480	12012	ALSCO AMERICAN INDUSTRIAL	3/11/2021	402.28
00757483	322973	ARMORED KNIGHTS INC	3/11/2021	3,061.00
00757484	1142732	AVI-SPL LLC	3/11/2021	560.00
00757485	1029822	BC SURF & SPORT	3/11/2021	25.00
00757486	40942	BI INCORPORATED	3/11/2021	19,953.32
00757487	1139376	BLACK JARRED	3/11/2021	312.50
00757488	13160	BRIGHTON CITY OF (WATER)	3/11/2021	2,237.57
00757489	13160	BRIGHTON CITY OF (WATER)	3/11/2021	794.13
00757490	13160	BRIGHTON CITY OF (WATER)	3/11/2021	79.48
00757491	13160	BRIGHTON CITY OF (WATER)	3/11/2021	18,681.97
00757492	13160	BRIGHTON CITY OF (WATER)	3/11/2021	12,236.86
00757493	13160	BRIGHTON CITY OF (WATER)	3/11/2021	106.69
00757496	726898	CA SHORT COMPANY	3/11/2021	354.60
00757498	338733	CALERO SOFTWARE LLC	3/11/2021	3,310.82
00757500	47353	CDW GOVERNMENT INC	3/11/2021	4,700.00
00757501	28303	CENTURA HEALTH	3/11/2021	3,900.00
00757502	37266	CENTURY LINK	3/11/2021	85.00
00757503	37266	CENTURY LINK	3/11/2021	415.80

Net Warrants by Fund Detail

1 General Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00757509	90207	CHARM TEX	3/11/2021	6,490.00
00757512	852482	CLEARWAY ENERGY GROUP LLC	3/11/2021	601.36
00757514	241207	CLIFTONLARSONALLEN LLP	3/11/2021	25,056.15
00757515	647801	CML SECURITY LLC	3/11/2021	48,398.47
00757516	250958	COHEN MILSTEIN SELLERS & TOLL	3/11/2021	897.75
00757518	80146	COLO DEPT OF PUBLIC HEALTH & E	3/11/2021	631.42
00757520	209334	COLO NATURAL GAS INC	3/11/2021	1,027.23
00757523	1029850	COLORADO HOSPITALITY SERVICES	3/11/2021	50.00
00757524	612089	COMMERCIAL CLEANING SYSTEMS	3/11/2021	16,192.60
00757526	44618	COMPLETE EQUITY MARKETS	3/11/2021	400.00
00757528	1141605	CONTRERAS JOSE	3/11/2021	19.00
00757529	42984	CORECIVIC INC	3/11/2021	1,718.74
00757530	1141597	CRAWFORD LACEE	3/11/2021	19.00
00757531	96739	CUMMINS ROCKY MOUNTAIN	3/11/2021	2,569.86
00757532	163136	DEEP ROCK WATER	3/11/2021	120.86
00757533	42540	DELL MARKETING LP	3/11/2021	66,873.48
00757535	44656	DENVER HEALTH & HOSPITAL AUTHO	3/11/2021	680.00
00757536	1115302	DISCOUNT TIRE	3/11/2021	821.74
00757538	207312	DOUGLASS COLONY GROUP INC	3/11/2021	345,329.73
00757539	430532	EASTERN ADAMS COUNTY METROPOLI	3/11/2021	805.30
00757540	5333	ELECTION CENTER INC THE	3/11/2021	500.00
00757541	25579	ENTRAVISION COMMUNICATIONS	3/11/2021	14,210.00
00757544	761168	FERRELLGAS L P	3/11/2021	711.87
00757546	1141596	FLETCHER FAMILY ADVOCACY CENTE	3/11/2021	19.00
00757547	339325	FLEXENTIAL PROFESSIONAL SERVIC	3/11/2021	63,572.00
00757548	1092506	FM K9	3/11/2021	13,800.00
00757549	1040369	FOX CAR RENTAL / FOX DRU	3/11/2021	100.00
00757550	426777	FRANCY LAW FIRM	3/11/2021	76.00
00757551	463649	GABLEHOUSE GRANBERG LLC	3/11/2021	14,376.76
00757552	783632	GAM ENTERPRISES INC	3/11/2021	7,503.72
00757554	60109	GOODBEE MICHELLE	3/11/2021	150.00
00757555	896555	GRANICUS LLC	3/11/2021	15,518.69
00757556	808845	GRONQUIST, CHRISTOPHER L	3/11/2021	65.00
00757557	809485	HAGGERTY BRIAN	3/11/2021	65.00
00757559	582525	HELP/SYSTEMS LLC	3/11/2021	4,075.98
00757560	8721	HILL & ROBBINS	3/11/2021	1,120.00

Net Warrants by Fund Detail

1 General Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00757561	10864	HILLYARD - DENVER	3/11/2021	205.60
00757562	298306	HUPFER DETOR LEVON	3/11/2021	840.00
00757563	79260	IDEXX DISTRIBUTION INC	3/11/2021	431.31
00757565	32276	INSIGHT PUBLIC SECTOR	3/11/2021	26,525.00
00757566	13565	INTERMOUNTAIN REA	3/11/2021	1,763.20
00757567	13565	INTERMOUNTAIN REA	3/11/2021	156.90
00757568	44965	INTERVENTION COMMUNITY CORRECT	3/11/2021	84,909.75
00757569	1130458	JACKSON PATRICK	3/11/2021	120.00
00757570	859588	JAZOWSKI KAREN	3/11/2021	3,900.00
00757573	40843	LANGUAGE LINE SERVICES	3/11/2021	719.14
00757574	1089380	LARES SANDRA	3/11/2021	100.00
00757575	1141359	LEDEZMA FATIMA	3/11/2021	1,400.00
00757576	211203	LEXIPOL LLC	3/11/2021	10,560.00
00757577	94055	MCALLISTER JEAN G	3/11/2021	120.00
00757579	357044	MILE HIGH FLEA MARKET	3/11/2021	100.00
00757580	32947	MOBILE STORAGE SOLUTIONS	3/11/2021	8,106.67
00757581	1068447	MOORE IACOFANO GOLTSMAN INC	3/11/2021	2,958.75
00757582	93018	MURPHY RICK	3/11/2021	4,283.33
00757583	13591	MWI VETERINARY SUPPLY CO	3/11/2021	1,965.56
00757587	1052102	NEAL ROBERT	3/11/2021	75.00
00757588	570347	NELSON AND KENNARD	3/11/2021	19.00
00757590	1004574	OCHS CRYSTAL	3/11/2021	850.00
00757591	1141598	PAMELA SALAPICH NELSON LLC	3/11/2021	19.00
00757593	176327	PITNEY BOWES GLOBAL FINANCIAL	3/11/2021	1,308.09
00757594	473537	PRAETORIAN DIGITAL, POLICEONE	3/11/2021	7,000.00
00757596	346615	PROVEST LLC	3/11/2021	38.00
00757597	80166	REAP	3/11/2021	30,000.00
00757598	1141363	RIVERDALE RIDGE HIGH SCHOOL	3/11/2021	800.00
00757599	1141946	ROCKY MOUNTAIN RADIOGRAPHICS I	3/11/2021	1,120.00
00757602	1029870	SANTIAGOS MEXICAN RESTURANT	3/11/2021	25.00
00757603	574170	SCHULTZ PUBLIC AFFAIRS LLC	3/11/2021	5,416.67
00757605	1141990	SHUMS CODA ASSOCIATES	3/11/2021	1,500.00
00757606	13932	SOUTH ADAMS WATER & SANITATION	3/11/2021	396.44
00757607	13932	SOUTH ADAMS WATER & SANITATION	3/11/2021	526.67
00757608	13932	SOUTH ADAMS WATER & SANITATION	3/11/2021	48.18
00757609	13932	SOUTH ADAMS WATER & SANITATION	3/11/2021	48.18

Net Warrants by Fund Detail

1 General Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00757610	13932	SOUTH ADAMS WATER & SANITATION	3/11/2021	1,611.29
00757612	600914	STATE OF ILLINOIS ATTORNEY GEN	3/11/2021	19.00
00757613	599714	SUMMIT FOOD SERVICE LLC	3/11/2021	13,753.58
00757614	293662	SUMMIT LABORATORIES INC	3/11/2021	480.00
00757615	52553	SWEEP STAKES UNLIMITED	3/11/2021	15.00
00757616	52553	SWEEP STAKES UNLIMITED	3/11/2021	30.00
00757617	52553	SWEEP STAKES UNLIMITED	3/11/2021	15.00
00757618	52553	SWEEP STAKES UNLIMITED	3/11/2021	15.00
00757619	52553	SWEEP STAKES UNLIMITED	3/11/2021	30.00
00757620	52553	SWEEP STAKES UNLIMITED	3/11/2021	15.00
00757621	80267	SWIMS DISPOSAL	3/11/2021	95.00
00757623	47341	T MOBILE	3/11/2021	30.56
00757624	1141006	THE TURNING POINT	3/11/2021	60.83
00757625	498722	THERMAL & MOISTURE PROTECTION	3/11/2021	2,700.00
00757626	319978	TONSAGER DENNIS	3/11/2021	65.00
00757627	270589	TOP HAT FILE AND SERVE	3/11/2021	19.00
00757628	7189	TOSHIBA FINANCIAL SERVICES	3/11/2021	5,941.66
00757629	810316	TRELOAR TARA A	3/11/2021	65.00
00757630	666214	TYGRET DEBRA R	3/11/2021	255.00
00757631	1007	UNITED POWER (UNION REA)	3/11/2021	298.86
00757632	1007	UNITED POWER (UNION REA)	3/11/2021	47.76
00757634	20730	UNITED STATES POSTAL SERVICE	3/11/2021	245.00
00757637	227099	VARGO AND JANSON PC	3/11/2021	19.00
00757638	28617	VERIZON WIRELESS	3/11/2021	3,136.53
00757640	702804	WOLFE SANDRA KAY	3/11/2021	65.00
00757641	338508	WRIGHTWAY INDUSTRIES INC	3/11/2021	540.32
00757642	13822	XCEL ENERGY	3/11/2021	1,227.99
00757643	13822	XCEL ENERGY	3/11/2021	593.23

Fund Total**2,188,281.46**

County of Adams
Net Warrants by Fund Detail

5 **Golf Course Enterprise Fund**

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00007292	6177	PROFESSIONAL RECREATION MGMT I	3/10/2021	31,085.34
			Fund Total	31,085.34

Net Warrants by Fund Detail

6Equipment Service Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00757471	23962	ACS MANAGEMENT LLC	3/11/2021	4,268.00
00757481	930272	ALTEC INDUSTRIES INC	3/11/2021	195,014.00
00757495	9822	BUCKEYE WELDING SUPPLY CO INC	3/11/2021	60.50
00757543	346750	FACTORY MOTOR PARTS	3/11/2021	8,344.21
00757564	682207	INSIGHT AUTO GLASS LLC	3/11/2021	813.50
00757595	324769	PRECISE MRM LLC	3/11/2021	7,534.72
00757601	16237	SAM HILL OIL INC	3/11/2021	16,154.37
			Fund Total	232,189.30

Net Warrants by Fund Detail

7Stormwater Utility Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00007293	433702	QUANTUM WATER & ENVIRONMENT	3/10/2021	5,587.67
00757611	862683	SOUTH PLATTE COALITION FOR URB	3/11/2021	1,210.00
00757635	158184	UTILITY NOTIFICATION CENTER OF	3/11/2021	3,410.75
00757636	1090176	UTILO LLC	3/11/2021	7,342.00
Fund Total				17,550.42

County of Adams
Net Warrants by Fund Detail

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Road & Bridge Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00757558	92426	HDR ENGINEERING INC	3/11/2021	7,250.00
Fund Total				7,250.00

Net Warrants by Fund Detail

19**Insurance Fund**

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00007283	1089885	NAVIA BENEFIT SOLUTIONS INC	3/9/2021	900.00
00007286	523053	TRISTAR RISK MANAGEMENT	3/9/2021	60,128.46
00007294	423439	DELTA DENTAL OF COLO	3/10/2021	145,513.75
00757472	30273	ADAMS COUNTY DETENTION FACILIT	3/11/2021	100.00
00757497	726898	CA SHORT COMPANY	3/11/2021	10,216.75
00757499	419839	CAREHERE LLC	3/11/2021	80,185.00
00757519	17565	COLO FRAME & SUSPENSION	3/11/2021	15,552.67
00757521	2157	COLO OCCUPATIONAL MEDICINE PHY	3/11/2021	264.00
00757545	947425	FIRST AMERICAN ADMINISTRATORS	3/11/2021	48,910.10
00757571	13771	JOE'S TOWING & RECOVERY	3/11/2021	148.00
00757585	61886	NATHAN DUMM & MAYER PC	3/11/2021	73.00
00757586	61886	NATHAN DUMM & MAYER PC	3/11/2021	5,899.10
00757592	1129923	PARENTE LISA	3/11/2021	300.00
			Fund Total	368,190.83

Net Warrants by Fund Detail

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Open Space Sales Tax Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00007295	1075498	AURORA CITY OF	3/12/2021	15,000.00
Fund Total				15,000.00

Net Warrants by Fund Detail

30 Community Dev Block Grant Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00007274	1075730	3W RACES LLC	3/9/2021	2,654.00
00007278	1087774	COLORADO SPORTS RENTAL LLC	3/9/2021	11,500.00
00007279	1055778	FAIFO LTD	3/9/2021	7,300.00
00007281	1128107	JIMMY JOHNS	3/9/2021	8,148.50
00007284	1075724	PINNACLE PEDIATRICS AND INTERN	3/9/2021	10,164.00
00007287	1044009	WORLD JUICE BAR LLC	3/9/2021	2,530.00
00007297	6423	FUN SERVICES INC	3/12/2021	17,426.50
00007299	1081558	SAIGON PHO & GRILL RESTURANT I	3/12/2021	1,638.75
00757494	1116383	BRUZ BEERS	3/11/2021	7,240.00
00757584	357793	MY LITTLE WORLD PRESCHOOL & CH	3/11/2021	7,223.50
00757589	1116388	NOAHS ARK PRESCHOOL & CHILD CA	3/11/2021	10,278.50
			Fund Total	86,103.75

Net Warrants by Fund Detail

31Head Start Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00757504	37266	CENTURY LINK	3/11/2021	422.32
00757505	37266	CENTURY LINK	3/11/2021	149.60
00757506	37266	CENTURY LINK	3/11/2021	120.76
00757507	37266	CENTURY LINK	3/11/2021	463.65
00757508	152461	CENTURYLINK	3/11/2021	11.86
00757510	166025	CHILDRENS HOSPITAL	3/11/2021	1,575.00
00757511	327250	CINTAS CORPORATION NO 2	3/11/2021	160.89
00757517	5078	COLO DEPT OF HUMAN SERVICES	3/11/2021	70.00
00757522	2157	COLO OCCUPATIONAL MEDICINE PHY	3/11/2021	80.00
00757534	45567	DENVER CHILDREN'S ADVOCACY CTR	3/11/2021	3,907.58
00757553	971545	GENESIS FLOOR CARE OF COLORADO	3/11/2021	2,322.00
00757578	1090294	MIGHTY LITTLE VOICES SPEECH TH	3/11/2021	2,080.00
00757622	13770	SYSCO DENVER	3/11/2021	3,485.95
Fund Total				14,849.61

Net Warrants by Fund Detail

35Workforce & Business Center

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00757527	1483	COMPUTER SYSTEMS DESIGN	3/11/2021	4,800.00
00757604	1141571	SEGURA GALVAN BRAYAN A	3/11/2021	80.00
00757639	8076	VERIZON WIRELESS	3/11/2021	918.69
00757644	13822	XCEL ENERGY	3/11/2021	108.05
			Fund Total	5,906.74

Net Warrants by Fund Detail

43Colorado Air & Space Port

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00007288	977209	ADT COMMERCIAL LLC	3/10/2021	195.00
00757475	88281	ALBERTS WATER & WASTEWATER SER	3/11/2021	6,600.00
00757482	228213	ARAMARK REFRESHMENT SERVICES	3/11/2021	189.43
00757513	852482	CLEARWAY ENERGY GROUP LLC	3/11/2021	1,801.16
00757537	1141441	DOUGLASS AVIATION LLC	3/11/2021	3,565.17
00757542	1141440	ERKER FARMS INC	3/11/2021	633.13
00757572	358103	KIMLEY-HORN AND ASSOCIATES INC	3/11/2021	565.00
00757600	44131	ROGGEN FARMERS ELEVATOR ASSN	3/11/2021	3,515.00
00757633	300982	UNITED SITE SERVICES	3/11/2021	647.86
			Fund Total	17,711.75

County of Adams
Net Warrants by Fund Detail

50

FLATROCK Facility Fund

<u>Warrant</u>	<u>Supplier No</u>	<u>Supplier Name</u>	<u>Warrant Date</u>	<u>Amount</u>
00757525	612089	COMMERCIAL CLEANING SYSTEMS	3/11/2021	1,606.87
Fund Total				1,606.87

County of Adams
Net Warrants by Fund Detail

Grand Total 2,985,726.07

County of Adams
Vendor Payment Report

<u>2056</u>	<u>ANS - Health Care</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Repair & Maint					
	ROCKY MOUNTAIN RADIOGRAPHICS I	00001	991802	386189	3/5/2021	910.00
	ROCKY MOUNTAIN RADIOGRAPHICS I	00001	991803	386189	3/5/2021	210.00
					Account Total	<u>1,120.00</u>
					Department Total	<u><u>1,120.00</u></u>

County of Adams
Vendor Payment Report

<u>1074</u>	<u>CA- Risk Management</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Safety-Drug & AI Test/Med Cert					
	COLO OCCUPATIONAL MEDICINE PHY	00019	991893	386413	3/9/2021	<u>264.00</u>
					Account Total	<u>264.00</u>
					Department Total	<u><u>264.00</u></u>

County of Adams
Vendor Payment Report

<u>9263</u>	<u>CARES Act Funding</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Operating Supplies					
	ADVANCED URGENT CARE AND OCC M	00001	991890	386410	3/9/2021	770.00
	ADVANCED URGENT CARE AND OCC M	00001	991891	386410	3/9/2021	3,512.50
					Account Total	4,282.50
					Department Total	4,282.50

County of Adams
Vendor Payment Report

<u>4302</u>	<u>CASP Administration</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Coffee					
	ARAMARK REFRESHMENT SERVICES	00043	992116	386550	3/10/2021	94.71
					Account Total	94.71
	Water/Sewer/Sanitation					
	UNITED SITE SERVICES	00043	991970	386430	3/9/2021	647.86
					Account Total	647.86
					Department Total	742.57

County of Adams
Vendor Payment Report

<u>4303</u>	<u>CASP FBO</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	100LL Income					
	DOUGLASS AVIATION LLC	00043	991674	386028	3/4/2021	3,565.17
	ERKER FARMS INC	00043	991673	386028	3/4/2021	633.13
					Account Total	4,198.30
	Coffee					
	ARAMARK REFRESHMENT SERVICES	00043	992116	386550	3/10/2021	94.72
					Account Total	94.72
					Department Total	4,293.02

County of Adams
Vendor Payment Report

<u>4304</u>	<u>CASP Operations/Maintenance</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Building Repair & Maint					
	ADT COMMERCIAL LLC	00043	991949	386427	3/9/2021	195.00
					Account Total	195.00
	Gas & Electricity					
	CLEARWAY ENERGY GROUP LLC	00043	991964	386430	3/9/2021	710.81
	CLEARWAY ENERGY GROUP LLC	00043	991965	386430	3/9/2021	443.77
	CLEARWAY ENERGY GROUP LLC	00043	991966	386430	3/9/2021	324.95
	CLEARWAY ENERGY GROUP LLC	00043	991967	386430	3/9/2021	321.63
	ROGGEN FARMERS ELEVATOR ASSN	00043	991968	386430	3/9/2021	2,682.50
	ROGGEN FARMERS ELEVATOR ASSN	00043	991969	386430	3/9/2021	832.50
					Account Total	5,316.16
					Department Total	5,511.16

County of Adams
Vendor Payment Report

<u>941018</u>	<u>CDBG 2018/2019</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Grants to Other Inst.-Pgm. Cst					
	3W RACES LLC	00030	991595	385929	3/3/2021	2,654.00
	BRUZ BEERS	00030	991360	385601	2/26/2021	7,240.00
	COLORADO SPORTS RENTAL LLC	00030	991792	386073	3/5/2021	11,500.00
	FAIFO LTD	00030	990821	385290	2/23/2021	7,300.00
	FUN SERVICES INC	00030	991902	386419	3/9/2021	17,426.50
	JIMMY JOHNS	00030	991791	386072	3/5/2021	8,148.50
	MY LITTLE WORLD PRESCHOOL & CH	00030	990837	385297	2/23/2021	7,223.50
	NOAHS ARK PRESCHOOL & CHILD CA	00030	991463	385637	2/26/2021	10,278.50
	PINNACLE PEDIATRICS AND INTERN	00030	990937	385372	2/24/2021	6,664.50
	PINNACLE PEDIATRICS AND INTERN	00030	990827	385294	2/23/2021	3,499.50
	SAIGON PHO & GRILL RESTURANT I	00030	991881	386404	3/9/2021	1,638.75
	WORLD JUICE BAR LLC	00030	991596	385932	3/3/2021	2,530.00
					Account Total	86,103.75
					Department Total	86,103.75

County of Adams
Vendor Payment Report

<u>1022</u>	<u>CLK Elections</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Membership Dues					
	ELECTION CENTER INC THE	00001	992053	386533	3/10/2021	500.00
					Account Total	500.00
	Postage & Freight					
	UNITED STATES POSTAL SERVICE	00001	991903	386421	3/9/2021	245.00
					Account Total	245.00
					Department Total	745.00

County of Adams
Vendor Payment Report

<u>43</u>	<u>Colorado Air & Space Port</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Received not Vouchered Clrg					
	ALBERTS WATER & WASTEWATER SER	00043	991988	386504	3/10/2021	3,300.00
	ALBERTS WATER & WASTEWATER SER	00043	991989	386504	3/10/2021	3,300.00
	KIMLEY-HORN AND ASSOCIATES INC	00043	991994	386504	3/10/2021	565.00
					Account Total	<u>7,165.00</u>
					Department Total	<u><u>7,165.00</u></u>

County of Adams
Vendor Payment Report

<u>9264</u>	<u>Community Recovery</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Grants to Other Instit					
	COMMERCE CITY HOUSING AUTHORIT	00001	992211	386708	3/12/2021	<u>801,055.00</u>
					Account Total	<u>801,055.00</u>
					Department Total	<u><u>801,055.00</u></u>

County of Adams
Vendor Payment Report

<u>1013</u>	<u>County Attorney</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Professional Serv					
	SWEEP STAKES UNLIMITED	00001	991895	386413	3/9/2021	15.00
	SWEEP STAKES UNLIMITED	00001	991896	386413	3/9/2021	30.00
	SWEEP STAKES UNLIMITED	00001	991897	386413	3/9/2021	15.00
	SWEEP STAKES UNLIMITED	00001	991898	386413	3/9/2021	15.00
	SWEEP STAKES UNLIMITED	00001	991899	386413	3/9/2021	30.00
	SWEEP STAKES UNLIMITED	00001	991900	386413	3/9/2021	15.00
					Account Total	120.00
					Department Total	120.00

County of Adams
Vendor Payment Report

<u>2031</u>	<u>County Coroner</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Medical Services					
	CARUSO JAMES LOUIS	00001	991804	386209	3/5/2021	5,125.00
	CINA & CINA FORENSIC CONSULTIN	00001	991860	386392	3/9/2021	12,100.00
					Account Total	<u>17,225.00</u>
	Other Professional Serv					
	JAZOWSKI KAREN	00001	991833	386314	3/8/2021	3,900.00
	MCGUINN CONOR MATTHEW	00001	991828	386313	3/8/2021	625.00
	OCHS CRYSTAL	00001	991532	385804	3/2/2021	850.00
					Account Total	<u>5,375.00</u>
					Department Total	<u><u>22,600.00</u></u>

County of Adams
Vendor Payment Report

<u>1051</u>	<u>District Attorney</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Court Reporting Transcripts					
	ALICIA AVILA STENOGRAPHER SERV	00001	991901	386416	3/9/2021	397.50
	GOODBEE MICHELLE	00001	991907	386416	3/9/2021	150.00
					Account Total	547.50
	Operating Supplies					
	TEHAN JENNIFER	00001	991790	386065	3/4/2021	30.00
					Account Total	30.00
	Other Professional Serv					
	COMPLETE EQUITY MARKETS	00001	991905	386416	3/9/2021	400.00
	MCALLISTER JEAN G	00001	991913	386416	3/9/2021	120.00
					Account Total	520.00
					Department Total	1,097.50

County of Adams
Vendor Payment Report

<u>7041</u>	<u>Economic Development Center</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Grants to Other Instit					
	REAP	00001	991812	386307	3/8/2021	<u>30,000.00</u>
					Account Total	<u>30,000.00</u>
					Department Total	<u><u>30,000.00</u></u>

County of Adams
Vendor Payment Report

<u>97802</u>	<u>Employment Support Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00035	991570	385830	3/2/2021	417.81
					Account Total	417.81
					Department Total	417.81

County of Adams
Vendor Payment Report

<u>6</u>	<u>Equipment Service Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Received not Vouchered Clrg					
	ACS MANAGEMENT LLC	00006	992042	386504	3/10/2021	4,268.00
	ALTEC INDUSTRIES INC	00006	992043	386504	3/10/2021	195,014.00
	FACTORY MOTOR PARTS	00006	992038	386504	3/10/2021	8,344.21
	INSIGHT AUTO GLASS LLC	00006	992032	386504	3/10/2021	164.71
	INSIGHT AUTO GLASS LLC	00006	992034	386504	3/10/2021	40.00
	INSIGHT AUTO GLASS LLC	00006	992035	386504	3/10/2021	162.22
	INSIGHT AUTO GLASS LLC	00006	992036	386504	3/10/2021	237.33
	INSIGHT AUTO GLASS LLC	00006	992037	386504	3/10/2021	209.24
	PRECISE MRM LLC	00006	992041	386504	3/10/2021	5,664.00
	SAM HILL OIL INC	00006	992040	386504	3/10/2021	12,468.17
	SAM HILL OIL INC	00006	992031	386504	3/10/2021	3,588.20
					Account Total	230,160.08
					Department Total	230,160.08

County of Adams
Vendor Payment Report

<u>50</u>	<u>FLATROCK Facility Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Received not Vouchered Cllrg					
	COMMERCIAL CLEANING SYSTEMS	00050	992094	386540	3/10/2021	<u>1,606.87</u>
					Account Total	<u>1,606.87</u>
					Department Total	<u><u>1,606.87</u></u>

County of Adams
Vendor Payment Report

<u>9114</u>	<u>Fleet - Commerce City</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Vehicle Parts & Supplies					
	PRECISE MRM LLC	00006	991810	386301	3/8/2021	1,870.72
	SAM HILL OIL INC	00006	991808	386301	3/8/2021	85.00
	SAM HILL OIL INC	00006	991809	386301	3/8/2021	13.00
					Account Total	<u>1,968.72</u>
					Department Total	<u><u>1,968.72</u></u>

County of Adams
Vendor Payment Report

<u>9115</u>	<u>Fleet - Strasburg</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Operating Supplies					
	BUCKEYE WELDING SUPPLY CO INC	00006	991811	386301	3/8/2021	<u>60.50</u>
					Account Total	<u>60.50</u>
					Department Total	<u><u>60.50</u></u>

County of Adams
Vendor Payment Report

<u>1076</u>	<u>FO - Adams County Svc Center</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Water/Sewer/Sanitation					
	Energy Cap Bill ID=11476	00001	991663	386025	2/13/2021	1,611.29
					Account Total	1,611.29
					Department Total	1,611.29

County of Adams
Vendor Payment Report

<u>1091</u>	<u>FO - Administration</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Gas & Electricity					
	Energy Cap Bill ID=11472	00001	991665	386025	2/10/2021	156.90
	FERRELLGAS L P	00001	991928	386423	3/9/2021	711.87
	UNITED POWER (UNION REA)	00001	991906	386423	3/9/2021	47.76
					Account Total	916.53
	Janitorial Services					
	COMMERCIAL CLEANING SYSTEMS	00001	991916	386423	3/9/2021	505.00
					Account Total	505.00
					Department Total	1,421.53

County of Adams
Vendor Payment Report

<u>5025</u>	<u>FO - Club House Maintenance</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Building Repair & Maint					
	ADT COMMERCIAL LLC	00005	991924	386423	3/9/2021	<u>249.96</u>
					Account Total	<u>249.96</u>
					Department Total	<u><u>249.96</u></u>

County of Adams
Vendor Payment Report

<u>1060</u>	<u>FO - Community Corrections</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Building Repair & Maint					
	GAM ENTERPRISES INC	00001	991934	386423	3/9/2021	401.95
					Account Total	401.95
	Water/Sewer/Sanitation					
	Energy Cap Bill ID=11478	00001	991653	386025	2/13/2021	396.44
					Account Total	396.44
					Department Total	<u>798.39</u>

County of Adams
Vendor Payment Report

<u>1114</u>	<u>FO - District Attorney Bldg.</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Building Repair & Maint					
	ADT COMMERCIAL LLC	00001	991918	386423	3/9/2021	<u>2,200.00</u>
					Account Total	<u>2,200.00</u>
					Department Total	<u><u>2,200.00</u></u>

County of Adams
Vendor Payment Report

<u>1077</u>	<u>FO - Government Center</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Building Repair & Maint					
	ADT COMMERCIAL LLC	00001	991925	386423	3/9/2021	185.00
	ADT COMMERCIAL LLC	00001	991922	386423	3/9/2021	185.00
	ADT COMMERCIAL LLC	00001	991923	386423	3/9/2021	185.00
					Account Total	555.00
	Maintenance Contracts					
	SUMMIT LABORATORIES INC	00001	991937	386423	3/9/2021	480.00
					Account Total	480.00
	Water/Sewer/Sanitation					
	Energy Cap Bill ID=11465	00001	991664	386025	2/9/2021	2,237.57
					Account Total	2,237.57
					Department Total	3,272.57

County of Adams
Vendor Payment Report

<u>1070</u>	<u>FO - Honnen/Plan&Devel/MV Ware</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Gas & Electricity					
	Energy Cap Bill ID=11462	00001	991654	386025	2/5/2021	292.22
	Energy Cap Bill ID=11463	00001	991655	386025	2/5/2021	258.40
	XCEL ENERGY	00001	991908	386423	3/9/2021	593.23
					Account Total	1,143.85
	Janitorial Services					
	COMMERCIAL CLEANING SYSTEMS	00001	991915	386423	3/9/2021	950.00
					Account Total	950.00
	Water/Sewer/Sanitation					
	Energy Cap Bill ID=11474	00001	991656	386025	2/13/2021	526.67
	Energy Cap Bill ID=11477	00001	991657	386025	2/13/2021	48.18
	Energy Cap Bill ID=11479	00001	991658	386025	2/13/2021	48.18
					Account Total	623.03
					Department Total	2,716.88

County of Adams
Vendor Payment Report

<u>1079</u>	<u>FO - Human Services Center</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	T MOBILE	00001	991938	386423	3/9/2021	<u>30.56</u>
					Account Total	<u>30.56</u>
					Department Total	<u><u>30.56</u></u>

County of Adams
Vendor Payment Report

<u>1071</u>	<u>FO - Justice Center</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Building Repair & Maint					
	ADT COMMERCIAL LLC	00001	991919	386423	3/9/2021	7,800.00
	SHUMS CODA ASSOCIATES	00001	991909	386423	3/9/2021	1,500.00
					Account Total	9,300.00
					Department Total	9,300.00

County of Adams
Vendor Payment Report

<u>1062</u>	<u>FO - Other Facilities</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Gas & Electricity					
	XCEL ENERGY	00001	991789	385830	3/4/2021	108.05
					Account Total	108.05
					Department Total	108.05

County of Adams
Vendor Payment Report

<u>1111</u>	<u>FO - Parks Facilities</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Building Repair & Maint					
	ADT COMMERCIAL LLC	00001	991921	386423	3/9/2021	92.50
					Account Total	92.50
	Gas & Electricity					
	Energy Cap Bill ID=11464	00001	991666	386025	2/5/2021	50.74
	Energy Cap Bill ID=11481	00001	991667	386025	2/3/2021	1,227.99
					Account Total	1,278.73
	Maintenance Contracts					
	ADT COMMERCIAL LLC	00001	991926	386423	3/9/2021	1,350.00
	CUMMINS ROCKY MOUNTAIN	00001	991933	386423	3/9/2021	669.86
	CUMMINS ROCKY MOUNTAIN	00001	991930	386423	3/9/2021	976.00
	CUMMINS ROCKY MOUNTAIN	00001	991931	386423	3/9/2021	924.00
					Account Total	3,919.86
	Other Professional Serv					
	THERMAL & MOISTURE PROTECTION	00001	991910	386423	3/9/2021	2,700.00
					Account Total	2,700.00
					Department Total	7,991.09

County of Adams
Vendor Payment Report

<u>1123</u>	<u>FO - Riverdale Animal Shelter</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Professional Serv					
	COLO DEPT OF PUBLIC HEALTH & E	00001	991857	386323	3/8/2021	<u>631.42</u>
					Account Total	<u>631.42</u>
					Department Total	<u><u>631.42</u></u>

County of Adams
Vendor Payment Report

<u>1112</u>	<u>FO - Sheriff HQ/Coroner Bldg</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Water/Sewer/Sanitation					
	Energy Cap Bill ID=11466	00001	991668	386025	2/12/2021	794.13
	Energy Cap Bill ID=11469	00001	991669	386025	2/12/2021	79.48
					Account Total	<u>873.61</u>
					Department Total	<u><u>873.61</u></u>

County of Adams
Vendor Payment Report

<u>2009</u>	<u>FO - Sheriff Maintenance</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Water/Sewer/Sanitation					
	Energy Cap Bill ID=11467	00001	991670	386025	2/12/2021	18,681.97
	Energy Cap Bill ID=11468	00001	991671	386025	2/12/2021	12,236.86
	Energy Cap Bill ID=11470	00001	991672	386025	2/12/2021	106.69
					Account Total	<u>31,025.52</u>
					Department Total	<u><u>31,025.52</u></u>

County of Adams
Vendor Payment Report

<u>1075</u>	<u>FO - Strasburg/Whittier</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Gas & Electricity					
	Energy Cap Bill ID=11473	00001	991659	386025	2/9/2021	1,027.23
	Energy Cap Bill ID=11475	00001	991660	386025	2/11/2021	298.86
	Energy Cap Bill ID=11480	00001	991661	386025	2/5/2021	1,763.20
					Account Total	3,089.29
	Janitorial Services					
	COMMERCIAL CLEANING SYSTEMS	00001	991911	386423	3/9/2021	925.00
	COMMERCIAL CLEANING SYSTEMS	00001	991912	386423	3/9/2021	925.00
	COMMERCIAL CLEANING SYSTEMS	00001	991914	386423	3/9/2021	925.00
					Account Total	2,775.00
	Water/Sewer/Sanitation					
	Energy Cap Bill ID=11471	00001	991662	386025	2/9/2021	805.30
	SWIMS DISPOSAL	00001	991936	386423	3/9/2021	95.00
					Account Total	900.30
					Department Total	6,764.59

County of Adams
Vendor Payment Report

<u>1</u>	<u>General Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Diversion Restitution Payable					
	AGFINITY INC	00001	992058	386416	3/9/2021	50.00
	BC SURF & SPORT	00001	992060	386416	3/9/2021	25.00
	BLACK JARRED	00001	992077	386416	3/9/2021	312.50
	COLORADO HOSPITALITY SERVICES	00001	992062	386416	3/9/2021	50.00
	DISCOUNT TIRE	00001	992064	386416	3/9/2021	521.74
	DISCOUNT TIRE	00001	992071	386416	3/9/2021	300.00
	FOX CAR RENTAL / FOX DRU	00001	992075	386416	3/9/2021	100.00
	JACKSON PATRICK	00001	992082	386416	3/9/2021	120.00
	LARES SANDRA	00001	992097	386416	3/9/2021	50.00
	LARES SANDRA	00001	992097	386416	3/9/2021	50.00
	MILE HIGH FLEA MARKET	00001	992081	386416	3/9/2021	100.00
	NEAL ROBERT	00001	992087	386416	3/9/2021	37.50
	NEAL ROBERT	00001	992085	386416	3/9/2021	37.50
	SANTIAGOS MEXICAN RESTURANT	00001	992098	386416	3/9/2021	25.00
					Account Total	1,779.24
	Received not Vouchered Clrg					
	ALMOST HOME INC	00001	992117	386540	3/10/2021	8,305.24
	ALMOST HOME INC	00001	992117	386540	3/10/2021	6,862.73
	ALMOST HOME INC	00001	992118	386540	3/10/2021	197,626.53
	ALMOST HOME INC	00001	992119	386540	3/10/2021	38,318.00
	ALSCO AMERICAN INDUSTRIAL	00001	992101	386540	3/10/2021	201.14
	ALSCO AMERICAN INDUSTRIAL	00001	992102	386540	3/10/2021	201.14
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	339.42
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	68.83
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	68.83
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	68.83
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	136.08
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	136.08
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	68.83
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	339.42
	ARMORED KNIGHTS INC	00001	992030	386504	3/10/2021	136.08
	ARMORED KNIGHTS INC	00001	991995	386504	3/10/2021	339.72
	ARMORED KNIGHTS INC	00001	991995	386504	3/10/2021	339.72
	ARMORED KNIGHTS INC	00001	991995	386504	3/10/2021	339.72

County of Adams
Vendor Payment Report

<u>1</u>	<u>General Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	ARMORED KNIGHTS INC	00001	991995	386504	3/10/2021	339.72
	ARMORED KNIGHTS INC	00001	991995	386504	3/10/2021	339.72
	BAWDEN JANA E A	00001	992066	386538	3/10/2021	218.75
	BAWDEN JANA E A	00001	992066	386538	3/10/2021	125.00
	BAWDEN JANA E A	00001	992066	386538	3/10/2021	250.00
	BI INCORPORATED	00001	992103	386540	3/10/2021	19,953.32
	BKD LLP	00001	991887	386409	3/9/2021	9,466.75
	CA SHORT COMPANY	00001	992009	386504	3/10/2021	354.60
	CALERO SOFTWARE LLC	00001	992124	386540	3/10/2021	3,310.82
	CDW GOVERNMENT INC	00001	992123	386540	3/10/2021	4,700.00
	CHARM TEX	00001	992106	386540	3/10/2021	6,490.00
	CLIFTONLARSONALLEN LLP	00001	992095	386540	3/10/2021	25,056.15
	CML SECURITY LLC	00001	992104	386540	3/10/2021	32,961.76
	CML SECURITY LLC	00001	992105	386540	3/10/2021	15,436.71
	COHEN MILSTEIN SELLERS & TOLL	00001	991982	386504	3/10/2021	897.75
	COMMERCIAL CLEANING SYSTEMS	00001	992092	386540	3/10/2021	1,209.10
	COMMERCIAL CLEANING SYSTEMS	00001	992092	386540	3/10/2021	10,368.30
	COMMERCIAL CLEANING SYSTEMS	00001	992093	386540	3/10/2021	385.20
	CORECIVIC INC	00001	991985	386504	3/10/2021	911.24
	CORECIVIC INC	00001	991986	386504	3/10/2021	807.50
	DELL MARKETING L P	00001	992122	386540	3/10/2021	66,873.48
	DOUGLASS COLONY GROUP INC	00001	992079	386540	3/10/2021	20,944.98
	DOUGLASS COLONY GROUP INC	00001	992079	386540	3/10/2021	3,250.00
	DOUGLASS COLONY GROUP INC	00001	992079	386540	3/10/2021	339,310.00
	ENTRAVISION COMMUNICATIONS	00001	992096	386540	3/10/2021	14,210.00
	FLEXENTIAL PROFESSIONAL SERVIC	00001	992126	386540	3/10/2021	5,332.00
	FLEXENTIAL PROFESSIONAL SERVIC	00001	992127	386540	3/10/2021	18,370.00
	FLEXENTIAL PROFESSIONAL SERVIC	00001	992128	386540	3/10/2021	18,370.00
	FLEXENTIAL PROFESSIONAL SERVIC	00001	992129	386540	3/10/2021	12,250.00
	FLEXENTIAL PROFESSIONAL SERVIC	00001	992130	386540	3/10/2021	9,250.00
	FM K9	00001	992107	386540	3/10/2021	6,900.00
	FM K9	00001	992107	386540	3/10/2021	6,900.00
	G4S SECURE SOLUTIONS USA INC	00001	992068	386538	3/10/2021	3,412.59
	G4S SECURE SOLUTIONS USA INC	00001	992068	386538	3/10/2021	1,853.08
	G4S SECURE SOLUTIONS USA INC	00001	992069	386538	3/10/2021	5,330.99
	G4S SECURE SOLUTIONS USA INC	00001	992072	386538	3/10/2021	5,363.51

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<u>1</u>	<u>General Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	G4S SECURE SOLUTIONS USA INC	00001	992073	386538	3/10/2021	3,489.26
	G4S SECURE SOLUTIONS USA INC	00001	992073	386538	3/10/2021	2,484.73
	G4S SECURE SOLUTIONS USA INC	00001	991888	386409	3/9/2021	8,402.20
	G4S SECURE SOLUTIONS USA INC	00001	991888	386409	3/9/2021	944.66
	G4S SECURE SOLUTIONS USA INC	00001	991889	386409	3/9/2021	9,292.20
	GABLEHOUSE GRANBERG LLC	00001	992080	386540	3/10/2021	14,376.76
	GAM ENTERPRISES INC	00001	992086	386540	3/10/2021	5,714.98
	GAM ENTERPRISES INC	00001	992083	386540	3/10/2021	306.34
	GAM ENTERPRISES INC	00001	992084	386540	3/10/2021	162.00
	GAM ENTERPRISES INC	00001	992088	386540	3/10/2021	473.40
	GAM ENTERPRISES INC	00001	992089	386540	3/10/2021	175.50
	GAM ENTERPRISES INC	00001	992090	386540	3/10/2021	269.55
	GRANICUS LLC	00001	992120	386540	3/10/2021	15,518.69
	HELP/SYSTEMS LLC	00001	992131	386540	3/10/2021	4,075.98
	HILL & ROBBINS	00001	991976	386504	3/10/2021	1,120.00
	HILLYARD - DENVER	00001	992022	386504	3/10/2021	205.60
	IDEXX DISTRIBUTION INC	00001	992008	386504	3/10/2021	240.12
	IDEXX DISTRIBUTION INC	00001	992008	386504	3/10/2021	191.19
	INSIGHT PUBLIC SECTOR	00001	992125	386540	3/10/2021	26,525.00
	INTERVENTION COMMUNITY CORRECT	00001	992024	386504	3/10/2021	1,342.88
	INTERVENTION COMMUNITY CORRECT	00001	992026	386504	3/10/2021	8,659.75
	INTERVENTION COMMUNITY CORRECT	00001	992027	386504	3/10/2021	74,907.12
	MOBILE STORAGE SOLUTIONS	00001	992016	386504	3/10/2021	1,345.00
	MOBILE STORAGE SOLUTIONS	00001	992017	386504	3/10/2021	535.00
	MOBILE STORAGE SOLUTIONS	00001	992018	386504	3/10/2021	100.00
	MOBILE STORAGE SOLUTIONS	00001	992020	386504	3/10/2021	5,995.00
	MOBILE STORAGE SOLUTIONS	00001	992021	386504	3/10/2021	131.67
	MOORE IACOFANO GOLTSMAN INC	00001	991996	386504	3/10/2021	2,958.75
	MURPHY RICK	00001	992108	386540	3/10/2021	4,283.33
	MWI VETERINARY SUPPLY CO	00001	992001	386504	3/10/2021	22.10
	MWI VETERINARY SUPPLY CO	00001	992003	386504	3/10/2021	26.82
	MWI VETERINARY SUPPLY CO	00001	992004	386504	3/10/2021	715.73
	MWI VETERINARY SUPPLY CO	00001	992005	386504	3/10/2021	1,114.91
	MWI VETERINARY SUPPLY CO	00001	992006	386504	3/10/2021	86.00
	NATHAN DUMM & MAYER PC	00001	991977	386504	3/10/2021	73.00
	NATHAN DUMM & MAYER PC	00001	992115	386540	3/10/2021	3,033.32

County of Adams
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<u>1</u>	<u>General Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	NATHAN DUMM & MAYER PC	00001	992115	386540	3/10/2021	2,865.78
	OLDER ADULTS TECHNOLOGY SERVIC	00001	992213	386714	3/12/2021	93,000.00
	PITNEY BOWES GLOBAL FINANCIAL	00001	992109	386540	3/10/2021	1,308.09
	SCHULTZ PUBLIC AFFAIRS LLC	00001	992029	386504	3/10/2021	5,416.67
	SUMMIT FOOD SERVICE LLC	00001	992110	386540	3/10/2021	4,289.03
	SUMMIT FOOD SERVICE LLC	00001	992111	386540	3/10/2021	3,632.85
	TYGRETTE DEBRA R	00001	992114	386540	3/10/2021	255.00
	WRIGHTWAY INDUSTRIES INC	00001	992007	386504	3/10/2021	540.32
					Account Total	<u>1,236,005.64</u>
	Retainages Payable					
	DOUGLASS COLONY GROUP INC	00001	992079	386540	3/10/2021	162.50-
	DOUGLASS COLONY GROUP INC	00001	992079	386540	3/10/2021	1,047.25-
	DOUGLASS COLONY GROUP INC	00001	992079	386540	3/10/2021	16,965.50-
					Account Total	<u>18,175.25-</u>
					Department Total	<u><u>1,219,609.63</u></u>

County of Adams
Vendor Payment Report

<u>5026</u>	<u>Golf Course- Maintenance</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Contract Employment					
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	12,776.93
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	1,584.82
					Account Total	14,361.75
					Department Total	14,361.75

County of Adams
Vendor Payment Report

<u>5021</u>	<u>Golf Course- Pro Shop</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Building Repair & Maint					
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	165.00
					Account Total	165.00
	Contract Employment					
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	12,327.74
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	1,521.52
					Account Total	13,849.26
	Operating Supplies					
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	422.16
					Account Total	422.16
	Other Professional Serv					
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	62.56
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	944.00
					Account Total	1,006.56
	Security Service					
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	647.50
					Account Total	647.50
	Water/Sewer/Sanitation					
	PROFESSIONAL RECREATION MGMT I	00005	992051	386520	3/10/2021	633.11
					Account Total	633.11
					Department Total	<u>16,723.59</u>

County of Adams
Vendor Payment Report

<u>31</u>	<u>Head Start Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Received not Vouchered Clrg					
	CHILDRENS HOSPITAL	00031	991990	386504	3/10/2021	1,575.00
	DENVER CHILDREN'S ADVOCACY CTR	00031	991987	386504	3/10/2021	3,907.58
	GENESIS FLOOR CARE OF COLORADO	00031	991999	386504	3/10/2021	2,322.00
	MIGHTY LITTLE VOICES SPEECH TH	00031	992000	386504	3/10/2021	2,080.00
	SYSCO DENVER	00031	991983	386504	3/10/2021	769.21
	SYSCO DENVER	00031	991984	386504	3/10/2021	2,304.85
	SYSCO DENVER	00031	991984	386504	3/10/2021	411.89
					Account Total	13,370.53
					Department Total	13,370.53

County of Adams
Vendor Payment Report

<u>935121</u>	<u>HHS Grant</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Medical Services					
	COLO OCCUPATIONAL MEDICINE PHY	00031	991480	385721	3/1/2021	80.00
					Account Total	80.00
	Operating Supplies					
	CINTAS CORPORATION NO 2	00031	991820	386311	3/8/2021	160.89
					Account Total	160.89
	Other Professional Serv					
	COLO DEPT OF HUMAN SERVICES	00031	991821	386311	3/8/2021	35.00
	COLO DEPT OF HUMAN SERVICES	00031	991821	386311	3/8/2021	35.00
					Account Total	70.00
	Telephone					
	CENTURY LINK	00031	991815	386311	3/8/2021	422.32
	CENTURY LINK	00031	991816	386311	3/8/2021	149.60
	CENTURY LINK	00031	991817	386311	3/8/2021	120.76
	CENTURY LINK	00031	991818	386311	3/8/2021	463.65
	CENTURYLINK	00031	991479	385721	3/1/2021	11.86
					Account Total	1,168.19
					Department Total	<u>1,479.08</u>

County of Adams
Vendor Payment Report

<u>8614</u>	<u>Insurance- Delta Dental</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Self-Insurance Claims					
	DELTA DENTAL OF COLO	00019	992012	386509	3/10/2021	25,738.30
	DELTA DENTAL OF COLO	00019	992015	386509	3/10/2021	22,119.50
	DELTA DENTAL OF COLO	00019	992019	386509	3/10/2021	515.20
	DELTA DENTAL OF COLO	00019	992023	386509	3/10/2021	34,988.80
	DELTA DENTAL OF COLO	00019	992028	386509	3/10/2021	23,375.99
	DELTA DENTAL OF COLO	00019	992044	386509	3/10/2021	14,584.00
	DELTA DENTAL OF COLO	00019	992045	386509	3/10/2021	173.00
	DELTA DENTAL OF COLO	00019	992047	386509	3/10/2021	163.00
	DELTA DENTAL OF COLO	00019	992033	386509	3/10/2021	108.40
	DELTA DENTAL OF COLO	00019	992039	386509	3/10/2021	23,747.56
					Account Total	145,513.75
					Department Total	145,513.75

County of Adams
Vendor Payment Report

19	<u>Insurance Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Received not Vouchered Clrg					
	CA SHORT COMPANY	00019	991991	386504	3/10/2021	1,727.25
	CA SHORT COMPANY	00019	991992	386504	3/10/2021	6,370.00
	CA SHORT COMPANY	00019	991992	386504	3/10/2021	2,119.50
	CAREHERE LLC	00019	991978	386504	3/10/2021	9,540.00
	CAREHERE LLC	00019	991978	386504	3/10/2021	10,361.50
	CAREHERE LLC	00019	991979	386504	3/10/2021	10,741.00
	CAREHERE LLC	00019	991979	386504	3/10/2021	2,016.00
	CAREHERE LLC	00019	991979	386504	3/10/2021	7,434.00
	CAREHERE LLC	00019	991980	386504	3/10/2021	9,540.00
	CAREHERE LLC	00019	991980	386504	3/10/2021	10,361.50
	CAREHERE LLC	00019	991981	386504	3/10/2021	9,450.00
	CAREHERE LLC	00019	991981	386504	3/10/2021	10,741.00
	COLO FRAME & SUSPENSION	00019	992011	386504	3/10/2021	6,874.52
	COLO FRAME & SUSPENSION	00019	992013	386504	3/10/2021	2,416.44
	COLO FRAME & SUSPENSION	00019	992099	386540	3/10/2021	4,455.81
	COLO FRAME & SUSPENSION	00019	992100	386540	3/10/2021	1,805.90
	JOE'S TOWING & RECOVERY	00019	992010	386504	3/10/2021	148.00
	NAVIA BENEFIT SOLUTIONS INC	00019	991904	386409	3/9/2021	900.00
	PARENTE LISA	00019	992014	386504	3/10/2021	300.00
					Account Total	107,302.42
					Department Total	107,302.42

County of Adams
Vendor Payment Report

<u>8611</u>	<u>Insurance- Property/Casualty</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Prop Claims-Under Deduct					
	ADAMS COUNTY DETENTION FACILIT	00019	991894	386413	3/9/2021	<u>100.00</u>
					Account Total	<u>100.00</u>
					Department Total	<u><u>100.00</u></u>

County of Adams
Vendor Payment Report

<u>8623</u>	<u>Insurance- Vision</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Self-Insurance Claims					
	FIRST AMERICAN ADMINISTRATORS	00019	991951	386429	3/9/2021	23,777.10
	FIRST AMERICAN ADMINISTRATORS	00019	991953	386429	3/9/2021	20,804.27
	FIRST AMERICAN ADMINISTRATORS	00019	991957	386429	3/9/2021	2,574.83
	FIRST AMERICAN ADMINISTRATORS	00019	991960	386429	3/9/2021	1,753.90
					Account Total	48,910.10
					Department Total	48,910.10

County of Adams
Vendor Payment Report

<u>8617</u>	<u>Insurance- Workers Comp</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Workers Compensation					
	TRISTAR RISK MANAGEMENT	00019	991839	386316	3/8/2021	<u>60,128.46</u>
					Account Total	<u>60,128.46</u>
					Department Total	<u><u>60,128.46</u></u>

County of Adams
Vendor Payment Report

<u>1056</u>	<u>IT Help Desk & Servers</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Office Equip Rep & Maint					
	AVI-SPL LLC	00001	991892	386415	3/9/2021	<u>560.00</u>
					Account Total	<u>560.00</u>
					Department Total	<u><u>560.00</u></u>

County of Adams
Vendor Payment Report

<u>97813</u>	<u>MSFW Housing Inspection</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00035	991570	385830	3/2/2021	51.51
					Account Total	51.51
					Department Total	51.51

County of Adams
Vendor Payment Report

<u>6202</u>	<u>Open Space Tax- Grants</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Grants to Other Instit					
	AURORA CITY OF	00028	992160	386621	3/11/2021	<u>15,000.00</u>
					Account Total	<u>15,000.00</u>
					Department Total	<u><u>15,000.00</u></u>

County of Adams
Vendor Payment Report

<u>1015</u>	<u>People Services</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Tuition Reimbursement					
	HUPFER DETOR LEVON	00001	992050	386516	3/10/2021	840.00
	STEHLE KRYSTI	00001	991742	386052	3/4/2021	2,094.00
					Account Total	<u>2,934.00</u>
					Department Total	<u><u>2,934.00</u></u>

County of Adams
Vendor Payment Report

<u>5010</u>	<u>PKS- Fair</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Regional Park Rentals					
	LEDEZMA FATIMA	00001	991806	386300	3/8/2021	1,400.00
	RIVERDALE RIDGE HIGH SCHOOL	00001	991807	386300	3/8/2021	800.00
					Account Total	<u>2,200.00</u>
					Department Total	<u><u>2,200.00</u></u>

County of Adams
Vendor Payment Report

<u>1089</u>	<u>PLN- Boards & Commissions</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Professional Serv					
	GRONQUIST, CHRISTOPHER L	00001	991785	386059	3/4/2021	65.00
	HAGGERTY BRIAN	00001	991784	386059	3/4/2021	65.00
	TONSAGER DENNIS	00001	991782	386059	3/4/2021	65.00
	TRELOAR TARA A	00001	991783	386059	3/4/2021	65.00
	WOLFE SANDRA KAY	00001	991781	386059	3/4/2021	65.00
					Account Total	325.00
					Department Total	325.00

County of Adams
Vendor Payment Report

<u>13</u>	<u>Road & Bridge Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Received not Vouchered Cllrg HDR ENGINEERING INC	00013	991998	386504	3/10/2021	7,250.00
					Account Total	7,250.00
					Department Total	7,250.00

County of Adams
Vendor Payment Report

<u>2004</u>	<u>Sheriff Training</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	252.35
					Account Total	252.35
	Operating Supplies					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	57.22
					Account Total	57.22
					Department Total	309.57

County of Adams
Vendor Payment Report

<u>2008</u>	<u>SHF - Training Academy</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	113.11
					Account Total	113.11
	Operating Supplies					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	.12
					Account Total	.12
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	119.04
					Account Total	119.04
					Department Total	232.27

County of Adams
Vendor Payment Report

<u>2011</u>	<u>SHF- Admin Services Division</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	634.92
					Account Total	634.92
	Operating Supplies					
	DEEP ROCK WATER	00001	991935	386424	3/9/2021	120.86
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	186.14
					Account Total	307.00
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	1,055.01
					Account Total	1,055.01
	Other Professional Serv					
	LEXIPOL LLC	00001	991972	386434	3/9/2021	10,560.00
					Account Total	10,560.00
					Department Total	12,556.93

County of Adams
Vendor Payment Report

<u>2015</u>	<u>SHF- Civil Section</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	445.77
					Account Total	445.77
	Sheriff's Fees					
	CONTRERAS JOSE	00001	991704	386045	2/28/2021	19.00
	CRAWFORD LACEE	00001	991702	386045	2/28/2021	19.00
	FLETCHER FAMILY ADVOCACY CENTE	00001	991701	386045	2/28/2021	19.00
	FRANCY LAW FIRM	00001	991691	386045	2/28/2021	19.00
	FRANCY LAW FIRM	00001	991692	386045	2/28/2021	19.00
	FRANCY LAW FIRM	00001	991693	386045	2/28/2021	19.00
	FRANCY LAW FIRM	00001	991694	386045	2/28/2021	19.00
	NELSON AND KENNARD	00001	991697	386045	2/28/2021	19.00
	PAMELA SALAPICH NELSON LLC	00001	991703	386045	2/28/2021	19.00
	PROVEST LLC	00001	991698	386045	2/28/2021	19.00
	PROVEST LLC	00001	991699	386045	2/28/2021	19.00
	STATE OF ILLINOIS ATTORNEY GEN	00001	991700	386045	2/28/2021	19.00
	TOP HAT FILE AND SERVE	00001	991695	386045	2/28/2021	19.00
	VARGO AND JANSON PC	00001	991696	386045	2/28/2021	19.00
					Account Total	266.00
					Department Total	711.77

County of Adams
Vendor Payment Report

<u>2075</u>	<u>SHF- Commissary Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	221.72
					Account Total	<u>221.72</u>
	Operating Supplies					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	85.43
					Account Total	<u>85.43</u>
	Other Communications					
	CENTURY LINK	00001	991946	386424	3/9/2021	415.80
					Account Total	<u>415.80</u>
					Department Total	<u><u>722.95</u></u>

County of Adams
Vendor Payment Report

<u>2016</u>	<u>SHF- Detective Division</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	680.85
					Account Total	680.85
	Interpreting Services					
	LANGUAGE LINE SERVICES	00001	991942	386424	3/9/2021	85.28
					Account Total	85.28
	Medical Services					
	DENVER HEALTH & HOSPITAL AUTHO	00001	991932	386424	3/9/2021	680.00
					Account Total	680.00
	Operating Supplies					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	225.33
					Account Total	225.33
	Other Communications					
	CENTURY LINK	00001	991929	386424	3/9/2021	85.00
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	40.01
					Account Total	125.01
	Other Professional Serv					
	CENTURA HEALTH	00001	991927	386424	3/9/2021	1,500.00
	THE TURNING POINT	00001	991944	386424	3/9/2021	60.83
					Account Total	1,560.83
					Department Total	3,357.30

County of Adams
Vendor Payment Report

<u>2071</u>	<u>SHF- Detention Facility</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Education & Training					
	PRAETORIAN DIGITAL, POLICEONE	00001	991973	386434	3/9/2021	7,000.00
					Account Total	7,000.00
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	1,707.85
					Account Total	1,707.85
	Interpreting Services					
	LANGUAGE LINE SERVICES	00001	991942	386424	3/9/2021	542.84
					Account Total	542.84
	Medical Services					
	CENTURA HEALTH	00001	991927	386424	3/9/2021	2,400.00
					Account Total	2,400.00
	Operating Supplies					
	SUMMIT FOOD SERVICE LLC	00001	991940	386424	3/9/2021	5,831.70
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	444.44
					Account Total	6,276.14
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	396.02
					Account Total	396.02
					Department Total	18,322.85

County of Adams
Vendor Payment Report

<u>2072</u>	<u>SHF- Justice Center</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	<u>30.77</u>
					Account Total	<u>30.77</u>
					Department Total	<u><u>30.77</u></u>

County of Adams
Vendor Payment Report

<u>2010</u>	<u>SHF- MIS Unit</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	<u>100.73</u>
					Account Total	<u>100.73</u>
					Department Total	<u><u>100.73</u></u>

County of Adams
Vendor Payment Report

<u>2017</u>	<u>SHF- Patrol Division</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	521.48
					Account Total	521.48
	Interpreting Services					
	LANGUAGE LINE SERVICES	00001	991942	386424	3/9/2021	91.02
					Account Total	91.02
	Operating Supplies					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	133.44
					Account Total	133.44
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	563.40
					Account Total	563.40
					Department Total	<u>1,309.34</u>

County of Adams
Vendor Payment Report

<u>2018</u>	<u>SHF- Records/Warrants Section</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	377.25
					Account Total	377.25
	Operating Supplies					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	148.13
					Account Total	148.13
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	40.01
					Account Total	40.01
					Department Total	565.39

County of Adams
Vendor Payment Report

<u>2005</u>	<u>SHF- TAC Section</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Equipment Rental					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	139.24
					Account Total	<u>139.24</u>
	Operating Supplies					
	TOSHIBA FINANCIAL SERVICES	00001	991941	386424	3/9/2021	12.64
					Account Total	<u>12.64</u>
	Other Communications					
	VERIZON WIRELESS	00001	991945	386424	3/9/2021	345.77
					Account Total	<u>345.77</u>
					Department Total	<u><u>497.65</u></u>

County of Adams
Vendor Payment Report

<u>3701</u>	<u>Stormwater Administration</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Membership Dues					
	SOUTH PLATTE COALITION FOR URB	00007	991499	385785	3/2/2021	1,210.00
					Account Total	1,210.00
	Other Professional Serv					
	UTILITY NOTIFICATION CENTER OF	00007	991500	385785	3/2/2021	1,826.88
	UTILITY NOTIFICATION CENTER OF	00007	991498	385785	3/2/2021	1,583.87
					Account Total	3,410.75
					Department Total	4,620.75

County of Adams
Vendor Payment Report

<u>7</u>	<u>Stormwater Utility Fund</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Received not Vouchered Clrg					
	QUANTUM WATER & ENVIRONMENT	00007	992065	386538	3/10/2021	5,587.67
	UTILO LLC	00007	991997	386504	3/10/2021	3,618.00
	UTILO LLC	00007	992121	386540	3/10/2021	3,724.00
					Account Total	<u>12,929.67</u>
					Department Total	<u><u>12,929.67</u></u>

County of Adams
Vendor Payment Report

<u>97800</u>	<u>Wagner-Peyser</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00035	991570	385830	3/2/2021	40.01
					Account Total	40.01
					Department Total	40.01

County of Adams
Vendor Payment Report

<u>99600</u>	<u>WBC Admin Pool</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00035	991570	385830	3/2/2021	51.44
					Account Total	51.44
					Department Total	51.44

County of Adams
Vendor Payment Report

<u>99806</u>	<u>WIOA & Wag/Pey Shared Prog Cst</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00035	991570	385830	3/2/2021	51.44
					Account Total	51.44
					Department Total	51.44

County of Adams
Vendor Payment Report

<u>97500</u>	<u>WIOA YOUTH OLDER</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Supp Svcs-Incentives					
	SEGURA GALVAN BRYAN A	00035	991786	385830	3/4/2021	<u>80.00</u>
					Account Total	<u>80.00</u>
					Department Total	<u><u>80.00</u></u>

County of Adams
Vendor Payment Report

<u>35</u>	<u>Workforce & Business Center</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Received not Vouchered Clrg					
	COMPUTER SYSTEMS DESIGN	00035	991993	386504	3/10/2021	<u>4,800.00</u>
					Account Total	<u>4,800.00</u>
					Department Total	<u><u>4,800.00</u></u>

County of Adams
Vendor Payment Report

<u>99807</u>	<u>Youth Shared Prgrm Direct Cost</u>	<u>Fund</u>	<u>Voucher</u>	<u>Batch No</u>	<u>GL Date</u>	<u>Amount</u>
	Other Communications					
	VERIZON WIRELESS	00035	991570	385830	3/2/2021	<u>306.48</u>
					Account Total	<u>306.48</u>
					Department Total	<u><u>306.48</u></u>

County of Adams
Vendor Payment Report

Grand Total 2,985,726.07



**Board of County Commissioners
Minutes of Commissioners' Proceedings**

Eva J. Henry - District #1
Charles "Chaz" Tedesco - District #2
Emma Pinter - District #3
Steve O'Doriso - District #4
Lynn Baca - District #5

**Tuesday
March 16, 2021
9:30 AM**

1. ROLL CALL

Present: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Doriso, and Commissioner Baca

2. PLEDGE OF ALLEGIANCE

3. MOTION TO APPROVE AGENDA

A motion was made by Commissioner Tedesco, seconded by Commissioner O'Doriso, that this Agenda be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Doriso, and Commissioner Baca

4. AWARDS AND PRESENTATIONS

A. COVID-19 Testing Recognition

5. PUBLIC COMMENT

A. Citizen Communication

B. Elected Officials' Communication

6. CONSENT CALENDAR

A motion was made by Commissioner Baca, seconded by Commissioner O'Doriso, that this Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter,
Commissioner O'Dorisio, and Commissioner Baca

- A.** List of Expenditures Under the Dates of March 01-05, 2021
- B.** Minutes of the Commissioners' Proceedings from March 9, 2021
- C.** Resolution Approving Right-of-Way Agreement between Adams County and Diamond Beall Development, LLC for Property Necessary for the Dahlia Street Roadway and Drainage Improvements Project from East 74th Avenue to East 78th Avenue
(File approved by ELT)
- D.** Resolution Adopting and Recording the 2020 Official Zoning Maps for Unincorporated Adams County, Colorado
(File approved by ELT)
- E.** Resolution Approving the 2021 Annual Operating Plan between Adams County, the Adams County Sheriff's Office, the Colorado Division of Fire Prevention and Control, and the United States Fish and Wildlife Service for Cooperative Wildfire Protection in Adams County
(File approved by ELT)
- F.** Resolution Approving License Agreement between Adams County and Fisher Ditch Company Regarding License to Cross Ditch and Easement
(File approved by ELT)
- G.** Resolution Approving Right-of-Way Agreement between Adams County and Public Service Company of Colorado for Property Necessary for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street
(File approved by ELT)
- H.** Resolution Approving Right-of-Way Agreement between Adams County and 7480 Dexter Street, LLC for Property Necessary for the Dahlia Street Roadway and Drainage Improvements Project from East 74th Avenue to East 78th Avenue
(File approved by ELT)
- I.** Resolution Approving Intergovernmental Agreement between Adams County and Brighton Housing Authority Regarding the Disbursement of Emergency Rental Assistance Funds
(File approved by ELT)
- J.** Resolution Approving Intergovernmental Agreement between Adams County and Maiker Housing Partners Regarding the Disbursement of Emergency Rental Assistance Funds
(File approved by ELT)

- K. Resolution Appointing Robert Nemmers to the Community Services Block Grant Advisory Council as a Public Sector Representative
(File approved by ELT)
- L. Resolution Appointment Melinda Larson to the Community Services Block Grant Advisory Council as a Public Sector Representative
(File approved by ELT)
- M. Resolution Appointing Aaron Valtakis to the Community Services Block Grant Advisory Council as a Low-Income Sector Representative
(File approved by ELT)

7. NEW BUSINESS

A. COUNTY MANAGER

1. Resolution Approving Adams County Coroner's Forensic Pathology Service Agreement with Cina & Cina Forensic Consulting Corporation
(File approved by ELT)
A motion was made by Commissioner O'Doriso, seconded by Commissioner Baca, that this Resolution be approved. The motion carried by the following vote:
Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Doriso, and Commissioner Baca
2. Resolution Approving an Agreement between Adams County and North Metro Community Services, Inc. for Services for Persons with Developmental Disabilities
(File approved by ELT)
A motion was made by Commissioner Baca, seconded by Commissioner O'Doriso, that this New Business be approved. The motion carried by the following vote:
Aye: 4 - Commissioner Henry, Commissioner Tedesco, Commissioner O'Doriso, and Commissioner Baca
Nay: 1 - Commissioner Pinter
3. Resolution Approving a Purchase Order to CCR Event Group for Computer Rental Services for County Employees
(File approved by ELT)
A motion was made by Commissioner Pinter, seconded by Commissioner O'Doriso, that this New Business be approved. The motion carried by the following vote:
Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Doriso, and Commissioner Baca

B. COUNTY ATTORNEY

Motion to Adjourn into Executive Session Pursuant to C.R.S. 24-6-402(4)(b) and (e) for the Purpose of Receiving Legal Advice and Instructing Negotiators Regarding the Aerotropolis Regional Transportation Authority Negotiations
A motion was made by Commissioner Pinter, seconded by Commissioner O'Doriso, that this Executive Session be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Doriso, and Commissioner Baca

Motion to Adjourn into Executive Session Pursuant to C.R.S. 24-6-402(4)(e) for the Purpose of Negotiations Regarding Potential Employer Economic Incentives
A motion was made by Commissioner Pinter, seconded by Commissioner Baca, that this Executive Session be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Doriso, and Commissioner Baca

8. LAND USE HEARINGS

A. Cases to be Heard

1. PLT2020-00039 Reinstein Gutierrez Subdivision Exemption (File approved by ELT)
A motion was made by Commissioner Pinter, seconded by Commissioner O'Doriso, that this Land Use Hearing be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Doriso, and Commissioner Baca

9. ADJOURNMENT

AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution authorizing the acquisition of property interests necessary for the construction of the improvements for the East 58 th Avenue Improvements Project – East 58 th Avenue from Clarkson Street to York Street
FROM: Brian Staley, P.E., PTOE, Public Works Director
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON:
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners authorizes the acquisition of property interests for the East 58 th Avenue Improvements Project by resolution.

BACKGROUND:

Adams County has submitted and received funding from the Adams County Board of County Commissioners for East 58th Avenue Capital Improvements Program Project – East 58th Avenue from Clarkson Street to York Street (hereinafter “Project”). The County has prepared construction plans, right-of-way plans and legal descriptions that determined the need to acquire various property interests from forty-seven (47) property ownerships. Negotiations with one fee owner of record, Denver Mart, LLC have not moved forward. Adams County sent a Notice of Intent to Acquire Property to Denver Mart, LLC, on September 10, 2019, pursuant to C.R.S. § 38-1-121(1), and sent a Final Offer to Purchase to acquire Parcel RW-1 and Parcel TCE-1, to Denver Mart, LLC, on December 7, 2020, based on an appraisal of such property, to which Adams County received no response. To assure that the acquisitions can be obtained in a timely manner and not jeopardize project deadlines, County staff needs to have authority to use the power of eminent domain to acquire the property interests necessary for the Project should good faith negotiations be unsuccessful. The resolution allows the Board of County Commissioners to authorize the use of eminent domain to acquire property interests for the East 58th Avenue Project.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works and Office of the County Attorney

ATTACHED DOCUMENTS:

Draft resolution
Legal Description of Parcel RW-1 and TCE-1

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<u> </u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u> </u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY INTERESTS FROM
DENVER MART, LLC NECESSARY FOR THE CONSTRUCTION OF IMPROVEMENTS
FOR THE EAST 58TH AVENUE IMPROVEMENTS PROJECT – EAST 58TH AVENUE
FROM WASHINGTON STREET TO YORK STREET

WHEREAS, Adams County has proposed the construction of East 58th Avenue from Washington Street to York Street (the “Project”); and,

WHEREAS, Adams County, through engineering studies and design, has deemed it necessary to construct improvements as part of the Project consisting of the construction of a roadway and its appurtenances, including but not limited to roadway pavement; curb, gutter and sidewalk; pedestrian paths; drainage infrastructures; and streetscaping required for the Project; and,

WHEREAS, Adams County Public Works Department has submitted the Project to the Adams County Board of County Commissioners for the consideration of funds to construct the Project; and,

WHEREAS, Adams County Board of County Commissioners has approved funding for the Project; and,

WHEREAS, Adams County has also budgeted funds for the acquisition of the necessary property interests required for the Project; and,

WHEREAS, right-of-way and design plans for the Project are available upon request from the Adams County Public Works Department; and,

WHEREAS, to the best knowledge of Adams County, Denver Mart, LLC, is the fee owner of record of property necessary to be acquired for the Project identified as Parcel RW-1 and described more specifically in the attached exhibit; and,

WHEREAS, a temporary construction easement will be necessary over certain property identified as Parcel TCE-1 and more specifically described in the exhibit attached to the Temporary Construction Easement and Right-of-Entry attached hereto; and,

WHEREAS, Adams County sent a Notice of Intent to Acquire Property to Denver Mart, LLC, on September 10, 2019, pursuant to C.R.S. § 38-1-121(1), and sent a Final Offer to Purchase to acquire Parcel RW-1 and Parcel TCE-1, to Denver Mart, LLC, on December 7, 2020, based on an appraisal of such property, but has been unable to acquire property through negotiation; and,

WHEREAS, the construction of the Project will serve the general public and is necessary for the health, safety, and welfare of the citizens of Adams County; and,

WHEREAS, Adams County has the authority to use the power of eminent domain to condemn

private property for county road purposes pursuant to C.R.S. § 43-2-112.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that it is in the interest of the general public's health, safety and welfare to acquire said property interests from Denver Mart, LLC necessary for the Project and to construct the Project.

BE IT FURTHER RESOLVED, that the Public Works Department or its designee is hereby authorized and directed to acquire the property interests necessary for the Project as identified herein above based on good faith negotiations.

BE IT FURTHER RESOLVED, that the County Attorney's Office, or outside counsel hired by the County Attorney's Office, is authorized to acquire by means of eminent domain any of the property interests necessary for the construction of the Project, including Parcel RW-1 and Parcel TCE-1

BE IT FURTHER RESOLVED, that immediate possession of the property interests necessary for the construction of the Project is necessary and required for the reasons and purposes described herein.



Drexel, Barrell & Co.

DECEMBER 11, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

LEGAL DESCRIPTION PARCEL RW-1 RIGHT-OF-WAY DEDICATION

A TRACT OF LAND BEING A PORTION OF LOT 1, MAPLETON ADDITION AMENDED NO. 5, RECORDED AT RECEPTION NO. 2018000044528, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

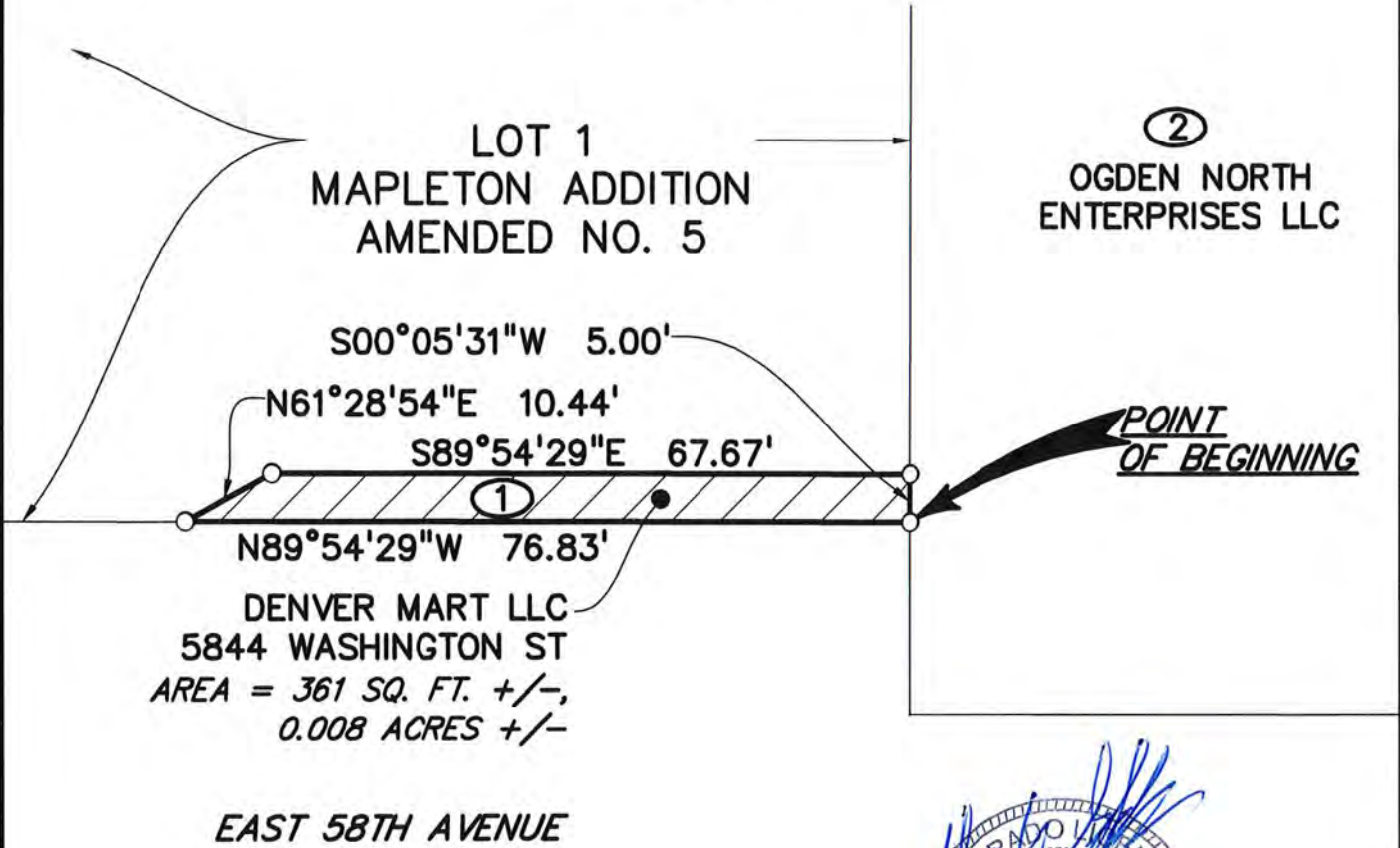
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N89°54'29"W, 76.83 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 1 AND ALONG SAID NORTHERLY LINE OF EAST 58TH AVENUE; THENCE N61°28'54"E, 10.44 FEET; THENCE S89°54'29"E, 67.67 FEET TO THE EASTERLY LINE OF SAID LOT 1; THENCE S00°05'31"W, 5.00 FEET ALONG SAID EASTERLY LINE OF LOT 1 TO THE **POINT OF BEGINNING**.

CONTAINING 0.008 ACRES OR 361 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL RW-1 R.O.W. DEDICATION



SCALE 1" = 20'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

		Drexel, Barrell & Co. Engineers/Surveyors 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338 BOULDER, COLORADO (303) 442-4338 COLORADO SPRINGS, COLORADO (719) 280-0887 GREELEY, COLORADO (970) 351-0645	
Revisions - Date	Date	Drawn By	Job No.
	12-11-19	MANF/VJD	20961-00
	Scale	Checked By	Drawing No.
	1"=20'	MES	IN FILE

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Drexel, Barrell & Co.

DECEMBER 11, 2019

LEGAL DESCRIPTION PARCEL TCE-1 TEMPORARY CONSTRUCTION EASEMENT

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF LOT 1, MAPLETON ADDITION AMENDED NO. 5, RECORDED AT RECEPTION NO. 2018000044528, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE, THENCE N00°05'31"E, 5.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 1 TO THE **TRUE POINT OF BEGINNING**;

THENCE N89°54'29"W, 67.67 FEET; THENCE S61°28'54"W, 10.44 FEET TO THE SOUTHERLY LINE OF SAID LOT 1 AND SAID NORTHERLY LINE OF EAST 58TH AVENUE; THENCE N89°54'29"W, 10.44 FEET ALONG SAID SOUTHERLY LINE OF LOT 1 AND ALONG SAID NORTHERLY LINE OF EAST 58TH AVENUE; THENCE N61°28'54"E, 35.50 FEET; THENCE S89°54'29"E, 56.11 FEET TO SAID EASTERLY LINE OF LOT 1; THENCE S00°05'31"W, 12.00 FEET ALONG SAID EASTERLY LINE OF LOT 1 TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.020 ACRES OR 858 SQUARE FEET, MORE OR LESS.

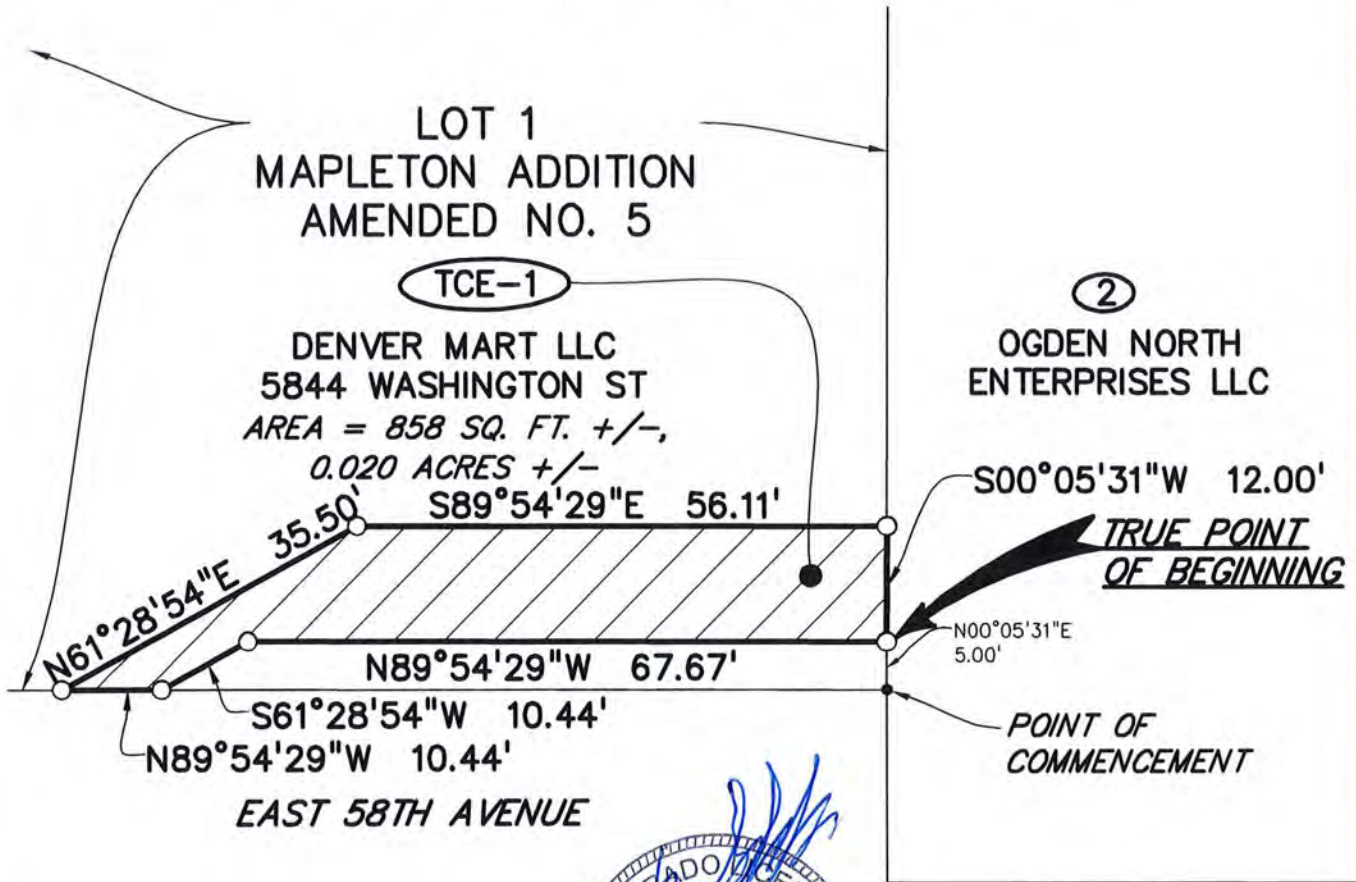
LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT

PARCEL TCE-1

TEMPORARY CONSTRUCTION EASEMENT



SCALE 1" = 20'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

		Drexel, Barrell & Co. Engineers/Surveyors 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338 BOULDER, COLORADO (303) 442-4338 COLORADO SPRINGS, COLORADO (719) 260-0887 GREELEY, COLORADO (970) 351-0846	
Revisions - Date	Date	Drawn By	Job No.
	12-11-19	MNF/VJD	20961-00
	Scale	Checked By	Drawing No.
	1"=20'	MES	IN FILE

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PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution authorizing the acquisition of property interests necessary for the construction of the improvements for the East 58 th Avenue Improvements Project – East 58 th Avenue from Clarkson Street to York Street
FROM: Brian Staley, P.E., PTOE, Public Works Director
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON:
AUTHORIZATION TO MOVE FORWARD: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners authorizes the acquisition of property interests for the East 58 th Avenue Improvements Project by resolution.

BACKGROUND:

Adams County has submitted and received funding from the Adams County Board of County Commissioners for East 58th Avenue Capital Improvements Program Project – East 58th Avenue from Clarkson Street to York Street (hereinafter “Project”). The County has prepared construction plans, right-of-way plans and legal descriptions that determined the need to acquire various property interests from forty-seven (47) property ownerships. Negotiations with one fee owner of record, The Denver Rock Island Railroad have not moved forward. Adams County sent a Notice of Intent to Acquire Property to The Denver Rock Island Railroad, on October 6, 2020, pursuant to C.R.S. § 38-1-121(1), and sent a Final Offer to Purchase to acquire Parcels RW-30, RW-31, RW-32, RW-33 and Parcel TCE-30, to The Denver Rock Island Railroad, on December 14, 2020, based on an appraisal of such property, to which Adams County received no response. To assure that the acquisitions can be obtained in a timely manner and not jeopardize project deadlines, County staff needs to have authority to use the power of eminent domain to acquire the property interests necessary for the Project should good faith negotiations be unsuccessful. The resolution allows the Board of County Commissioners to authorize the use of eminent domain to acquire property interests for the East 58th Avenue Project.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works and Office of the County Attorney

ATTACHED DOCUMENTS:

Draft resolution
Legal Description of Parcels RW-30, RW-31, RW-32 and RW-33 and TCE-30

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/> <hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY INTERESTS FROM
THE DENVER ROCK ISLAND RAILROAD FOR THE CONSTRUCTION OF
IMPROVEMENTS NECESSARY FOR THE EAST 58TH AVENUE IMPROVEMENTS
PROJECT – EAST 58TH AVENUE FROM WASHINGTON STREET TO YORK STREET

WHEREAS, Adams County has proposed the construction of East 58th Avenue from Washington Street to York Street (the “Project”); and,

WHEREAS, Adams County, through engineering studies and design, has deemed it necessary to construct improvements as part of the Project consisting of the construction of a roadway and its appurtenances, including but not limited to roadway pavement; curb, gutter and sidewalk; pedestrian paths; drainage infrastructures; and streetscaping required for the Project; and,

WHEREAS, Adams County Public Works Department has submitted the Project to the Adams County Board of County Commissioners for the consideration of funds to construct the Project; and,

WHEREAS, Adams County Board of County Commissioners has approved funding for the Project; and,

WHEREAS, Adams County has also budgeted funds for the acquisition of the necessary property interests required for the Project; and,

WHEREAS, right-of-way and design plans for the Project are available upon request from the Adams County Public Works Department; and,

WHEREAS, to the best knowledge of Adams County, The Denver Rock Island Railroad, is the fee owner of record of property necessary to be acquired for the Project identified as Parcels RW-30, RW-31, RW-32 and RW-33 and described more specifically in the attached exhibit; and,

WHEREAS, a temporary construction easement will be necessary over certain property identified as Parcel TCE-30 and more specifically described in the exhibit attached to the Temporary Construction Easement and Right-of-Entry attached hereto; and,

WHEREAS, Adams County sent a Notice of Intent to Acquire Property to The Denver Rock Island Railroad, on October 6, 2020, pursuant to C.R.S. § 38-1-121(1), and sent a Final Offer to Purchase to acquire Parcels RW-30, RW-31, RW-32, RW-33 and Parcel TCE-30, to The Denver Rock Island Railroad, on December 14, 2020, based on an appraisal of such property, but has been unable to acquire property through negotiation; and,

WHEREAS, the construction of the Project will serve the general public and is necessary for the health, safety and welfare of the citizens of Adams County; and,

WHEREAS, Adams County has the authority to use the power of eminent domain to condemn private property for county road purposes pursuant to C.R.S. § 43-2-112.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that it is in the interest of the general public's health, safety, and welfare to acquire said property interests from the Denver Rock Island Railroad for the construction of improvements necessary for the Project.

BE IT FURTHER RESOLVED, that the Public Works Department or its designee is hereby authorized and directed to acquire the property interests necessary for the Project as identified herein above based on good faith negotiations.

BE IT FURTHER RESOLVED, that the County Attorney's Office, or outside counsel hired by the County Attorney's Office, is authorized to acquire by means of eminent domain any of the property interests necessary for the construction of the Project, including Parcels RW-30, RW-31, RW-32 and RW-33 and Parcel TCE-30.

BE IT FURTHER RESOLVED, that immediate possession of the property interests necessary for the construction of the Project is necessary and required for the reasons and purposes described herein.



Drexel, Barrell & Co.

JULY 1, 2019

LEGAL DESCRIPTION PARCEL RW-30 RIGHT-OF-WAY DEDICATION

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF LOT 1, T.L.L. SUBDIVISION, RECORDED AT RECEPTION NO. C0754641, LOCATED IN THE SE1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

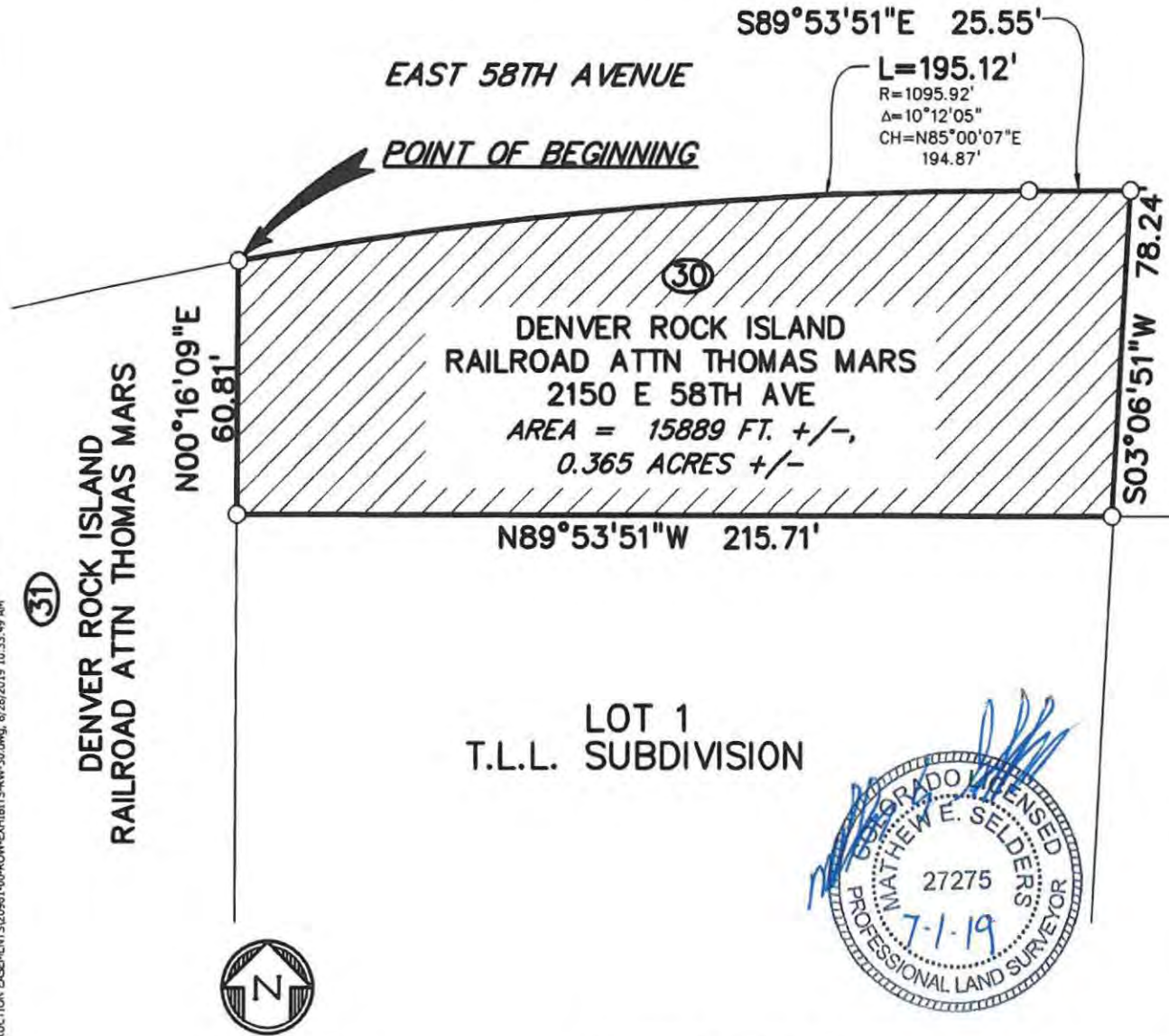
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE EASTERLY, 195.12 FEET ALONG A CURVE CONCAVE TO THE SOUTH AND ALONG THE NORTHERLY LINE OF SAID LOT 1 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE, THE ARC OF SAID CURVE HAVING A RADIUS OF 1095.92 FEET, A CENTRAL ANGLE OF 10°12'05" AND BEING SUBTENDED BY A CHORD THAT BEARS N85°00'07"E, 194.87 FEET; THENCE S89°53'51"E, 25.55 FEET ALONG SAID NORTHERLY LINE OF LOT 1 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S03°06'51"W, 78.24 FEET ALONG THE EASTERLY LINE OF SAID LOT 1; THENCE N89°53'51"W, 215.71 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE N00°16'09"E, 60.81 FEET ALONG THE WESTERLY LINE OF SAID LOT 1 TO THE **POINT OF BEGINNING**.

CONTAINING 0.365 ACRES OR 15,889 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



**EXHIBIT
PARCEL RW-30
R.O.W. DEDICATION**



(31)

DENVER ROCK ISLAND
RAILROAD ATTN THOMAS MARS

N00°16'09"E
60.81'

S89°53'51"E 25.55'

L=195.12'
R=1095.92'
Δ=10°12'05"
CH=N85°00'07"E
194.87'

POINT OF BEGINNING

30
DENVER ROCK ISLAND
RAILROAD ATTN THOMAS MARS
2150 E 58TH AVE
AREA = 15889 FT. +/-,
0.365 ACRES +/-

S03°06'51"W 78.24'

N89°53'51"W 215.71'

LOT 1
T.L.L. SUBDIVISION



SCALE 1" = 40'

NOTES

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2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
NOTICE: ACCORDING TO COLORADO LAW YOU **MUST** COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
BOULDER, COLORADO (303) 442-4338
COLORADO SPRING, COLORADO (719) 280-0887
GREELEY, COLORADO (970) 351-0646



Revisions - Date	Date	Drawn By	Job No.
	5/3/19	MAN	20961-00
	Scale	Checked By	Drawing No.
	1"=40'	MES	IN FILE

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Drexel, Barrell & Co.

JULY 1, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

LEGAL DESCRIPTION PARCEL RW-31 RIGHT-OF-WAY DEDICATION

A TRACT OF LAND BEING A PORTION OF LOT 2, T.L.L. SUBDIVISION, RECORDED AT RECEPTION NO. C0754641, LOCATED IN THE SE1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

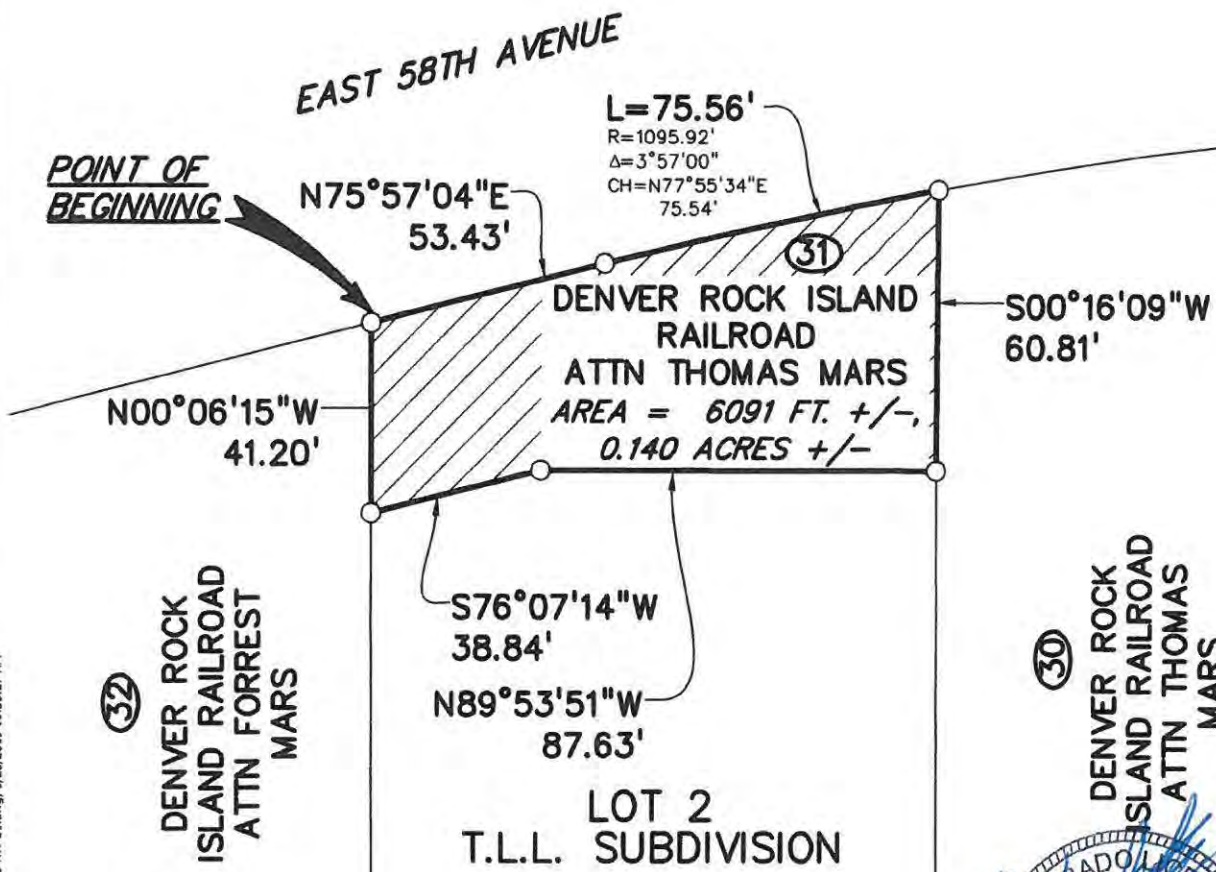
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE N75°57'04"E, 53.43 FEET ALONG THE NORTHERLY LINE OF SAID LOT 2 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE; THENCE EASTERLY, 75.56 FEET ALONG A CURVE CONCAVE TO THE SOUTH AND ALONG THE NORTHERLY LINE OF SAID LOT 2 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE, THE ARC OF SAID CURVE HAVING A RADIUS OF 1095.92 FEET, A CENTRAL ANGLE OF 03°57'00" AND BEING SUBTENDED BY A CHORD THAT BEARS N77°55'34"E, 75.54 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE S00°16'09"W, 60.81 FEET ALONG THE EASTERLY LINE OF SAID LOT 2; THENCE N89°53'51"W, 87.63 FEET; THENCE S76°07'14"W, 38.84 FEET TO THE WESTERLY LINE OF SAID LOT 2; THENCE N00°06'15"W, 41.20 FEET ALONG THE WESTERLY LINE OF SAID LOT 2 TO THE **POINT OF BEGINNING**.

CONTAINING 0.140 ACRES OR 6091 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL RW-31 R.O.W. DEDICATION



(32) DENVER ROCK ISLAND RAILROAD ATTN FORREST MARS

(30) DENVER ROCK ISLAND RAILROAD ATTN THOMAS MARS

LOT 2
T.L.L. SUBDIVISION



SCALE 1" = 40'

NOTES

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IN ACCORDANCE WITH CRS 13-80-105;
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Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 BOULDER, COLORADO (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 280-0887
 GREELEY, COLORADO (970) 351-0845

Revisions - Date	Date	Drawn By	Job No.
	5/3/19	MAN	20961-00
	Scale	Checked By	Drawing No.
	1"=40'	MES	IN FILE

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Drexel, Barrell & Co.

JULY 1, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

LEGAL DESCRIPTION PARCEL RW-32 RIGHT-OF-WAY DEDICATION

A TRACT OF LAND BEING A PORTION OF LOT 3, T.L.L. SUBDIVISION, RECORDED AT RECEPTION NO. C0754641, LOCATED IN THE SE1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

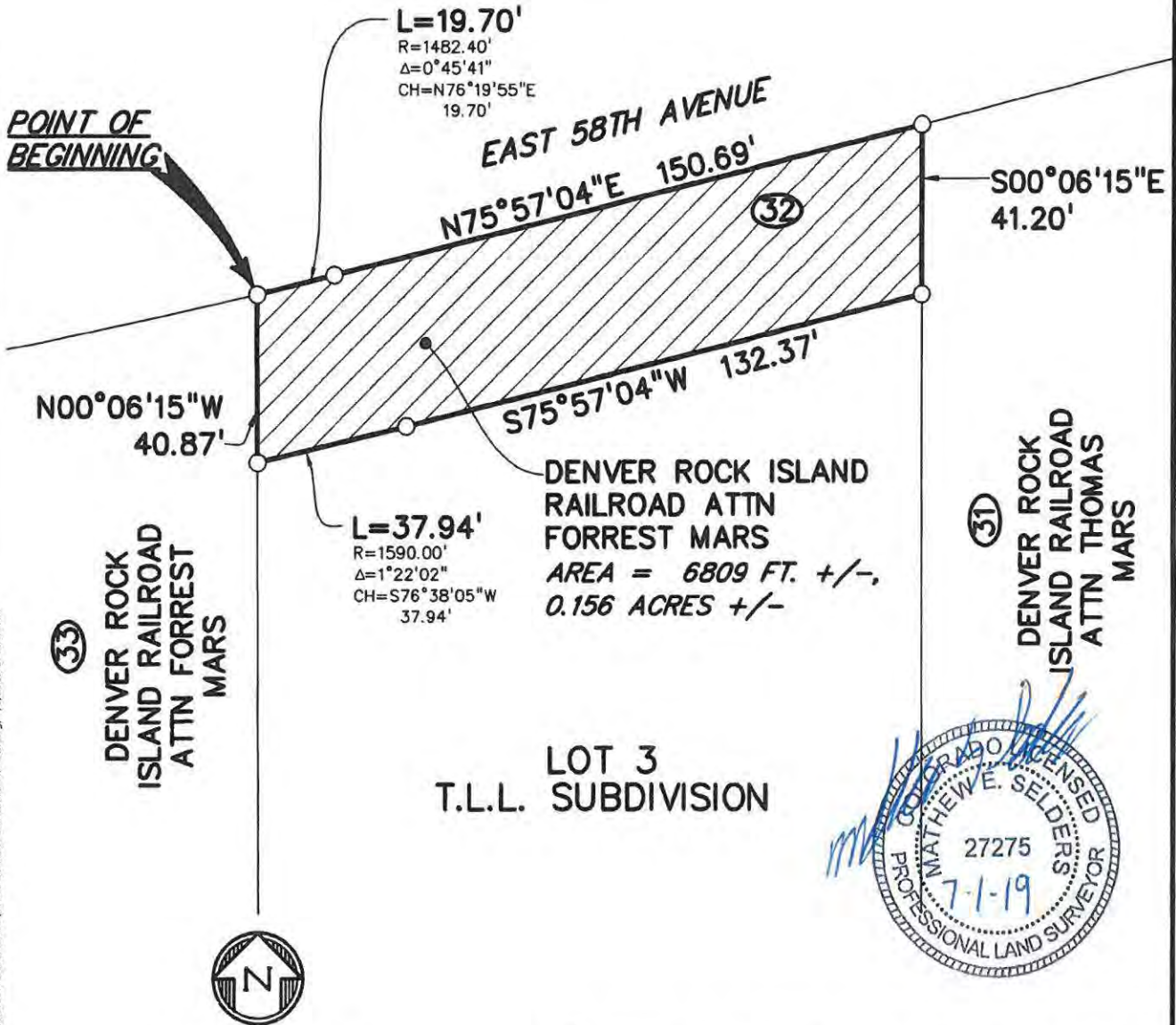
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE NORTHEASTERLY 19.70 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST AND ALONG THE NORTHERLY LINE OF SAID LOT 3 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE, THE ARC OF SAID CURVE HAVING A RADIUS OF 1482.40 FEET, A CENTRAL ANGLE OF 00°45'41" AND BEING SUBTENDED BY A CHORD THAT BEARS N76°19'55"E, 19.70 FEET; THENCE N75°57'04"E, 150.69 FEET ALONG SAID NORTHERLY LINE OF LOT 3 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE S00°06'15"E, 41.20 FEET ALONG THE EASTERLY LINE OF SAID LOT 3; THENCE S75°57'04"W, 132.37 FEET; THENCE SOUTHWESTERLY 37.94 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST, THE ARC OF SAID CURVE HAVING A RADIUS OF 1590.00 FEET, A CENTRAL ANGLE OF 01°22'02" AND BEING SUBTENDED BY A CHORD THAT BEARS S76°38'05"W, 37.94 FEET TO THE WESTERLY LINE OF SAID LOT 3; THENCE N00°06'15"W, 40.87 FEET ALONG SAID WESTERLY LINE OF LOT 3 TO THE **POINT OF BEGINNING**.

CONTAINING 0.156 ACRES OR 6809 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL RW-32 R.O.W. DEDICATION



SCALE 1" = 40'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
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		BOULDER, COLORADO (303) 442-4338 COLORADO SPRINGS, COLORADO (719) 260-0887 GREELEY, COLORADO (970) 351-0846	
Revisions - Date	Date	Drawn By	Job No.
	5/3/19	MNF	20961-00
	Scale	Checked By	Drawing No.
	1"=40'	MES	IN FILE

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Drexel, Barrell & Co.

JULY 1, 2019

LEGAL DESCRIPTION PARCEL RW-33 RIGHT-OF-WAY DEDICATION

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF LOT 4, T.L.L. SUBDIVISION, RECORDED AT RECEPTION NO. C0754641, LOCATED IN THE SE1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

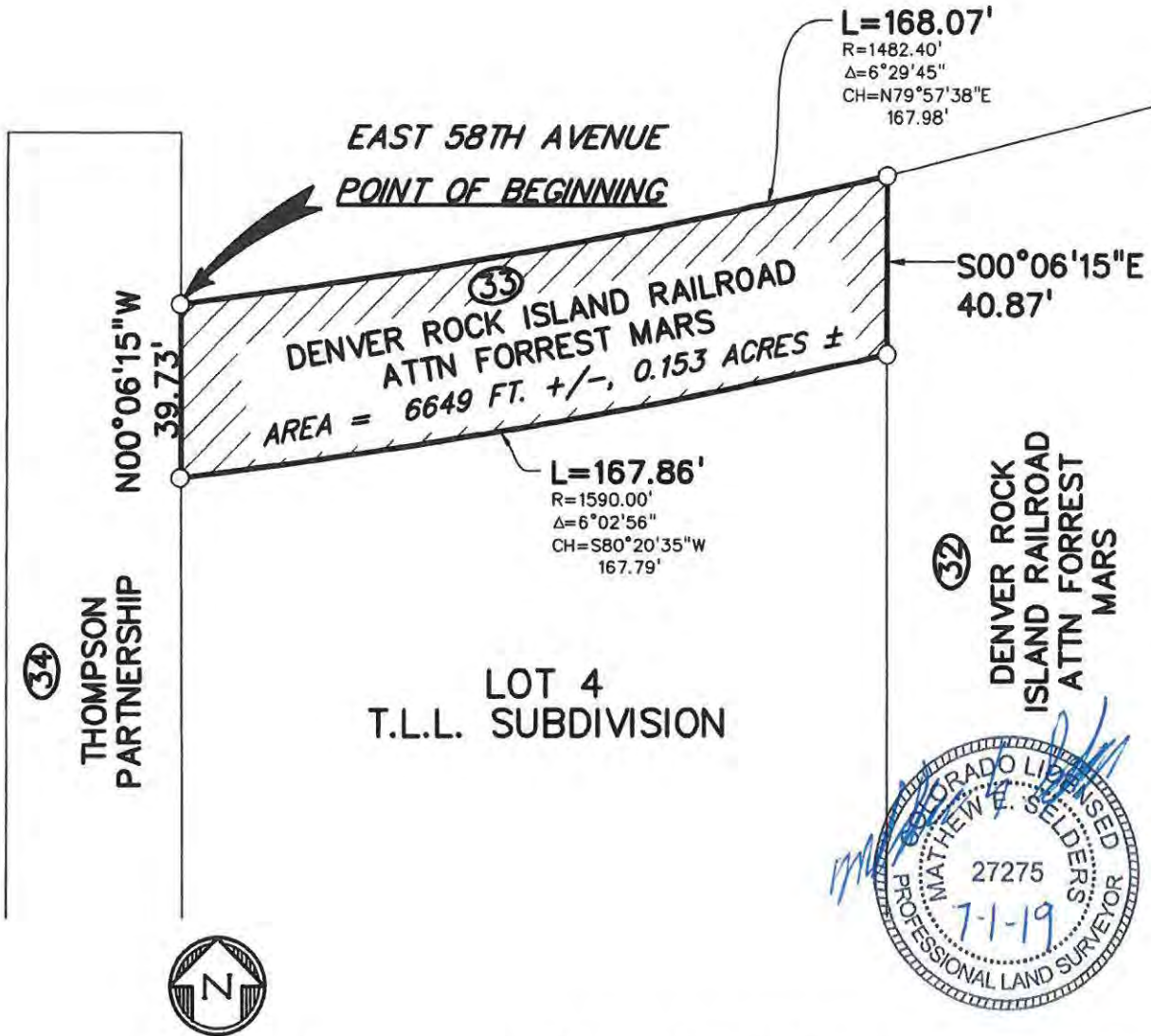
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE NORTHEASTERLY 168.07 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST AND ALONG THE NORTHERLY LINE OF SAID LOT 4 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE, THE ARC OF SAID CURVE HAVING A RADIUS OF 1482.40 FEET, A CENTRAL ANGLE OF 06°29'45" AND BEING SUBTENDED BY A CHORD THAT BEARS N79°57'38"E, 167.98 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE S00°06'15"E, 40.87 FEET ALONG THE EASTERLY LINE OF SAID LOT 4; THENCE SOUTHWESTERLY 167.86 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST, THE ARC OF SAID CURVE HAVING A RADIUS OF 1590.00 FEET, A CENTRAL ANGLE OF 06°02'56" AND BEING SUBTENDED BY A CHORD THAT BEARS S80°20'35"W, 167.79 FEET TO THE WESTERLY LINE OF SAID LOT 4; THENCE N00°06'15"W, 39.73 FEET ALONG SAID WESTERLY LINE OF LOT 4 TO THE **POINT OF BEGINNING**.

CONTAINING 0.153 ACRES OR 6649 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL RW-33 R.O.W. DEDICATION



(34)

THOMPSON
PARTNERSHIP

LOT 4
T.L.L. SUBDIVISION

(32)

DENVER ROCK
ISLAND RAILROAD
ATTN FORREST
MARS



SCALE 1" = 40'

NOTES

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BOULDER, COLORADO (903) 442-4338
 COLORADO SPRINGS, COLORADO (719) 880-0887
 GREELEY, COLORADO (970) 351-0645

Revisions - Date	Date	Drawn By	Job No.
	5/3/19	MNF	20961-00
	Scale	Checked By	Drawing No.
	1" = 40'	MES	IN FILE

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Drexel, Barrell & Co.

JULY 1, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

**LEGAL DESCRIPTION
PARCEL TCE-30
TEMPORARY CONSTRUCTION EASEMENT**

A TRACT OF LAND BEING A PORTION OF LOT 1, T.L.L. SUBDIVISION, RECORDED AT RECEPTION NO. C0754641, LOCATED IN THE SE1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE S00°16'09"W, 60.81 FEET ALONG THE WESTERLY LINE OF SAID LOT 1; THENCE S89°53'51"E, 22.30 FEET TO THE **TRUE POINT OF BEGINNING'**

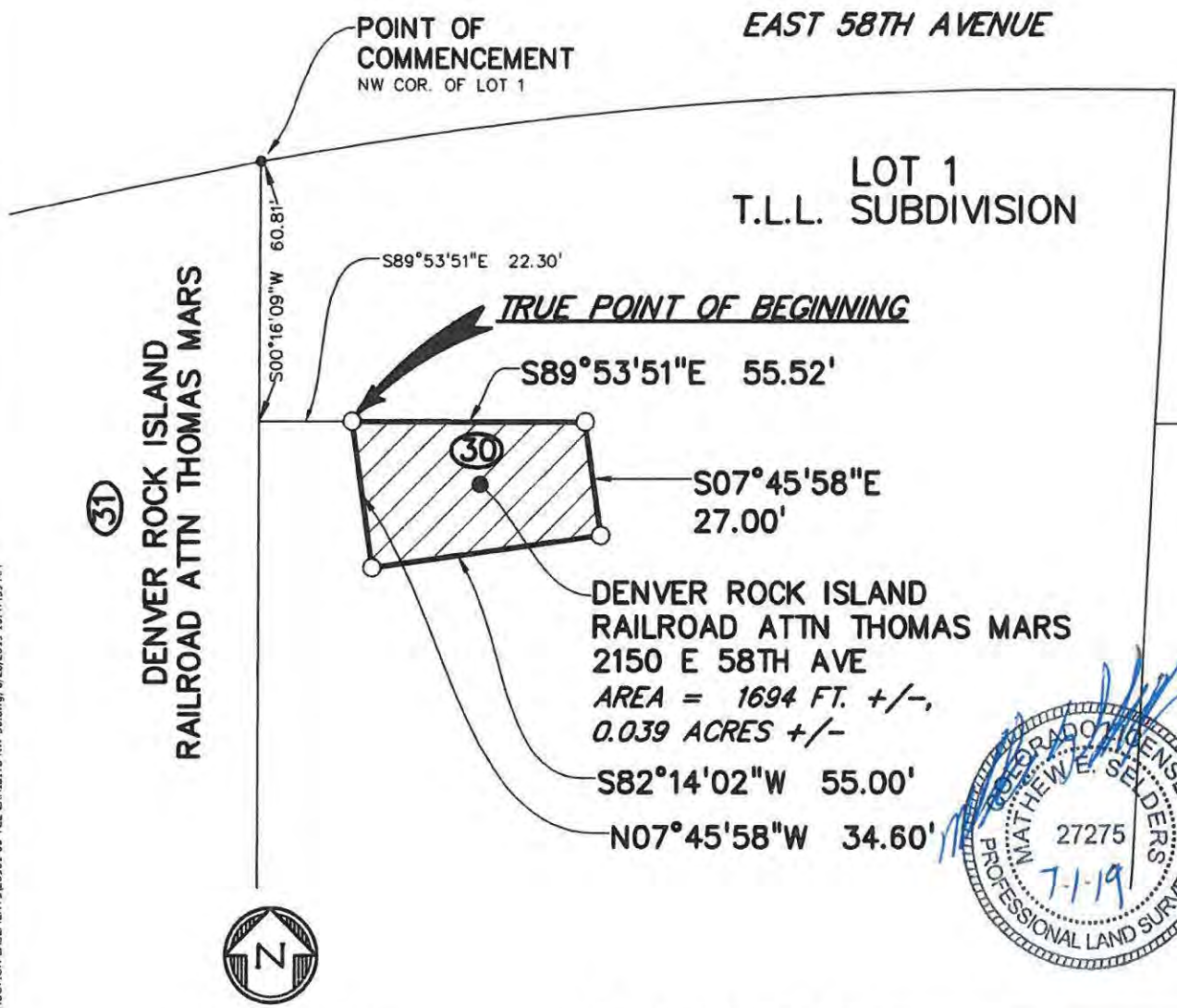
THENCE S89°53'51"E, 55.52 FEET; THENCE S07°45'58"E, 27.00 FEET; THENCE S82°14'02"W, 55.00 FEET; THENCE N07°45'58"W, 34.60 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 0.039 ACRES OR 1694 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL TCE-30 TEMPORARY CONSTRUCTION EASEMENT



(31)
 DENVER ROCK ISLAND
 RAILROAD ATTN THOMAS MARS

EAST 58TH AVENUE

**LOT 1
T.L.L. SUBDIVISION**

TRUE POINT OF BEGINNING

**DENVER ROCK ISLAND
 RAILROAD ATTN THOMAS MARS
 2150 E 58TH AVE
 AREA = 1694 FT. +/-,
 0.039 ACRES +/-**



SCALE 1" = 40'

NOTES

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Revisions - Date	Date	Drawn By	Job No.
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PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution approving Small Cell Facility Master License Agreement between Adams County and New Cingular Wireless PCS, LLC for small cell purposes
FROM: Brian Staley, P.E., PTOE, Public Works Director
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Small Cell Facility Master License Agreement for small cell purposes.

BACKGROUND: Adams County is the owner of public road rights-of-way within its jurisdiction and is the owner of certain public infrastructure located in such rights-of-way. Colorado Revised Statutes allow for location of small cell facilities within the County right-of-way. The attached resolution will approve a Small Cell Facility Master License Agreement between the County and New Cingular Wireless PCS, LLC. The Small Cell Facility Master License agreement will allow for installation of small cell facilities within the County right-of-way as set forth in the attached document.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Community and Economic Development, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Small Cell Facility Master License Agreement

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/> <hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING SMALL CELL FACILITY MASTER LICENSE AGREEMENT
BETWEEN ADAMS COUNTY AND NEW CINGULAR WIRELESS PCS, LLC FOR SMALL
CELL PURPOSES

WHEREAS, Adams County owns and/or controls the public road rights-of-way under its jurisdiction and is the owner of certain public infrastructure, including but not limited to, street lighting, traffic signals, or other traffic control devices ("County Infrastructure") located in such rights-of-way and situated within unincorporated Adams County, Colorado; and,

WHEREAS, Article 27 of Title 29, at Sections 401 et seq., and Article 5.5 of Title 38, at Section 101, et seq., of the Colorado Revised Statutes ("CRS") allow for location of small cell facilities within the County right-of-way; and,

WHEREAS, New Cingular PCS, LLC (the "Licensee") desires to place, construct, modify, maintain, and repair small cell facilities, as defined in Section 29-27-402(1)(4), CRS. and Section 38-5.5-102(7), CRS, and consisting of cabinets, nodes, antennas, fiber optic cable, coaxial cable, wires, frequencies, technology, conduits and pipes, poles and associated and appurtenant equipment consistent with small cell technology for the provision of personal wireless services (individually, the "Facility" and collectively, the "Facilities") within the right-of-way and/or on County Infrastructure within the right-of-way in accordance with licenses issued to Licensee by the Federal Communications Commission ("FCC"); and,

WHEREAS, provided that the presence of the Facility within the right-of-way does not interfere with the use of the right-of-way for intended road and travel purposes and does not unreasonably interfere with the repair, maintenance, or operation of the right-of-way, the road, County Infrastructure, or other public infrastructure within the right-of-way, and does not otherwise cause a hazard or threat to the public health or safety, Adams County is willing to consent to and license Licensee's Facilities in the right-of-way subject to the terms and conditions set forth in this Small Cell Facility Master License Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Small Cell Facility Master License Agreement between Adams County and New Cingular Wireless PCS, LLC, copy of which is attached hereto and incorporated herein by reference, be and is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to execute the Small Cell Facility Master License Agreement on behalf of Adams County.

ADAMS COUNTY, COLORADO
SMALL CELL FACILITY MASTER LICENSE
AGREEMENT

THIS SMALL CELL FACILITY MASTER LICENSE AGREEMENT ("Master License Agreement") is entered into this _____ day of _____, 20__ ("Effective Date"), by and between the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, a political subdivision of the State of Colorado ("County"), whose address is 4430 South Adams County Parkway, Brighton, Colorado 80601, and New Cingular Wireless PCS, LLC, a Delaware limited liability company ("Licensee"), whose principal offices are located at 1025 Lenox Park Blvd. NE, 3rd Floor, Atlanta, GA 30319. The County and Licensee may be referred to herein individually as a "Party" or collectively as the "Parties".

RECITALS

This Agreement is made with reference to the following Recitals, each of which is deemed to be a material term and provision of this Agreement:

WHEREAS, the County owns and/or controls the public road rights-of-way ("ROW") under its jurisdiction and is the owner of certain public infrastructure, including but not limited to, street lighting, traffic signals, or other traffic control devices ("County Infrastructure") located in such ROWs and situated within unincorporated Adams County, Colorado; and

WHEREAS, Article 27 of Title 29, at Sections 401 et seq., and Article 5.5 of Title 38, at Section 101, et seq., of the Colorado Revised Statutes ("CRS") allow for location of small cell facilities within the County ROW; and

WHEREAS, the Licensee desires to place, construct, modify, maintain, and repair small cell facilities, as defined in Section 29-27-402(1)(4), CRS. and Section 38-5.5-102(7), CRS, and consisting of cabinets, nodes, antennas, fiber optic cable, coaxial cable, wires, frequencies, technology, conduits and pipes, poles and associated and appurtenant equipment consistent with small cell technology for the provision of personal wireless services (individually, the "Facility" and collectively, the "Facilities") within the ROW and/or on County Infrastructure within the ROW in accordance with licenses issued to Licensee by the Federal Communications Commission ("FCC"); and

WHEREAS, provided that the presence of the Facility within the ROW does not interfere with the use of the ROW for intended road and travel purposes and does not unreasonably interfere with the repair, maintenance, or operation of the ROW, the road, County Infrastructure, or other public infrastructure within the ROW, and does not otherwise cause a hazard or threat to the public health or safety, the County is willing to consent to and license Licensee's Facilities in the ROW subject to the terms and conditions set forth in this Master License Agreement.

NOW, THEREFORE, the County and Licensee, in consideration of the foregoing recitals and the mutual agreements, terms, and conditions stated in this Master License Agreement, agree as follows:

1. General Grant of License and Site Supplements.

- a. The County hereby grants to Licensee and its successors and assigns a general license as provided in this Master License Agreement to place, construct, install, remove, replace or reinstall, modify, maintain, and repair improvements for Facilities at such locations within the ROW as are identified and approved by individual Site Supplement. The Site Supplement allows and evidences the County's consent for Licensee to access, occupy, and use a defined area within the ROW or on County Infrastructure within the ROW that is identified in the Exhibit 1 to each Site Supplement consistent with this Master License Agreement for the purpose of Licensee operating and maintaining small cell telecommunications facilities for the provision of personal wireless services to the public. A sample form of Site Supplement is attached to this Master License Agreement as Exhibit A. The defined area for a Facility identified in an approved Site Supplement is referred to in this Master License Agreement as the "Encroachment Space." Licensee may also, pursuant to this Master License Agreement, place, construct, install, remove, replace or reinstall, modify, maintain, and repair Facilities within the ROW that are entirely located on infrastructure or poles owned and controlled by public utilities or other third parties that the County has previously permitted or authorized to be in the ROW ("Third-Party Infrastructure"), subject to Licensee providing the documentation and obtaining the permits specified below.
- b. For all proposed Facilities to be located within County ROW, except as provided below in Section 1(c) for installation on Third-Party Infrastructure, Licensee shall submit to the Adams County Community and Economic Development Department, for County approval, a Site Supplement application identifying the specific location proposed for the Facility and such other detail as may be reasonably required by the County concerning, but not limited to, the attachment, power supply, dimensions, appearance, operation, and maintenance of the Facility. County's review and approval decision for each Site Supplement application shall be completed within the earlier of: (i) sixty (60) days of submission of a complete application for a Facility on an existing tower or structure; (ii) ninety (90) days of submission of a complete application for a Facility on a new tower or structure; or (iii) such other amount of time as is mandated by federal or Colorado state law. Site Supplement applications for Facilities to be located on Licensee owned and operated structures to be installed within the ROW, Site Supplement applications for the installation of the Facility on any County Infrastructure within the ROW, and Site Supplement applications for the installation of the Facility on any County ROW will be subject to applicable Adams County Community and Economic Development review and permits. Licensee shall pay all applicable Community and Economic

Development Department permitting fees pursuant to the then current Fee Schedule as established by the Adams County Board of County Commissioners to cover the administrative costs to the County of such Review. For Facilities to be located on County Infrastructure within the ROW, the Site Supplement application shall include appropriate engineering plans and specifications showing such detail of the Facility and its location as is reasonably required by the County to evaluate the impacts of the Facility to the ROW and the County Infrastructure. The engineering plans and specifications shall also include appropriate professional engineer or state licensed architecture and engineering firm "stamped" certification(s) that: (1). the Facility's operation will not interfere the proper function of the particular County Infrastructure upon which it is proposed for attachment, and (2). that the structural and loading capacity of that Infrastructure will support the Facility proposed to be attached. The manner of attachment and construction of such Facility and the Facility's operations shall comply with the approved plans and specifications.

- c. For Facilities to be installed on Third-Party Infrastructure and which do not involve any ground-based equipment or otherwise increase the footprint of the Third-Party Infrastructure, a Site Supplement shall not be required, but will be subject to applicable Adams County Community and Economic Development review and permits. However, prior to Licensee entering the ROW to install, place, or attached the Facility, Licensee shall furnish to the County written documentation from the individual utility or property owner responsible, in a form reasonably acceptable to the County, that authorizes Licensee's use of the Third-Party Infrastructure for the Facility. Additionally, prior to Licensee entering the ROW to install, place, or attached the Facility, Licensee shall obtain, from the County, a ROW permit as required under the County's Development Standards and Regulations, as same may be revised, amended, or superseded, and any applicable building or electrical permits. Licensee shall pay all applicable fees for such ROW, building, and/or electrical permits.
- d. Nothing in this Master License Agreement or by the privileges and authorizations contained herein is intended to, or shall be interpreted to, convey any ownership interest in any of the County's ROW underlying or surrounding a Facility. Nothing in this Master License Agreement is intended to limit any rights or obligations Licensee may have under the federal or Colorado state laws, or under the Adams County Development Standards and Regulations, or other applicable County ordinance, resolution, or regulation.
- e. Licensee acknowledges, understands, and agrees that the primary purpose of the ROW is to accommodate the traveling public and that the location and maintenance of any of the Facilities authorized in accordance this Master License Agreement or Site Supplement are subject to the public use, improvement, repair, operation, and maintenance of the right-of-way for road purposes.

- f. Licensee, its employees, contractors, successors and approved assigns (as may be required under this Master License Agreement) shall have the right of access, ingress, and egress on, in, over, under, through, and about the Encroachment Space to its Facility twenty-four (24) hours a day, seven (7) days a week for the purpose of installation, replacement, repair, maintenance, and modification of the Facility. However, Licensee shall provide County with reasonable advance notice of any such intended activity within the ROW; and, where such activity will require any excavation or disruption of vehicle or pedestrian traffic within the right-of-way, Licensee shall first obtain a permit in accordance with the Adams County Development Standards and Regulations, as same may be revised, amended, or superseded. At all times when working in the ROW, Licensee shall implement appropriate traffic safety and control measures.
- g. Licensee shall coordinate its installation of each Facility with any and all other utility providers having utility facilities or other infrastructure located in that area of the ROW prior to installation of the Facility and prior to any replacement, repair, maintenance, or modification that may impact such other utility providers' facilities or infrastructure.
- h. Licensee shall maintain each Facility in good repair and condition such that it does not create or constitute a hazard or threat to public safety.

2. Term of Master License Agreement and Site Supplements.

This Master License Agreement shall be in effect for a period of twenty-five (25) years commencing on the Effective Date and expiring on the twenty-fifth (25th) anniversary of the Effective Date ("Term"). Each Site Supplement shall commence the date it is approved by the County and shall terminate on the termination date of this Master License Agreement, unless sooner cancelled or terminated as provided herein.

3. Attachment Fee

As of the Commencement Date defined in each Site Supplement, Licensee shall pay to the County an annual attachment fee (the "Attachment Fee") equal to \$200 for each Site Supplement for attachment to any County Infrastructure and access to the County ROW and County Infrastructure as provided herein. The initial Attachment Fee for each Site Supplement is prorated for the year in which the Site Supplement is approved. The full \$200 annual Attachment Fee for each Site Supplement shall be due by January 1 of each successive year thereafter. The purpose of the annual fee is to cover, in accordance with applicable federal and Colorado state law, the just and reasonable costs to the County attributed to granting, administration, or maintenance of the Site Supplement. The County may periodically evaluate the Attachment Fee and, upon at least sixty (60) days prior written notice to Licensee, adjust the amount of the Attachment Fee; provided, any such adjustment shall be in compliance with applicable federal and Colorado state law. In the event that any new or amended law limits the County's authority to charge the Attachment Fees as provided herein, the Parties agree to amend this Master License

Agreement to the extent necessary to comply with such law or amended law. The Attachment Fee shall not apply to or be charged for attachments to Third Party Infrastructure or to attachments to Licensee's proprietary poles approved for location in the ROW pursuant to a Site Supplement. However, Licensee shall be responsible at its own expense to establish and perform a regular inspection and preventative maintenance program for its proprietary poles. The Attachment Fee is non-refundable. Late payments shall be subject to 18% interest per annum, to the extent allowed by law. The Parties may agree to payment of the Attachment Fee by electronic funds transfer and shall cooperate in providing all necessary documentation and information to facilitate such electronic funds transfer. The Parties further agree to cooperate and provide to each other any other documentation or information, such as Internal Revenue Service form W-9 or equivalent, required to facilitate any payment under this Master License Agreement. Pending provision of any such required documentation or information, the Attachment Fees shall accrue in accordance with this Master License Agreement, but delivery of Licensee's payments may be delayed until receipt of the required document or information.

4. Use.

The Licensee agrees that it shall utilize the ROW as authorized under this Master License Agreement for the placement, construction, modification, repair, and operation of small cell facilities (as permitted pursuant to §§ 29-27-401, et seq., C.R.S. and §§ 38-5.5-102, et seq., C.R.S.) and for no other purpose, and Licensee agrees not to use the ROW and Encroachment Space for any purposes prohibited by federal, Colorado state, or applicable local law or regulation.

5. Reservation for County Use.

- a. The County reserves the right to make full use of the ROW as may be reasonably necessary or convenient in the operation of the public streets, walks, drainage facilities or drainage ways, or other public infrastructure under control of the County, and the County retains all rights to operate, maintain, install, repair, improve, remove or relocate any of its facilities or infrastructure within the ROW or adjacent property. The County further reserves the right to require Licensee, upon one hundred eighty (180) days' notice to Licensee, to relocate, at Licensee's sole expense, any Facility licensed under this Master License Agreement or Site Supplement as necessary to accommodate any County capital improvement, maintenance, repair, or other County project affecting the ROW. In the event that any of Licensee's Facilities should impede the use and operation of the ROW or interfere with any County Infrastructure, Licensee shall, upon one hundred eighty (180) days' notice, or such reasonable notice as is appropriate in event of exigent or emergency need that may affect public health or safety, and a request by the County and at Licensee's sole expense, relocate, alter, or remove the Facility so as not to interfere with the County's use of its property or impede the use and operation of the right-of-way. In the event of any required removal under this subparagraph (a), the County and Licensee agree to

work cooperatively, in good faith, and promptly to identify a new location for the Facility and shall further cooperate in good faith to facilitate transition to the new location without undue interruption in the provision of personal wireless services by Licensee.

- b. Licensee shall be given 48 hours advance written notice or, in the event of an emergency health or safety need, such reasonable notice as is practicable, by a call to Licensee's [Network Operations Center at [800-638-2822], if any repair, capital improvement, or maintenance project by the County or other condition affecting public health or safety will likely require the temporary disconnection or removal or relocation of a licensed Facility. During such time that any County activity will likely require any temporary or emergency disconnection or removal of any of Licensee's Facilities, County and Licensee shall work cooperatively to reduce interference with the Facility, or to make appropriate arrangements, modifications, or temporary relocation of the Facility to a County approved location in order to promote its uninterrupted use.
- c. When Licensee is required by County to relocate or otherwise take any measures concerning a Facility as are necessary to accommodate a County road improvement or maintenance project under this Section 5, Licensee shall act diligently and promptly to commence and complete such work so as to not delay the County's project schedule.

6. No Warranties of Title.

The rights granted to the Licensee under this Master License Agreement or any individual Site Supplement are granted without any covenant of title or warranty of quiet possession. These rights are further subject to any prior agreements, licenses, easements, conveyances, recorded or unrecorded, and it shall be the Licensee's sole responsibility to determine the existence of any other rights, uses or facilities affecting or conflicting with the Licensee's use of the County's ROW; provided that, if the County is aware of any unrecorded agreement, license, easement or conveyance that may adversely impact Licensee's Facilities, the County shall disclose such information to Licensee.

7. Alterations. Additions and Maintenance.

- a. Subject to the provision of Section 7(c) below, Licensee shall have the right to replace, repair, add or otherwise modify its utilities, equipment, antennas and/or conduits or any portion thereof and the frequencies over which a Facility operates, whether the equipment, antennas, conduits or frequencies are specified or not on any Site Supplement without prior notice or permission. The Licensee, however, agrees not to make or permit to be made any material modifications, alternations or additions to a Facility authorized pursuant to a Site Supplement under this Master License Agreement without the prior written consent of the County, which consent shall not be unreasonably withheld or conditioned. As

used herein the term "material" shall not include any and all changes to equipment inside the equipment space; routine maintenance of a Facility; like for like swap of antennas and related equipment; or other additions, replacements, upgrades or alterations of a Facility in whole or in part within the confines of the Encroachment Space that do not change the external physical appearance of the site. The County shall respond to Licensee's request for consent to make a material modification within a reasonable period of time, not to exceed sixty (60) days following receipt of such request. If the County fails to respond in such sixty (60) days, the proposed modifications shall be deemed permitted and Licensee shall be able to proceed.

- b. Licensee agrees, at Licensee's sole cost and expense, to keep all Facilities authorized by this Master License Agreement and any Site Supplement in good repair at all times and shall maintain such improvements in a manner so as not to interfere with the use of the ROW or in any manner which may constitute a hazard or threat to the safety of traffic or pedestrians using the ROW. The Licensee shall be responsible for the repair and maintenance of the Licensee's Facility within the County's ROW and shall also be responsible for payment of all expenses for any electrical or other services required for the operation of the Facility.
- c. Notwithstanding any provision to the contrary in this Section 7 or otherwise in this Master License Agreement, in the event that any installation, maintenance, repair, replacement or any other work performed by the Licensee with respect to a Facility in the Encroachment Space in the ROW is reasonably expected to cause a disruption in the free flow of vehicular or pedestrian traffic or require cutting of any hard surface or excavation within the County ROW, Licensee shall first obtain a permit under the County Infrastructure Design and Construction Standards, as same may be revised, amended, or superseded.

8. Successors and Assigns.

Without any approval or consent of the County, this Master License Agreement and any Site Supplement may be sold, assigned or transferred by Licensee to (i) any entity in which the Licensee directly or indirectly holds an equity or similar interest; (ii) any entity which directly or indirectly holds an equity or similar interest in the Licensee; or (iii) any entity directly or indirectly under common control with the Licensee. Licensee may assign this Master License Agreement or any Site Supplement to any entity which acquires all or substantially all of Licensee's assets in the market defined by the FCC in which the property is located by reason of a merger, acquisition or other business reorganization without approval or consent of the County. Licensee, however, shall promptly provide written notice to the County of such transactions and of the new entity following the occurrence of such transaction. As to other parties, this Master License Agreement or any Site Supplement may not be sold, assigned or transferred without the written consent of the County, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of

Licensee or transfer upon partnership or corporate dissolution of the Licensee shall constitute an assignment hereunder.

9. Clean Up of Right-of-Way/Damages.

Upon completion of construction of a Facility or upon performance of any maintenance, repair, alteration, or modification of a Facility, the Licensee shall remove all construction debris from the County's ROW and restore such area to its pre-existing condition, with the exception of the presence of the installed Facility, as nearly as may be possible, within sixty (60) days from the date of completion. However, at no time shall any construction debris or materials be left within the traveled surface of the right of way or otherwise in any manner that creates a hazard to pedestrians or traffic. Licensee shall be responsible for the cost to repair any damages to the ROW, public infrastructure, County Infrastructure, or other County property caused by any of Licensee's activity with respect to the installation, replacement, repair, modification, or operation of the Facility or Facilities. If a Facility is damaged by the negligent actions of the County, the County shall pay for the prompt repair of the Facility. If a Facility is damaged by the actions of a third party, the County will promptly cooperate with Licensee to permit its repair in order to allow for uninterrupted service to the public. In order to facilitate continuation of the provision of personal wireless, Licensee shall be entitled to also place a temporary facility at an alternate or adjacent location previously approved by the County pending completion of such repairs, so long as such temporary Facility or the location thereof does not create a hazard or public safety concern.

10. Construction Plans.

Prior to any construction for or the installation of a Facility or any construction within the ROW pursuant to an approved Site Supplement, the Licensee agrees to submit to the County, for its approval, the construction plans for the Facility authorized by this Master License Agreement and the Site Supplement.

11. Construction Permits.

The County shall review said construction plans and, if approved and as appropriate under and in accordance with applicable County regulations, resolutions, codes, ordinances, or policies, issue necessary permits for the construction. The County shall complete its review and approve or deny the construction plans within the earlier of: (i) sixty (60) days of submission or (ii) such other amount of time as is mandated by federal or Colorado state law.

12. Improvements in Accordance with Approved Plans.

The Licensee shall construct its Facilities in accordance with said approved plans. The Licensee shall be responsible for the repair to the County's reasonable satisfaction or to pay for the cost of the repairs for any damage to the roads, sidewalks, or any other County property or infrastructure caused by the construction, installation, replacement,

repair, or maintenance of the Facility or Facilities authorized by this Master License Agreement and each approved individual Site Supplement.

13. Liability and Indemnification.

- a. To the extent permitted by law, the Licensee hereby agrees to defend, indemnify and hold harmless the County, its officers, employees and agents against any liability, loss, damage, demand, action, cause of action, or expense of whatever nature, including court costs and reasonable attorney fees, which may result from any loss, injury, death or damage caused by the Licensee's negligence or willful misconduct, or which arises out of or is caused by any work done or omission made by the Licensee, its officers, employees or agents, in the construction, operation, maintenance, repair, modification, replacement or removal of any of Facility or Facilities or any other related improvements or equipment authorized under this Master License Agreement or any Site Supplement. The County agrees that Licensee has no obligation to indemnify or hold the County harmless for the liability, loss, damage, demand, action, cause of action, or expense of whatever nature due or caused by the negligence or willful misconduct of the County or its employees, contractors, or agents.
- b. Licensee agrees that Licensee, its contractors, subcontractors and agents, will not use, generate, store, produce, transport or dispose any Hazardous Substance on, under, about or within the area of an Encroachment Space or the ROW in which a Facility is located in violation of any applicable Laws. Except to the extent of the negligence or intentional misconduct of Licensor, Licensee will pay, indemnify, defend and hold County harmless against and to the extent of any loss or liability incurred by reason of any Hazardous Substance produced, disposed of, or use by Licensee pursuant to this Agreement. Licensee will ensure that any on-site or off-site storage, treatment, transportation, disposal or other handling of any Hazardous Substance will be performed by persons who are properly trained, authorized, licensed and otherwise permitted to perform those services. The Parties recognize that Licensee is only using a small portion of the ROW and that Licensee shall not be responsible for any environmental condition or issue except to the extent resulting from Licensee's, its agents' or contractors' specific activities and responsibilities under this Agreement.

14. Insurance.

The Licensee shall maintain commercial general liability insurance based on ISO form CG 00 01 or a substitute form providing substantially equivalent coverage in the amount of \$2,000,000, per occurrence and in the aggregate, combined single limit, and the Licensee shall provide the County a certificate of insurance as proof of such insurance. Licensee may, with the County's written approval, self-insure the required insurance.

15. Abandonment.

The Licensee may be deemed to have abandoned a Facility or Facilities by any actions or omissions reasonably evidencing Licensee's intent to abandon the Facility or Facilities. Upon abandonment of any right or privilege granted herein, the right of the Licensee to that extent shall terminate, but its obligation to indemnify and hold harmless the County, its officers, employees, and agents shall not terminate in any event for acts or omissions which took place prior to or at the time of abandonment or prior to or at the time of the actual removal of the Facility or Facilities from the public right-of-way, whichever is the latter.

16. Termination.

The license for a Facility to occupy the Encroachment Space for any Site Supplement approved in accordance with this Agreement may be terminated as provided in this Section 16.

- a. The County may terminate any Site Supplement in its sole discretion if the County has determined that the public health or safety requires such termination or that termination of a Site Supplement is necessary because the Facility at that location interferes with the public use or maintenance of the right-of-way or with the operation of County Infrastructure, and not for an arbitrary, unreasonable, or discriminatory reason. County shall provide reasonable advance notice to Licensee of its intent to terminate a Site Supplement for public health or safety concern(s) or for such interference issue(s), which in no event shall be less than ninety (90) days. The notice shall identify the public health or safety concern(s) or interference issue(s) and establish a date by which the concern(s) or issue(s) shall be addressed or mitigated. Following issuance of this notice of intent to terminate:
 - i. If Licensee fully addresses and resolves the County's public health or safety concern(s) or interference issue(s) to the County's satisfaction by such date, or has implemented appropriate measures to the County's satisfaction to fully abate the concern(s) or issue(s), the license to occupy the Encroachment Space pursuant to the approved Site Supplement may continue in effect without the need for further action of either Party, and the County shall rescind its notice of intent to terminate the License.
 - ii. If Licensee fails or is unable to address the concerns to the County's satisfaction by such date, the County may take such actions as in its reasonable judgment are necessary to secure the Facility and mitigate the public health or safety concern(s) or interference issue(s), and Licensee shall be responsible for the cost thereof. In the event that exigent public health or safety concern(s) associated with the Facility are such as to require immediate measures with respect to the Facility to protect the public safety, without waiting for the date specified in the notice of intent to terminate, the County may immediately take such actions or implement such measures as are reasonably necessary for protection of the public and may assess the costs of such actions or measures to the Licensee.

iii. Provided that Licensee or the County has implemented temporary measures that are sufficient in the County's judgment to protect the public health or safety or mitigate any interference issue, as applicable, prior to any termination under this Section 16(a) due to public health or safety concern(s) or interference issue(s), the County shall schedule a hearing before the Adams Board of County Commissioners to provide evidence and argument as to why the Site Supplement location does not cause any public health or safety concern or interference issue that cannot be effectively and permanently resolved and the Site Supplement should not be terminated. If the result of such hearing is that the Site Supplement is to be terminated, then Licensee shall remove such Facility from the ROW within sixty (60) days of such determination provided that any safety concern or hazardous condition of the Facility or interference issue remains mitigated to the County's satisfaction pending removal of the Facility. If termination of the License for a public health or safety reason or interference issue that cannot be reasonably abated at the Encroachment Space is the sole basis for revocation, the County agrees to work cooperatively with Licensee to identify an alternate location to which the Facility can be moved and to which County and Licensee can agree to a new Site Supplement.

b. If the Licensee has failed to comply with any of the terms or conditions of this Master License Agreement with respect to any one or more Site Supplement locations, not related to the protection of the public health or safety or otherwise interfering with the public use or maintenance of the ROW, for more than sixty (60) days after the County has provided written notice to the Licensee, or if the failure cannot be reasonably cured within such sixty (60) days, and the Licensee fails to commence to cure the failure within such sixty (60) days, and fails to cure within one hundred and twenty (120) days, then the Board of County Commissioners by Resolution duly adopted at a public meeting County may terminate the Site Supplement or Supplements.

c. Upon termination of a Site Supplement for the Licensee's failure to comply with the terms and conditions of this Master License Agreement as set forth in Section 16(b) above, Licensee shall have ninety (90) days from the date of approval of the termination Resolution to remove the Facility from the ROW. In the event that the Licensee fails to remove the Facility within such time, the County, without incurring any liability, may remove the Facility and charge the reasonable costs of removal to the Licensee.

d. Licensee may terminate any Site Supplement as provided in such Site Supplement or on its initiative but shall provide County thirty (30) days' advance written advance notice of its intent to terminate the Site Supplement. Upon such termination, Licensee shall remove the Facility within sixty (60) days of the termination date. The work to remove any Facility shall be performed in accordance with all appropriate provisions of this Master License Agreement relating access to the ROW, traffic control, clean-up, repair of or payment for damages, and indemnification obligations.

17. Interference.

- a. Licensee will operate its Facility in compliance with all FCC regulations regarding interference with the radio signal transmissions of County and other third parties in or upon a County Infrastructure, which transmissions are operated in compliance with applicable laws.

18. Waiver.

The waiver or failure of the County to exercise in any respect to any right provided for in this License shall not be deemed a waiver of any further right under this License.

19. Venue.

For the resolution of any dispute arising hereunder, venue shall be in the courts of Adams County, State of Colorado.

20. Notices.

Any notices to be provided under this Master License Agreement or any Site Supplement shall be given in writing and either delivered by hand or deposited in the United States mail with sufficient postage to the addresses set forth below:

To the County:

Adams County Attorney
4430 South Adams County Parkway
Brighton, CO 80601

And (send to both)

Adams County Public Works
4430 South Adams County Parkway
Brighton, CO 80601

To the Licensee:

New Cingular Wireless PCS, LLC
Attn: Tower Asset Group Administration
Re: Wireless Installation on Public Structures
(County of Adams) (WA)
Fixed Asset #: _____
1025 Lenox Park Blvd NE, Third Floor
Atlanta, Georgia 30319

With a copy to:

New Cingular Wireless PCS, LLC
Attn.: Legal Dept – Network Operations
Re: Wireless Installation on Public Structures
(County of Adams) (WA)
Fixed Asset #: _____
208 S. Akard Street
Dallas, TX 75202-4206

21. Counterparts.

This Master License Agreement shall be executed in two duplicate counterparts, each of which is deemed an original.

22. Headings.

All section headings are for convenience or reference only and are not intended to define or limit the scope of any provisions of this License.

23. No Third Party Beneficiaries.

Nothing in this Master License Agreement shall, be deemed to create any third party benefits or beneficiaries, or create a right or cause of action for the enforcement of its terms, in any entity or person not a party to this License.

24. Severability.

If any portion of this Master License Agreement is found by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the parties hereto that the remaining provisions of this License shall be full force and effect.

25. Extent of Agreement.

This Master License Agreement and any Site Supplements represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representatives, or agreements, either written or oral.

26. Amendments.

Any amendments to this Master License Agreement shall be in writing and signed by both parties.

27. Attorney Fees.

In the event of litigation between the parties hereto to enforce the terms of this Agreement, each party shall pay its own attorney fees and costs.

28. Governmental Immunity.

Nothing in this Master License Agreement is intended to nor shall be interpreted as waiving any governmental immunity available to the County under any federal or Colorado state law.

29. Change of Law.

If any federal, Colorado state, or local laws or regulations (including but not limited to, those issued by the Federal Communications Commission or its successor agency) and any binding judicial interpretations thereof (collectively, "Laws") that govern any aspect of the rights or obligations of the parties under this Master License Agreement shall change after the effective date and such changes makes any aspect of such rights or obligations inconsistent with the then effective Laws, then the parties agree to promptly amend the Master License Agreement as reasonably required to accommodate and/or ensure compliance with any such legal or regulatory change.

30. Consents.

To the extent that any approval or consent is required by either Party under the terms of this Master License Agreement or any Site Supplement such approval shall not be unreasonably withheld, conditioned, or delayed.

31. Force Majeure. Time periods for performance under this Agreement shall be deemed extended day for day for time lost attributable to any delay resulting from any event of force majeure.

[Signature page follows]

[The remainder of page is intentionally blank]

FOR THE COUNTY:

IN WITNESS WHEREOF, the County has executed this deed on the date set forth above.

ATTEST:
JOSH ZYGIELBAUM,
CLERK AND RECORDER

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

BY:

Chair

a

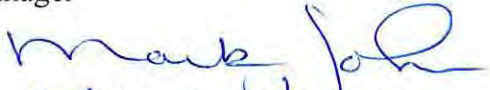
APPROVED AS TO FORM:

Adams County Attorney's Office

LICENSEE:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager


Name: MARK JOHNS

Its: AREA MANAGER

Date: 2/4/21

Site Supplement

This Site Supplement ("Site Supplement"), made this ___ day of _____, 20__ ("Effective Date") between BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, a political subdivision of the State of Colorado with an address of 4430 Adams County Parkway, Brighton, Colorado, 80601, hereinafter designated "County" and New Cingular Wireless PCS, LLC, a Delaware limited liability company, whose principal offices are located at 1025 Lenox Park Blvd. NE, 3rd Floor, Atlanta, GA 30319, hereinafter designated "Licensee":

1. Supplement. This is a Site Supplement as referenced in that certain Small Cell Facility Master License Agreement, between County and Licensee dated _____, 20__ ("Master License Agreement"). All the terms and conditions of the Master License Agreement are hereby incorporated by this reference and made a part hereof without the necessity of repeating or attaching the Master License Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Master License Agreement and this Site Supplement, the terms of this Site Supplement shall govern. Capitalized terms used in this Site Supplement shall have the same meaning described for them in the Master License Agreement unless otherwise indicated herein.
2. Project Description and Locations. Licensee shall have the right to use the County facilities and ROW for placement of its Facility only as specified in Exhibit 1 attached hereto (the "Encroachment Space") and as approved through this Site Supplement and pursuant to the Master License Agreement.
3. Equipment. The Equipment to be installed at the Encroachment Space is described in Exhibit 1 attached hereto.
4. Term. The term of this Site Supplement shall be as set forth in Section 2 of the Master License Agreement.
5. Commencement Date. The first day of the month following the date Licensee has commenced installation of its Equipment at the Encroachment Space.
6. Approvals/Fiber. It is understood and agreed that Licensee's ability to use the Encroachment Space is contingent upon its obtaining all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities, as well as a satisfactory fiber and electrical connection which will permit Licensee use of the Encroachment Space as set forth above. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to Licensee is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; (iii) Licensee determines that such Governmental Approvals may not be obtained in a timely manner; (iv) Licensee determines that it will be unable to obtain in a satisfactory manner, or maintain any fiber or power connection; or (v) Licensee determines that the Licensed Area is no longer technically compatible for its use, Licensee shall have the right to terminate this Supplement. Notice of Licensee's exercise of

its right to terminate shall be given .in accordance with the Master License Agreement to the County in writing by certified mail, return receipt requested, and shall be effective upon the mailing of such notice by Licensee, or upon such later date as designated by Licensee. Upon such termination, this Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each party to the other hereunder.

[Signature page follows]
[The remainder of page is intentionally blank]

EXECUTED to be effective as of the date first shown above.

FOR THE COUNTY:

Kristin Sullivan, Director of Adams County Public Works



Pursuant to the authority of Resolution No. _____

LICENSEE:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation

Its: Manager

By: 

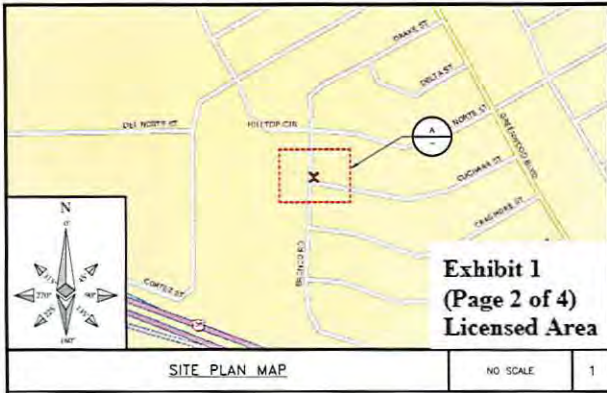
Name: MARK JOHNS

Its: AREA MANAGER

Date: 2/4/21

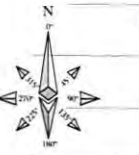
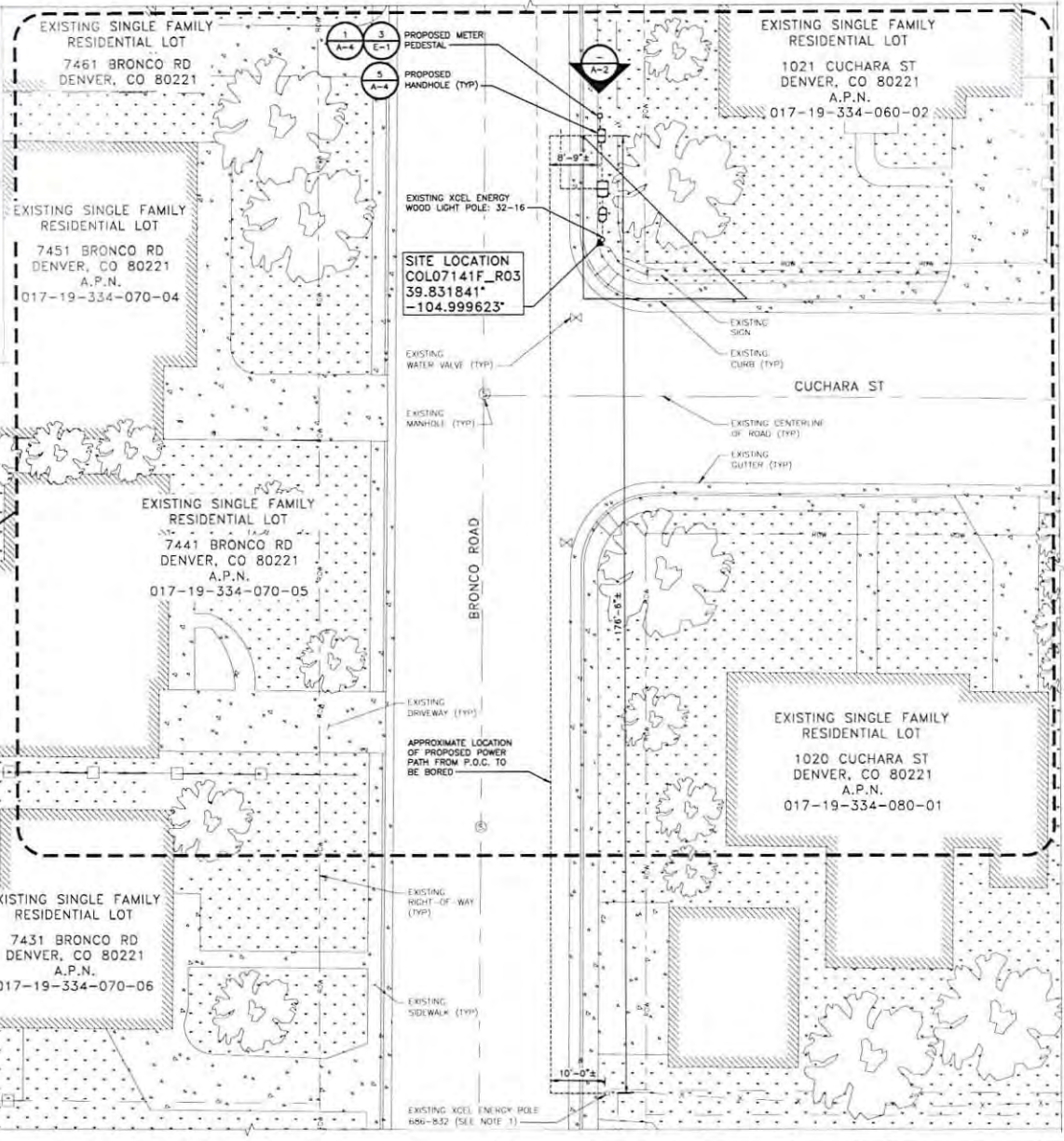
Exhibits:

Exhibit 1

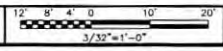


THIS DRAWING IS NOT A SITE SURVEY
THE PURPOSE OF THIS DRAWING IS TO SHOW HOW THE DEVELOPED SITE RELATES TO THE PARENT PARCEL AND ADJACENT PROPERTIES. R.O.W. MEASUREMENTS ARE APPROXIMATIONS.

- NOTES**
1. CONTRACTOR TO LEAVE 35' OF COILED CONDUCTOR AT BASE OF POLE 686-832.
 2. THE PROPOSED POLE IS LOCATED IN AN AREA DESIGNATED AS ZONE X, AREAS OUTSIDE THE 0.2% ANNUAL CHANGE OF FLOODPLAIN. (FEMA MAP #0800TC0603H)



OVERALL SITE PLAN



161 INVERNESS DR WEST
2ND FLOOR
ENGLEWOOD, CO 80112

4600 SOUTH SYRACUSE STREET
SUITE 800
DENVER, COLORADO 80237

PROJECT NO: 129054-B191
DRAWN BY: VDP
CHECKED BY: BJD

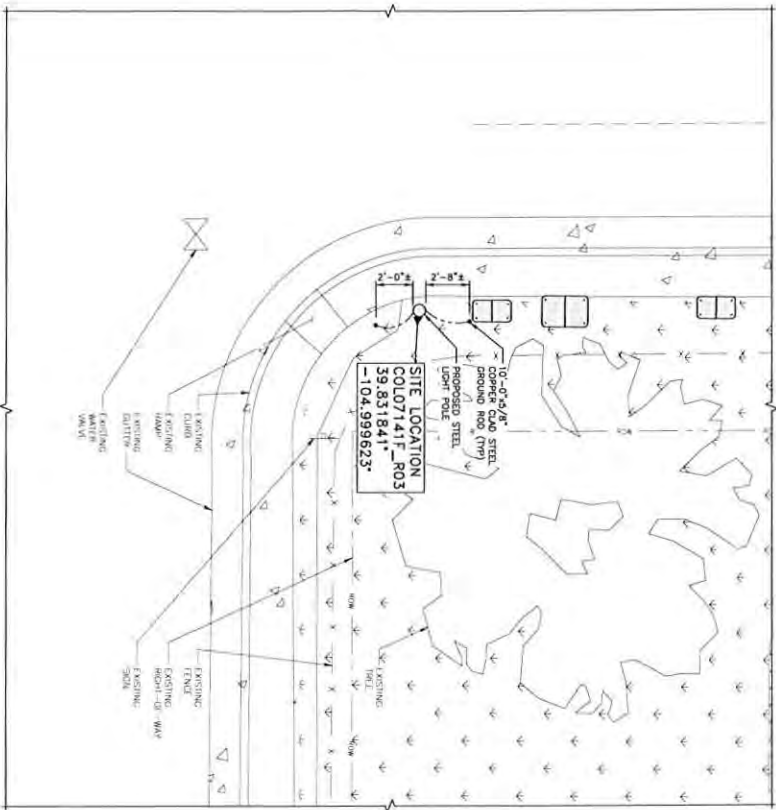
REV	DATE	DESCRIPTION
1	01/27/21	ISSUED FOR CONSTRUCTION
0	01/26/21	ISSUED FOR CONSTRUCTION

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

COL07141F_R03
14935565
1021 1/2 CUCHARA ST.
DENVER, CO 80221
PICO SMALL CELL

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
A-1

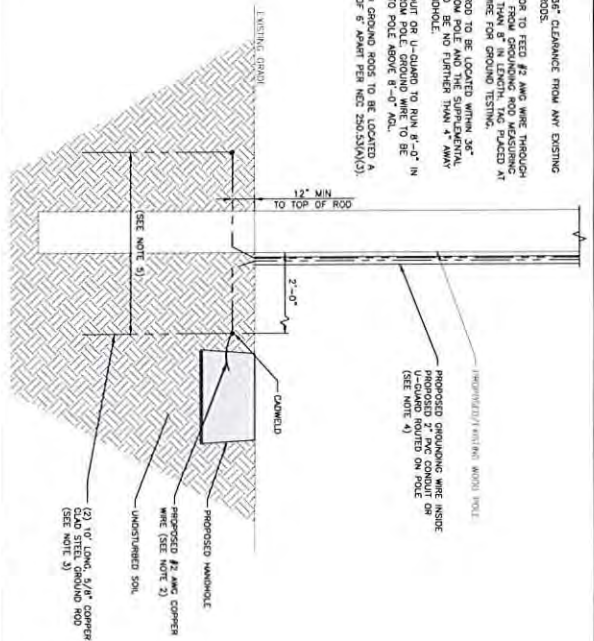


POLE GROUNDING DIAGRAM



A

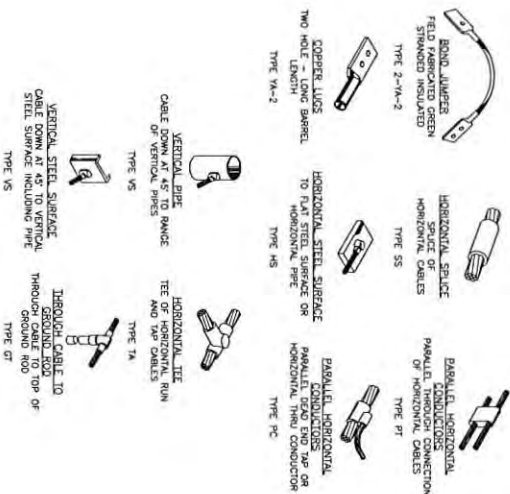
- NOTES:**
1. MAINTAIN 36" CLEARANCE FROM ANY EXISTING GROUND RODS.
 2. CONTRACTOR TO FEED #2 AWG WIRE THROUGH 1/2" DIA. PVC CONDUIT TO EACH GROUND ROD. NO MORE THAN 6" IN LENGTH. TO BE PLACED AT END OF WIRE FOR GROUND TESTING.
 3. GROUND ROD TO BE LOCATED WITHIN 36" RANGE FROM POLE AND THE SUPPLEMENTAL ROD IS ALLOWED NO FURTHER THAN 4' AWAY FROM 3. MAINTAIN 36" CLEARANCE FROM ALL EXISTING GROUND RODS.
 4. PIPES CONDUIT FOR 1/2" DIAMETER TO RUN 4" IN HEIGHT FROM GROUND SURFACE TO BE STAPLED TO POLE ABOVE 8'-0" AEL.
 5. PROPOSED GROUND RODS TO BE LOCATED A MINIMUM OF 6' AWAY PER REG. 280.52(A)(3).



POLE GROUNDING ROD DETAIL

NO SCALE

1



EXOTHERMIC WELD CONNECTIONS

NO SCALE

2

161 INVERNESS DR WEST
 2ND FLOOR
 ENGLEWOOD, CO 80112

BLACK & VEATCH
 4800 SOUTH SPRAGUE STREET
 SUITE 800
 DENVER, COLORADO 80227

PROJECT NO: 123024-8191
 DESIGN BY: VGR
 CHECKED BY: BLD

NO	DATE	REVISION
1	01/27/21	ISSUED FOR CONSTRUCTION
0	01/26/21	ISSUED FOR CONSTRUCTION

COL07141F_R03
 14935565
 1021 1/2 CUCHARA ST.
 DENVER, CO 80221
 PICO SMALL CELL

SHEET TITLE
 POLE GROUNDING
 ELEVATION AND DETAILS

SHEET NUMBER
G-1

Site Supplement

This Site Supplement ("Site Supplement"), made this ___ day of _____, 20__ ("Effective Date") between BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, a political subdivision of the State of Colorado with an address of 4430 Adams County Parkway, Brighton, Colorado, 80601, hereinafter designated "County" and New Cingular Wireless PCS, LLC, a Delaware limited liability company, whose principal offices are located at 1025 Lenox Park Blvd. NE, 3rd Floor, Atlanta, GA 30319, hereinafter designated "Licensee":

1. Supplement. This is a Site Supplement as referenced in that certain Small Cell Facility Master License Agreement, between County and Licensee dated _____, 20__ ("Master License Agreement"). All the terms and conditions of the Master License Agreement are hereby incorporated by this reference and made a part hereof without the necessity of repeating or attaching the Master License Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Master License Agreement and this Site Supplement, the terms of this Site Supplement shall govern. Capitalized terms used in this Site Supplement shall have the same meaning described for them in the Master License Agreement unless otherwise indicated herein.
2. Project Description and Locations. Licensee shall have the right to use the County facilities and ROW for placement of its Facility only as specified in Exhibit 1 attached hereto (the "Encroachment Space") and as approved through this Site Supplement and pursuant to the Master License Agreement.
3. Equipment. The Equipment to be installed at the Encroachment Space is described in Exhibit 1 attached hereto.
4. Term. The term of this Site Supplement shall be as set forth in Section 2 of the Master License Agreement.
5. Commencement Date. The first day of the month following the date Licensee has commenced installation of its Equipment at the Encroachment Space.
6. Approvals/Fiber. It is understood and agreed that Licensee's ability to use the Encroachment Space is contingent upon its obtaining all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities, as well as a satisfactory fiber and electrical connection which will permit Licensee use of the Encroachment Space as set forth above. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to Licensee is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; (iii) Licensee determines that such Governmental Approvals may not be obtained in a timely manner; (iv) Licensee determines that it will be unable to obtain in a satisfactory manner, or maintain any fiber or power connection; or (v) Licensee determines that the Licensed Area is no longer technically compatible for its use, Licensee shall have the right to terminate this Supplement. Notice of Licensee's exercise of

its right to terminate shall be given .in accordance with the Master License Agreement to the County in writing by certified mail, return receipt requested, and shall be effective upon the mailing of such notice by Licensee, or upon such later date as designated by Licensee. Upon such termination, this Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each party to the other hereunder.

[Signature page follows]

[The remainder of page is intentionally blank]

EXECUTED to be effective as of the date first shown above.

FOR THE COUNTY:

Kristin Sullivan, Director of Adams County Public Works

Kristin Sullivan

Pursuant to the authority of Resolution No. _____

LICENSEE:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation

Its: Manager

By: Mark Jones

Name: MARK JONES

Its: AREA MANAGER

Date: 2/4/21

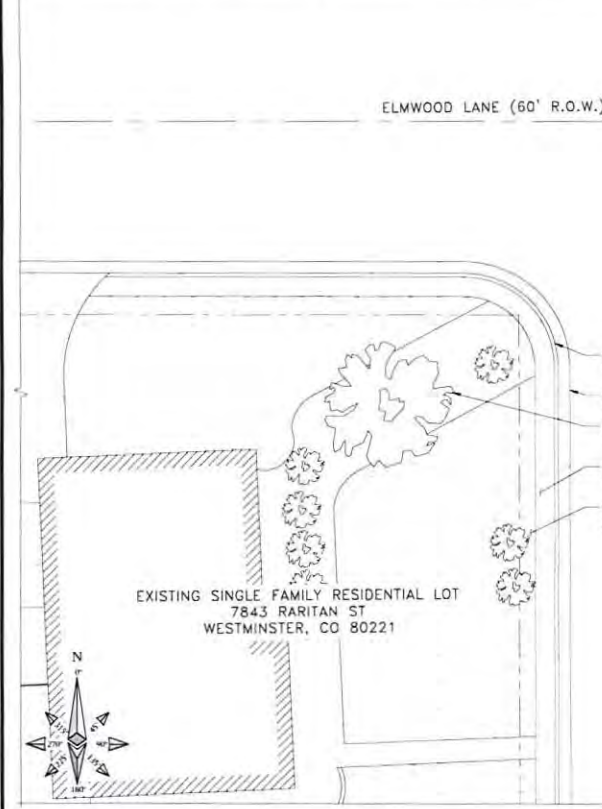
Exhibits:

Exhibit 1

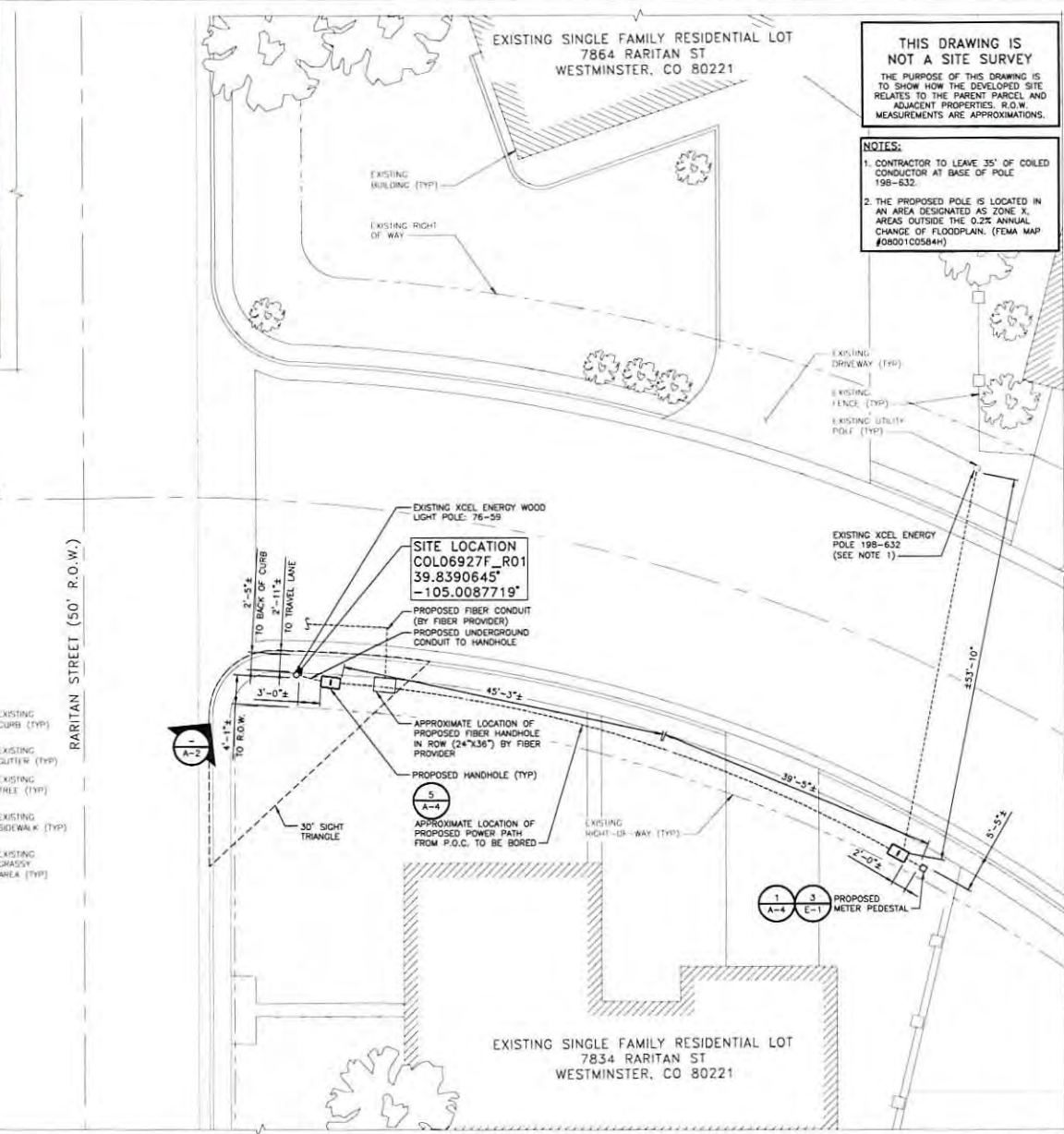
Exhibit 2
(Page 2 of 4)
Licensed Area



SITE PLAN MAP NO SCALE 1



OVERALL SITE PLAN



OVERALL SITE PLAN

THIS DRAWING IS NOT A SITE SURVEY
THE PURPOSE OF THIS DRAWING IS TO SHOW HOW THE DEVELOPED SITE RELATES TO THE PARENT PARCEL AND ADJACENT PROPERTIES. R.O.W. MEASUREMENTS ARE APPROXIMATIONS.

NOTES:
1. CONTRACTOR TO LEAVE 35' OF COILED CONDUCTOR AT BASE OF POLE 198-632.
2. THE PROPOSED POLE IS LOCATED IN AN AREA DESIGNATED AS ZONE X. AREAS OUTSIDE THE 0.2% ANNUAL CHANGE OF FLOODPLAIN. (FEMA MAP #08001C0584H)



161 INVERNESS DR WEST
2ND FLOOR
ENGLEWOOD, CO 80112



BLACK & VEATCH
4600 SOUTH SYRACUSE STREET
SUITE 800
DENVER, COLORADO 80237

PROJECT NO: 129054.B191
DRAWN BY: SRB
CHECKED BY: BJD

REV	DATE	DESCRIPTION
1	01/28/21	ISSUED FOR CONSTRUCTION
0	11/16/20	ISSUED FOR CONSTRUCTION

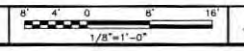


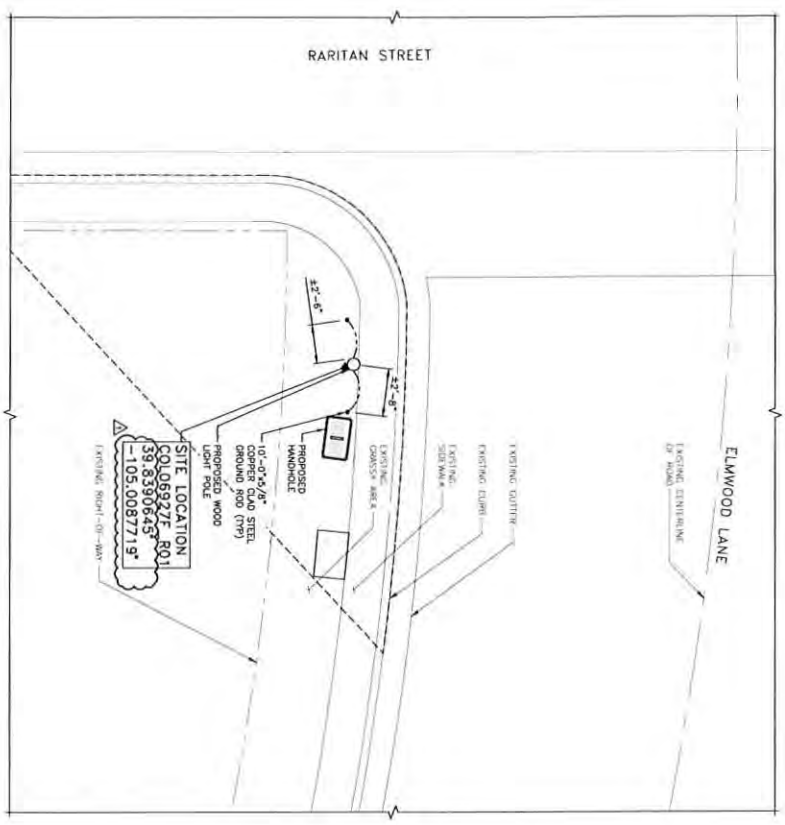
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

COL06927F_R01
14935564
ELMWOOD LN
WESTMINSTER, CO 80221
MICRO SMALL CELL

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
A-1



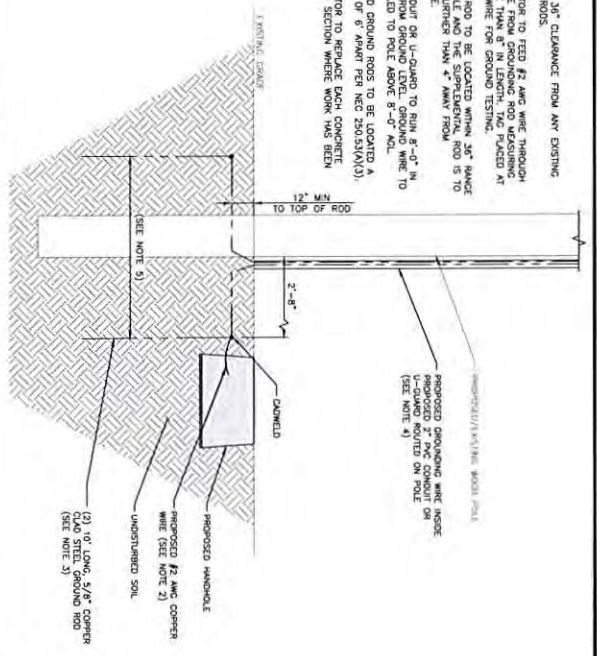


POLE GROUNDING DIAGRAM



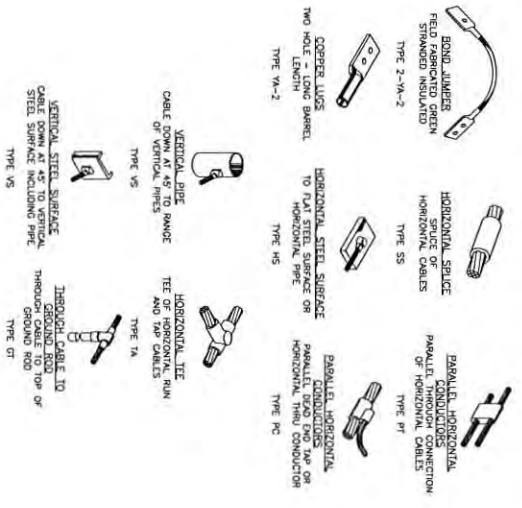
A

- NOTES:**
1. MAINTAIN 36" CLEARANCE FROM ANY EXISTING GROUND RODS.
 2. CONTRACTOR TO FEED #2 AWG WIRE THROUGHOUT ENTIRE LENGTH OF CONDUIT. WIRE TO BE PLACED AT END OF WIRE FOR GROUND TESTING.
 3. GROUND ROD TO BE LOCATED WITHIN 36" RADIUS FROM POLE AND THE SUPPLEMENTAL ROD IS TO BE LOCATED WITHIN 4' FROM FROM
 4. PVC CONDUIT OR UNLACED TO RUN 8'-0" TO 10'-0" FROM POLE AND BE STABLE TO POLE ABOVE 8'-0" AGL. MINIMUM OF 6' AHEAD PER NEC 250.51(A)(2).
 5. CONTRACTOR TO REPLACE EACH CONCRETE SIDEWALK SECTION WHERE WORK HAS BEEN DONE.



POLE GROUNDING ROD DETAIL

NO SCALE 1



EXOTHERMIC WELD CONNECTIONS

NO SCALE 2

161 INVENESS DR WEST
2ND FLOOR
ENLOWOOD, CO 80112

BLACK & VEATCH
4600 SOUTH STRAUSS STREET
SUITE 800
DENVER, COLORADO 80237

PROJECT NO. 1286544191
DRAWN BY: SRS
CHECKED BY: BJD

REV	DATE	DESCRIPTION
1	07/29/21	ISSUED FOR CONSTRUCTION
2	11/4/20	ISSUED FOR CONSTRUCTION

IT IS A CONDITION OF THIS PLAN FOR ANY PERSONS WHOSE NAME IS LISTED AS A DESIGN PROFESSIONAL, CONTRACTOR OR SUPPLIER TO SIGN THIS DOCUMENT.

07/29/2021

COL08927F_R01
14935564
ELMWOOD LN
WESTMINSTER, CO 80221
MICRO SMALL CELL

SHEET TITLE
POLE GROUNDING
ELEVATION AND DETAILS

SHEET NUMBER
G-1

Site Supplement

This Site Supplement ("Site Supplement"), made this ___ day of _____, 20__ ("Effective Date") between BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, a political subdivision of the State of Colorado with an address of 4430 Adams County Parkway, Brighton, Colorado, 80601, hereinafter designated "County" and New Cingular Wireless PCS, LLC, a Delaware limited liability company, whose principal offices are located at 1025 Lenox Park Blvd. NE, 3rd Floor, Atlanta, GA 30319, hereinafter designated "Licensee":

1. Supplement. This is a Site Supplement as referenced in that certain Small Cell Facility Master License Agreement, between County and Licensee dated _____, 20__ ("Master License Agreement"). All the terms and conditions of the Master License Agreement are hereby incorporated by this reference and made a part hereof without the necessity of repeating or attaching the Master License Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Master License Agreement and this Site Supplement, the terms of this Site Supplement shall govern. Capitalized terms used in this Site Supplement shall have the same meaning described for them in the Master License Agreement unless otherwise indicated herein.
2. Project Description and Locations. Licensee shall have the right to use the County facilities and ROW for placement of its Facility only as specified in Exhibit 1 attached hereto (the "Encroachment Space") and as approved through this Site Supplement and pursuant to the Master License Agreement.
3. Equipment. The Equipment to be installed at the Encroachment Space is described in Exhibit 1 attached hereto.
4. Term. The term of this Site Supplement shall be as set forth in Section 2 of the Master License Agreement.
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its right to terminate shall be given .in accordance with the Master License Agreement to the County in writing by certified mail, return receipt requested, and shall be effective upon the mailing of such notice by Licensee, or upon such later date as designated by Licensee. Upon such termination, this Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each party to the other hereunder.

[Signature page follows]

[The remainder of page is intentionally blank]

EXECUTED to be effective as of the date first shown above.

FOR THE COUNTY:

Kristin Sullivan, Director of Adams County Public Works

Kristin Sullivan

Pursuant to the authority of Resolution No. _____

LICENSEE:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation

Its: Manager

By: Mark John

Name: Mark John

Its: Area Manager

Date: 2/4/21

Exhibits:

Exhibit 1

Exhibit 3
 (Page 4 of 4)
 Licensed Area



161 INVERNESS DR WEST
 2ND FLOOR
 ENGLEWOOD, CO 80112



BLACK & VEATCH
 4800 SOUTH STAPACUSE STREET
 SUITE 800
 DENVER, COLORADO 80237

PROJECT NO: 12806-48191
 DRAWN BY: SRS
 CHECKED BY: BS

REV	DATE	DESCRIPTION
1	01/27/21	ISSUE FOR CONSTRUCTION
2	12/31/20	ISSUE FOR CONSTRUCTION



IF A NOTATION OF LAM FOR ANY PERSON, NAME OR FIRM, OR ANY OTHER INFORMATION, IS A LICENSED PROFESSIONAL ENGINEER, IT IS HEREBY NOTIFIED THAT THE LICENSED PROFESSIONAL ENGINEER IS NOT PROVIDING SERVICES.

COLORADO 11F_R03
 14933603
 7561 1/2 ZUNI ST.
 DENVER, CO 80221
 MICRO SMALL CELL

SHEET TITLE
 LEGEND AND
 ABBREVIATIONS

SHEET NUMBER
GN-1

AB	ANCHOR BOLT	(LBS)	POUNDS
ABV	ABOVE	LF	LINEAR FEET
AC	ALTERNATING CURRENT	LTE	LONG TERM EVOLUTION
ADOL	ADDITIONAL	MAS	MASONRY
AF	ABOVE FINISHED FLOOR	MAY	MACHINE
AFG	ABOVE FINISHED GRADE	MB	MACHINE BOLT
AFC	APPEARANCE INTERRUPTION CAPACITY	MECH	MECHANICAL
ALUM	ALUMINUM	MFR	MANUFACTURER
ALT	ALTERNATE	MSB	MASTER GROUND BAR
ANT	ANTENNA	MANU	MANUAL
APPROX	APPROXIMATE	MISC	MISCELLANEOUS
ARCH	ARCHITECTURAL	MTL	METAL
ATS	AUTOMATIC TRANSFER SWITCH	MW	MANUAL TRANSFER SWITCH
AWG	AMERICAN WIRE GAUGE	NEW	NEW
BAT	BATTERY	(N)	NATIONAL ELECTRIC CODE
BBL	BUILDING	NO.(I)	NUMBER
BLOCK	BLOCK	NTS	NOT TO SCALE
BLK	BLOCKING	OC	ON CENTER
BM	BEAM	OPNG	OPENING
BNC	BARE TINED COPPER CONDUCTOR	(P)	PREPARED
BO	BOTTLE OF FOOTING	P/C	PRECAST CONCRETE
BOG	BOTTLE	PCS	PERSONAL COMMUNICATION SERVICES
BOG	BOTTLE	PCU	PRIMARY CONTROL UNIT
BOG	BOTTLE	PCP	PRIMARY POUND CABINET
BOG	BOTTLE	PP	POLYMER PRESERVING
BOG	BOTTLE	PSF	POUNDS PER SQUARE FOOT
BOG	BOTTLE	PSI	POUNDS PER SQUARE INCH
BOG	BOTTLE	PT	PRESSURE TREATED
BOG	BOTTLE	PR	POWER RACK
BOG	BOTTLE	QTY	QUANTITY
BOG	BOTTLE	RD	RADIUS
BOG	BOTTLE	RECT	RECTIFIER
BOG	BOTTLE	REF	REFERENCE
BOG	BOTTLE	REIN	REINFORCEMENT
BOG	BOTTLE	REQ'D	REQUIRED
BOG	BOTTLE	RET	RETRACT
BOG	BOTTLE	RFD	REMOTE RADIO UNIT
BOG	BOTTLE	RH	RELATIVE HUMIDITY
BOG	BOTTLE	RHU	REMOTE RADIO UNIT
BOG	BOTTLE	RHW	RACEWAY
BOG	BOTTLE	SCH	SCHEDULE
BOG	BOTTLE	SCH	SCHEDULE
BOG	BOTTLE	SHT	SHEET
BOG	BOTTLE	SM	SMART INTEGRATED DEVICE
BOG	BOTTLE	SM	SMALL
BOG	BOTTLE	SPC	SPECIFICATION
BOG	BOTTLE	SS	STAINLESS STEEL
BOG	BOTTLE	STD	STANDARD
BOG	BOTTLE	STL	STEEL
BOG	BOTTLE	STR	STRUCTURAL
BOG	BOTTLE	STR	STRUCTURAL
BOG	BOTTLE	THK	THICKNESS
BOG	BOTTLE	TMR	TOWER MOUNTED AMPLIFIER
BOG	BOTTLE	TM	TOP MARK
BOG	BOTTLE	TOA	TOP OF ANTENNA
BOG	BOTTLE	TOC	TOP OF CURB
BOG	BOTTLE	TOF	TOP OF FOUNDATION
BOG	BOTTLE	TOS	TOP OF SLAB (PREPARE)
BOG	BOTTLE	TOW	TOP OF WALL
BOG	BOTTLE	TSS	TRANSIENT VOLTAGE SUPPRESSION SYSTEM
BOG	BOTTLE	TR	TYPICAL
BOG	BOTTLE	UG	UNDERGROUND
BOG	BOTTLE	UL	UNDERWRITERS LABORATORY
BOG	BOTTLE	UNO	UNLESS NOTED OTHERWISE
BOG	BOTTLE	UMTS	UNIVERSAL MOBILE TELECOMMUNICATIONS SYSTEM
BOG	BOTTLE	UPS	UNINTERRUPTIBLE POWER SYSTEM
BOG	BOTTLE	VP	VERTICAL IN FIELD
BOG	BOTTLE	W	WIDE
BOG	BOTTLE	W/	WITH
BOG	BOTTLE	WD	WOOD
BOG	BOTTLE	WP	WORK POINT
BOG	BOTTLE	WTR	WATERPROOF
BOG	BOTTLE	WTR	WATERPROOF

STORM DRAIN	---
SANITARY SEWER	---
GAS LINE	---
WATER LINE	---
UNDERGROUND POWER/ELECTRIC	---
UNDERGROUND TELCO/COMMUNICATIONS	---
OVERHEAD POWER/ELECTRIC	---
OVERHEAD TELCO/COMMUNICATIONS	---
UNDERGROUND FIBER/POWER	---
UNDERGROUND FIBER	---
FIBER LINE	---
UNKNOWN UTILITY	---
CHAIN-LINK FENCE	---
WOOD/WROUGHT IRON FENCE	---
WALL STRUCTURE	---
PROPERTY LINE (PL)	---
RIGHT-OF-WAY	---
SETBACKS	---
EXOTHERMIC CONNECTION	---
MECHANICAL CONNECTION	---
CHEMICAL ELECTROLYTIC GROUNDING SYSTEM	---
TEST CHEMICAL ELECTROLYTIC GROUNDING SYSTEM	---
EXOTHERMIC WITH INSPECTION SLEEVE	---
GROUNDING BAR	---
GROUND ROD	---
TEST GROUND ROD WITH INSPECTION SLEEVE	---
POLE	---
EXISTING HAND HOLE	---
PROPOSED HAND HOLE	---
MANHOLE	---
TELCO PEDestal	---
TRANSFORMER	---
SWITCH	---
GROUND/NEUTRAL CONNECTIONS	---
WATER GATE VALVE	---
WATER HYDRANT	---
WATER METER	---
ELEVATION REFERENCE	---
DETAIL REFERENCE	---
SECTION REFERENCE	---
BREAKLINE	---

LEGEND

ABBREVIATIONS

Site Supplement

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[Signature page follows]

[The remainder of page is intentionally blank]

EXECUTED to be effective as of the date first shown above.

FOR THE COUNTY:

Kristin Sullivan, Director of Adams County Public Works

Kristin Sullivan

Pursuant to the authority of Resolution No. _____

LICENSEE:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation

Its: Manager

By: Mark John

Name: MARK JOHN

Its: AREA MANAGER

Date: 2/4/21

Exhibits:

Exhibit 1

SCOPE OF WORK

- AT&T WIRELESS PROPRIETARY A NEW WIRELESS INSTALLATION ON A NEW POLE THE SCOPE WILL CONSIST OF THE FOLLOWING:
- INSTALL (1) NEW POLE
 - INSTALL (1) OMNI-DIRECTIONAL ANTENNA
 - INSTALL (1) ANTENNA MOUNT
 - INSTALL (1) DUAL BAND OMNI-DIRECTIONAL ANTENNA
 - INSTALL (1) LOAD CENTER
 - INSTALL (1) SAFETY SWITCH

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A MAINTENANCE OR EFFECT ON SERVICE WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON SERVICE. NO SAFETY SWITCH REQUIRED AND NO COMMERCIAL SERVICE IS PROPOSED.

ENGINEERING

2018 INTERNATIONAL BUILDING CODE (IBC) OR LATEST ADOPTED CODE TIA/EIA-222-C, CODES OR UNITED STATES NATIONAL ELECTRICAL CODE IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL.

PROJECT INFORMATION

SITE ADDRESS: 675 1/2 W 70TH AVE
DENVER, CO 80221

POLE ID: NA

FACE ID: MRUN029863

FA NUMBER: 14833815

HUB USE: 191630

NODE USED: 229215

COUNTY: ADAMS

LATITUDE (NAD 83): 39.823277

LONGITUDE (NAD 83): -10.995047

GROUND ELEVATION: 5223 MSL

ANTENNA TP HEIGHT: 30'-0" KEL

ZONING JURISDICTION: ADAMS COUNTY

ZONING DISTRICT: ADAMS COUNTY

APN: 182020017

OCCUPANCY GROUP: U

CONSTRUCTION TYPE: I-B

POWER COMPANY: XCEL ENERGY

TELEPHONE COMPANY: A&T

RF ENGINEER: CALUDDO POZZI

LEASING AGENT: SHAWN TURNER
(720) 834-4361

ZONING AGENT: AUSA KIRK
(720) 834-0041

CONSTRUCTION MANAGER: TOM FARLEY
(720) 834-0038

CONTACT INFORMATION

ENGINEER: BLACK & VEATCH CORPORATION
DENVER, CO 80221

CONTACT: JEFF SISK
(303) 256-4096



at&t

Exhibit 4
(Page 1 of 4)
Licensed Area

CRAN_COL06927F_R02

WAS (COL07141F_R03)

FA #: 14833815

MICRO SMALL CELL

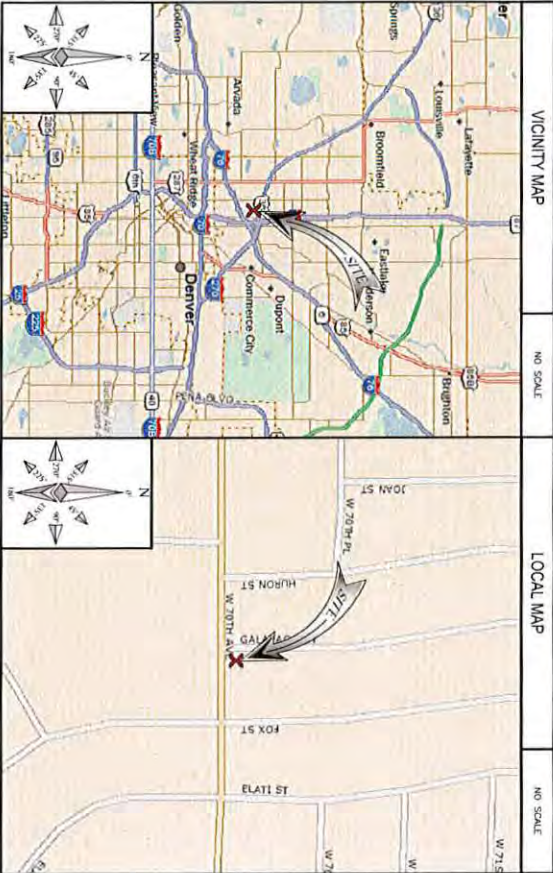
HUB USED #: 191630

NODE USED #: 229215

675 1/2 W 70TH AVE

DENVER, CO 80221

LOCATION MAPS



DRIVING DIRECTIONS

DIRECTIONS FROM AIRK OFFICE:

GO STRAIGHT ON INDEPENDENCE DR W, TURN LEFT ONTO E SPRING CREEK RD, KEEP RIGHT ONTO SR 224 RAMP, TAKE LEFT ON SR 224 RAMP, KEEP LEFT ON SR 224 RAMP, KEEP LEFT ON SR 224 RAMP, TURN LEFT ONTO SR 224, GO STRAIGHT ONTO W 70TH AVE, SITE WILL BE ON THE RIGHT.

DRAWING INDEX

SHEET NO.	SHEET TITLE
1-1	TITLE SHEET
A-1	OVERALL SITE PLAN
A-2	POLE ELEVATIONS
A-3	EQUIPMENT DETAILS
A-4	RF SPACING DETAILS
E-1	ELECTRICAL DETAILS
E-2	ELECTRICAL ELEVATION AND DETAILS
GN-1	LEGEND AND ABBREVIATIONS
GN-2	GENERAL NOTES
GN-3	GENERAL ELECTRICAL NOTES
LS-1	POLE MANUFACTURER DRAWINGS
LS-2	SITE SURVEY

FOR REFERENCE



SITE PHOTO

11'x17' PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED

SUBCONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.



UNDERGROUND SERVICE ALERT
1-800-922-1987
811



811
Call before you dig



161 INDEPENDENCE DR WEST
ENCLERWOOD, CO 80112



BLACK & VEATCH
4600 SOUTH SPRUCE STREET
SUITE 800
DENVER, COLORADO 80237

PROJECT NO: 129654-8126
DRAWN BY: SBD
CHECKED BY: BCP

REV	DATE	DESCRIPTION
0	06/26/20	ISSUED FOR CONSTRUCTION



IF IT IS NECESSARY FOR THE ENGINEER TO SIGN ANY OTHER DRAWING, THE ENGINEER SHALL SIGN AS A DESIGNER OR AS A SEALER OF THE DRAWING.

COL06927F_R02
14833815
675 1/2 W 70TH AVE
DENVER, CO 80221
MICRO SMALL CELL

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: IGA between Adams County and City of Thornton for Animal Sheltering and Impound Services provided at the Adams County Animal Shelter/Adoption Center
FROM: Stephanie Wilde
AGENCY/DEPARTMENT: Adams County Animal Shelter/Adoption Center dba Riverdale Animal Shelter
HEARD AT STUDY SESSION ON July 10, 2018
AUTHORIZATION TO MOVE FORWARD: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves IGA

BACKGROUND:

This is an IGA between Adams County and City of Thornton to utilize the Adams County Animal Shelter/Adoption Center (ACASAC) doing business as Riverdale Animal Shelter (RAS) for animal sheltering, care, and impound services. Fees have been established by utilizing Thornton's average annual animal sheltering usage data from years 2018 and 2019 and applying those to an annual flat-rate fee.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Animal Shelter/Adoption Center dba Riverdale Animal Shelter
Adams County Budget
Adams County Managers Office
City of Thornton

ATTACHED DOCUMENTS:

Public Hearing Agenda Item ACASAC dba RAS and City of Thornton
IGA between Adams County and City of Thornton
Exhibit A Chapter 6 Animals, Thornton, CO Code of Ordinances
Exhibit B Fee Schedule

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 01
Cost Center: 2051

	Object Account	Subledger	Amount
Current Budgeted Revenue:	5000	5990.1	\$124,402.00
Additional Revenue not included in Current Budget:			\$0.00
Total Revenues:			<u>\$124,402.00</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u> </u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN
ADAMS COUNTY AND THE CITY OF THORNTON FOR ANIMAL SHELTER/ADOPTION
CENTER SERVICES

WHEREAS, the Adams County Animal Shelter/Adoption Center d/b/a the Riverdale Animal Shelter has been asked to provide animal control, shelter, and adoption services to the City of Thornton; and,

WHEREAS, both parties intend to enter an agreement where Adams County will provide for the shelter, care, adoption, euthanasia, and/or disposal of animals impounded by the City of Thornton and/or Thornton's Animal Control Officers; and,

WHEREAS, Adams County will provide the above stated services for the time period of January 1, 2021 through December 31, 2021, which will automatically renew under the conditions stated in the agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Intergovernmental Agreement between Adams County and the City of Thornton for Animal Shelter/Adoption Center Services, a copy of which is attached hereto and incorporated herein by this reference, be and is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is authorized to execute said Intergovernmental Agreement on behalf of Adams County.

**ADAMS COUNTY, COLORADO
INTERGOVERNMENTAL AGREEMENT
ANIMAL SHELTER/ADOPTION CENTER SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT FOR ANIMAL SHELTER/ADOPTION CENTER SERVICES (IGA) is made this _____ day of _____, 2020 by and between the Adams County Board of County Commissioners, located at 4430 S. Adams County Parkway, Suite C5000A, Brighton, CO 80601, hereinafter referred to as the "County," and the City of Thornton, located at 9500 Civic Center Drive, Thornton, CO 80229, hereinafter referred to as "Thornton." This IGA is for animal control, shelter and adoption services to be provided by the Adams County Animal Shelter/Adoption Center (ACASAC), d/b/a The Riverdale Animal Shelter, located at 12155 Park Boulevard, Brighton, CO 80601.

In consideration of the mutual promises and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the County and Thornton agree to be legally bound as follows:

SECTION I. DEFINITIONS

- A. **Adoption fee:** Means the amount charged to a person adopting an animal for the costs of administrative services associated with the adoption.
- B. **Animal:** Means a dog, cat, or other small domestic creature.
- C. **Boarding fee:** Means the daily amount charged for the care of an animal while at Riverdale Animal Shelter.
- D. **Care:** Means regularly providing food and water to animals in the Riverdale Animal Shelter.
- E. **Impoundment fee:** Means the amount, in addition to the boarding fee, charged for costs associated with impounding an animal at Riverdale Animal Shelter.
- F. **Service fees:** Means other fees charged for services provided by Riverdale Animal Shelter, not otherwise specified herein, such as fees for euthanizing animals, disposing of dead animals, etc.
- G. **Shelter:** Means providing an enclosed cage or pen that is regularly cleaned and maintained for an animal.

SECTION II. RESPONSIBILITIES OF THE COUNTY

- A. Riverdale Animal Shelter, along with Thornton's Animal Control Officer(s), shall enforce Chapter 6 of the Thornton Municipal Code, as it pertains to animal control, a copy of which is attached hereto and incorporated herein as Exhibit A. It is however understood, that the Riverdale Animal Shelter will provide such services only as they pertain to dogs, cats,

fowl, small farm animals, or other small domestic creatures. The fees charged by Riverdale Animal Shelter for adoption, boarding, impoundment, and other services are as specified in Exhibit B which is attached hereto and incorporated herein by this reference.

B. Riverdale Animal Shelter shall provide for the shelter, care, adoption, euthanasia, and/or disposal of animals impounded because of violations of Chapter 6 of the Thornton Municipal Code.

C. Any stray animal impounded for more than five (5) business days that is not reclaimed by its owner may be made available for adoption, transferred for rescue, or may be humanely euthanized, at the sole discretion of the Riverdale Animal Shelter's Executive Director. However, feral cats may be humanely euthanized after having been impounded for three (3) calendar days, as the circumstances at Riverdale Animal Shelter may require based on the sole discretion of its Executive Director.

D. Unless ownership of a released animal is specifically acknowledged by the releasing individual, any animals brought to the Riverdale Animal Shelter will be processed in accordance with Colorado Revised Statute (C.R.S.) § 35-80-106.3.

E. Riverdale Animal Shelter shall have the right to immediately and humanely euthanize any animal impounded at its facility if such animal is diagnosed by a licensed veterinarian as being terminally ill, injured, or diseased.

F. Riverdale Animal Shelter shall quarantine animals for rabies observation, and shall report all suspected rabid animals to the Tri-County Health Department.

G. Any dog or cat impounded at Riverdale Animal Shelter, with the exception of aggressive animals, shall be inoculated with appropriate vaccines as indicated by protocol established by the shelter veterinarian.

H. Riverdale Animal Shelter shall maintain a telephone answering service to receive inquiries on impounded animals from 10:00 a.m. to 6:00 p.m. on weekdays, and from 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays. Riverdale Animal Shelter will be closed on County-designated holidays.

I. Riverdale Animal Shelter shall maintain records on all impounded animals, including a record of each animal's disposal, and shall allow Thornton access to such records as reasonably requested. In addition, Riverdale Animal Shelter shall submit to Thornton by the fifteenth (15th) calendar day of each month, a summary report of animals received and the disposition thereof.

J. Fees charged to Thornton residents for services provided hereunder shall not exceed the fees charged to other residents of Adams County for the same or similar services.

K. The County will employ qualified personnel as necessary to perform the services to be provided hereunder.

L. No animal impounded at Riverdale Animal Shelter shall be sold or given away to any person, organization, company, or other entity for the purposes of medical research or experimentation.

M. Riverdale Animal Shelter personnel will regularly assist in completing the routine impoundment functions including: getting impound numbers from the computer; vaccinating animals; placing identification collars on animals; taking pictures of animals; placing animals in pens; and completing associated impoundment documentation (i.e. scanning animals and entering the scanned number on the impound cards, entering the animal's age, weight, and rabies tag number on the impound cards, etc.).

SECTION III. RESPONSIBILITIES OF THORNTON

A. Thornton hereby expressly authorizes Riverdale Animal Shelter to enforce Chapter 6 of the Thornton Municipal Code, as it pertains to animal licensing and control. It is, however, understood that the County will provide such services only as they pertain to dogs, cats, or other small domestic animals, and fowl.

B. Thornton agrees to notify the Riverdale Animal Shelter, at least 48 hours prior to the effective date thereof, of any changes or amendments to Chapter 6 of the Thornton Municipal Code.

C. Thornton's animal control officers shall cooperate with and provide assistance to Riverdale Animal Shelter concerning routine impoundment functions including: getting impound numbers from the computer; vaccinating animals; placing identification collars on animals; taking pictures of animals; placing animals in pens; and completing associated impoundment documentation (i.e. scanning animals and entering the scanned number on the impound cards, entering the animal's age, weight, and rabies tag number on the impound cards, etc.).

D. As Riverdale Animal Shelter does not always have a veterinarian onsite or available, all sick and injured animals that Thornton animal control officers pick up must be taken to a veterinarian before impounding it into the shelter. A veterinarian report must be attached to the impound card. Sick animals are defined as animals that may be highly contagious to the rest of the animals and are showing signs such as diarrhea, bloody stools, lethargy, etc. Injured animals are defined as animals with signs of injuries including any limping as there may be a fracture, draining/infected skin wounds, appearance of mange (hair loss, especially around the head, and crusting skin), deep gashes that may need sutures, any animal that has been hit by a car, and any animal that otherwise appears to be in pain by vocalizing, whining or tensing. It is acceptable for Thornton Animal Control Officers to contact the shelter prior to taking a sick or injured animal to an outside veterinarian or clinic. If the shelter veterinarian is available to consult with the animal control officer, he/she may approve for the animal control officer to bring the sick or injured animal directly to the shelter.

SECTION IV. PAYMENTS, FEES, AND ADDITIONAL EXPENSES

A. Fee Schedule and Fee Assessment.

1. Fee Schedule. Commencing January 1, 2021, for all animals found in Thornton and brought to the Riverdale Animal Shelter by either City officials or private citizens, Thornton shall pay the County according to the current fee structure for that calendar year. A copy of the current fee structure for 2021 is attached hereto and incorporated herein as Exhibit B.
2. Two Year Assessment. The County will reassess Thornton's flat-rate fee every two years, on the even years, based on the average of two full years of Thornton's usage data and the shelter's daily cost of care average for the same two-year period. The fee schedule will be adjusted every two years based on this assessment.
3. Yearly Consumer Price Index Increase. Additionally, for each subsequent year that this agreement is renewed, the fees outlined in Exhibit B will be increased each year based on the most current official local (Denver, Aurora, Lakewood) Consumer Price Index ("CPI"). However, in the event there is a decrease in the most current official local CPI, the fees for that contract year will not increase or decrease based on the CPI.
4. Notice of Fee Schedule. The fee schedule for each following year that this agreement is renewed will be provided to Thornton along with Thornton's usage summary by no later than September 1st. The fee structure for each calendar year shall be fully incorporated into this IGA and shall supersede and replace the current Exhibit B.

B. The County will invoice Thornton according to the current fee structure for that calendar year on the date specified in Exhibit B. Payment shall be made in full by Thornton to the County within thirty (30) days of the invoice date.

C. The County shall retain all impoundment, boarding, adoption, service and/or other fees collected in association with this IGA. The County shall also retain all gifts or contributions received in association with any services provided in association with this IGA.

D. In the rare event that an animal(s) is delivered from Thornton as a court hold, police hold or protective custody case, and said animal(s) is deemed by staff to be too dangerous or in need for specialized care, Riverdale Animal Shelter shall notify Thornton that the animal must be transferred to a separate entity. In such cases where Thornton is to be financially responsible for the care of said transferred animal, Thornton shall provide Riverdale Animal Shelter with a list of preferred entities that are state-licensed animal care providers. Thornton will be responsible for all costs associated with the transfer and care of the transferred animal to any preferred entities identified by Thornton.

E. Thornton agrees to submit cost of care documents prepared by Riverdale Animal

Shelter to the court for restitution in cases where Riverdale Animal Shelter has provided care and services for animals from Thornton on court hold where the animal(s)' owner, or former owner, has potential responsibility for making restitution for such animal sheltering and care fees.

SECTION V. TERM

The initial term of this IGA shall be for a period of 12 (twelve) months commencing on January 1, 2021, and terminating on December 31, 2021, and will automatically renew for five successive one-year terms beginning January 1, 2022 according to the terms and conditions herein subject to the termination provisions set forth in Section XI of this IGA.

SECTION VI. FUND AVAILABILITY

Thornton has appropriated sufficient funds for this IGA for the current fiscal year. Payment pursuant to the IGA, is subject to and contingent upon the continuing avail ability of Thornton funds for the purposes hereof. In the event funds become unavailable, Thornton may terminate this IGA in accordance with Section XI of this IGA.

SECTION VII. INDEPENDENT CONTRACTOR

In providing services under this IGA, the County acts as an independent contractor. As such, the County shall be solely and entirely responsible for its acts, and the acts of its employees, agents, servants, and contractors during the term and performance of this IGA. No employee, agent, servant, or contractor of the County shall be deemed to be an employee, agent, or servant of Thornton because of the performance of any services or work under this IGA. The County, at its expense, shall procure and maintain workers' compensation insurance and unemployment compensation insurance as required under Colorado law. Pursuant to the Workers' Compensation Act, § 8-40-202(2)(b)(IV), C.R.S, as amended, the County understands that it and its employees and servants are not entitled to workers' compensation benefits from Thornton. The County further understands that it is solely obligated for the payment of federal and state income tax on any moneys earned pursuant to this IGA.

SECTION VIII. NONDISCRIMINATION

The County shall not discriminate against any employee or qualified applicant for employment because of age, race, color, religion, marital status, disability, sex, or national origin. The County agrees to post in conspicuous places, available to employees and applicants for employment, notices provided by the local public agency setting forth the provisions of this nondiscrimination clause.

SECTION IX. INDEMNIFICATION

To the extent permitted by law, each Party agrees to indemnify and hold harmless the other, its officers, agents, and employees for, from, and against any and all claims, suits, expenses, damages, or other liabilities, including reasonable attorney fees and court costs, arising out of damage or injury to persons, entities, or property caused or sustained by any person(s) as a

result of the its own performance or failure to perform pursuant to the terms of this IGA. Nothing herein shall be deemed by either party as a waiver of the rights, protections, defenses and limitations afforded both in accordance with the Colorado Governmental Immunity Act C.R.S. § 24-10-101, *et seq.*, as same may be amended from time to time.

SECTION X. INSURANCE

The County is a “public entity” within the meaning of the Colorado Governmental Immunity Act (“Act”), §24-10-101, *et seq.*, C.R.S., as amended, and shall at all times during the term of this IGA maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Act

SECTION XI. TERMINATION

A. For Cause

If, through any cause, the County fails to fulfill its obligations under this IGA in a timely and proper manner, or if it violates any of the covenants, conditions, or stipulations of this IGA, Thornton shall thereupon have the right to immediately terminate this IGA, upon giving written notice to the County of such termination and specifying the effective date thereof.

B. For Convenience

Either party may terminate the IGA at any time by giving written notice as specified herein to the other party, which notice shall be given at least sixty (60) days prior to the effective date of the termination. If the IGA is terminated by Thornton, the County will be paid in full for any services provided hereunder prior and up to the date of termination.

SECTION XII. MUTUAL UNDERSTANDINGS

A. Jurisdiction and Venue

The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this IGA. The parties agree that jurisdiction and venue for any disputes arising under this IGA shall be with the 17th Judicial District, Colorado.

B. Compliance with Laws

During the performance of this IGA, the parties agree to strictly adhere to all applicable federal, state, and local laws, rules and regulations, including all licensing and permit requirements. The Parties hereto acknowledge that they are familiar with § 18-8-301, *et seq.*, C.R.S. (Bribery and Corrupt Influences), as amended, and § 18-8-401, *et seq.*, C.R.S. (Abuse of Public Office), as amended, and that no violations of such provisions are present.

C. Record Retention

The parties shall maintain records and documentation of the services provided under this IGA, including fiscal records, and shall retain the records for a period of three (3) years from the date this IGA is terminated. Said records and documents shall be subject at all reasonable times to inspection, review, or audit by authorized federal, state, County, or Thornton personnel.

D. Assignability

Neither this IGA, nor any rights hereunder, in whole or in part, shall be assignable or otherwise transferable by either party without the prior written consent of the other party.

E. Waiver

Waiver of strict performance or the breach of any provision of this IGA shall not be deemed a waiver, nor shall it prejudice the waiving party's right to require strict performance of the same provision, or any other provision in the future, unless such waiver has rendered future performance commercially impossible.

F. Force Majeure

Neither party shall be liable for any delay or failure to perform its obligations hereunder to the extent that such delay or failure is caused by a force or event beyond the control of such party including, without limitation, war, embargoes, strikes, governmental restrictions, riots, fires, floods, earthquakes, or other acts of God.

G. Notice

Any notices given under this IGA are deemed to have been received and to be effective: (1) three (3) days after the same shall have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a facsimile or electronic mail transmission was received. For the purposes of this agreement, any and all notices shall be addressed to the contacts listed below:

For the County:

Adams County Animal Shelter dba Riverdale Animal Shelter
12155 Park Blvd, Brighton, CO 80601
Attn.: Stephanie Wilde
Phone No.: 720-523-7907
Facsimile No.: 303-523-7998
E-Mail: swilde@adcogov.org

and

Adams County Attorney's Office
4430 S. Adams County Parkway, Suite C5000B, Brighton, CO 80601
Attn: Christine Fitch and Heidi Miller
Phone No.: (720) 523-6116
Facsimile No.: (720) 523-6114
cfitch@adcogov.org
hmiller@adcogov.org

For Thornton:

Terrence Gordon, Chief of Police, City of Thornton
9500 Civic Center Dr.
Thornton, CO 80229
Phone No.: (720) 977-5043
Facsimile: (720) 977-5003
E-mail: Terrence.gordon@thorntonco.gov

H. Integration of Understanding

This IGA contains the entire understanding of the parties hereto and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by the parties.

I. Paragraph Headings

Paragraph headings are inserted for the convenience of reference only.

J. Counterparts

This IGA may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.

K. Parties Interested Herein

Nothing expressed or implied in this IGA is intended or shall be construed to confer upon or to give to, any person other than the parties, any right, remedy, or claim under or by reason of this IGA or any covenant, terms, conditions, or provisions hereof. All covenants, terms, conditions, and provisions in this IGA, by and on behalf of the County and Thornton, shall be for the sole and exclusive benefit of the County and Thornton.

L. Severability

If any provision of this IGA is determined to be unenforceable or invalid for any reason, the remainder of this agreement shall remain in effect, unless otherwise terminated in accordance with the terms contained herein.

M. Authorization

Each party represents and warrants that it has the power and ability to enter into this IGA, to grant the rights granted herein, and to perform the duties and obligations herein described.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Chair

Date

ATTEST:
JOSH ZYGIELBAUM
CLERK AND RECORDER

Approved as to form:

Deputy Clerk

Adams County Attorney's Office

CITY COUNCIL
CITY OF THORNTON, COLORADO



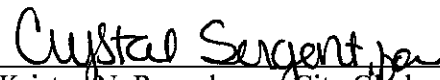
Kevin S. Woods, City Manager

12/2/20

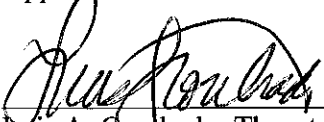
Date

ATTEST:

Approved as to form:



Kristen N. Rosenbaum, City Clerk



Luis A. Corchado, Thornton City Attorney

EXHIBIT A

Chapter 6 - ANIMALS^[1]

Footnotes:

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Cross reference— Health and sanitation, Ch. 30; circuses and carnivals, § 42-271 et seq.

State Law reference— Home rule powers, Col. Const. Art. XX, § 6; authority to regulate animals, C.R.S. § 31-15-401(1)(f), (1)(i), (1)(m).

ARTICLE I. - IN GENERAL^[2]

Footnotes:

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Editor's note— Ord. No. 3407, § 1, adopted September 27, 2016, repealed art. I, §§ 6-1—6-22, and enacted a new art. I, §§ 6-1—6-39 as set out herein. Please see the Code Comparative Table for a complete derivation.

Sec. 6-1. - Definitions.

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

Abandon means the leaving of animal for more than 24 hours by its owner or custodian without making effective provisions for its proper care. This shall include, but is not limited to, depositing or dropping off an animal on public property or on property other than that of the owner or custodian without prior permission of the property owner.

Animal means any living creature, domestic or wild.

Animal control officer means any person designated by the police department or the city manager as an "animal control officer," code enforcement officer, or police officer with the duties of investigation, control, and enforcement of this Code and state laws pertaining to animals.

Animal shelter means the authorized facility, established by intergovernmental agreement, and designated by the city for the boarding and care of any animal impounded under the provisions of this title or any other ordinance or law of the State of Colorado.

Backyard means the area located behind the rear plane of a residential dwelling extending to the side and rear property lines of the lot.

Backyard chicken(s) means any female breed of chicken for raising and keeping in the backyard area of approved residential uses. The term does not include any poultry such as ducks, quail, geese, pigeons, and/or turkeys.

Bodily injury means any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.

Butcher means to prepare animal carcasses for sale or consumption.

Chicken coop means any structure or enclosure built or used specifically for the shelter of backyard chickens.

Chicken run means a fenced area providing a roaming area for backyard chickens.

Common area means an area of land and buildings within a townhouse development, condominium project, manufactured home park, or apartment complex which is for the use and enjoyment of all residents of the project, as distinguished from land designated for their individual, private use.

Cruelty means every act of omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

Domesticated animals means animals which have been by breeding or otherwise tamed or reoriented to domestic life, including but not limited to dogs, cats, horses, mules, donkeys, cattle, sheep, swine, goats, chickens, domesticated Vietnamese potbellied pigs, and other domestic fowl and livestock.

Effective and immediate control means such direct, physical restraint achieved by leash, cord, or chain sufficient to prevent attack or uninvited contact by the animal upon a person other than the owner, to prevent entry upon public property if the animal is not on a leash controlled by a human, or to prevent entry upon private property of another without the consent of the person in possession of such private property.

Good cause shall mean to act out of necessity or take action against an animal to defend a person or property from imminent harm or damage.

Humane officer means any person designated by the Humane Society as a law enforcement officer or any person so designated by the police department or any person so designated by the city manager and who qualifies to perform such duties under state laws.

Kennel means any person engaged in the business of breeding, buying, selling, or boarding dogs and/or cats or engaged in the training of dogs for guard or sentry purposes.

Livestock means horses, mules, cattle, burros, swine, sheep, goats, poultry, and rabbits.

Mutilate shall mean to detach or destroy an animal's limb or other essential part or to otherwise cripple or maim an animal.

Neglect means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with the species, breed, and type of animal.

Owner means any person, firm, corporation, limited liability company, organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of an animal anywhere in the city.

Person means any individual, firm, company, partnership, corporation, limited liability company, organization or other entity, and includes the term "owner" as defined in this section.

Pet shop means any person engaged in the business of breeding, buying, selling, or boarding animals of any species.

Premises means real property, buildings, and other improvements.

Running at large means an animal that is not restricted to its owner's premises or not under the effective and immediate control of a person or such animal's owner; except that, for the purposes of this definition, "owner's premises" shall not include common areas, and any animal not under the effective and immediate control of a person or such animal's owner in the common area shall be deemed to be running at large.

Serious bodily injury means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

Slaughter means to kill any live animal for consumption; for purposes of this definition, live animal does not include fish and crustaceans.

To own means to own, possess, keep, harbor, or lease.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or for the diagnosis and treatment of diseases and injuries of animals.

(Ord. No. 3407, § 1, 9-27-16; Ord. No. 3434, § 1, 5-9-17)

Sec. 6-2. - Purpose.

The purpose of this chapter is to establish the regulations and expectations of both owners and animals in order to maintain the health and well-being of animals, prevent damage to people or property, and to protect the public health, safety, and welfare of the residents of the city.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-3. - Strict liability.

For the purpose of prosecution for violations of any section of this chapter, it shall not be necessary in order to obtain a conviction to prove notice on the part of the owner or custodian of the animal in question that said animal was violating any of the sections of this chapter at the time and place charged, it being the purpose of this section to impose strict liability upon the owner or custodian of any animal. Each separate day or any portion thereof during which such violation of this chapter occurs or continues shall constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-4. - Vaccination required.

- (a) Except as provided in subsection (b) of this section, every owner of a dog or cat over six months of age shall have such dog or cat vaccinated against rabies within seven days after the dog or cat is brought into the city, within seven days after the acquisition of the dog or cat or within seven days after the dog or cat reaches the age of six months, whichever occurs later, by a veterinarian properly licensed by the state. All owners of domesticated Vietnamese potbellied pigs shall have such pigs tested for pseudorabies and brucellosis prior to being brought into the city and shall maintain proof of such tests being performed by a veterinarian properly licensed by the state. In addition, every such pig brought into the city must be neutered or spayed before the pig reaches six months of age.
- (b) In the case of a dog or cat that was vaccinated in another state and was subsequently brought into the city from such other state, the requirement of subsection (a) of this section shall be met during the time for which such vaccination is effective, for a time period not to exceed the period of time recommended in the Compendium of Animal Rabies Control, as promulgated by the National Association of State Public Health Veterinarians, after having been vaccinated against rabies by a veterinarian properly licensed by the state from which the dog or cat was brought, and if the owner has a rabies tag for such vaccination and a certificate of such vaccination which show substantially the information required by subsection (c) of this section and which show that no further rabies vaccination is required.
- (c) Upon vaccination as required by subsection (a) of this section, the veterinarian shall provide the owner with a rabies tag showing the month, year, and a series number of the tag and with a certificate of vaccination on a form showing the following information:
 - (1) The name, address, and telephone number of the owner of the vaccinated dog or cat.
 - (2) The date of the vaccination.
 - (3) The type of vaccination used.

- (4) The date by which the next vaccination is required, which date shall not exceed the period of time recommended in the Compendium of Animal Rabies Control, as promulgated by the National Association of State Public Health Veterinarians, from the date of the previous vaccination, regardless of the type of vaccination used.
 - (5) The month, year, and series number of the rabies tag.
 - (6) The breed, approximate age, color, and sex of the vaccinated dog or cat.
- (d) Any person who shall violate any of the provisions of this section shall, upon conviction, be subject to a fine as provided in Section 1-8(a). Any person receiving a summons and complaint for a violation of this section may pay the standard fine for such violation at the violations bureau of the municipal court, provided that proof of valid rabies vaccination is provided at the time payment of the fine is tendered.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-5. - Attachment of tag.

- (a) The owner of a dog or cat shall attach the rabies tag provided for in Section 6-4 to the collar or harness of the dog or cat. Such tags shall remain attached to the collar or harness at all times, and the collar or harness shall be worn by the dog or cat at all times.
- (b) No person shall attach a rabies tag to the collar or harness of any dog or cat except to the dog or cat for which the rabies tag was issued.
- (c) Any person who shall violate any of the provisions of this section shall, upon conviction, be subject to a fine as provided in Section 1-8(a). Any person receiving a summons and complaint for a violation of this section may pay the standard fine for such violation at the violations bureau of the municipal court, provided that proof of valid rabies vaccination is provided at the time payment of the fine is tendered.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-6. - Commercial license required.

- (a) *License required.* No kennel, veterinary hospital, pet shop, livery, riding stable, abattoir, stockyard, hatchery, livestock auction, or other place where livestock or poultry are regularly bred, kept, offered for sale or slaughtered for commercial purposes or educational facility or laboratory regularly using animals shall engage in business in the city without obtaining a commercial license. Commercial licenses shall expire on December 31 of the year first issued and shall be renewed annually thereafter.
- (b) *Application.* Application for the license referred to in subsection (a) of this section shall be made on forms provided by the city clerk for that purpose. The applicant shall furnish the following information on the application:
 - (1) The name, business address, and telephone number of the applicant.
 - (2) The address of the premises for which the application for a license is being made and the approximate number and types of animals which will be kept on the premises.
 - (3) Copy of a lease or proof of ownership of the premises for which the application for a license is being made.
 - (4) Such other information as the city clerk reasonably deems necessary.
- (c) *Issuance of a license.* A license shall be issued by the city clerk after completion of the application provided for in subsection (b) of this section, proof of the applicant's ability to comply with the

requirements of this article and with other applicable laws, including requirements for the humane care of animals, and payment of the applicable license fee pursuant to this section.

- (d) *Licensing fee.* The annual fee for licenses issued pursuant to this section shall be determined from time to time by resolution of the city council. The license fee will be prorated the first year of issuance.
- (e) *Inspection of premises.* It shall be a condition of the issuance of any license pursuant to this section that animal control officers and inspectors of the city or the state shall be permitted to inspect all animals and the premises where animals are kept at any time.
- (f) No license issued pursuant to this section shall be transferable.
- (g) *Denials, suspensions, revocations.* The city may deny an application for, or suspend or revoke, any commercial business license issued pursuant to this chapter when it determines that the operation of such business by the applicant or licensee is not in compliance with state, federal, or local law or has the potential for negatively impacting the health, safety, or welfare of its residents. Without limiting the foregoing, the following shall each constitute sufficient grounds for denial, suspension, or revocation:
 - (1) The property on which the business is or will be conducted is not zoned for such business;
 - (2) Fraud, misrepresentation, false statement, or material omission made in connection with the application for the license;
 - (3) Delinquent or unpaid taxes, assessments or other financial claims of any local, state, or federal government;
 - (4) Revocation of a licensee's sales and use tax license;
 - (5) Failure to comply with the duty to supplement application information within 30 days from the date of the charge;
 - (6) A violation of any condition placed on the license;
 - (7) Conduct of the business in any unlawful or dishonest manner, included but not limited to, any violation of the provisions of this chapter, any other section of the Code, or any other federal, state, or local law.

The failure of the city to discover the existence of a ground on which an application for initial licensing or renewal of a current license should be denied shall not preclude the city from taking action to revoke or suspend a license when such condition becomes known to the city.

- (h) *Procedure and notice.*
 - (1) *Denial.* The city may deny the approval of any application, including an application for renewal based upon the grounds set forth above by issuing a written notice of such denial to the applicant. The written notice shall set forth the grounds for the denial and shall be mailed via certified mail, return receipt requested, to the post office address given in the application.
 - a. *Appeal of denial.* An applicant may appeal the city's decision to deny the application to the city manager or designee within 30 days of the city's decision. Appeals shall be made in writing and filed with the city clerk's office. The city shall have the burden of proving by a preponderance of the evidence that it has not exceeded its jurisdiction or abused its discretion.
 - (2) *Suspensions and revocations.* Before suspending or revoking any license issued pursuant to this chapter, the licensee shall be notified in writing of the alleged cause(s) for revocation or suspension and shall be afforded an opportunity to be heard.
 - a. *Service of notice.* Notice shall be served not less than three days prior to the date of the hearing. Service shall be deemed complete either upon personal delivery of the written notice or five days after the date that such notice is sent by regular and certified mail,

return receipt requested, to the post office address given in the application for the license. The notice shall set forth the circumstances of the alleged violation.

- b. *Hearing.* The city manager, or a designee, shall hear such statements and consider such evidence as the applicant/licensee, animal control, police officers, or any other witness shall offer relative to the denial, suspension, or revocation of the commercial license. The city shall have the burden of proof by a preponderance of the evidence. The hearing shall be an administrative hearing where the strict rules of evidence shall not be adhered to and hearsay shall be admitted. However, any decision with regard to suspension or revocation of a commercial license pursuant to this subsection shall not be based solely on hearsay evidence.
- (3) *Written order.* The city manager, or a designee, shall issue an order within ten business days after the hearing is concluded. Such order shall include findings of fact from the statements and evidence offered as to whether the violation occurred, and indicate the licensing agent's decision whether to suspend or revoke the license.
- (c) *Appeal to District Court.* The findings of the city manager or designee shall be final and binding upon the parties unless appealed directly to the District Court of Adams County, Colorado for judicial review of such decision pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. An appeal from the decision of the hearing officer may be taken by the applicant, the licensee, or by the city. Failure to timely appeal constitutes a waiver of any right any party may otherwise have to contest an appealable decision of the city manager or designee.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-7. - Animal at large.

- (a) It shall be unlawful for any owner of any domesticated animal to fail to prevent such animal from running at large within the city. It shall be an affirmative defense to this section that the animal was contained entirely upon private property with the consent of the person in lawful possession of such property.
- (b) It shall be unlawful for any owner of any domesticated animal to fail to prevent any such animal from habitually running at large. For the purposes of this section, "habitually running at large" shall be defined as any domesticated animal or cat found to be running at large by the municipal court or impounded by animal control, or a combination of both, on three or more occasions within any 12-month period.
- (c) *Violations; penalties.*
 - (1) Any person who shall violate part (a) of this section shall, upon conviction, be subject to a fine as provided in Section 1-8(a).
 - (2) Any person who shall violate part (b) of this section shall, upon conviction, be subject to enhanced penalties as follows:
 - a. Fined a sum of not less than \$100.00 nor more than the maximum fine authorized by Section 1-8, or imprisoned for not more than one year, or both such fine and imprisonment; and
 - b. Ordered to have the animal spayed or neutered by a licensed veterinarian or a licensed shelter; and
 - c. Ordered to have the animal be permanently identified through the implantation of a microchip containing owner identification information by a licensed veterinarian or a licensed shelter. The microchip information shall be registered with the appropriate company responsible for maintaining such information for the microchip; and a copy of the initial registration and a receipt acknowledging completion of registration from the company shall be provided to the animal control division of the police department.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-8. - Enforcement.

It shall be the duty of the animal control officers, including any contracted animal control officers, to see that any domesticated animal found running at large in violation of the standards of Section 6-7(a) is taken and impounded in the animal shelter, and such domesticated animal or cat may be taken without the necessity of filing a complaint and shall be impounded and disposed of as provided in Section 6-9.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-9. - Impoundment of animals at large.

- (a) *Impoundment.* Any animal found running at large may be taken up by any person or by an animal control officer and impounded at the animal shelter by such person or officer. As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment to the owner. If, after a bona fide effort to locate the owner, he or she cannot be identified and the animal is not claimed within five days, the animal shelter may dispose of the animal. If the owner is identified and the impounded animal is not claimed by its owner within five days, the animal may be disposed of by sale, adoption, donation, or destruction at the sole discretion of the animal shelter.
- (b) *Claiming impounded animals.* Any animal impounded pursuant to this section shall be released to the owner upon payment of the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment. The animal shelter may sell an impounded animal, which has not been claimed by its owner as indicated in Section 6-9(a), to any person. If the owner of an unclaimed animal is known, such owner shall be held responsible for any costs incurred related to the impoundment, keeping, or disposal of the animal.
- (c) *Emergency medical treatment.* Any animal control officer or police officer may, at such officer's discretion, take an injured impounded animal to a licensed veterinarian for emergency medical treatment. The owner shall be liable for payment of all such emergency treatment. Payment of medical fees may be required before the animal is released to the owner.
- (d) *Proof of ownership.* A valid rabies tag worn by any animal shall be presumptive evidence that the owner of the animal is the person registered as obtaining the rabies vaccination for such animal. The registered owner of an animal may be charged with any violation the animal committed.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-10. - Impoundment of animals habitually at large.

Any animal found running at large on three or more occasions in any 12-month period shall be impounded by an animal control officer or police officer at the animal shelter. As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment to the owner. Any such animal shall be held until a fact-finding dispositional hearing ("dispositional hearing") can be held in municipal court to determine its proper disposition. This dispositional hearing can take place notwithstanding any court action against any person who has been charged with a violation of Section 6-7(b), and any statement made by any person at such a dispositional hearing shall not be used as evidence in the prosecution's case-in-chief in any trial procedure.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-11. - Fact-finding dispositional hearing for animals habitually at large.

When any animal has been impounded pursuant to Section 6-7(b), the owner shall be entitled to a fact-finding dispositional hearing ("dispositional hearing") within ten days of such impoundment. The owner of the animal shall be given written notice by the police department, animal control officer, or the court, if the owner is known. Such notice may be personally served upon the owner of the animal, or sent via a certificate of mailing, at least 72 hours before said hearing. The dispositional hearing shall be conducted as an administrative hearing, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence. The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge shall be received in evidence. The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses. At the dispositional hearing, the court shall determine whether or not the owner has proven, by preponderance of the evidence, that the owner has put in place sufficient confinement measures, which secure the animal to avoid future at large violations. The court shall have the power to determine that the animal be further confined and to order that the owner take specific steps to prevent the animal from running at large. The court may order that any confinement or security measures be inspected by animal control. Upon a showing of proof of sufficient confinement measures, which secure the animal to avoid future at large violations, the court shall order the animal released to the owner upon the payment of the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment. The owner shall bear the costs of impounding the animal regardless of the results of any municipal charges.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-12. - Injured or killed animals.

Animals injured or killed in the street shall be considered as running at large, and animal control officers may remove all said animals to the animal shelter. The owner of such animal shall be liable for boarding and impoundment costs and reasonable and necessary medical expenses incurred in the treatment of any injured animal.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-13. - Authority.

It shall be lawful for any animal control officer to go upon any property, excluding a dwelling, using such force as may be reasonably necessary, for the purpose of pursuing and catching any animal at large to be impounded. An animal control officer shall not go within the interior of a dwelling to remove an animal without a court order or the consent of an occupant of the dwelling over the age of 18 years.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-14. - Quarantine of animals.

- (a) An animal which is known to have bitten any person, or any animal which, in the opinion of a member of the police department, an animal control officer, or of any licensed veterinarian of the state, is exhibiting signs or symptoms consistent with rabies shall be closely confined by its owner in accordance with the directions of a member of the police department or an animal control officer or shall be impounded by animal control, at the election of the police department or an animal control officer, for a period of not less than ten days. It is unlawful for any person to knowingly dispose of an animal that has bitten someone, without the approval of an animal control officer or the police department. No person shall fail to prevent such animal from being closely confined in accordance with the directions of the police department or an animal control officer.

- (b) It shall be unlawful for any owner of an animal subject to examination and quarantine under this section to fail to produce the animal, on demand of any animal control officer or police officer, for examination and quarantine. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there shall be probable cause to believe that the animal has bitten any person and that the owner is keeping or harboring the animal upon such a demand, and the owner may be charged with a violation of this section by failing to produce such an animal. If the owner of any such animal shall willfully or knowingly secrete or refuse to produce such animal, such act shall constitute a separate and individual violation of this section.
- (c) If the owner of a quarantined animal is not determined or located, the police department or an animal control officer may order the animal to be destroyed; if, however, the owner of a quarantined animal is located, the owner shall be responsible to the city for all costs incurred for the confinement and treatment of the animal under this section.
- (d) If the animal is inoculated for rabies during the ten-day quarantine, an additional ten days of quarantine is required. Total quarantine, if so inoculated, shall be 20 days, or as dictated in the most recent version of the Colorado Rabies Compendium.
- (e) Any person who shall violate any of the provisions of this section shall be subject to a mandatory court appearance, and upon conviction, be subject to a fine as provided in Section 1-8(a).

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-15. - Possession of wild or vicious animals.

It shall be unlawful for any person to keep or permit to be kept on such person's premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoological garden, theatrical exhibit or circus, except that no theatrical exhibit or act shall be held in which animals are encouraged to perform through the use of chemical, electrical or mechanical devices.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-16. - Misuse of animals.

It shall be unlawful for any person to give away any live vertebrate animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement, or to offer such vertebrate as an incentive to enter into any business agreement whereby the vertebrate is for the purpose of attracting trade.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-17. - Aggressive animals.

- (a) It shall be unlawful to possess any animal which engages in any of the following conduct within the city:
 - (1) Inflicts a puncture wound, abrasion, or other wound upon a person or a domestic animal which injury does not meet the definition of bodily injury or serious bodily injury as defined in this chapter.
 - (2) Without provocation, and without effective and immediate control, repeatedly snaps at or repeatedly lunges at, or approaches a person while growling and snarling at such person in a threatening manner.

- (3) Without provocation, and without effective and immediate control, chases or runs at another person while snapping or biting, growling or snarling at such person in a threatening manner.
 - (4) Harasses passersby while encroaching on public and private property, including snarling and/or growling while leaning on, through, or over fences and walls.
- (b) For purposes of this section, no animal shall be deemed an aggressive animal by reason of having threatened or harassed a person when such person was engaged in any of the following acts:
- (1) The unlawful entry into or upon the animal owner's property where such animal is kept.
 - (2) The unlawful entry into or upon the animal owner's automobile or other vehicle wherein the animal is confined.
 - (3) The attacking or molesting of another person.
 - (4) Attempting to stop an altercation between such animal and another animal.
 - (5) Deliberately and wantonly provokes such animal to bite or attack such person, another person, or another animal.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-18. - Impoundment of aggressive animals.

- (a) *Mandatory impoundment.* Upon citation of an owner for a violation of Subsection 6-17(a)(1), the allegedly aggressive animal shall be taken into custody by an animal control officer or police officer and impounded at the animal shelter if the allegedly aggressive animal has previously been the subject of a conviction, which for purposes of this section would include any deferred judgement and sentence, of any animal attack pursuant to Section 6-21. The animal shall be held in the animal shelter at the owner's expense pending final disposition of the charge against the owner or by order of the court after a fact-finding dispositional hearing pursuant to Section 6-19.
- (b) *Discretionary impoundment.* Upon citation of an owner for a violation of Section 6-17, the allegedly aggressive animal may be taken into custody by an animal control officer or police officer and impounded at the animal shelter. The animal shall be held in the animal shelter at the owner's expense pending final disposition of the charge against the owner or by order of the court after a fact-finding dispositional hearing pursuant to Section 6-19.
- (c) *Production of animal.* It shall be unlawful for any owner of an animal subject to an impoundment under this section to fail to produce the animal, on demand of any animal control officer or police officer, for examination and impoundment. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there shall be probable cause to believe that the owner is keeping or harboring the animal upon such a demand, and the owner may be charged with a violation of this section by failing to produce such an animal. If the owner of any such animal shall willfully or knowingly secrete or refuse to produce such animal, such act shall constitute a separate and individual violation of this section.
- (d) *Fees.* The owner shall be responsible for the payment of all fees, including impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges.
- (e) Any person who shall violate any of the provisions of this section shall be subject to a mandatory court appearance, and upon conviction, be subject to a fine as provided in Section 1-8(a).

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-19. - Fact-finding dispositional hearing for aggressive animals.

When any animal has been impounded pursuant to Section 6-17, the owner shall be entitled to a fact-finding dispositional hearing ("dispositional hearing") within ten days of such impoundment. The owner of the animal shall be given written notice by the police department, animal control officer, or the court, if the owner is known. Such notice may be personally served upon the owner of the animal, or sent via a certificate of mailing in the U.S. mail, at least 72 hours before said hearing. The dispositional hearing shall be conducted as an administrative hearing, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence. The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge shall be received in evidence. The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses. If, on the date of the hearing, the owner does not appear, the court may proceed with the hearing. At the dispositional hearing, if the court determines that the city has established, by a preponderance of the evidence, that there is a reasonable likelihood of future injury to persons, property, or animals, the court shall order the animal to remain impounded at the owner's expense until the final disposition of any pending municipal charges. In making this determination, the court shall consider the following:

- (1) The conduct of the animal during the incident charged;
- (2) Any evidence of aggressive or violent behavior by the animal, or threats thereof;
- (3) Any prior violations by the owner of this chapter, or any municipal ordinance, or the laws of any state or political subdivision thereof which involves an animal;
- (4) Any prior violations by any other owner, involving the same animal, of any violations of this chapter or any municipal ordinance, or any laws of the state or political subdivision thereof;
- (5) Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal, or property;
- (6) Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to any person, animal, or property; and
- (7) Any other evidence relevant to the issues as determined by the court.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-20. - Violations; penalties for aggressive animals.

- (a) Any person who violates any part of Section 6-17 shall, upon conviction, be subject to penalties as follows:
 - (1) Fined a sum of not less than \$100.00 nor more than the maximum fine authorized by Section 1-8, or imprisoned for not more than one year, or both such fine and imprisonment; and
 - (2) Ordered to have the animal spayed or neutered by a licensed veterinarian or a licensed shelter; and
 - (3) Ordered to have the animal be permanently identified through the implantation of a microchip containing owner identification information by a licensed veterinarian or a licensed shelter. The microchip information shall be registered with the appropriate company responsible for maintaining such information for the microchip; and a copy of the initial registration and a receipt acknowledging completion of registration from the company shall be provided to the animal control division of the police department.
 - (4) Ordered to pay restitution if applicable pursuant to Section 1-8.
 - (5) Ordered to immediately notify animal control or the police department if the animal has escaped or has otherwise ceased to be in the custody of the owner.

- (b) Any person who violates any parts of this section may, upon conviction, be subject to any of the additional following sentencing requirements:
 - (1) Ordered to refrain from using any extension-style leashes.
 - (2) Ordered to refrain from tying the animal to any inanimate object.
 - (3) Ordered to keep the animal muzzled at all times that the animal is off the owner's property.
 - (4) Ordered to complete a court approved animal socialization or behavior evaluation and training, a pet management class, and/or any other treatment program that the court may deem appropriate. The owner shall bear the cost of the evaluation, program, or training.
 - (5) Ordered to comply with fencing recommendations of Animal Control or provide a separate enclosure in the rear yard of the owner's property that securely limits the animal's access to the public as determined by an animal control officer, unless the animal is under the effective and immediate control of a responsible person and restrained by a fixed leash not to exceed four feet in length.
 - (6) Ordered to post a conspicuous warning sign on the building or front portion of the property located within the city alerting others to beware of the animal.
 - (7) The owner shall be responsible for the payment of all fees, including impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-21. - Animal attacks.

- (a) It shall be unlawful to own an animal that:
 - (1) Inflicts or causes bodily injury or serious bodily injury to a person, whether on or off the premises of its owner.
 - (2) Inflicts or causes bodily injury or serious bodily injury upon a domestic animal or causes the death of any domestic animal, whether on or off the premises of its owner.
- (b) It shall be an affirmative defense to subsection (a) if:
 - (1) That, at the time of the attack, which caused serious bodily injury or bodily injury to a person, the victim of the attack was committing or attempting to commit a criminal offense against the animal's owner or owner's property; or
 - (2) That, the person who was the victim of the attack by the animal tormented, provoked, abused, or inflicted injury upon the animal.
 - (3) That, at the time of the attack by the animal, which caused bodily injury or serious bodily injury to, or the death of a domestic animal, the domestic animal was attacking the animal or its owner.
- (c) The provisions of this section shall not apply to the following:
 - (1) To any dog that is used by a peace officer while the officer is engaged in the performance of peace officer duties.
 - (2) To any dog that inflicts injury upon or causes the death of a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of the dog's owner and the injury or death was to a domestic animal naturally associated with the work of such dog.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-22. - Impoundment after animal attack.

- (a) *Mandatory impoundment.* Any animal that causes serious bodily injury to a person in an unprovoked attack shall be taken into custody by an animal control officer or police officer and impounded at the animal shelter. The animal shall be held in the animal shelter at the owner's expense pending final disposition of any charges filed against the animal owner or by order of the court after a fact-finding dispositional hearing pursuant to Section 6-23.
- (b) *Discretionary impoundment.* Any animal that causes bodily injury to a person, or serious bodily injury or death to any domestic animal may be taken into custody by an animal control officer or police officer and impounded at the animal shelter. The animal shall be held in the animal shelter at the owner's expense pending final disposition of any charges filed against the owner or by order of the court after a fact-finding dispositional hearing pursuant to Section 6-23.
- (c) *Production of animal.* It shall be unlawful for any owner of an animal subject to an impoundment under this section to fail to produce the animal, on demand of any animal control officer or police officer, for examination and impoundment. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there shall be probable cause to believe that the animal inflicted or caused bodily injury or serious bodily injury to any person or domestic animal, or caused the death of any domestic animal, and that the owner is keeping or harboring the animal upon such a demand, and the owner may be charged with a violation of this section by failing to produce such an animal. If the owner of any such animal shall willfully or knowingly secrete or refuse to produce such animal, such act shall constitute a separate and individual violation of this section.
- (d) *Fees.* The owner shall be responsible for the payment of all fees, including impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges or fact-finding dispositional hearing.
- (e) Any person who shall violate any of the provisions of this section shall be subject to a mandatory court appearance, and upon conviction, be subject to a fine as provided in Section 1-8(a).

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-23. - Fact-finding dispositional hearing after animal attack.

When any animal has been impounded pursuant to Section 6-22, the owner shall be entitled to a fact-finding dispositional hearing ("dispositional hearing") within ten days of such impoundment. The owner of the animal shall be given written notice by the police department, animal control officer, or the court, if the owner is known. Such notice may be personally served upon the owner of the animal, or sent via certificate of mailing in the U.S. mail, at least 72 hours before said hearing. The dispositional hearing shall be conducted as an administrative hearing, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence. The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge shall be received in evidence. The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses. If, at the hearing, the owner does not appear, the court may proceed with the hearing. At the dispositional hearing, if the court determines that the city has established, by a preponderance of the evidence, that the animal inflicted or caused serious bodily injury to any person in an unprovoked attack, the court shall order the animal to remain impounded at the owner's expense until final disposition of any pending municipal charges. At the dispositional hearing, if the court determines that the city has established, by a preponderance of the evidence, that the animal inflicted or caused bodily injury to any person in an unprovoked attack, or inflicted or caused bodily injury, serious bodily injury or death to a domestic animal in an unprovoked attack, the court may order the animal to remain impounded at the owner's expense until final disposition of any pending municipal charges. In making this determination, the court shall consider the following:

- (1) The conduct of the animal during the incident charged;

- (2) Any evidence of aggressive or violent behavior by the animal, or threats thereof;
- (3) Any prior violations by the owner of this chapter, or any municipal ordinance, or the laws of any state or political subdivision thereof which involves an animal;
- (4) Any prior violations by any other owner, involving the same animal, of any violations of this chapter or any municipal ordinance, or any laws of the state or political subdivision thereof;
- (5) Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal or property;
- (6) Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to any person, animal or property; and
- (7) Any other evidence relevant to the issues as determined by the court.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-24. - Violations; penalties for animal attack.

- (a) Any person who violates any part of Section 6-21 shall, upon conviction, be subject to penalties as follows:
 - (1) Fined a sum of not less than \$500.00 nor more than the maximum fine authorized by Section 1-8, or imprisoned for not more than one year, or both such fine and imprisonment.
 - (2) Ordered to have the animal spayed or neutered by a licensed veterinarian or a licensed shelter.
 - (3) Ordered to have the animal be permanently identified through the implantation of a microchip containing owner identification information by a licensed veterinarian or a licensed shelter. The microchip information shall be registered with the appropriate company responsible for maintaining such information for the microchip; and a copy of the initial registration and a receipt acknowledging completion of registration from the company shall be provided to the animal control division of the police department.
 - (4) Ordered to post a conspicuous warning sign on the building or front portion of the property located within the city alerting others to beware of the animal.
 - (5) Ordered to complete a court approved animal socialization or behavior evaluation and training, a pet management class, and/or any other treatment program that the court may deem appropriate. The owner shall bear the cost of the evaluation, program, or training.
 - (6) Ordered to pay restitution if applicable pursuant to Section 1-8.
 - (7) Ordered to immediately notify animal control or the police department if the animal has escaped or has otherwise ceased to be in the custody of the owner.
 - (8) Ordered to notify, if the owner moves out of the city during the period of court ordered supervision, the animal control department of the owner's new city and/or county that the subject animal has been the subject of an animal attack conviction.
- (b) Any person who violates any parts of this section may, upon conviction, be subject to any of the additional following sentencing requirements:
 - (1) Ordered to refrain from using any extension-style leashes.
 - (2) Ordered to refrain from tying the animal to any inanimate object.
 - (3) Ordered to keep the animal muzzled at all times that the animal is off the owner's property.
 - (4) Ordered to provide a separate enclosure in the rear yard of the owner's property that securely limits the animal's access to the public as determined by an animal control officer, unless the animal is under the effective and immediate control of a responsible person and restrained by a fixed leash not to exceed four feet in length.

- (5) Ordered to confine the animal, when outdoors, in an escape proof enclosure. All structures must be locked with a key or combination lock when the animal is within the structure. Such structure shall have a secure bottom or floor attached to the sides of the structure, or the structure shall be embedded in the ground no less than two feet. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. All structures erected to house such animal must comply with all zoning and building requirements. Animal control shall inspect the structure to ensure compliance with said conditions.
 - (6) Ordered to present proof that the owner has procured homeowner's or renter's liability insurance in a minimum of \$100,000.00 covering any future damage or injury caused by the subject animal during the period of court ordered supervision.
- (c) *Euthanization.*
- (1) *Mandatory euthanization.* In addition to any penalties set forth in sections (a) and (b) of this section, any animal that is the subject of a prior conviction or a deferred judgment for a violation that resulted in serious bodily injury to a person, on a second or subsequent violation of Section 6-21 which resulted in a conviction or a deferred judgement involving the same animal, shall be ordered humanely destroyed upon exhaustion of any right an owner has to appeal the conviction.
 - (2) *Discretionary euthanization.* In additional to any penalties set forth in sections (a) and (b) of this section, any animal that is the subject of a conviction or a deferred judgement for a violation that resulted in serious bodily injury to a person or animal, may be ordered humanely destroyed upon exhaustion of any right an owner has to appeal the conviction.
- (d) *Fees.* The owner shall be responsible for the payment of all fees, including impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-25. - Abandonment of an animal.

- (a) It shall be unlawful for any person to knowingly, recklessly, intentionally, or negligently abandon an animal.
- (b) Any member of the police department or an animal control officer may impound any animal reasonably believed to be abandoned pursuant to Section 6-26.
- (c) Any person who violates any part of this section shall, upon conviction, be subject to penalties as follows:
 - (1) Fined a sum of not less than \$100.00 nor more than the maximum fine authorized by Section 1-8, or imprisoned for not more than one year, or both such fine and imprisonment.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-26. - Impoundment of abandoned animals.

- (a) *Impoundment.* Any animal reasonably believed to be abandoned may be taken by an animal control officer or police officer for the city and impounded at the animal shelter by such officer for a period not to exceed five days. As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment to the owner. In the event that the impounded animal is not claimed by its owner within five days, the animal may be disposed of by sale, adoption, donation, or destruction at the sole discretion of the animal shelter.

- (b) *Claiming impounded animals.* Any animal impounded pursuant to this section shall be released to the owner upon payment of the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment. The animal shelter may sell an impounded animal, which has not been claimed by its owner, to any person. If the owner of an unclaimed animal is known, such owner shall be held responsible for any costs incurred related to the impoundment, keeping, or disposal of the animal.
- (c) *Emergency medical treatment.* Any animal control officer or police officer may, at such officer's discretion, take an injured impounded animal to a licensed veterinarian for emergency medical treatment. The owner shall be liable for payment of all such emergency treatment. Payment of the medical fees may be required before the animal is released to the owner.
- (d) *Proof of ownership.* A valid rabies tag worn by any animal shall be presumptive evidence that the owner of the animal is the person registered as obtaining the rabies vaccination for such animal. The registered owner of an animal may be charged with any violation the animal committed.
- (e) *Fees.* The owner shall be responsible for the payment of all fees, including the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-27. - Fact-finding dispositional hearing for abandoned animal.

When any animal has been impounded pursuant to Section 6-26, the owner shall be entitled to a fact-finding dispositional hearing ("dispositional hearing") within ten days of such impoundment. The owner of the animal shall be given written notice by the police department, animal control officer, or the court, if the owner is known. Such notice may be personally served upon the owner of the animal, or sent via a certificate of mailing, at least 72 hours before said hearing. If the owner does not appear for the hearing, and the animal has been impounded for at least five days, the court may order that the animal may be disposed of by sale, adoption, donation, or destruction at the discretion of the animal shelter. If the owner does appear for the dispositional hearing, it shall be conducted as an administrative hearing, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence. The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge shall be received in evidence. The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses. At the dispositional hearing, the court shall determine whether or not the owner has proven by preponderance of the evidence the ability to house and care for the animal and prevent future, similar violations. The court shall have the power to determine that the animal be further confined, at the expense of the owner, and to order that the owner take specific steps to ensure that the animal will be provided with sufficient care. The court may order that any orders of the court may be verified for compliance by inspection by animal control. Upon a finding that the animal will be provided with sufficient shelter and care, the court shall order the animal released to the owner upon the payment of the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment. The owner shall bear the costs of impounding the animal regardless of the results of any municipal charges.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-28. - Neglect of an animal.

- (a) It shall be unlawful for any person to knowingly, recklessly, intentionally, or negligently neglect an animal within the city. The following acts or any combination thereof shall constitute neglect:

- (1) Failure to provide an animal with sufficient food and water, proper shelter and protection from the weather to avoid harm to an animal;
 - (2) Failure to provide veterinary care when needed to prevent suffering and injury to an animal;
 - (3) To neglect an animal, as defined in Section 6-1;
- (b) Any member of the police department or an animal control officer may take necessary and appropriate steps to abate any violation of subsection (a) of this section and, further, may impound the animals affected until a dispositional hearing can be held before the judge of the municipal court.
- (c) Any person who violates parts of this section shall, upon conviction, be subject to penalties as follows:
- (1) Fined a sum of not less than \$100.00 nor more than the maximum fine authorized by Section 1-8, or imprisoned for not more than one year, or both such fine and imprisonment.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-29. - Impoundment for neglect of an animal.

- (a) *Impoundment.* Upon citation for a violation of Section 6-28, the allegedly neglected animal may be taken into custody by an animal control officer or police officer and impounded at the animal shelter. The animal shall be held in the animal shelter at the owner's expense pending final disposition of the charge against the owner or by order of the court after a fact-finding dispositional hearing.
- (b) *Emergency medical treatment.* Any animal control officer or police officer may, at such officer's discretion, take an injured impounded animal to a licensed veterinarian for emergency medical treatment. The owner shall be liable for payment of all such emergency treatment. Payment of the medical fees, as provided for in Section 6-8, may be required before the animal is released to the owner.
- (c) *Fees.* The owner shall be responsible for the payment of all fees, including the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-30. - Fact-finding dispositional hearing for neglect of an animal.

When any animal has been impounded pursuant to Section 6-29, the owner shall be entitled to a fact-finding dispositional hearing ("dispositional hearing") within ten days of such impoundment. The owner of the animal shall be given written notice by the police department, animal control officer, or the court, if the owner is known. Such notice may be personally served upon the owner of the animal, or sent via a certificate of mailing, at least 72 hours before said hearing. The dispositional hearing shall be conducted as an administrative hearing, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence. The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge shall be received in evidence. The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses. At the dispositional hearing, the court shall determine whether or not the owner has proven by preponderance of the evidence that the animal will not be at risk of further injury or mistreatment if returned. The court shall have the power to determine that the animal be further confined, at the expense of the owner, and to order that the owner take specific steps to ensure that the animal will be provided with sufficient care. The court may order that any orders made by the court be verified for compliance by inspection by animal control. Upon a finding that the animal will be provided with sufficient shelter and care, the court shall order the animal released to the owner upon the payment of the impound fee, boarding fee, veterinary care charges, and any other

costs associated with the impoundment. The owner shall bear the costs of impounding the animal regardless of the results of any municipal charges.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-31. - Cruelty to animals.

- (a) A person commits cruelty to animals if he or she knowingly, recklessly, intentionally, or negligently:
 - (1) Cruelly treats, torments, overloads, overworks, or otherwise abuses any animal to the extent that the animal is in imminent danger of injury, sickness, or death;
 - (2) Causes or permits any dogfight, cockfight, bullfight, or other combat between animals or between humans and animals;
 - (3) Leaves an animal unattended in any manner that subjects the animal to extreme or unreasonable temperatures or conditions and thereby creates a serious risk of injury, sickness, or death to the animal;
 - (4) Without good cause, mutilates an animal;
 - (5) Without good cause, beats repeatedly or kills or attempts to kill an animal;
 - (6) Crops a dog's ear or tail or neuters an animal. This provision shall not apply to actions of a licensed veterinarian;
 - (7) Intentionally or recklessly poisons any animal or, intentionally or recklessly distributes poison in any matter whatsoever with the intent or for the purpose of poisoning any dog or cat;
 - (8) Slaughters any live animal within the city limits, except in areas zoned for such purposes;
 - (9) Butchers any animal in a public place or where the conduct may reasonably be expected to be viewed by members of the public, except in areas zoned for such purposes.
- (b) Any member of the police department or an animal control officer may take necessary and appropriate steps to abate any violation of subsection (a) of this section and, further, may impound the animals affected until a dispositional hearing can be held before the judge of the municipal court.
- (c) Any person who violates any parts of this section shall, upon conviction, be subject to penalties as follows:
 - (1) Fined a sum of not less than \$100.00 nor more than the maximum fine authorized by Section 1-8, or imprisoned for not more than one year, or both such fine and imprisonment.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-32. - Impoundment for cruelty to an animal.

- (a) *Impoundment.* Any animal reasonably believed to be a victim of cruelty may be impounded by an animal control officer or any member of the police department at the animal shelter by such officer. As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment. Any animal impounded pursuant to this subsection can be held until a dispositional hearing before the municipal court, or at the officer's discretion, held and released to its owner. If no dispositional hearing is required, the owner shall have five days to claim the animal. After five days the animal may be disposed of by sale, adoption, donation, or destruction at the sole discretion of the animal shelter.
- (b) *Emergency medical treatment.* Any animal control officer or police officer may, at such officer's discretion, take an injured impounded animal to a licensed veterinarian for emergency medical

treatment. The owner shall be liable for payment of all such emergency treatment. Payment of the medical fees may be required before the animal is released to the owner.

- (c) *Fees.* The owner shall be responsible for the payment of all fees, including the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-33. - Fact-finding dispositional hearing for cruelty to an animal.

- (a) *Dispositional hearing.* When an animal has been impounded pursuant to this section, the owner shall be entitled to a fact-finding dispositional hearing within ten days of such impoundment. The owner of the animal shall be given written notice by the police department, animal control officer, or the court, if the owner is known. Such notice may be personally served upon the owner of the animal, or sent via a certificate of mailing, at least 72 hours before said hearing. The dispositional hearing shall be conducted as an administrative hearing, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence. The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge shall be received in evidence. The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses. If on the date of the hearing, the owner does not appear, the court may proceed with the hearing. At the dispositional hearing, if the court determines that the owner has failed to establish, by a preponderance of the evidence, that the animal will not be at risk of further injury or mistreatment if returned, the court shall order the animal to remain impounded at the owner's expense until the final disposition of any pending municipal charges. In making this determination, the court shall consider the following:

- (1) The severity of the injury or risk of injury to the animal from the incident charged;
- (2) Any prior violations by the owner of this chapter, or any municipal ordinance, or the law of any state of political subdivision thereof which involves an animal;
- (3) Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal, or property;
- (4) Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to the animal;
- (5) Any other evidence relevant to the issues as determined by the court;

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-34. - Nuisance.

- (a) *Maintenance.* It shall be unlawful for any person to fail to maintain areas where animals are kept in a clean and sanitary fashion. It shall be the duty of every owner to dispose of, in a reasonable manner, any accumulation of animal excretion on premises where animals are kept, in order to prevent the attraction of flies, insects or other pests, and in order to prevent the propagation of obnoxious odors.
- (b) *Noise.* It shall be unlawful for any person or owner to keep or maintain any animal that disturbs or tends to disturb the repose of the community by unreasonable, excessive, continuous, untimely, or habitual barking, yelping, meowing, squawking, squealing, or other noise.
- (c) *Disposal of animals.* It shall be unlawful for any owner to deposit, throw, or leave, any dead animal on any public or private property within the city not owned by said person. If such body shall not

forthwith be removed, the body shall be deemed a nuisance and subject to abatement by the city. The owner or keeper shall be responsible for all costs associated with the abatement of such animal.

- (d) *Animals in heat.* The owner of every female dog or cat in heat shall keep the dog or cat confined in a building or a secure enclosure in such manner that such female dog or cat cannot come into contact with another animal, except for planned breeding, and such that the animal does not create a nuisance by attracting other dogs or cats.
- (e) Any person who violates any parts of this section shall, upon conviction, be subject to penalties as follows:
 - (1) Fined a sum of not less than \$100.00 nor more than the maximum fine authorized by Section 1-8(a).

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-35. - Interference prohibited.

- (a) It is unlawful for any person to take, seize, or remove from the custody or possession of the city or its agents any animal that has been seized or impounded.
- (b) It is unlawful for any person to knowingly obstruct, hinder, or impair any animal control officer in the performance of his or her duties, including investigation or inspection, by the use or threat of violence, force or physical interference, by knowingly providing false or misleading information, or by failing to produce, for any reason, any animal the animal control agent is authorized under this code or municipal court order to inspect, investigate, or impound.
- (c) Any person who violates any parts of this section shall, upon conviction, be subject to penalties as follows:
 - (1) Fined a sum of not less than \$100.00 nor more than the maximum fine authorized by Section 1-8, or imprisoned for not more than one year, or both such fine and imprisonment.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-36. - Animals prohibited in the city.

- (a) *Generally.* It shall be unlawful to keep or maintain any horse, mule, sheep, cattle, swine, goat or other livestock, rodent, chicken, pigeon, turkey, peacock, goose or other fowl within the corporate limits of the city in residential zone districts, except that no more than two ducks may be kept or maintained on any one premises, and except that backyard chickens may be kept in compliance with Section 6-53. It shall be unlawful to keep or maintain more than three adult rabbits or more than five adult hamsters, gerbils or guinea pigs on any one premises within the city. It shall be unlawful to keep or maintain more than one domesticated Vietnamese potbellied pig, weighing less than 70 pounds, on any one premises within the city. This section shall not apply to animals maintained on the premises of a farming operation, a licensed commercial enterprise, a veterinarian hospital, a pet shop, or an educational facility.
- (b) *Additional conditions to prohibition.* In addition to the general prohibition of Subsection (a) of this section, the following requirements shall exist for the following zoning districts:
 - (1) *Agricultural district.* Subsection (a) of this section shall not apply to animals maintained in an agricultural district when the uses are approved in compliance with Chapter 18.
 - (2) *Residential estate district.* No more than a combined total of ten rabbits, ducks and/or chickens shall be permitted to be kept per lot. No more than a combined total of three horses, cattle, goats, llamas, and sheep shall be kept per acre of lot, with a maximum of four such animals permitted and subject to the following conditions:

- a. All manure shall be disposed of promptly so as not to constitute a health or odor problem or other condition of public nuisance; and
 - b. All livestock shall be kept within a fenced area.
- (3) *Preservation/revitalization district.* Nondomestic animals shall be permitted in a preservation/revitalization district only if kept in cages or other protective shelters and if they do not pose a public threat or nuisance.
- (c) *Wild animals.* It shall be unlawful for any wild animals to be kept or maintained within the corporate limits of the city. "Wild animal" shall be defined as any animal that customarily exists in its natural unconfined state and is usually not domesticated and shall include but not be limited to lions, tigers, cheetahs, panthers, cougars, mountain lions, ocelots, wildcats, bobcats, and other wild exotic cats; foxes, minks, skunks, and other fur-bearing wild animals; apes, monkeys, and other like primates; bears; reptiles, including all poisonous snakes, domestic and/or imported or exotic, and any nonpoisonous snake over six feet in length; alligators or crocodiles; wolves or coyotes; any hybrid or mix breed between wild animals and domestic animals; bees or bee hives other than those permitted in Article III; but such definition shall specifically exclude domestic birds, aquatic animals, insects, and reptiles that are not a health hazard or are not poisonous. Alleged domestication of any wild animal shall not affect its status. Nothing in this section shall prohibit the further classification of any animal in this section as a dangerous or vicious animal.
- (1) Upon verbal or written notification by any member of the police department or any animal control officer, the owner, possessor, or keeper of any wild animal shall forthwith remove the animal from the city, and failure of the owner, possessor, or keeper thereof to remove the animal shall cause the animal to be subject to immediate impoundment by the police department or animal control.
 - (2) After impoundment by the city, the city may arrange for such accommodations as may be necessary, either within or without the boundaries of the city, for the safekeeping of the animal. After impoundment, disposal of the animal may, at the discretion of the police department or animal control, be arranged in accordance with the owner's wishes or may be sold or destroyed. The arrangement of disposition of the animal shall include payment to the city of the costs of impounding and keeping the animal.
 - (3) It shall be unlawful for any wild animal to be running at large within the city, and such wild animal when found may be impounded or destroyed forthwith by the police department or animal control if the animal poses any threat to public health or safety, and no civil liability shall attach for the destruction thereof.
 - (4) This subsection shall not apply to animals maintained on the premises of a farming operation, a licensed commercial enterprise, a veterinarian hospital, or an educational facility, or animals in their natural habitat.
- (d) *Prairie dog.*
- (1) Prairie dogs are rodents and therefore may be regulated in accordance with this Section 6-36 when found in any zone district located within the city. Any relocation of prairie dogs within the city must be to a location approved for prairie dog relocation.
 - (2) Any development project in any zone district located within the city shall comply with the following provisions:
 - a. Any person wishing to develop any vacant land in the city where evidence of prairie dog colonies exists must include in any development project a plan for the relocation of prairie dogs in connection with the development.
 - b. Developers are required to provide the city documented evidence of efforts made to relocate prairie dogs. Relocation can only be to designated relocation sites within the city or to relocation sites located outside the city limits in accordance with the division of wildlife permitting process. Developers may contact the city development department to obtain

referral and contact information on the relocation process and, if necessary, disposal information.

- c. The developer, upon presenting documentation of good faith attempts to relocate prairie dog colonies, may dispose of the prairie dog colony through only those extermination techniques and procedures that are authorized by the department of agriculture and that are not in violation of state or federal laws.
- d. No development permit shall be approved until documentation is submitted identifying the good faith efforts undertaken by the developer to comply with the prairie dog regulations contained herein.

(Ord. No. 3407, § 1, 9-27-16; Ord. No. 3434, § 2, 5-9-17)

Sec. 6-37. - Limitations on animals.

- (a) It shall be unlawful for any person to harbor or allow there to be more than a total of four dogs, or four cats, or a combination of dogs and cats totaling no more than four, or one Vietnamese potbellied pig; provided, however, if dogs, cats, and pigs are harbored together only a total of three dogs or three cats along with one Vietnamese potbellied pig is allowed per residential dwelling unit that such animals occupy. This subsection shall not apply to dogs or cats under three months old from the same litter of a female dog or cat harbored or allowed per residential dwelling unit. This section shall not apply to animals maintained in an agricultural district when the uses are approved in compliance with Chapter 18.
- (b) Any person who violates any parts of this section shall, upon conviction, be subject to penalties as follows:
 - (1) A fine in an amount up to the maximum fine authorized by Section 1-8, or imprisonment for up to one year, or both such fine and imprisonment; and
 - (2) Required to provide proof of compliance with the animal limits stated in this Section 6-37.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-38. - Police service dog unit.

The police service dog unit of the Thornton Police Department will be using trained police dogs. The actions of trained police dogs, when operating in connections with and under the control of the police service dog unit and while such actions are within the scope and in furtherance of the duties associated with the police service dog unit, shall be exempt from all provisions of this chapter. This provision shall not exempt the canines from the requirements to have all the canines used in connection with the police service dog unit to be vaccinated as with any other canine located within the city, pursuant to 6-4 of the Code.

(Ord. No. 3407, § 1, 9-27-16)

Sec. 6-39. - Immunity from liability.

The city and its employees, the animal shelter and its employees, and any veterinarian consulted pursuant to this chapter shall be immune from liability for any actions taken pursuant to this chapter.

(Ord. No. 3407, § 1, 9-27-16)

Secs. 6-40—6-50. - Reserved.

ARTICLE II. - LIVESTOCK AND FOWL

DIVISION 1. - GENERALLY

Sec. 6-51. - Violations and penalties.

The city council declares that animals specified in Section 6-52 running at large within the corporate limits of the city or being maintained within the corporate limits constitute a nuisance. Any person or owner of any such animal found running at large or any person or owner maintaining such animal within the corporate limits shall be subject to a fine as provided in Section 1-8(a).

(Code 1975, § 26-9; Ord. No. 1542, 3-17-86; Ord. No. 2353, § 2, 11-14-94)

Sec. 6-52. - Animals running at large.

It shall be unlawful for any owner or possessor or keeper, whether owner, bailor, bailee, lessor or lessee, of any horse, mule, donkey, cattle, sheep, swine, goat, chicken, other domestic fowl or livestock to fail to prevent such from running at large within the city.

(Code 1975, § 26-1; Ord. No. 1542, 3-17-86)

Sec. 6-53. - Backyard chickens.

It shall be unlawful for any person to possess, harbor, keep, maintain, or permit backyard chickens in any area unless the following conditions and requirements are met:

- (1) Backyard chickens are permitted on lots developed with single-family detached dwellings in the single-family detached, single-family attached, multifamily, and Eastlake residential zoning districts. The requirements in this section shall not apply to chickens kept in accordance with Section 6-36(b) regarding agricultural, residential estate, and preservation/revitalization zoning districts.
- (2) No more than six backyard chickens are permitted per lot.
- (3) Only chicken hens (female chickens) are allowed. Roosters (male chickens) are prohibited.
- (4) Backyard chickens shall be maintained only in the backyard of the property, and a chicken coop shall be provided. The chicken coop shall meet the following requirements:
 - a. The chicken coop shall be located in the backyard. No part of the chicken coop shall be located in the side or front yard.
 - b. The chicken coop shall be setback a minimum of five feet from all side and rear property lines.
 - c. Only one chicken coop is allowed per backyard.
 - d. The chicken coop shall be fully enclosed, having a floor, walls, and roof sufficient to protect the chickens from predators.
 - e. The chicken coop shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures.
 - f. The chicken coop shall not exceed 120 square feet or seven feet in height.
 - g. A minimum of six square feet of space per chicken shall be provided in the chicken coop.
- (5) Water shall be provided onsite and shall be accessible to chickens at all times.

- (6) From dawn until dusk, chickens may be allowed to roam the entire backyard area or they may be confined to a chicken run. The backyard and/or the chicken run shall be adequately fenced such that the chicken cannot leave the property.
- (7) From dusk until dawn, chickens shall be kept within the chicken coop as protection from predators.
- (8) Chicken coops and chicken runs shall be maintained and regularly cleaned to control dust, odor, and waste. Excrement shall be properly disposed of, and sanitary conditions maintained in order to minimize the presence of flies and other insects, and to minimize odor and potential for disease.
- (9) Electrical and heat sources shall comply with the city's Building Code.
- (10) On-site butchering or slaughtering is prohibited.
- (11) Chicken feed shall be stored in a resealable, airtight, metal and pest-proof container to discourage attracting mice, rats, and other vermin.
- (12) Chicken waste shall only be stored in resealable, airtight, and pest- and predator-proof container.

(Ord. No. 3434, § 3, 5-9-17)

Secs. 6-54—6-75. - Reserved.

DIVISION 2. - IMPOUNDMENT²³

Footnotes:

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State Law reference— Impoundment authority, C.R.S. § 31-15-401(1)(m).

Sec. 6-76. - Enforcement; notice.

- (a) The office of the state board of stock inspection commissioners and its agents may enforce this article by the taking up and impounding of any animals listed in Section 6-52 that are running at large. The city police department or animal control unit may assist the office of state board of stock inspection commissioners in the impounding of such animals. Forthwith after impounding, the state board of stock inspection commissioners' office shall give notice of the sale of the impounded animals.
- (b) Small animals impounded that the state board of stock inspection commissioners cannot or will not handle will be impounded under the same conditions as set forth for small domestic animals in Article I of this chapter.

(Code 1975, § 26-2; Ord. No. 1542, 3-17-86)

Sec. 6-77. - Contents of notice.

The notice of sale as provided in Section 6-76(a) shall contain the information provided by state law.

(Code 1975, § 26-3; Ord. No. 1542, 3-17-86)

Sec. 6-78. - Redemption of animals; costs.

The owner of the animal impounded under this division shall claim it before sale within the time specified in the notice, and costs shall be paid and the animal released according to state law.

(Code 1975, § 26-4; Ord. No. 1542, 3-17-86)

Sec. 6-79. - Disposition of unclaimed animals.

If the animal impounded under this division shall not be claimed and costs shall not be paid as provided in Section 6-78, the animal shall be disposed of according to state law.

(Code 1975, § 26-5; Ord. No. 1542, 3-17-86)

Sec. 6-80. - Disposition of sale proceeds.

The proceeds of a sale under this division shall first be applied to the payment of all the accrued costs of feeding and advertising, and any surplus shall be paid over to the treasurer of the city in which the sale is made, but if sufficient money is not realized from such sale to pay such costs, the chief of police shall so certify to the city, and such deficiency shall be paid from the unclaimed surplus received from the sale of other animals.

(Code 1975, § 26-6; Ord. No. 1542, 3-17-86)

Sec. 6-81. - Surplus of sale proceeds to owner.

When any surplus proceeds shall accrue from the sale under this division, the owner may apply to the state board of stock inspection commissioners for the purpose of claiming any such surplus proceeds.

(Code 1975, § 26-7; Ord. No. 1542, 3-17-86)

Secs. 6-82—6-100. - Reserved.

ARTICLE III. - BEES

Sec. 6-101. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Bee shall mean any stage of the common domestic honey bee, *apis mellifera* species.

Beekeeper shall mean the person responsible for beekeeping on a designated property.

Beekeeping shall mean the owning and breeding of bees.

Colony shall mean a collection of bees living together as a single social unit.

Hive shall mean a structure intended for the housing of a bee colony.

(Ord. No. 3189, § 2, 2-28-12)

Sec. 6-102. - Permits for beekeeping.

- (a) No person shall keep, maintain or allow any hive of bees on any lot or parcel of land within the city without first obtaining a beekeeping permit in accordance with this article. This requirement does not apply to feral bees not managed by a beekeeper.
- (b) An initial application for a beekeeping permit shall include the following:
 - (1) The name, address and telephone number of the applicant. The applicant shall own or reside on the subject property, or shall have the right to possession and control of the property if the property is leased.
 - (2) A site plan of the property, including the proposed location of the hive(s).
 - (3) If the applicant is not the owner of the subject property, a statement of approval signed by the owner of the property on which the hive is to be located.
 - (4) A signed statement from the applicant that he will comply with the provisions and requirements of this article.
 - (5) Receipts or documentation from the U.S. Postal Service or other mail provider demonstrating that notification was mailed to all principal residents of each property immediately adjacent to the property on which the hive(s) will be located of the applicant's intent to keep bees. Properties with shared property lines shall be considered adjacent, however, properties located across a street or alleyway shall not be considered adjacent.
 - (6) An application fee as established by resolution of the city council from time to time.
- (c) A permit will be granted in those instances in which all of the requirements in subsection (b) above have been met.
- (d) All permits granted shall be valid so long as the property owner remains the same. Beekeeping permits are not transferrable.
- (e) Such permit shall be revocable if the permittee is convicted of more than one violation of this article.

(Ord. No. 3189, § 2, 2-28-12)

Sec. 6-103. - Districts permitted.

Beekeeping shall be permitted in the following areas:

- (1) Agricultural district, residential estate district, single-family detached district, and Eastlake residential district;
- (2) Lots in other districts developed with single-family detached dwelling units; and
- (3) Nonresidential zoning districts in conjunction with a community garden as regulated in Chapter 18.

(Ord. No. 3189, § 2, 2-28-12)

Sec. 6-104. - Hive densities.

- (a) It shall be unlawful to keep more than the following number of hives on any lot or tract within the city, based upon the size or configuration of the lot or tract on which the hive is situated:
 - (1) One-quarter acre or less: two hives;
 - (2) More than one-quarter acre but less than one-half acre: four hives;
 - (3) More than one-half acre but less than one acre: six hives;
 - (4) One acre or larger: eight hives.

- (b) Regardless of lot or tract size, where all hives are situated at least 200 feet in any direction from all property lines of the lot or tract on which the hives are located, there shall be no limit to the number of hives.
- (c) For each two colonies authorized in subsection (a) above, there may be maintained upon the same lot or tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 -inch depth ten frame hive body with no supers attached as required from time to time for management of swarms.

(Ord. No. 3189, § 2, 2-28-12)

Sec. 6-105. - Hives.

- (a) Hives shall be kept in the rear yard, and shall be setback at least five feet from the rear and side property lines.
- (b) All bee colonies shall be kept in hives that can be opened for inspection.
- (c) Hives shall have removable frames, and shall be maintained in good and useable condition.

(Ord. No. 3189, § 2, 2-28-12)

Sec. 6-106. - Sound beekeeping practices required.

Beekeepers shall conform to sound beekeeping practices, including but not limited to those requirements described below, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

- (1) *Fencing of flyways.* In each instance in which any hive is situated within 25 feet of the property line of the lot or tract on which the hive is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall or fence parallel to the property line and extending ten feet beyond the hive in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the hive. Fences shall comply with the requirements of Chapter 18.
- (2) *Water.* Each beekeeper shall provide a continuous source of water on the lot or tract where the hive is located. The water source shall be maintained so as not to become stagnant.
- (3) *Maintenance.* Each beekeeper shall not store bee comb or other similar materials on the grounds of the site where the hive is located. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (4) *Queens.* In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, the beekeeper shall re-queen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
- (5) *Community gardens.* When a hive is associated with a community garden, the beekeeper shall locate the hive such that it is surrounded on all sides by a fence to secure the hive from access by unauthorized persons.

(Ord. No. 3189, § 2, 2-28-12)

Sec. 6-107. - Certain conduct declared unlawful.

Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies in a hive that is deteriorated, dilapidated or such a worn condition so as the hive poses a public health or safety risk or interferes with the use and enjoyment of any public or private property, or to fail to comply with any requirement of this article.

(Ord. No. 3189, § 2, 2-28-12)

Sec. 6-108. - Right of entry.

Pursuant to any beekeeping permit issued as authorized by this article, animal control officers ("officers") are hereby granted a right of inspection to enter upon the permittee's property, as provided herein, to ensure all requirements of this article are being met by the permittee.

- (1) *Inspection.* Whenever an animal control officer has probable cause to believe that there exists, in or upon the premises where beekeeping has been permitted, a violation of the requirements for beekeeping specified in this article, or beekeeping is being conducted in a manner that may constitute a threat to the public health and safety, such officers may contact the permittee to request an inspection of the permittee's property where the beekeeping is being conducted. The permittee shall allow such an inspection within two business days of a request. If an officer believes there exists an imminent threat to the public health and safety on the property where beekeeping is being conducted, the permittee shall allow for immediate inspection upon a request. If a permittee refuses to allow immediate inspection, a search warrant may be issued by a court of competent jurisdiction.
- (2) *Refusal.* It shall be unlawful for a person who has been issued a permit to conduct beekeeping pursuant to this article to refuse to allow an inspection when requested by an animal control officer.
- (3) *Corrective action.* If upon any inspection, it is found that any structures associated with beekeeping or activities of a permittee who is permitted to conduct beekeeping are in violation of this article, the officer may take appropriate action to abate any such violation pursuant to Section 6-109 herein or may pursue any other remedy as authorized by the Code or any law or regulation.

(Ord. No. 3189, § 2, 2-28-12)

Sec. 6-109. - Declaration of nuisance.

The keeping of any bee colonies in the city that is not in strict compliance with the requirements of this article is declared to constitute a threat to the health and safety of the residents of the City of Thornton and is hereby declared to be a nuisance. Any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is hereby declared to be a menace to the health and safety of the residents of the city and is declared to be a nuisance. Any bee colonies kept in the city not in compliance with this article or otherwise declared to be a nuisance pursuant to this section may be summarily destroyed or removed from the city at the direction of the chief of police, or his designee.

(Ord. No. 3189, § 2, 2-28-12)

Exhibit B: Annual Flat Rate Fee Schedule

Between Adams County Animal Shelter/Adoption Center (dba Riverdale Animal Shelter)
and the City of Thornton

January 1, 2021 - December 31, 2021:

The Annual Flat Rate Fee for Shelter Services for the City of Thornton in 2021 will be **\$124,402.00** (the total of \$122,053.91 multiplied by the current official local for 2019 CPI of 1.924%). This annual flat rate fee will be payable in four (4) payments. Invoices will be issued as follows and payable within thirty days of the invoice date.

January 1, 2021	\$31,100.50
April 1, 2021	\$31,100.50
July 1, 2021	\$31,100.50
October 1, 2021	\$31,100.50

January 1, 2022 - December 31, 2022:

The Annual Flat Rate Fee for Shelter Services for the City of Thornton in 2022 is **estimated** to be **\$126,796.00** (the total of \$124,402.00 multiplied by the current official local for 2019 CPI of 1.924%; however, the actual 2020 CPI still needs to be determined by the Denver-Aurora-Lakewood Consumer Price Index). This annual flat rate fee will be payable in four (4) payments. Invoices will be issued as follows and payable within thirty days of the invoice date.

January 1, 2022	\$31,100.50 + (\$31,100.50 x 2020 CPI Index TBD)
April 1, 2022	\$31,100.50 + (\$31,100.50 x 2020 CPI Index TBD)
July 1, 2022	\$31,100.50 + (\$31,100.50 x 2020 CPI Index TBD)
October 1, 2022	\$31,100.50 + (\$31,100.50 x 2020 CPI Index TBD)



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: IGA between Adams County and City of Northglenn for Animal Sheltering and Impound Services provided at the Adams County Animal Shelter/Adoption Center dba Riverdale Animal Shelter
FROM: Stephanie Wilde
AGENCY/DEPARTMENT: Adams County Animal Shelter/Adoption Center
HEARD AT STUDY SESSION ON July 10, 2018
AUTHORIZATION TO MOVE FORWARD: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves IGA

BACKGROUND:

This is an IGA between Adams County and City of Northglenn to utilize the Adams County Animal Shelter/Adoption Center (ACASAC) dba Riverdale Animal Shelter (RAS) for animal sheltering, care, and impound services. Fees have been established by utilizing Northglenn's average annual animal sheltering usage data from years 2018 and 2019 and applying those to an annual flat-rate fee.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Animal Shelter/Adoption Center dba Riverdale Animal Shelter
Adams County Budget
Adams County Managers Office
City of Northglenn

ATTACHED DOCUMENTS:

Public Hearing Agenda Item ACASAC dba RAS and City of Northglenn
IGA between Adams County and Northglenn
Exhibit A: Chapter 14 of the Northglenn Municipal Code, which regulates animal control
Exhibit B: Fee Schedule

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 01
Cost Center: 2051

	Object Account	Subledger	Amount
Current Budgeted Revenue:	5000	5990.3	\$32,036.00
Additional Revenue not included in Current Budget:			\$0.00
Total Revenues:			<u>\$32,036.00</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u> </u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN
ADAMS COUNTY AND THE CITY OF NORTHGLENN FOR ANIMAL
SHELTER/ADOPTION CENTER SERVICES

WHEREAS, the Adams County Animal Shelter/Adoption Center d/b/a Riverdale Animal Shelter has been asked to provide animal control, shelter, and adoption services for the City of Northglenn; and

WHEREAS, both parties intend to enter an intergovernmental agreement where Adams County will provide for the shelter, care, adoption, euthanasia, and/or disposal of animals impounded by the City of Northglenn and/or Northglenn Animal Control officers; and.

WHEREAS, Adams County will provide the above stated services for the time period of January 1, 2021 through December 31, 2021, which will automatically renew for successive one-year terms beginning January 1, 2022 under the new terms of said intergovernmental agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Intergovernmental Agreement between Adams County and the City of Northglenn for Animal Shelter/Adoption Center Services, a copy of which is attached hereto and incorporated herein by this reference, be and is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is authorized to execute said Intergovernmental Agreement on behalf of Adams County.

**ADAMS COUNTY, COLORADO
INTERGOVERNMENTAL AGREEMENT
ANIMAL SHELTER/ADOPTION CENTER SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT FOR ANIMAL SHELTER/ADOPTION CENTER SERVICES (IGA) is made this ____ day of _____ 2020 by and between the Adams County Board of County Commissioners, located at 4430 S. Adams County Parkway, Suite C5000A, Brighton, CO 80601, hereinafter referred to as the "County," and the City of Northglenn, located at 11701 Community Center Drive., Northglenn, CO 80233, hereinafter referred to as "Northglenn." This IGA is for animal shelter and adoption services to be provided by the Adams County Animal Shelter/Adoption Center (ACASAC), d/b/a Riverdale Animal Shelter (RAS), located at 12155 Park Boulevard, Brighton, CO 80601.

In consideration of the mutual promises and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the County and Northglenn agree to be legally bound as follows:

SECTION I. DEFINITIONS

- A. **Adoption fee:** Means the amount charged to a person adopting an animal for the costs of administrative services associated with the adoption.
- B. **Animal:** Means a dog, cat, or other small domestic creature.
- C. **Boarding fee:** Means the daily amount charged for the care of an animal while at ACASAC d/b/a RAS.
- D. **Care:** Means regularly providing food and water to animals in the ACASAC d/b/a RAS.
- E. **Impoundment fee:** Means the amount, in addition to the boarding fee, charged for costs associated with impounding an animal at ACASAC d/b/a RAS.
- F. **Service fees:** Means other fees charged for services provided by ACASAC d/b/a RAS, not otherwise specified herein, such as fees for euthanizing animals, disposing of dead animals, etc.
- G. **Shelter:** Means providing an enclosed cage or pen that is regularly cleaned and maintained for an animal.

SECTION II. RESPONSIBILITIES OF THE COUNTY

- A. ACASAC d/b/a RAS, along with Northglenn Animal Control Officer(s), shall enforce Chapter 14 of the City of Northglenn Ordinances, as it pertains to animal control, a copy of which is attached hereto and incorporated herein as Exhibit A. It is however understood, that the ACASAC d/b/a RAS will provide such services only as they pertain to

dogs, cats, fowl, small farm animals, or other small domestic creatures. The fees charged by ACASAC for adoption, boarding, impoundment, and other services are as specified in Exhibit B which is attached hereto and incorporated herein by this reference.

B. ACASAC d/b/a RAS shall provide for the shelter, care, adoption, euthanasia, and/or disposal of animals impounded because of violations of Chapter 14 of the City of Northglenn Ordinances, and will obtain and/or maintain any and all licenses required by Colorado Revised Statute (C.R.S.) § 35-80-101, *et seq.* For any animal on a court hold, such shelter and care shall continue until order of the Northglenn Municipal Court.

C. Any stray animal impounded for more than five (5) business days that is not reclaimed by its owner may be made available for adoption, transferred for rescue, or may be humanely euthanized, at the sole discretion of the ACASAC d/b/a RAS Executive Director. However, feral cats may be humanely euthanized after having been impounded for three (3) calendar days, as the circumstances at ACASAC d/b/a RAS may require based on the sole discretion of its Executive Director, consistent with Colorado Revised Statute (C.R.S.) § 35-80-106.3, as amended, or other relevant statutory provision in effect at the time.

D. Unless ownership of a released animal is specifically acknowledged by the releasing individual, any animals brought to the ACASAC d/b/a RAS will be processed in accordance with Colorado Revised Statute (C.R.S.) §35-80-106.3.

E. ACASAC d/b/a RAS shall have the right to immediately and humanely euthanize any animal impounded at its facility if such animal is diagnosed by a licensed veterinarian as being terminally ill, injured, or diseased consistent with Colorado Revised Statute (C.R.S.) § 35-80-106.3, as amended, or other relevant statutory provision in effect at the time.

F. ACASAC d/b/a RAS shall quarantine animals for rabies observation, and shall report all suspected rabid animals to the Tri-County Health Department.

G. Any dog or cat impounded at ACASAC d/b/a RAS, with the exception of aggressive, severely ill, or injured animals, shall be inoculated with appropriate vaccines as indicated by protocol established by the shelter veterinarian.

H. ACASAC d/b/a RAS shall maintain a telephone answering service to receive inquiries on impounded animals from 10:00 a.m. to 6:00 p.m. on weekdays, and from 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays. ACASAC d/b/a RAS will be closed on County-designated holidays.

I. ACASAC d/b/a RAS shall maintain records on all impounded animal, including a record of each animal's disposal, and shall allow Northglenn access to such records as reasonably requested. In addition, ACASAC d/b/a RAS shall submit to Northglenn by the fifteenth (15th) calendar day of each month a summary report of animals received and the disposition thereof.

J. Fees charged to Northglenn residents for services provided hereunder shall not exceed the fees charged to other residents of Adams County for the same or similar services.

K. The County will employ qualified personnel as necessary to perform the services to be provided hereunder.

L. No animal impounded at ACASAC d/b/a RAS shall be sold or given away to any person, organization, company, or other entity for the purposes of medical research or experimentation.

M. ACASAC d/b/a RAS personnel will regularly assist in completing the routine impoundment functions including: getting impound numbers from the computer; vaccinating animals; placing identification collars on animals; taking picture of animals; placing animals in kennels; and completing associated impoundment documentation (i.e. scanning animals and entering the scanned number on the impound cards, entering the animal's age, weight, and rabies tag number on the impound cards, etc.).

SECTION III. RESPONSIBILITIES OF NORTHGLENN

A. Northglenn hereby expressly authorizes ACASAC d/b/a RAS to enforce Chapter 14 of the City of Northglenn Ordinances, as it pertains to animal licensing and control. It is, however, understood that the County will provide such services only as they pertain to dogs, cats, or other small domestic animals, and fowl.

B. Northglenn agrees to notify the ACASAC d/b/a RAS, at least 48 hours prior to the effective date thereof, of any changes or amendments to Chapter 14 of the City of Northglenn Ordinances.

C. Northglenn animal control officers shall cooperate with and provide assistance to ACASAC d/b/a RAS concerning routine impoundment functions including: getting impound numbers from the computer; vaccinating animals; placing identification collars on animals; taking picture of animals; placing animals in kennels; and completing associated impoundment documentation (i.e. scanning animals and entering the scanned number on the impound cards, entering the animal's age, weight, and rabies tag number on the impound cards, etc.).

D. ACASAC d/b/a RAS does not always have a veterinarian onsite or available. For this reason, all sick and injured animals that Northglenn Animal Control Officers pick up must be taken to a veterinarian before impounding it into the shelter. A veterinarian report must be attached to the impound card. Sick animals are defined as animals that may be highly contagious to the rest of the animals and are showing signs such as diarrhea, bloody stools, lethargy, etc. Injured animals are defined as animals with signs of injuries including any limping as there may be a fracture, draining/infected skin wounds, appearance of mange (hair loss, especially around the head, and crusting skin), deep gashes that may need sutures, any animal that has been hit by a car, and any animal that otherwise appears to be in pain by vocalizing, whining or tensing. It is acceptable for Northglenn Animal Control Officers to contact the shelter prior to taking a sick or injured animal to an outside veterinarian or clinic. If the shelter veterinarian is available to consult with the animal control officer, he/she may approve for the animal control officer to

bring the sick or injured animal directly to the shelter.

SECTION IV. PAYMENTS, FEES, AND ADDITIONAL EXPENSES

A. Fee Schedule and Fee Assessment.

- a. Fee Schedule. Commencing January 1, 2021, for all animals found in Northglenn and brought to the ACASAC d/b/a RAS by either City officials or private citizens, Northglenn shall pay the County according to the current fee structure for that calendar year. A copy of the current fee structure for 2021 is attached hereto and incorporated herein as Exhibit B.
- b. Two Year Assessment. The County will reassess Northglenn's flat-rate fee every two years, on the even years, based on the average of two full years of Northglenn's usage data and the shelter's daily cost of care average for the same two-year period. The fee schedule will be adjusted every two years based on this assessment.
- c. Yearly Consumer Price Index Increase. Additionally, for each subsequent year that this agreement is renewed, the fees outlined in Exhibit B will be increased each year based on the most current official local (Denver, Aurora, Lakewood) Consumer Price Index ("CPI"). However, in the event there is a decrease in the most current official local CPI, the fees for that contract year will not increase or decrease based on the CPI.
- d. Notice of Fee Schedule. The fee schedule for each following year that this agreement is renewed will be provided to Northglenn along with Northglenn's usage summary by no later than September 1st. The fee structure for each calendar year shall be fully incorporated into this IGA and shall supersede and replace the current Exhibit B.

B. The County will invoice Northglenn according to the current fee structure for that calendar year on the date(s) specified in Exhibit B. Payment shall be made in full by Northglenn to the County within thirty (30) days of the invoice date.

C. The County shall retain all impoundment, boarding, adoption, service and/or other fees collected in association with this IGA. The County shall also retain all gifts or contributions received in association with any services provided in association with this IGA.

D. In the rare event that an animal is delivered from Northglenn as a court hold, police hold or protective custody case, and said animal is deemed by staff to be too dangerous or in need for specialized care, ACASAC d/b/a RAS shall notify Northglenn if the animal will be transferred to a separate entity. The separate entity will be a state-licensed animal care provider. Northglenn will be responsible for all costs associated with the transfer and care of the animal by the separate entity.

E. Northglenn agrees to submit cost of care documents prepared by ACASAC to the

court for restitution in cases where ACASAC d/b/a RAS has provided care and services for animals from Northglenn on court hold where the animal(s)' owner, or former owner, has potential responsibility for making restitution for such animal sheltering and care fees.

SECTION V. TERM

The initial term of this IGA shall be for a period of (12) (twelve) months, commencing on January 1, 2021, and terminating on December 31, 2021, and will automatically renew for successive one-year terms beginning January 1, 2022 according to the terms and conditions herein subject to the termination provisions set forth in Section XI in this IGA.

SECTION VI. FUND AVAILABILITY

Northglenn has appropriated sufficient funds for this IGA for the current fiscal year. Payment pursuant to the IGA, is subject to and contingent upon the continuing availability of Northglenn funds for the purposes hereof. In the event funds become unavailable, Northglenn may terminate this IGA in accordance with Section XI of this IGA.

SECTION VII. INDEPENDENT CONTRACTOR

In providing services under this IGA, the County acts as an independent contractor. As such, the County shall be solely and entirely responsible for its acts, and the acts of its employees, agents, servants, and contractors during the term and performance of this IGA. No employee, agent, servant, or contractor of the County shall be deemed to be an employee, agent, or servant of Northglenn because of the performance of any services or work under this IGA. The County, at its expense, shall procure and maintain workers' compensation insurance and unemployment compensation insurance as required under Colorado law. Pursuant to the Workers' Compensation Act, § 8-40-202(2)(b)(IV), C.R.S, as amended, the County understands that it and its employees and servants are not entitled to workers' compensation benefits from Northglenn. The County further understands that it is solely obligated for the payment of federal and state income tax on any moneys earned pursuant to this IGA.

SECTION VIII. NONDISCRIMINATION

The County shall not discriminate against any employee or qualified applicant for employment because of age, race, color, religion, marital status, disability, sex, or national origin. The County agrees to post in conspicuous places, available to employees and applicants for employment, notices provided by the local public agency setting forth the provisions of this nondiscrimination clause.

SECTION IX. INDEMNIFICATION

To the extent permitted by law, each Party agrees to indemnify and hold harmless the other, its officers, agents, and employees for, from, and against any and all claims, suits, expenses, damages, or other liabilities, including reasonable attorney fees and court costs, arising out of damage or injury to persons, entities, or property caused or sustained by any person(s) as a

result of the its own performance or failure to perform pursuant to the terms of this IGA. Nothing herein shall be deemed by either party as a waiver of the rights, protections, defenses and limitations afforded both in accordance with the Colorado Governmental Immunity Act C.R.S. § 24-10-1012, *et seq.*, as same may be amended from time to time.

SECTION X. INSURANCE

The County is a “public entity” within the meaning of the Colorado Governmental Immunity Act (“Act”), § 24-10-101, *et seq.*, C.R.S., as amended, and shall at all times during the term of this IGA maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Act

SECTION XI. TERMINATION

A. For Cause

If, through any cause, the County fails to fulfill its obligations under this IGA in a timely and proper manner, or if it violates any of the covenants, conditions, or stipulations of this IGA, Northglenn shall thereupon have the right to immediately terminate this IGA, upon giving written notice to the County of such termination and specifying the effective date thereof.

B. For Convenience

Either party may terminate the IGA at any time by giving written notice as specified herein to the other party, which notice shall be given at least sixty (60) days prior to the effective date of the termination. If the IGA is terminated by Northglenn the County will be paid in full for any services provided hereunder prior and up to the date of termination.

SECTION XII. MUTUAL UNDERSTANDINGS

A. Jurisdiction and Venue

The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this IGA. The parties agree that jurisdiction and venue for any disputes arising under this IGA shall be with the 17th Judicial District, Colorado.

B. Compliance with Laws

During the performance of this IGA, the parties agree to strictly adhere to all applicable federal, state, and local laws, rules and regulations, including all licensing and permit requirements. The Parties hereto acknowledge that they are familiar with § 18-8-301, *et seq.*, C.R.S. (Bribery and Corrupt Influences), as amended, and § 18-8-401, *et seq.*, C.R.S. (Abuse of Public Office), as amended, and that no violations of such provisions are present.

C. Record Retention

The parties shall maintain records and documentation of the services provided under this IGA, including fiscal records, and shall retain the records for a period of three (3) years from the date this IGA is terminated. Said records and documents shall be subject at all reasonable times to inspection, review, or audit by authorized federal, state, County, or Northglenn personnel.

D. Assignability

Neither this IGA, nor any rights hereunder, in whole or in part, shall be assignable or otherwise transferable by either party without the prior written consent of the other party.

E. Waiver

Waiver of strict performance or the breach of any provision of this IGA shall not be deemed a waiver, nor shall it prejudice the waiving party's right to require strict performance of the same provision, or any other provision in the future, unless such waiver has rendered future performance commercially impossible.

F. Force Majeure

Neither party shall be liable for any delay or failure to perform its obligations hereunder to the extent that such delay or failure is caused by a force or event beyond the control of such party including, without limitation, war, embargoes, strikes, governmental restrictions, riots, fires, floods, earthquakes, or other acts of God.

G. Notice

Any notices given under this IGA are deemed to have been received and to be effective: (1) three (3) days after the same shall have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a facsimile or electronic mail transmission was received. For the purposes of this agreement, any and all notices shall be addressed to the contacts listed below:

For the County:

Adams County Animal Shelter d/b/a Riverdale Animal Shelter
12155 Park Boulevard, Brighton, CO 80601
Attn.: Stephanie Wilde
Phone No.: (720) 523-7907
Facsimile No.: (303) 853-4290
swilde@adcogov.org

and

Adams County Attorney's Office
4430 S. Adams County Parkway, Suite C5000B, Brighton, CO 80601
Attn: Christine Fitch and Heidi Miller
Phone No.: (720) 523-6116
Facsimile No.: (720) 523-6114
cfitch@adcogov.org
hmiller@adcogov.org

For Northglenn:
Chief James S. May Jr.
Northglenn Police Department
50 W. Community Center Drive, Northglenn, CO 80234
Phone No. 303-450-8967
Facsimile: 303-450-8896
E-mail: jmay@northglenn.org

H. Integration of Understanding

This IGA contains the entire understanding of the parties hereto and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by the parties.

I. Paragraph Headings

Paragraph headings are inserted for the convenience of reference only.

J. Counterparts

This IGA may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.

K. Parties Interested Herein

Nothing expressed or implied in this IGA is intended or shall be construed to confer upon or to give to, any person other than the parties, any right, remedy, or claim under or by reason of this IGA or any covenant, terms, conditions, or provisions hereof. All covenants, terms, conditions, and provisions in this IGA, by and on behalf of the County and Northglenn, shall be for the sole and exclusive benefit of the County and Northglenn

L. Severability

If any provision of this IGA is determined to be unenforceable or invalid for any reason, the remainder of this agreement shall remain in effect, unless otherwise terminated in accordance with the terms contained herein.

M. Authorization

Each party represents and warrants that it has the power and ability to enter into this IGA, to grant the rights granted herein, and to perform the duties and obligations herein described.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Chair

Date

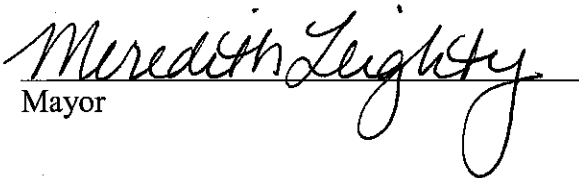
ATTEST:
JOSH ZYGIELBAUM
CLERK AND RECORDER

Approved as to form:

Deputy Clerk

Adams County Attorney's Office

CITY COUNCIL
CITY OF NORTHGLENN, COLORADO



Mayor

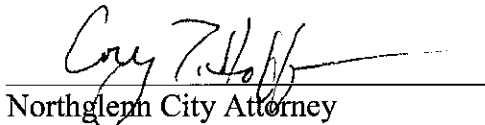


Date

ATTEST: CITY CLERK

Approved as to form:





Northglenn City Attorney

Exhibit B: Annual Flat Rate Fee Schedule

Between Adams County Animal Shelter/Adoption Center (dba Riverdale Animal Shelter)
and the City of Northglenn

January 1, 2021 - December 31, 2021:

The Annual Flat Rate Fee for Shelter Services for the City of Northglenn in 2021 will be **\$32,036.00** (the total of \$31,431.28 multiplied by the current official local for 2019 CPI of 1.924%). This annual flat rate fee will be payable in four (4) payments. Invoices will be issued as follows and payable within thirty days of the invoice date.

January 1, 2021	\$8,009.00
April 1, 2021	\$8,009.00
July 1, 2021	\$8,009.00
October 1, 2021	\$8,009.00

January 1, 2022 - December 31, 2022:

The Annual Flat Rate Fee for Shelter Services for the City of Northglenn in 2022 is **estimated** to be **\$32,652.00** (the total of \$32,036.00 multiplied by the current official local for 2019 CPI of 1.924%; however, the actual 2020 CPI still needs to be determined by the Denver-Aurora-Lakewood Consumer Price Index). This annual flat rate fee will be payable in four (4) payments. Invoices will be issued as follows and payable within thirty days of the invoice date.

January 1, 2022	$\$8,009.00 + (\$8,009.00 \times 2020 \text{ CPI Index TBD})$
April 1, 2022	$\$8,009.00 + (\$8,009.00 \times 2020 \text{ CPI Index TBD})$
July 1, 2022	$\$8,009.00 + (\$8,009.00 \times 2020 \text{ CPI Index TBD})$
October 1, 2022	$\$8,009.00 + (\$8,009.00 \times 2020 \text{ CPI Index TBD})$

Article 14-1

CHAPTER 14

ANIMAL CONTROL

ARTICLE 1

ANIMAL CONTROL--GENERAL PROVISIONS

Section 14-1-1. Definitions

Section 14-1-2. Animal Control Officer

Section 14-1-3. Police Officers--Authority and Assistance

Section 14-1-4. Unlawful Acts

Section 14-1-5. Violations--Penalty

Section 14-1-1. Definitions. As used in this ordinance and in the ordinances contained in Chapter 14 of the ordinances of the City of Northglenn.

(a)

"Animal control officer" means and includes any animal control officer appointed pursuant to the provisions of this ordinance, and any person authorized by this ordinance to perform the duties of an animal control officer.

(b)

"Dog" means a mammal of the species *canis familiaris* or other species of the family *Canidae*.

(c)

"Cat" means a mammal of the species *felis domestica* or other species of the family *Felidae*.

(d)

"Domestic animal" means and includes any domestic quadruped or biped not otherwise defined in this section; and any domestic fowl.

(e)

"Bovine animal" means and includes any animal of the species commonly known as cattle or oxen, or other domestic animal of the genus *Bos*.

(f)

"Reptile" means and includes any snake, alligator, lizard, tortoise, turtle or crocodile.

(g)

"Stray" means and includes any bovine animal, horse, mule or ass found running at large upon public or private lands in the City of Northglenn.

(h)

"Owner" means and includes every person owning, possessing, keeping, or otherwise having the custody or control of any dog, cat, domestic animal, or reptile, subject to the provisions of ordinances of the City; and every person, of the age of eighteen years or more, in possession or control of premises upon which is kept any such dog, cat, domestic animal or reptile.

(i)

"Impoundment" means confinement in an animal control facility, or temporary holding facility, and includes custody or possession by an animal control officer or police officer in any authorized place, vehicle, enclosure or building, pending transfer to an animal control facility or temporary holding facility or such holding facility as City Council shall, by agreement, make use of on behalf of the City or pending any investigation.

(j)

"Animal control facility" or "pound" means the animal control facility for the City of Northglenn, State of Colorado, or any other place or facility temporarily or permanently designated by the City Manager or by ordinance for the impounding of dogs, cats, domestic animals, reptiles, or strays.

(k)

"Manager" means the City Manager of the City of Northglenn, or his authorized representative.

(l)

"Veterinarian" means a person licensed to practice veterinary medicine.

(m)

"Guard dogs" means and includes every dog kept for the purpose of guarding or protecting real or personal property which by reason of special training, breeding, or the known propensities of such dogs, known or intended by the owner of such premises to be likely to attack, or being spirited.

(n)

"Pound fee" means and includes all fees and charges established by the City of Northglenn for the impounding, care, boarding and release of any dog, cat, domestic animal, fowl, or reptile at the animal control facility.

(o)

Except as otherwise provided in this section, the definitions and constructions contained in sections 1-1-5 and 11-5-2 of the Northglenn Municipal Code shall apply.

(p)

"Temporary holding facility" means and includes any building enclosure, vehicle, structure or place designated by the manager for temporary confinement of dogs, cats, domestic animals and reptiles subject to the provisions of this ordinance.

(q)

"Holding fee" means the fee provided by ordinance to be charged and collected by the City of Northglenn or its designated agent for the temporary holding and handling of any dog, cat, domestic animal or reptile.

(r)

"Potbellied Pig" A pig registered with a bona fide potbellied pig registry and weighing less than ninety-five (95) pounds.

[Source: Ord. 436, 1976; 471, 1977; 1075, 1992]

Section 14-1-2. Animal Control Officer.

(a)

A person appointed by the Manager as an animal control officer shall be an

officer of the City of Northglenn and shall be authorized and empowered to enforce the ordinances of the City of Northglenn as such officer.

(b)

An animal control officer shall be an authorized public inspector of the City of Northglenn for the purposes designated or required by the provisions of this Chapter 14 of the Northglenn Municipal Code.

(c)

The animal control officer shall perform such duties as shall from time to time be provided by the ordinances of the City or by the Manager.

(d)

Whenever any federal or state law imposes upon the City of Northglenn, or upon the Mayor or City Council thereof, a duty with respect to the care, custody, keeping, seizing, impoundment or control of any dog, cat, animal, fowl, fish, reptile, or insect, such duty shall be performed by the animal control officer under the authority of this ordinance.

[Source: Ord. 436, 1976]

Section 14-1-3. Police Officers--Authority and Assistance.

(a)

It shall be lawful for any police officer of the City of Northglenn to do or perform any act or duty required, authorized or permitted to the animal control officer.

(b)

It shall be lawful for the animal control officer, or any person performing the duties of an animal control officer, in the performance of any act or duty required, authorized or permitted by ordinance, regulation or the direction of the manager, to call to his assistance any police officer of the City or any person who is a peace officer under the laws of the State of Colorado.

[Source: Ord. 436, 1976]

Section 14-1-4. Unlawful Acts.

(a)

It shall be unlawful for any person, by using or threatening to use violence, force, physical interference, or obstacle, intentionally to obstruct, impair or hinder an animal control officer or police officer in the performance of his duty.

(b)

It shall be unlawful for any person to take, seize or remove from the custody or possession of an animal control officer any dog, cat, animal or fowl which has been seized or impounded by the animal control officer.

(c)

It shall be unlawful for any person, except an animal control officer as defined by this ordinance or a person authorized by this ordinance to perform the duties of an animal control officer, to represent himself to be an animal control officer and thereby obtain possession of any dog, cat, animal or fowl.

[Source: Ord. 436, 1976]

Section 14-1-5. Violations--Penalty. Any violation of any of the provisions of Article 1 of Chapter 14 of the Northglenn Municipal Code shall be punishable as provided in Section 1-1-10(a)(2) of this Code.

[Source: Ord. 1130, 1995]

Article 14-2

CHAPTER 14

ANIMAL CONTROL

ARTICLE 2

DOG CONTROL

Section 14-2-1. Purpose

Section 14-2-2. Title

Section 14-2-3. Rabies Inoculation Required

Section 14-2-4. Exhibition of Rabies Tag

Section 14-2-5. Biting Dogs--Reports

Section 14-2-6. Miscellaneous Unlawful Acts

Section 14-2-7. Confinement or Muzzling of Dogs During Rabies Danger--
Impoundment of Dogs Not Confined or Muzzled

Section 14-2-8. Female Dogs in Heat

Section 14-2-9. Vicious Dogs

Section 14-2-10. Pit Bulls Prohibited

Section 14-2-11. Duties of Animal Control Officer

Section 14-2-12. Release of Impounded Dog--Compliance with Ordinance
Procedures

Section 14-2-13. Guard Dogs--Permit Required

Section 14-2-14. Barking Dogs

Section 14-2-15. Sanitation

Section 14-2-16. Violations--Penalty

Section 14-2-17. Severability Clause

Section 14-2-1. Purpose. The purpose of this ordinance is to regulate the keeping of dogs in the City of Northglenn, to provide for the impounding and disposition of stray dogs found in the City, and to provide for the impounding and disposition of dogs kept or found in violation of the provisions of this ordinance.

[Source: Ord. 1019, 1991]

Section 14-2-2. Title. This ordinance shall be known and cited as the Northglenn Dog Control Ordinance.

[Source: Ord. 1019, 1991]

Section 14-2-3. Rabies Inoculation Required.

(a)

Every dog kept in the City of Northglenn shall be inoculated against rabies by a licensed veterinarian as frequently as recommended by the Compendium of Animal Rabies Control as promulgated by the National Association of State Public Health Veterinarians.

(b)

Any dog not previously inoculated against rabies as required by subsection (a) shall comply with this Section within thirty (30) days after the date on which:

(1)
such dog is brought into the City of Northglenn; or

(2)
such dog is purchased or acquired by the owner.

(c)
Any dog not inoculated in compliance with this Section shall be inoculated by a veterinarian designated by the City, and the owner or keeper of such dog shall be charged for such inoculation.

[Source: Ord. 1019, 1991; 1236, 1999]

Section 14-2-4. Exhibition of Rabies Tag.

(a)
It shall be unlawful for any person to keep within the City of Northglenn any dog required by the provisions of this article to be vaccinated against rabies unless there is fastened to each such dog a collar or harness made of durable material, to which a current rabies vaccination tag is securely attached.

(b)
Any dog required by the provisions of Section 14-2-3 to be vaccinated against rabies, which is running at large in the City of Northglenn without a current rabies vaccination tag shall be seized and impounded by an animal control officer.

(c)
It shall be unlawful to keep any guard dog in the City of Northglenn unless there is fastened on such guard dog, a collar or harness, made of durable material, to which a current rabies vaccination tag is securely attached.

[Source: Ord. 1019, 1991]

Section 14-2-5. Biting Dogs--Reports.

(a)

Any owner of a dog in the City of Northglenn who knows or has probable cause to believe that such dog has bitten another person, shall report such fact to an animal control officer or police officer.

(b)

Any dog reported under the provisions of this section, unless such dog has been vaccinated against rabies as provided by this article, may be confined by order of an animal control officer for rabies observation pursuant to the provisions of Section 14-4-12.

(c)

Any vicious dog may be seized and impounded by an animal control officer. In the event such vicious dog cannot be seized by an animal control officer without exposing the officer to danger or personal injury by such dog, it shall be lawful for such officer, after making every reasonable effort to capture such dog, including the solicitation of assistance from the owner if such owner be ascertainable and available, to forthwith destroy such vicious dog.

(d)

Any owner or keeper of a dog ordered held for observation, pursuant to the provisions of subsection (b) above, shall be assessed a fee as established by contract between the City of Northglenn and the City's designated animal control facility.

[Source: Ord. 1019, 1991]

Section 14-2-6. Miscellaneous Unlawful Acts.

(a)

No person shall affix to the collar or harness of any dog, or permit to remain so affixed, any rabies tag except the rabies tag issued for such dog at the time of its vaccination against rabies.

(b)

No person except the owner thereof shall remove or cause to be removed from

the collar or harness of any dog the rabies tag thereto affixed at the time of its vaccination against rabies.

(c)

No person shall keep or possess any dog in the City of Northglenn unless such dog has been vaccinated against rabies as required by this ordinance.

(d)

No person shall willfully cause, instigate, encourage, or promote any dog fight in the City of Northglenn.

(e)

A person, being the owner or keeper of a dog, shall be guilty of dog at large if such dog runs at large within the City. A dog shall be deemed to be running at large when it is off the premises of the owner or keeper and not within the effective control of that owner or keeper, his agent, servant, or competent member of his family, by means of a leash, cord or chain. A dog shall also be deemed to be running at large when it is on an unfenced portion of the premises of the owner or keeper and the owner or keeper is not physically present within eyesight of the dog. For purposes of this definition, the "premises of the owner or keeper" shall not include the common areas of condominiums, townhouses, and apartment buildings, or any public sidewalk, park, or right of way, and any dog not in the effective control of its owner or keeper upon the common area of any condominium, townhouse or apartment building, or any public area, shall be deemed to be running at large. A dog will not be deemed to be running at large in the following circumstances:

(1)

The dog is at a City-designated off-leash dog park; or

(2)

The dog is at a City-approved off-leash special event located on City property. These events include by way of example, but are not limited to, dog obedience classes, dog agility competitions, and frisbee dog exhibitions. A dog may be off-leash at such an event subject to the following:

(A)

The dog must be within voice and sight control of the owner or keeper at all times in such a manner so as not to endanger persons or property;

(B)

The organizer of such an off-leash special event shall obtain a permit from the Parks and Recreation Board. The permit will specify the location of the event, the date and time of the event, and the amount of human and dog participants permitted.

(f)

No person shall intentionally, willfully or negligently cause any dog to attack or bite any person, dog, cat or domestic animal.

(g)

No person shall exhibit to an animal control officer or police officer any rabies tag, or receipt for rabies vaccination of any dog, presenting the same to apply to any dog other than the dog for which such rabies tag or receipt was issued.

[Source: Ord. 1019, 1991; 1329, 2003; 1684, 2014]

Section 14-2-7. Confinement or Muzzling of Dogs During Rabies Danger--
Impoundment of Dogs Not Confined or Muzzled. Whenever the Mayor shall find that any danger exists from rabies, plague or other canine-carried disease or that any other danger exists from dogs running at large within the City, he may issue his proclamation requiring every owner, possessor, or keeper of any dog within the City to confine or muzzle securely the same for such time as he may designate, during which time it shall be unlawful for any dog to be within the City unless so confined or muzzled securely with a strong wire or leather muzzle fastened so as to prevent any such dog from biting. It shall be the duty of the animal control officer and all police officers of the City to seize and impound any dog that may be found during the time so designated by the Mayor unless confined or muzzled as provided in this ordinance.

[Source: Ord. 1019, 1991]

Section 14-2-8. Female Dogs in Heat. Any unspayed female dog, while in heat, shall be securely confined during such period in the owner's, possessor's, or keeper's home, pen, or other enclosure.

[Source: Ord. 1019, 1991]

Section 14-2-9. Vicious Dogs.

(a)

It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the City of Northglenn any vicious dog.

(b)

No person shall willfully cause, instigate, encourage, or promote any dog to aggressively threaten, attack, attempt to bite, or bite any person or other animal in the City; provided, however, that no violation of this subsection shall be deemed to have occurred where a dog is caused or encouraged to attack any person engaged in attacking or molesting another person.

(c)

For the purpose of this Section 14-2-9, a vicious dog is defined as a dog, which at any place in the City, attacks or bites a human being or dog, cat or domestic animal or which repeatedly charges against a fence in an attempted to attack or charges to the end of its lead in an attempt to attack or has, bitten or attempted to bite; or aggressively threatened by charging, baring its teeth, growling and snapping or otherwise demonstrates vicious behavior toward a human being or another animal; provided, however, that no dog shall be deemed vicious solely by reason of having attacked, threatened, attempted to bite or bitten:

(1)

A person who attacked such dog or who engaged in conduct reasonably calculated to provoke such dog to attack, threaten, or bite such person or another person; or

(2)

Any person engaged in provoking or stopping a dog fight or any altercation between such dog and any other animal; or

(3)

Any person engaged in attacking or molesting another person; or

(4)

Any person engaged in unlawful entering into or upon the fenced or enclosed portion of the premises upon which such dog is kept; or into or upon any automobile or other vehicle parked or stored in, upon, OR on the street adjacent to such premises; or

(5)

Any person engaged in unlawful or unauthorized entering into or UPON any vehicle in which such dog is kept or confined; or

(6)

Any other animal engaged in the unauthorized entry into or upon the fenced or enclosed portion of the premises upon which such dog is kept; or

(7)

Any person other than an authorized police officer or animal control officer engaged in capturing or attempting to capture such dog in the absence of the owner excepting any person attempting to capture a dog on such person's own property.

(d)

Any dog displaying vicious propensities, or having been deemed vicious by any court shall be restrained or confined and secured in an enclosure at all times.

(1)

For the purposes of this Section 14-2-9 restrained shall mean that the dog is under the immediate physical control of a responsible person by a leash or lead and muzzled when not confined or enclosed.

(2)

For the purposes of this Section 14-2-9 confinement shall mean that the dog is housed inside the owner's residence or in a secure enclosure which includes a top permanently attached to opaque sides at least six feet (6') high, a bottom that is either permanently connected to the sides or embedded into the ground no

less than one foot (1'), and must be of such material and closed with a gate or door which cannot be opened by the dog or unauthorized persons.

(3)

For the purposes of this Section 14-2-9 temporary enclosure shall be a secure enclosure used for the purposes of transporting the dog and which includes a top and bottom permanently attached to the sides except for a door for removal of the dog. Such enclosure shall be of such material, and such door closed and secured in such a manner, that the dog cannot exit the enclosure on its own.

(e)

Law enforcement canines under the control of their handler and on official business are exempt from the provisions of this Section 14-2-9.

(f)

Notwithstanding any other provisions of this Section 14-2-9, any vicious dog that causes life threatening injuries or death to any person shall be humanly destroyed.

[Source: Ord. 1221, 1999]

Section 14-2-10. Pit Bulls Prohibited. Pit Bulls Prohibited, is hereby repealed in its entirety.

[Source: Ord. 1221, 1999]

Section 14-2-11. Duties of Animal Control Officer. In addition to any other duties which may be required from him by the Manager or by the ordinances of the City;

(a)

The animal control officer may seize and impound any dog which is in violation of any of the provisions or requirements of this Chapter.

(b)

The animal control officer may, whenever a violation of the provisions of this Chapter is committed by any person in his presence or whenever he shall have

probable cause to believe that a violation of the provisions of this Chapter has been committed by any person, institute proceedings in the Municipal Court of the City of Northglenn for the prosecution of such violation, by issuing a summons and complaint.

(c)

The animal control officer may, whenever he has reason to believe that any violation of this Chapter has been committed or exists, notify the owner of any dog, or dogs of the existence of such violation and request the discontinuance or correction of such violation within a reasonable time stated within such notice. Such notice shall contain a statement that the ordinances of the City provide for issuance of the summons and complaint for violations of the ordinance, and the possible penalties provided by the ordinance. This provision shall not apply to violations of Sections 14-2-9 and 14-2-10.

(d)

The animal control officer may enter upon private property for the purpose of seizing a dog to be impounded if the animal control officer is in pursuit of a dog which he has probable cause to believe to be in violation of any of the provisions of this Chapter and which has strayed to or taken refuge on such private property in the course of such pursuit, or if such entry onto private property is necessary to remove a danger of imminent bodily harm to a human being, animal, dog or cat.

(e)

The animal control officer may enter upon private property for the purpose of seizing and impounding any dog kept upon such property in violation of the provisions of this Chapter;

(1)

Pursuant to order of a municipal judge; or

(2)

With the permission of the owner or tenant of such property.

(f)

The animal control officer may seize and impound any injured dog found at large in the City, when the owner cannot be immediately located.

(g)

The animal control officer shall dispose of any dead dogs found in the City. If such dead dog has a rabies tag attached, the animal control officer shall notify, or cause to be notified the owner thereof. The animal control officer shall remove and dispose of the rabies tag attached to such dead dog.

[Source: Ord. 1019, 1991]

Section 14-2-12. Release of Impounded Dog--Compliance with Ordinance Procedures.

(a)

No impounded dog shall be released from impoundment except upon compliance with the procedures provided by the Northglenn Impounding Ordinance.

(b)

No impounded dog shall be released from impoundment until the pound fee has been paid to the animal control facility.

(c)

Whenever any dog is released from impoundment, the owner shall be required to sign a receipt for the release of such dog, containing a description of the dog, and an acknowledgment of ownership on the part of such owner.

[Source: Ord. 1019, 1991]

Section 14-2-13. Guard Dogs--Permit Required. Guard Dogs--Permit Required, is hereby amended to read as follows:

(a)

No person shall keep any guard dog for the purpose of guarding or protecting real or personal property, in the City of Northglenn without first obtaining a permit therefor from the City Clerk of the City of Northglenn.

(b)

Application for the permit required by this section shall be made to the City Clerk and shall be accompanied by payment of an initial application fee of fifty dollars

(\$50.00) and an additional permit fee of twenty-five dollars (\$25.00) for each dog therein described. The permit will specify the location at which such dog is to be kept, shall be non-transferable to any other location and shall expire on the date specified in the permit, which date shall not be later than one year after the date of issuance.

(c)

No person shall keep any guard dog for the purpose of guarding or protecting real or personal property unless such dog is securely confined within a building or enclosure, with provision for adequate safeguards, against entry thereto by children and against accidental or unintentional entry by any person. Such building or enclosure shall be marked with a sign declaring the danger at every door, gate or entrance thereto and at intervals of every 100 feet of fenced enclosure.

(d)

It shall be unlawful for any person, firm, corporation, or association to cause to permit any dog to be kept in violation of this section; and any dog so kept in violation of this section may be seized and impounded by the animal control officer.

(e)

No vicious dog, as defined in Section 14-2-9, shall be licensed as a guard dog.

[Source: Ord. 1019, 1991; 1221, 1999; 1384, 2004]

Section 14-2-14. Barking Dogs. It shall be unlawful for any person to own, keep, or have in his possession or harbor any dog which, without provocation, by frequent or habitual howling, barking, or otherwise, shall cause annoyance or disturbance to any persons. This section shall not apply to an animal control officer in the performance of his duties nor to hospitals conducted for treatment of dogs and small animals.

[Source: Ord. 1019, 1991]

Section 14-2-15. Sanitation. The owner of any dog kept in the City of Northglenn shall cause excreta to be removed from any dog run or yard in which such dog is

kept to prevent contamination of the dog and to prevent diseases, hazards and odors. The accumulation of excreta upon any premises in violation of the provisions of this section shall be unlawful and shall be deemed a public nuisance.

[Source: Ord. 1019, 1991]

Section 14-2-16. Violations--Penalty.

(a)

It shall be unlawful for any person to violate any of the provisions of this ordinance, Article 2 of Chapter 14 of the Municipal Code of the City of Northglenn.

(b)

Proceedings for prosecution of violations of Section 14-2-6 (e) of this article shall be conducted in compliance with the applicable procedural requirements of Section 14-4-14 of this chapter.

(c)

Violations of the provisions of Section 14-2-6 (e) of this article shall be punishable by a fine of at least twelve dollars (\$12.00) for the first offense within a one (1) year time period measured from the date of any prior violation of said provision. Additional violations within a one (1) year period shall be punishable by fines of at least twenty-five dollars (\$25.00) for a second offense and at least sixty dollars (\$60.00) for each offense thereafter. No single violation shall be punishable by a fine of more than four hundred ninety-nine dollars (\$499.00).

(d)

Violations of the provisions of Section 14-2-9 shall be punishable as follows:

(1)

For a first violation involving a threatening of, attack upon, or biting of, a human being, a mandatory fine, not subject to suspension, of not less than two hundred dollars (\$200.00) and the mandatory implantation in the dog of a unique identifying computer microchip by a licensed veterinarian at the owner's expense plus any additional penalty allowed hereunder, including the humane

destruction of the dog, which the court deems proper. Evidence of such implantation and the unique identifying microchip number shall be certified by the veterinarian to the City's animal control officer(s) within ten (10) days of conviction or upon release of the dog from impoundment, whichever is less.

(2)

For the second violation involving the threatening of, attack upon, or biting of, a human being by the same dog as was involved in the first violation, or any dog owned by the same person over a three (3) year period following the first violation, a fine of not less than three hundred fifty dollars (\$350.00) and the owner of the dog shall be required to obtain and maintain liability insurance on the dog in an amount of at least one hundred thousand dollars (\$100,000) the evidence of such insurance shall be made by the insurer to the City's animal control officer(s), to spay or neuter the dog, to keep the dog securely confined as defined in subsection (d) when on the property of the owner, to keep the dog securely leashed and muzzled or secured in a temporary enclosure as defined in subsection (d) when away from the property of the owner, to refrain from selling or transferring ownership of the dog, to notify the City's animal control officer(s) immediately if the dog is lost or stolen, and/or any additional penalty allowed hereunder, including the humane destruction of the dog, which the court deems proper.

(3)

For a third violation involving the threatening of, attack upon, or biting of a human being by the same dog as was involved in the first or second violation, or any dog owned by the same person over a three (3) year period following the first or second violation, a fine of not less than four hundred ninety-nine dollars (\$499.00) and a mandatory jail sentence, not subject to suspension, of not less than five (5) days. Additionally, the dog shall be humanely destroyed.

(4)

Notwithstanding any other provisions of this Section 14-2-9, any vicious dog that causes life threatening injuries or death to any person shall be destroyed.

(e)

Violations of provisions of Section 14-2-13 of this article shall be punishable by a fine of not more than three hundred dollars (\$300.00), or by imprisonment in the City jail or county jail for not more than ninety (90) days or by both fine and imprisonment.

(f)

Except as otherwise provided in Section 14-2-16 (b), (c), (d) and (e) of this article, violations of the provisions of this Article 2 of Chapter 14 of the Municipal Code shall be punishable as provided in Section 1-1-10 (a) (2) of this Code.

[Source: Ord. 1130, 1995; 1221, 1999; 1392, 2005]

Section 14-2-17. Severability Clause. If any provisions of this article or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

[Source: Ord. 1019, 1991]

Article 14-3

CHAPTER 14

ANIMAL CONTROL

ARTICLE 3

CATS AND ANIMALS

Section 14-3-1. Estrays

Section 14-3-2. Impounding of Cats

Section 14-3-3. Impounding of Animals

Section 14-3-4. Entry on Private Property

Section 14-3-5. Removal of Dead and Injured Cats, Domestic Animals and Reptiles

Section 14-3-6. Rabies Inoculation Required

Section 14-3-7. Exhibition of Rabies Tag

Section 14-3-8. Unlawful Acts

Section 14-3-9. Biting Cats and Animals--Reports

Section 14-3-10. Duties of Animal Control Officer

Section 14-3-11. Violations--Penalty

Section 14-3-12. Severability Clause

Section 14-3-13. Three or More Rabbits--License Required

Section 14-3-14. Limitation on Number of Rabbits Kept

Section 14-3-15. Limitation on Area and Location of Keeping Rabbits

Section 14-3-16. Cancellation, Suspension or Revocation of License

Section 14-3-17. Reserved

Section 14-3-18. Keeping of Chickens

Section 14-3-19. Keeping of Honey Bees

Section 14-3-1. Estrays. When any estray shall be found in the City of Northglenn, the animal control officer shall pick up such estray, shall within five (5) days thereafter, unless such estray is first claimed by the owner, notify by mail the state board of stock inspection commissioners, and shall otherwise comply with the provisions of article 4 of Chapter 8, Colorado Revised Statutes 1963, as amended. Such estray shall be kept and cared for as provided by the Northglenn Impounding Ordinance.

[Source: Ord. 196, 1973]

Section 14-3-2. Impounding of Cats.

(a)

The animal control officer may seize and impound any cat which is found strayed or running at large in any public highway, street or public way, or upon public property.

(b)

The animal control officer may seize and impound any cat which is in violation of the provisions of this ordinance.

[Source: Ord. 196, 1973]

Section 14-3-3. Impounding of Animals. The animal control officer may seize and impound any domestic animal except an estray as defined in Section 14-1-1(g), or any reptile which is found running at large in the City.

[Source: Ord. 106, 1973]

Section 14-3-4. Entry on Private Property. The animal control officer may enter upon private property for the purpose of seizing a cat, domestic animal or reptile to be impounded, or for the purpose of seizing an estray, which has strayed to or taken refuge on such private property in the course of pursuit thereof by the animal control officer, or if such entry onto private property is necessary to remove or prevent a hazard or danger to any person or property, or if such entry is authorized by order of a municipal judge. The animal control officer may enter upon private property, with the consent of the owner of such property, in the performance of his duties under this ordinance.

[Source: Ord. 196, 1973]

Section 14-3-5. Removal of Dead and Injured Cats, Domestic Animals and Reptiles. The animal control officer may remove or cause to be removed from any public or private place in the City any dead or injured cat, domestic animal or reptile, and thereupon impound or destroy the same. If any dead or injured cat has a rabies tag attached, the animal control officer shall notify, or cause to be notified, the owners thereof.

[Source: Ord. 196, 1973]

Section 14-3-6. Rabies Inoculation Required.

(a)

Every cat kept in the City of Northglenn shall be inoculated against rabies by a licensed veterinarian as frequently as recommended by the Compendium of Animal Rabies Control as promulgated by the National Association of State Public Health Veterinarians.

(b)

Any cat not previously inoculated against rabies as required by subsection (a) shall comply with this Section within thirty (30) days after the date on which:

(1)

such cat is brought into the City of Northglenn; or

(2)
such cat is purchased or acquired by the owner.

[Source: Ord. 196, 1973; 1236, 1999]

Section 14-3-7. Exhibition of Rabies Tag.

(a)
It shall be unlawful for any person to keep within the City of Northglenn any cat required by the provisions of Section 14-3-6 to be vaccinated against rabies unless:

(1)
there is fastened on each such cat a collar or harness made of durable material, to which a current rabies vaccination tag is securely attached, or

(2)
the owner of such cat has in his possession, and exhibits to the animal control officer, evidence that such cat has been vaccinated against rabies within the time required by this ordinance.

[Source: Ord. 196, 1973]

Section 14-3-8. Unlawful Acts.

(a)
No person shall keep or possess an adult cat unless such cat has been vaccinated against rabies as required by Section 14-3-6 of this ordinance.

(b)
It shall be unlawful for the owner of any cat or potbellied pig to permit or allow such cat or potbellied pig to run at large. Whenever any cat or potbellied pig shall be found running at large in the City, it shall be presumed until the contrary appears that such cat or potbellied pig is permitted by the owner of such cat or potbellied pig to run at large.

(c)

It shall be unlawful for the owner of any female cat in heat to permit the same to run at large, or to fail to keep the same confined within a building or enclosure.

(d)

It shall be unlawful for any person to keep or possess, in the City of Northglenn any Canada lynx, cougar, tiger, leopard, mountain lion, panther, puma, bob cat, lynx cat, wild cat, timber wolf, grey wolf, prairie wolf, fox, coyote, badger, raccoon, hybrid wolf-dog, or any animal now or hereafter classified as a precatory animal by the statutes of the State of Colorado except as provided in Section 14-3-8(e) of this ordinance. A hybrid wolf-dog is defined as any dog displaying the majority of physical traits of a timber wolf, grey wolf, or prairie wolf.

(e)

Section 14-3-8(d) shall not apply to animals kept in secure confinement upon premises occupied and used for purposes of a circus, exhibition or other entertainment when such animals are kept in the City of Northglenn for not more than seven (7) days.

(f)

It shall be unlawful for any person to own, keep, have in his possession or harbor any cat, potbellied pig or domesticated animal which without provocation, shall cause annoyance or disturbance to any person by habitual howling, barking, meowing, squawking, squealing or otherwise disturbing the peace. This section shall not apply to an animal control officer in the performance of his duties, nor to hospitals conducted for treatment of small animals and cats.

(g)

The owner of any cat, potbellied pig, domestic animal or reptile kept in the City of Northglenn shall cause excreta to be removed from any pen, cage or yard in which such cat, potbellied pig, domestic animal or reptile is kept to prevent contamination, diseases, hazards and odors. The accumulation of excreta upon any premises in violation of the provisions of this section shall be unlawful and shall be deemed a public nuisance.

(h)

It shall be unlawful for any person to permit or allow a horse on publicly owned

or maintained park or open space property, including trails, unless such person has received written permission from the City Manager in the form of a permit or license for a special event or parade.

[Source: Ord. 196, 1973; 271, 1973; 1048, 1992; 1075, 1993; 1546, 2009]

Section 14-3-9. Biting Cats and Animals--Reports.

(a)

Any owner of a cat, domestic animal or reptile in the City of Northglenn, who knows or has probable cause to believe that such cat, domestic animal or reptile has bitten another person, shall report such fact to an animal control officer or police officer.

(b)

Any person who knows or has probable cause to believe that any cat, domestic animal or reptile in the City of Northglenn has bitten any person or has bitten another cat, domestic animal or dog, may report such fact to an animal control officer or police officer.

(c)

Any cat, domestic animal or reptile reported under the provisions of this section, unless theretofore vaccinated against rabies as provided by this article, may be confined by order of an animal control officer for rabies observation pursuant to the provisions of Section 14-4-12.

[Source: Ord. 246, 1973]

Section 14-3-10. Duties of Animal Control Officer. In addition to any other duties which may be required from him by the administrator or by the ordinances of the City:

(a)

The animal control officer may seize and impound any cat which is in violation of any of the provisions or requirements of this ordinance.

(b)

The animal control officer may, whenever a violation of the provisions of this ordinance is committed by any person in his presence or whenever he shall have probable cause to believe that a violation of the provisions of this ordinance has been committed by any person, institute proceedings in the Municipal Court of the City of Northglenn for the prosecution of such violation, by issuing a summons and complaint.

(c)

The animal control officer may, whenever a violation under the provisions of this ordinance is committed by any person in his presence, or whenever he shall have probable cause to believe that a violation of the provisions of this ordinance has been committed by any person, issue a warning notice requiring the correction or discontinuance of any violation or existing condition within a period of not more than seven (7) days.

(d)

The animal control officer may, whenever he has reason to believe that any violation of this ordinance has been committed or exists, notify the owner of any cat, or cats, of the existence of such violation and request the discontinuance or correction of such violation within a reasonable time stated within such notice. Such notice may contain a statement that the ordinances of the City provide for issuance of the summons and complaint for violations of the ordinance, and the possible penalties provided by the ordinance.

(e)

The animal control officer may enter upon private property for the purpose of seizing a cat to be impounded if the animal control officer is in pursuit of a cat which he has probable cause to believe to be in violation of any of the provisions of this ordinance and which has strayed to or taken refuge on such private property in the course of such pursuit, or if such entry onto private property is necessary to remove a danger of imminent bodily harm to a human being, animal, dog or cat.

(f)

The animal control officer shall seize and impound any cat which is in violation of any of the provisions of this ordinance.

(g)

The animal control officer may seize and impound any injured cat found at large in the City, when the owner cannot be immediately located.

(h)

The animal control officer shall dispose of any dead cats found in the City. If such dead cat has a rabies tag attached, the animal control officer shall notify, or cause to be notified, the owner thereof. The animal control officer shall remove and dispose of the rabies tag attached to such dead cat.

[Source: Ord. 196, 1973]

Section 14-3-11. Violations--Penalty.

(a)

It shall be unlawful for any person to violate any of the provisions of this ordinance, article 3 of Chapter 14 of the Municipal Code.

(b)

Proceedings for prosecution of violations of Section 14-3-8(b) of this article shall be commenced only in compliance with the procedural requirements of Section 14-4-14 of this chapter.

(c)

Except as provided in Section 14-3-11(b) of this article, violation of any of the provisions of this ordinance, Article 3 of Chapter 14 of the Northglenn Municipal Code, shall be punishable as provided in Section 1-1-10(a)(2) of this Code.

[Source: Ord. 318, 1974; 1130, 1995]

Section 14-3-12. Severability Clause. If any provisions of this ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

[Source: Ord. 196, 1973]

Section 14-3-13. Three or More Rabbits--License Required.

(a)

Any person residing in the City of Northglenn desiring to keep upon the premises upon which he resides three (3) or more rabbits may apply for a license pursuant to the provisions of this ordinance.

(b)

A license issued under this ordinance may authorize the keeping by the person named in the license, and members of the immediate family of such person, upon the premises stated in the license, of the number of rabbits stated in the license as family pets.

(c)

The keeping of rabbits for commercial purposes in residential zones is prohibited by the zoning ordinance, Chapter 11, of the Municipal Code, and a license issued under this ordinance does not authorize the keeping of rabbits for commercial purposes.

(d)

Application for such license shall be made to the City Clerk upon forms provided by the City and accompanied by payment of a license fee of ten dollars (\$10.00). Such application shall contain such information as the City Clerk may require for purposes of enforcement of the provisions of this ordinance, including at least the following:

(1)

The name and address of the applicant;

(2)

A description of the rabbits proposed to be kept and the number thereof;

(3)

A statement of the number of rabbits, if any, kept at the same premises by any other person, and the name of such person.

(e)

The holder of a license issued pursuant to the provisions of this ordinance may make application for an amended license as provided in Section 14-3-13(d).

[Source: Ord. 646, 1982]

Section 14-3-14. Limitation on Number of Rabbits Kept.

(a)

No occupant of any residential dwelling unit in the City shall keep or permit to be kept upon the premises more than two (2) rabbits, unless such occupant or another occupant of the same dwelling unit has obtained and has in effect a license under the provisions of this ordinance authorizing the keeping of more than two rabbits.

(b)

No occupant of any residential dwelling unit in the City for which a license authorizing the keeping of more than two rabbits has been issued under the provisions of this ordinance shall keep or permit to be kept upon such premises any rabbit or rabbits in excess of the number authorized by such license.

(c)

No license issued under the provisions of this ordinance shall authorize the keeping of more than six (6) rabbits upon the premises of the same dwelling unit.

[Source: Ord. 334, 1974]

Section 14-3-15. Limitation on Area and Location of Keeping Rabbits.

(a)

The total area used for keeping of rabbits on the premises of any dwelling shall not exceed five hundred (500) square feet.

(b)

Any area used for keeping of rabbits pursuant to a license issued under the

provisions of this ordinance shall be located at the rear of the lot and shall not be located within seventy-five (75) feet of any dwelling.

[Source: Ord. 334, 1974]

Section 14-3-16. Cancellation, Suspension or Revocation of License.

(a)

Any license issued under the provisions of this ordinance for the keeping of rabbits shall be subject to cancellation, suspension and revocation as provided by article 1 of Chapter 18 of the Municipal Code.

(b)

In addition to the grounds stated in said article 1 of Chapter 18 of the Municipal Code, the following shall be grounds for suspension or revocation of such license.

(1)

The keeping of rabbits in such manner as to create a nuisance.

(2)

Mistreatment of rabbits by the licensee.

(c)

Except as otherwise provided in this section, proceedings for the cancellation, suspension or revocation of any license issued under the provisions of this ordinance shall be as provided in Section 14-2-17 and article 1 of Chapter 18 of the Municipal Code.

[Source: Ord. 334, 1974]

Section 14-3-17. Reserved.

Section 14-3-18. Keeping of Chickens.

(a)

Purpose. This section is established to provide for regulations regarding the

keeping of domestic chickens on residential properties with separately enclosed rear yards as outlined in Section 11-7-2 of the Northglenn Zoning Ordinance. More specifically, the purpose of this Section is to provide for the following:

(1)

Regulate the number of chickens allowed on specific properties;

(2)

Regulate the dimensional requirements and parameters of accessories associated with the domestication of chickens;

(3)

Provide for adequate protection of chickens in association with existing ordinances;

(4)

Provide for appropriate regulations with regard to nuisances created by the keeping of chickens;

(5)

Establish a licensing protocol for the keeping of chickens; and

(6)

This Section 14-3-18 does not supersede the covenants of any subdivision or homeowners association.

(b)

Animal Protection. Protection of animals, including chickens is regulated by Chapter 9, Article 7 (Animal Protection Ordinance) of the Northglenn Municipal Code.

(c)

Nuisance. Any nuisance associated with the keeping of chickens shall be regulated by Chapter 9, Article 11 (Northglenn Nuisance Ordinance) of the Northglenn Municipal Code.

(d)

Disruption of coops by wildlife. The City shall not regulate or otherwise be deemed to have any responsibility for conflicts with the keeping of chickens created by wildlife.

(e)

Licensing of Chickens. Any person residing in the City of Northglenn desiring to keep upon their premises chickens, as defined in 14-1-1 of the Northglenn Municipal Code, must apply for a license pursuant to the provisions of this Section 14-3-18.

(f)

A license issued under this Section 14-3-18 may authorize the keeping by the person named in the license, and the members of the immediate family of such person, upon the premises stated in the license, or the number of chickens stated in the license.

(g)

A one-time application for such license shall be made to the Department of Planning and Development upon forms provided by the City and accompanied by payment of a license fee of twenty-five dollars (\$25.00). Such application shall contain such information as the Department of Planning and Development may require for purposes of enforcement of the provisions of this Section 14-3-18, including at least the following:

(1)

The name and address of the applicant;

(2)

An acknowledgment of the regulations for the keeping of chicken hens as prescribed by this Section 14-3-18;

(3)

Any license issued under the provisions of this Section 14-3-18 for the keeping of chickens shall be subject to cancellation, suspension and revocation as provided by Article 1 of Chapter 18 of the Municipal Code.

(4)

Except as otherwise provided in this section, proceedings for the cancellation, suspension or revocation of any license issued under the provisions of this ordinance shall be as provided in Section 14-2-17 and Article 1 of Chapter 18 of the Municipal Code.

(5)

The holder of a license issued pursuant to the provisions of this Section 14-3-18 may make application for an amended license as provided in Section 14-3-18(d).

(6)

Upon the decision of the license holder to cease the raising of chickens, the license holder shall notify Planning and Development.

(h)

Maximum Numbers. No more than six (6) chickens are permitted per parcel.

(i)

Gender Restriction. Females of the species (chicken hens) are allowed to be kept on the premises. Roosters or males of the species are prohibited.

(j)

Outdoor Space Requirement. Chickens must be provided a minimum of twenty (20) square feet of permeable surface per bird and must be provided a coop that is predator resistant. Chicken coops are not subject to the architectural standards of accessory structures and shall not be included as part of lot requirements for the percentage of structure occupying the rear yard area.

(k)

Coop Size and Placement. Chicken hen coops must adhere to the following size and placement regulations:

(1)

Chicken Coop Size. Must not exceed one hundred and twenty (120) square feet, and must provide at least four (4) square feet of space per bird.

(2)

Chicken Coop Height. Must not exceed six (6) feet in height.

(3)

Chicken Coop Placement. Must be placed five (5) feet from property fence line and twenty (20) feet from residence or primary structure on adjacent property. Coops must reside in the rear yard of the premises as defined by 11-5-2(b)(191) of the Northglenn Municipal Code.

(l)

Chicken Ranging. Chicken hens are restricted to the rear yard of any parcel in a residential zoning district. Chickens may range up to the property line but must be kept in the required chicken coop from dusk until dawn.

(m)

Fencing. Chicken hens kept in the rear yard must be contained by a fence adequate to contain animals. The fence must be a minimum of four (4) feet in height.

(n)

Slaughtering. Chicken hens may not be killed, on the premises, by or at the direction of the owner or keeper except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.

(o)

Excrement. The owner of any chicken hens kept in the City of Northglenn shall cause excreta to be removed from any pen, cage, coop or yard in which such chickens are kept to prevent contamination, diseases, hazards and odors. The accumulation of excreta upon any premises in violation of the provisions of this section shall be unlawful and shall be deemed a public nuisance in accordance with Chapter 9, Article 11 (Northglenn Nuisance Ordinance) of the Northglenn Municipal Code.

(p)

The licensing of chicken hens provided herein shall not be deemed a property use within the meaning of C.R.S. § 38-1-101(3)(a), and nothing in this Ordinance

shall be deemed to confer a property right, but shall instead authorize a mere license for the activity of keeping chicken hens.

[Source: Ord. 1713, 2016]

Section 14-3-19. Keeping of Honey Bees.

(a)

Purpose. This Section is established to provide for regulations regarding the keeping of honey bees on residential properties with separately enclosed rear yards and as outlined in Section 11-7-2 of the Northglenn Zoning Ordinance. This Section does not regulate the keeping of bees on open space, parks or community gardens. More specifically, the purpose of this Section is to provide for the following:

(1)

Establish certain requirements of sound beekeeping practices, which are intended to regulate the keeping of honey bees in populated areas;

(2)

Regulate the number and placement of hives on the property;

(3)

Provide for adequate protection of honey bees consistent with existing City regulations;

(4)

Provide for appropriate regulations with regard to nuisances created by the keeping of honey bees;

(5)

Establish a licensing protocol for the keeping of honey bees; and

(6)

This Section 14-3-19 does not supersede the covenants of any subdivision or homeowners association.

(b)

Animal Protection. Protection of animals, including honey bees is regulated by Chapter 9, Article 7 (Animal Protection Ordinance) of the Northglenn Municipal Code.

(c)

Nuisance. Any nuisance associated with the keeping of bees shall be regulated by Chapter 9, Article 11 (Northglenn Nuisance Ordinance) of the Northglenn Municipal Code.

(d)

Disruption of hives by wildlife. The City shall not regulate or otherwise be deemed to have any responsibility for conflicts with the keeping of bees created by wildlife.

(e)

Licensing of Honey Bees. Any person residing in the City of Northglenn desiring to keep upon their premises bees, as defined in 14-1-1 of the Northglenn Municipal Code must apply for a license pursuant to the provisions of this Section 14-3-19.

(1)

A license issued under this Section 14-3-19 may authorize the keeping by the person named in the license, and the members of the immediate family of such person, upon the premises stated in the license, or the number of honey bee hives stated in the license.

(2)

Application for such license shall be made to the Department of Planning and Development upon forms provided by the City and accompanied by payment of a license fee of twenty-five dollars (\$25.00). Such application shall contain such information as the Department of Planning and Development may require for purposes of enforcement of the provisions of this Section 14-3-19, including at least the following:

(A)

The name and address of the applicant;

(B)

An acknowledgment of the regulations for the keeping of honey bees as prescribed by this Section 14-3-19.

(3)

Any license issued under the provisions of this section 14-3-19 for the keeping of honey bees shall be subject to cancellation, suspension and revocation as provided by Article 1 of Chapter 18 of the Municipal Code.

(4)

Except as otherwise provided in this section, proceedings for the cancellation, suspension or revocation of any license issued under the provisions of this ordinance shall be as provided in Section 14-2-17 and article 1 of Chapter 18 of the Municipal Code.

(f)

Maximum Number. No more than two (2) honey bee hives are permitted per parcel.

(g)

Hive Placement. Hives must be placed in the rear yard.

(h)

Aggressive bees and swarms. If a colony becomes aggressive or swarms, the beekeeper shall re-queen the colony with a queen selected from stock bred for gentleness and nonswarming characteristics.

(i)

Hive Screening Required. The beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that will not allow the bees to pass through, and that is located within five (5) feet from the hive's egress, and is parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all honey bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.

(j)

Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the honey bees so that the honey bees are discouraged from congregating at swimming pools, pet water bowls, birdbaths or other water sources where they may cause human, or domestic pet contact.

(k)

Prohibited. Africanized bees shall be prohibited.

(l)

Maintenance of hives. Any honey bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees or colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and shall be deemed a public nuisance in accordance with Chapter 9, Article 11 (Northglenn Nuisance Ordinance) of the Northglenn Municipal Code. The hive may be summarily destroyed or removed from the City by an appropriate designee. The beekeeper will have thirty (30) days from the time of the complaint to bring the hive/hives into compliance.

(m)

The licensing of honey bees provided herein shall not be deemed a property use within the meaning of C.R.S. § 38-1-101(3)(a), and nothing in this Ordinance shall be deemed to confer a property right, but shall instead authorize a mere license for the activity of keeping honey bees.

[Source: Ord. 1714, 2016]

Article 14-4

CHAPTER 14

ANIMAL CONTROL

ARTICLE 4

IMPOUNDING

Section 14-4-1. Title and Purpose

Section 14-4-2. Pound Facilities

Section 14-4-3. Care of Estrays

Section 14-4-4. Disposition of Injured Dog or Animal
Section 14-4-5. Notice of Impoundment
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Section 14-4-8. Disposition of Impounded Dogs
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Section 14-4-10. Exceptions--Authority of Manager
Section 14-4-11. Authority of Municipal Court to Order Disposition of Dog or Animal
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Section 14-4-13. Temporary Holding Facility
Section 14-4-14. Procedure for Impounding and Release of Dogs and Cats--
Temporary Holding Fee
Section 14-4-15. Temporary Holding--Records Required
Section 14-4-16. Other Records Required

Section 14-4-1. Title and Purpose.

(a)

The provisions of this article 4 of Chapter 14 of the Municipal Code shall be known and cited as the Northglenn Impounding Ordinance.

(b)

The provisions of this article shall govern the impounding, custody, control, release and disposition of dogs, cats, domestic animals and reptiles impounded or confined pursuant to the ordinances of the City.

[Source: Ord. 436, 1976]

Section 14-4-2. Pound Facilities.

(a)

The City Council shall designate an appropriate animal holding facility as the animal control facility of the City of Northglenn, wherein shall be kept all dogs, cats, domestic animals and reptiles impounded, pursuant to the ordinances of the City, except as otherwise provided in this section.

(b)

The Manager may designate one or more temporary holding facilities for the temporary impoundment, holding or confinement of dogs, cats, domestic animals and reptiles subject to the provisions of this chapter.

[Source: Ord. 436, 1976; 982, 1989; 1221, 1999]

Section 14-4-3. Care of Estrays. Any bovine animal, horse, mule or ass taken up as stray shall be properly cared for, fed, and provided with necessary services of a veterinarian, and kept or housed at the animal control facility of the City of Northglenn, or at such other suitable place or facility as the Manager shall direct.

[Source: Ord. 436, 1976]

Section 14-4-4. Disposition of Injured Dog or Animal.

(a)

In the event a seriously or critically injured dog, cat, domestic animal, or reptile is in the custody of the animal control facility without identification, without a rabies tag, or other means of identifying the owner, the supervisor of Animal Control of the City of Northglenn is hereby and herewith authorized to dispose of such dog, cat, domestic animal, or reptile without holding the same for any period.

(b)

In the event a seriously or critically injured dog, cat, domestic animal or reptile impounded by an animal control officer is without identification, without a rabies tag, or other means of identifying the owner, such animal control officer is hereby and herewith authorized to dispose of such injured dog, cat, domestic animal or reptile without holding the same for any period and without placing the same in the animal control facility.

[Source: Ord. 436, 1976; 982, 1989]

Section 14-4-5. Notice of Impoundment. In every case of impoundment, the animal control officer shall cause to be entered in the records of the Northglenn Police Department within eight (8) hours after seizure, and for six consecutive

days thereafter, a description of each dog, cat, domestic animal or reptile impounded; the date, place and approximate time of seizure; and the name and address of the animal control facility in which the same is impounded. Such records shall be open to inspection by any person during regular business hours.

[Source: Ord. 955, 1989]

Section 14-4-6. Procedure for Release of Impounded Dog or Cat.

(a)

No dog or cat shall be released from impoundment except upon compliance with the redemption procedure provided by ordinance, or upon order of a municipal judge, the manager, or an animal control officer.

(b)

Any dog or cat impounded solely by reason of violation of the requirements of this chapter relating to rabies vaccination or the display of a rabies tag or rabies vaccination receipt, may be redeemed by the owner or the agent of the owner upon:

(1)

Satisfactory proof of ownership;

(2)

Proof of compliance with the rabies vaccination requirements of this chapter;
and

(3)

Payment of all fees for impoundment or holding animals at the animal control facility, shall be as established by contract between the City of Northglenn and the City's designated animal control facility.

(c)

Any dog or cat impounded by reason of being found running at large in the City of Northglenn may be redeemed by the owner or the agent of the owner upon:

(1)

Satisfactory proof of ownership;

(2)

Proof of compliance with the rabies vaccination requirements of this chapter;

(3)

Payment of all fees for impoundment or holding animals at the animal control facility shall be as established by contract between the City of Northglenn and the City's designated animal control facility.

(4)

Compliance with the requirements of Sections 14-4-14 and 14-4-15 of this article.

(d)

A dog or cat impounded by order of any court shall not be released except as ordered by such court.

(e)

Any impounded dog or cat who has been found running at large shall be required to have a unique identifying computer microchip implanted in the dog or cat by a licensed veterinarian at the owner's expense. Evidence of such microchip implantation and the unique identifying microchip number shall be provided by the veterinarian to the City's animal control officer(s) within ten (10) days of conviction or upon release of the dog or cat from impoundment, whichever is less.

[Source: Ord. 852, 1987; 982, 1989; 1221, 1999]

Section 14-4-7. Procedure for Release of Impounded Domestic Animal or Reptile. Any impounded domestic animal, fowl or reptile, except an estray subject to the provisions of Section 14-3-1, may be redeemed by the owner thereof or the agent of the owner upon satisfactory proof of ownership together with the payment of the appropriate fee.

[Source: Ord. 471, 1977]

Section 14-4-8. Disposition of Impounded Dogs.

(a)

If a complaint has been filed in the municipal court, an impounded dog shall not be destroyed except by order of a municipal judge.

(b)

If a complaint has not been filed in the municipal court, because the owner of an impounded dog is not known or cannot be located, and such dog has not been claimed within five (5) days of the date of impoundment, not counting the day of impoundment, such dog may be sold, given away or destroyed in accordance with the procedures established by the City of Northglenn and the animal control facility. For purposes of this paragraph, days means days during which the pound is open to the public.

(c)

If a complaint has not been filed in the municipal court, but the owner, possessor or keeper of an impounded dog has been notified of the impoundment as provided by this ordinance and such dog has not been claimed within six days of the date of impoundment, such dog may be destroyed or otherwise disposed of in the manner provided in subsection (b) of this section.

(d)

The date on which notice of the impoundment of such dog is posted in a public place pursuant to the provisions of this ordinance shall conclusively be presumed to be the date of impoundment for all purposes of this ordinance.

[Source: Ord. 935, 1988; 982, 1989; 1236, 1999]

Section 14-4-9. Disposition of Impounded Cats and Other Animals.

(a)

If an impounded cat has not been claimed within five (5) days of the date of impoundment, not counting the day of impoundment, such cat may be sold, given away or destroyed in accordance with the procedures established by the City of Northglenn and the animal control facility. For purposes of this paragraph, days means days during which the pound is open to the public.

(b)

If any domestic animal or reptile, except an stray subject to the provisions of Section 14-3-1, has not been claimed within five (5) days of the date of impoundment, not counting the first day of impoundment, such domestic animal or reptile may be sold, given away or destroyed in accordance with the procedures established by the City of Northglenn and the animal control facility. For purposes of this paragraph, days means days during which the pound is open to the public.

[Source: Ord. 935, 1988; 1236, 1999]

Section 14-4-10. Exceptions--Authority of Manager. The provisions of any other section of this ordinance notwithstanding, the Manager shall have the power and authority, whenever in his judgment the interest of the City of Northglenn requires such action, to extend any time period provided by this ordinance; to waive or refund payment of any fee required by this ordinance when it shall appear that such fee has been unlawfully imposed or collected; or to order that any dog, cat, domestic animal or reptile shall not be destroyed or disposed of as may be provided by this ordinance.

[Source: Ord. 436, 1976]

Section 14-4-11. Authority of Municipal Court to Order Disposition of Dog or Animal.

(1)

The Municipal Court of the City of Northglenn shall have the authority:

(a)

To order the destruction of a vicious dog, cat, domestic animal or reptile, whether or not impounded, in accordance with the provisions of subsection (2) below.

(b)

To order the disposition of any dog, cat, domestic animal or reptile impounded and subject to disposition by order of court under the provisions of any City ordinance.

(c)

To order the waiver or refund of any fee required by this ordinance when it shall appear that such fee has been unlawfully imposed or collected.

(d)

To order that any dog, cat, domestic animal or reptile shall not be destroyed as permitted by this ordinance.

(e)

To extend any time period provided by this ordinance.

(f)

To order the confinement for rabies observation of any dog, cat or domestic animal in any circumstances in which such confinement is provided or permitted under the provisions of this article.

(g)

To order the release from impoundment or confinement of any dog, cat, domestic animal or reptile impounded or confined under the provisions of this chapter.

(h)

To make and enforce such orders as the judge shall deem necessary or desirable to accomplish the purposes and enforcement of this ordinance, or to correct or prevent injustice in the application of any provisions of this ordinance.

(2)

Prior to ordering the destruction of a dog, cat, domestic animal or reptile, the court shall conduct a hearing at the earliest date available to the court and the parties to determine if the animal shall be destroyed. At said hearing, the Colorado Rules of Evidence shall not apply, and the court shall ensure that evidence shall be offered and questioning shall be conducted in an orderly manner and according to basic notions of fairness. At said hearing, the Court shall consider, as applicable, the following:

(A)

Any evidence presented at any trial involving the animal;

(B)

The conduct of the animal during the incident charged;

(C)

Any other evidence of dangerous or violent behavior by the animal, or threats thereof;

(D)

Any prior violations by the owner, possessor, keeper or controller of the animal of this chapter or similar laws of any state or political subdivision thereof;

(E)

Any prior violations by any other owner, possessor, keeper or controller of the animal, involving the same animal, of any violation of this chapter or any similar laws of any state or political subdivision thereof;

(F)

Any other conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal or property;

(G)

Any evidence of any ameliorative action taken by the owner, possessor, keeper or controller of the animal which would affect the likelihood of any danger to any person, animal or property;

(H)

Any other evidence relevant to the issues to be determined by the court;

(I)

If the defendant is not an owner of the animal, and if the name and address of an owner is known to the City or the court, said owner shall be notified in writing of the date, time, place and purpose of said hearing at least five days before said hearing. Notice shall be sufficient if served in compliance with C.M.C.R. 206(F);

(J)

If at such hearing, the City establishes by a preponderance of the evidence, that

there is a reasonable likelihood of future injury to person, property or animals, the court shall order the animal to be destroyed in a humane manner. Upon oral motion of the defendant or an owner, said order shall be stayed for 30 days to allow the movant to appeal said order, provided the movant pays the estimated costs of impoundment within 24 hours of the entering of the stay;

(K)

If the court determines that it is not appropriate to order the animal destroyed, the court may order the animal returned and to be kept under such circumstances as will ensure the safety of persons, property or other animals.

[Source: Ord. 905, 1988]

Section 14-4-12. Confinement for Rabies Observation.

(a)

An animal control officer may by order cause any dog, cat, or domestic animal to be confined for a period of ten (10) days for rabies observation when:

(1)

He has probable cause to believe that such dog, cat or domestic animal has bitten any person, or has bitten any dog, cat or domestic animal of different ownership; or

(2)

He has probable cause to believe that a person has been bitten by a dog, cat or domestic animal, and a reasonable basis for believing that the dog, cat or domestic animal proposed to be confined has bitten or could have bitten such person; or

(3)

He has probable cause to believe that such dog, cat or domestic animal has rabies; or

(4)

He has probable cause to believe that such dog, cat or domestic animal has been exposed to rabies.

(b)

Whenever any dog, cat or domestic animal is ordered confined under the provisions of Section 14-4-12(a), and such dog, cat or domestic animal has not been vaccinated against rabies as provided by this chapter, the animal control officer shall order such confinement at the place provided by Section 14-4-12(d)(1) or (2).

(c)

Whenever any dog, cat or domestic animal which has been vaccinated against rabies as provided in this chapter is ordered confined under the provisions of Section 14-4-12(a), the animal control officer may order such confinement on the premises of the owner of such dog, cat or domestic animal, if he determines:

(1)

That such owner resides in the City of Northglenn; and

(2)

That such confinement can be accomplished without exposing the public to danger from the dog, cat or domestic animal so confined.

(d)

If the animal control officer determines that confinement of such dog, cat or domestic animal cannot be accomplished as provided in Section 14-4-12(c), he may order such dog, cat or domestic animal confined for the purposes of Section 14-4-12(a);

(1)

At a private veterinary hospital, at the expense of the owner of such dog, cat or domestic animal, if such owner agrees to be responsible for such expense; or

(2)

At the animal control facility, in which event the owner of such dog, cat or domestic animal shall be responsible for payment of the pound fee established by this ordinance.

(e)

Whenever any dog, cat or domestic animal is confined in the animal control

facility for the purposes of Section 14-4-12(a), and the owner thereof is known or is located:

(1)

The owner shall be given written notice of the period of confinement and the purpose thereof;

(2)

Such notice shall state that upon expiration of the period of confinement, if such dog, cat or domestic animal is not found to be rabid, the same will be deemed impounded subject to redemption as provided in the Municipal Code.

(f)

Upon the expiration of any period of confinement for rabies observation, any dog, cat or domestic animal confined in the animal control facility for such observation shall be deemed impounded. The day following expiration of such period of confinement shall be the first day of impoundment, and notice thereof shall be posted in the municipal building of the City of Northglenn as provided by Section 14-4-5. Such impounded dog, cat or domestic animal may be claimed, redeemed or disposed of as provided in this article.

[Source: Ord. 436, 1976]

Section 14-4-13. Temporary Holding Facility.

(a)

Any dog, cat, domestic animal or reptile impounded under the provisions of the ordinances of the City, if the owner thereof can be identified and located, may be placed in the discretion of the Manager or an animal control officer, in a temporary holding facility.

(b)

Except as otherwise provided in this article, any dog, cat, domestic animal or reptile placed in a temporary holding facility, or temporarily held under the provisions of this ordinance, may be released as provided in Section 14-4-14 of this ordinance.

[Source: Ord. 436, 1976]

Section 14-4-14. Procedure for Impounding and Release of Dogs and Cats--
Temporary Holding Fee.

(a)

As used in this section:

(1)

"Notice" means a notice issued by an animal control officer to the owner of a dog or cat, notifying such owner that such dog or cat was running at large in the City on a date certain, and containing a schedule or statement of the penalties and fees provided therefore by ordinance.

(2)

"Incident" means any date on which any dog or cat was running at large in the City, as shown by the records of the City, as the result of which:

(i)

Such dog or cat was impounded; or

(ii)

A notice was issued to the owner pursuant to the provisions of this section; or

(iii)

A summons and complaint was issued to the owner for violation of a City ordinance.

(3)

"Running at large" means running at large in violation of a City ordinance.

(4)

The words "summons may issue" mean that the animal control officer, if he shall have probable cause to believe that a violation of the provisions of Section 14-2-6(e) or Section 14-3-8(b) of this chapter has been committed by the owner of such dog or cat, shall institute proceedings for the prosecution of such violation, by issuing to the owner of such dog or cat a summons and complaint which shall

require the appearance of said owner before the Municipal Court, or at the clerk's office of said court, to answer the charges therein specified.

(b)

In the case of any impounded dog or cat, whose owner has not previously been the subject of an incident, found running at large by an animal control officer; such dog or cat shall be released from the temporary holding facility, to the owner, upon compliance with the provisions of Section 14-4-15 of this article and the following:

(1)

Payment of all fees for impoundment or holding animals for each day the animal is held at the animal control facility shall be as established by contract between the City of Northglenn and the City's designated animal control facility.

(2)

Display of proof of rabies vaccination.

(c)

In the case of any impounded dog or cat, whose owner has once previously been the subject of an incident, found running at large by an animal control officer a summons may issue and such dog or cat shall be released from the holding facility, to the owner, upon compliance with the provisions of Section 14-4-15 of this article and the following:

(1)

Payment of fees as established by contract between the City of Northglenn and the City's designated animal control facility.

(2)

Display of proof of rabies vaccination.

(d)

In the case of any impounded dog or cat, whose owner has more than once previously been the subject of an incident, found running at large by an animal control officer such dog or cat shall be released from the temporary holding

facility, to the owner, upon compliance with the provisions of Section 14-4-15 of this article and the following:

(1)

Payment of all fees as established by contract between the City of Northglenn and the City's designated animal control facility; and

(2)

Display of proof of rabies vaccination; and

(3)

The animal control officer, if he shall have probable cause to believe that a violation of the provisions of Section 14-2-6(e) or Section 14-3-8(b) of this chapter has been committed by the owner of such dog or cat, shall institute proceedings for the prosecution of such violation, by issuing to the owner of such dog or cat a summons and complaint which shall require the mandatory appearance of said owner before the Municipal Court of the City of Northglenn to answer the charges therein specified. If for any reason proceedings are not commenced as herein provided, a notice shall issue to the owner of such dog or cat.

(e)

Whenever any dog or cat shall be found running at large by an animal control officer, but the animal control officer is unable to capture such dog or cat outside the enclosed premises of the owner thereof, summons may issue. The animal control officer shall, in any case in which summons does not issue:

(1)

If such dog or cat has not previously been the subject of an incident, issue a notice to the owner thereof.

(2)

If such dog or cat has once previously been the subject of an incident, issue a notice, containing the words "second notice", to the owner thereof.

(3)

If such a dog or cat has more than once been the subject of an incident, and the

animal control officer has probable cause to believe that a violation of the provisions of Section 14-2-6(e) or Section 14-3-8(b) of this chapter has been committed by the owner of such dog or cat, the animal control officer shall institute proceedings for the prosecution of such violation, by issuing to the owner of such dog or cat a summons and complaint which shall require the mandatory appearance of said owner before the Municipal Court of the City of Northglenn to answer the charges therein specified.

(f)

Whenever any dog or cat is found running at large in the City, the determination that the owner of such dog or cat has previously been the subject of one or more incidents shall be made on the basis of records of incidents during the period of one (1) year immediately preceding the date of the violation for the purposes of which the determination is made.

(g)

If the owner of any impounded dog or cat subject to a temporary holding fee under the provisions of this ordinance shall establish, by affidavit or as otherwise provided by rule of the Manager, that he is an indigent person without money or property to pay the temporary holding fee, the animal control officer may release such dog or cat without payment of such temporary holding fee.

[Source: Ord. 436, 1976; 829, 1986; 982, 1989]

Section 14-4-15. Temporary Holding--Records Required.

(a)

The records required by this section are in addition to all other records required by ordinance or by order of the Manager.

(b)

At the time of release of any dog, cat, domestic animal or reptile from any temporary holding facility pursuant to the provisions of Section 14-4-13 and 14-4-14 of this ordinance, the Manager shall make and keep or cause to be made and kept a record or records containing at least the following information:

(1)
The name and address of the owner of such dog, cat, domestic animal or reptile;

(2)
The date, time and place at which such dog, cat, domestic animal or reptile was seized by the animal control officer;

(3)
The date of release;

(4)
The holding fee paid;

(5)
The name and address of the person receiving such dog, cat, domestic animal or reptile upon release;

(6)
The signature of the person named pursuant to Section 14-1-6(d)(5), affirming or verifying the information required by Sections 14-1-6(d)(1) to (5).

[Source: Ord. 436, 1976]

Section 14-4-16. Other Records Required.

(a)
At the time of release to the owner of any dog, cat, domestic animal or reptile, not impounded or held in a temporary holding facility, the animal control officer shall make and cause to be filed with the Manager a record or records containing at least the information provided by Section 14-4-15(b) of this article.

(b)
At the time of issuance of any notice pursuant to the provisions of Section 14-4-14 of this article, the animal control officer shall make and cause to be filed with the Manager a record or records containing at least the information provided by Section 14-4-15(b) of this article.

(c)

An animal control officer issuing a summons and complaint pursuant to the provisions of Section 14-4-14 of this article shall make and cause to be filed with the Manager a record or records containing at least the information provided by Section 14-4-15(b) of this article.

(d)

The records required by the provisions of this section and Section 14-4-15 to be made and kept shall be filed for the purpose of providing an accurate and complete record of all incidents and violations and for the proper and fair administration of the provisions of this chapter.

[Source: Ord. 436, 1976]

Article 14-5

CHAPTER 14
ANIMAL CONTROL
ARTICLE 5
REPEALED (ORD. 1291, 2001)

Article 14-6

CHAPTER 14
ANIMAL CONTROL
ARTICLE 6
SAVING CLAUSE--SEVERABILITY

Section 14-6-1. Severability Clause. If any provision of this ordinance or of Chapter 14 of the Northglenn Municipal Code or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or application of this ordinance or this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance and this chapter are declared to be severable.

[Source: Ord. 197, 1973]

Article 14-7

CHAPTER 14
ANIMAL CONTROL
ARTICLE 7
REPEALED (ORD. 1292, 2001)



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Approval of Memorandum of Understanding - Buckley AFB & Adams County Human Services
FROM: Kari Daggett
AGENCY/DEPARTMENT: Human Services Department
HEARD AT STUDY SESSION ON
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves MOU between 460 th Space Wing (460 SW) and the Adams County Human Services Department (Adams County HSD)

BACKGROUND:

This is a Memorandum of Understanding (MOU) between the 460th Space Wing (460 SW) and the Adams County Human Services Department (Adams County HSD). When referred to collectively, the 460 SW, and the Adams County HSD are referred to as the "Parties."

AUTHORITIES: AFI 40-301, Family Advocacy; Code of Federal Regulations; Colorado Healthy Families and Military Preparedness Act (C.R.S. 19-1-302 and 19-1-303) and any other directives as required.

PURPOSE: This MOU identifies agreed-to responsibilities and procedures between 460 SW and Adams County HSD for the investigation, processing, treatment, or prosecution of abuse or neglect cases concerning active-duty military personnel and their dependents assigned to Buckley Air Force Base, Colorado. This is a Memorandum of Understanding (MOU) between the 460th Space Wing (460 SW) and the Adams County Human Services Department (Adams County HSD). When referred to collectively, the 460 SW, and the Adams County HSD are referred to as the "Parties."

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

The Board of County Commissioners, Adams County Human Services Department, Buckley Air Force Base.

ATTACHED DOCUMENTS:

Resolution

2020-2021 MOU between 460th Space Wing (460 SW) and the Adams County Human Services Department (Adams County HSD)

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN
THE 460TH SPACE WING AND THE ADAMS COUNTY HUMAN SERVICES
DEPARTMENT

WHEREAS, the Colorado Families and Military Preparedness Act authorizes county human services departments to establish memorandums of understanding that allow the United States military to investigate, process, treat, or prosecute child abuse or neglect cases that involve active-duty military personnel and their dependents; and,

WHEREAS, such memorandums of understanding help ensure that reported cases of suspected child abuse or neglect involving active-duty military families receive appropriate and coordinated responses; and,

WHEREAS, the Adams County Human Services Department and the Buckley Air Force Base 460th Space Wing wish to enter into a Memorandum of Understanding for the purpose of identifying the responsibilities and procedures regarding the investigation, processing, treatment, or prosecution of abuse or neglect cases concerning active-duty military personnel and their dependents assigned to Buckley Air Force Base, Colorado.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Memorandum of Understanding between the 460th Space Wing and the Adams County Human Services Department, a copy of which is attached hereto and incorporated herein by this reference, be and is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to sign said Memorandum of Understanding on behalf of the Adams County.

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE 460th SPACE WING (460 SW)
AND
THE ADAMS COUNTY HUMAN SERVICES DEPARTMENT**

This is a Memorandum of Understanding (MOU) between the 460th Space Wing (460 SW) and the Adams County Human Services Department (Adams County HSD). When referred to collectively, the 460 SW, and the Adams County HSD are referred to as the "Parties."

AUTHORITIES: AFI 40-301, *Family Advocacy*; Code of Federal Regulations; Colorado Healthy Families and Military Preparedness Act (C.R.S. 19-1-302 and 19-1-303) and any other directives as required.

PURPOSE: This MOU identifies agreed-to responsibilities and procedures between 460 SW and Adams County HSD for the investigation, processing, treatment, or prosecution of abuse or neglect cases concerning active-duty military personnel and their dependents assigned to Buckley Air Force Base, Colorado.

UNDERSTANDINGS OF THE PARTIES:

3.1. The 460 SW ---

3.1.1. In compliance with paragraphs 3.2.5 and 3.2.7 below, the Family Advocacy Program will assist the Adams County HSD with access to military members stationed on Buckley AFB who are in need of their services, subject to notification requirements set forth herein. The security police on duty will call the 460th Medical Group (460 MDG) Family Advocacy Program and obtain the name of a sponsor before allowing the social worker to proceed to his/her destination on base.

3.1.2. Military and civilian personnel charged with coordinating child abuse or neglect services at Buckley AFB will have access to, and a working knowledge of, the Colorado Children's Code as it applies in their role in child protection.

3.1.3. The Commander, 460 MDG is responsible for managing and monitoring health care aspect of the Family Advocacy Program. This agency will ensure the availability of all medical assistance required through the designated Family Advocacy Officer, who will monitor and coordinate the combined efforts of the Air Force, other military, and civilian social, educational, and health-care agencies associated with the Family Advocacy Program.

3.1.4. In collaboration with the Child Welfare intake staff from Adams County HSD, the designated Family Advocacy Program staff person will collect as much information as

possible concerning the abuse/neglect complaint and determine the nature of the allegation to ascertain the timeliness of the response required by Adams County HSD. This assessment will include the need to take immediate military or civilian child protection measures.

3.1.5. After notifying and obtaining concurrence from the Adams county HSD staff, the Family Advocacy Program staff may invalidate a child abuse or neglect report and not cause further investigation to occur when, upon receipt of the report, the allegations completely and unquestionably do not meet the legal definition of child abuse or neglect, as defined by the Colorado Children's Code (C.R.S. §19-1-103).

3.2. Adams County HSD ---

3.2.1. Ensure that a member of 460 MDG Family Advocacy Program, or the Commander, 460 MDG receives prior notification of occasions when social workers are dispatched to investigate incidents of alleged child abuse or neglect concerning active-duty military personnel assigned to Buckley AFB, or off-base when the alleged abuser is known to be assigned to the base. Adams County HSD will provide the name of the family, their address, the substance of the complaint, and the date and time of the visit (C.R.S. §19-1-303).

3.2.2. Ensure that the primary investigative role regarding child abuse or neglect complaints remains with Adams County HSD in accordance with Colorado Children's Code (C.R.S. §19.1.103). All reports of child abuse or neglect received by military and/or Air Force civilian personnel who are mandated reporters will be reported to Adams County HSD.

3.2.3. Ensure that all Adams County HSD staff, who will be conducting visits to Buckley AFB, or with personnel working at Buckley AFB, are advised of these procedures.

3.2.4. When final disposition is made on a case reported by the Family Advocacy Program, Adams County HSD will notify the Family Advocacy Program, providing all identifying data and all abuse or neglect information, including the relevant final assessment reports.

3.2.5. In order to visit Buckley AFB, the social workers will stop at the Visitor's Control Center (VCC) and obtain a visitor's pass.

3.2.6. The social worker will display the visitor's pass on his/her vehicle at all times while on the installation, and upon departure from the installation deposit it in the visitor's pass receptacle located at each gate.

3.2.7. Adams County HSD will provide the Family Advocacy Officer with an up-to-date list of employees who are eligible to visit.

3.3. All parties will ---

3.3.1. All verbal and/or written communications between Adams County HSD and Family Advocacy Program staff will remain confidential, pursuant to C.R.S. §19.1.302, et, seq. Additionally, all information obtained must comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and appropriate Air Force instructions.

3.3.2. Reciprocal sharing of information will exist between 460 SW and Adams County HSD. A Family Advocacy Program Officer from the 460 MDG Family Advocacy Office will provide appropriate information regarding any previously known instances of child abuse or neglect with the families identified in paragraph 3.2.1.

3.3.3. All information regarding pertinent medical care, examination, investigation, evaluation, or psychotherapy of family members in suspected child abuse or neglect cases will be shared between 460 MDG and Adams County HSD in accordance with appropriate Air Force Instructions, C.R.S., HIPAA, and authorized disclosures permitted under federal and state law.

4. PERSONNEL: Each Party is responsible for all costs of its personnel, including pay and benefits, support, and travel. Each Part is responsible for supervision and managements of its personnel.

5. GENERAL PROVISIONS:

5.1. POINTS OF CONTACT: The following points of contact will be used by the Parties to communicate in the implementation of this MOU. Each Party may change its point of contact upon reasonable notice to the other Party.

5.1.1. For the 460 SW ---

5.1.1.1. Primary: 460 MDG Family Advocacy Officer (SGO) 720.847.6453

5.1.1.2. Alternate: 460 MDG Support Agreement Manager (SGSR) 720.847.6058

5.1.2 For Adams County HSD ---

5.1.2.1. Primary: Director, Katie Griego 720.523.2000

5.1.2.2. Alternate: Deputy Director, Kari Daggett 720.623.4247

5.2. CORRESPONDENCE: All correspondence to be sent and notices to be given pursuant to this MOU will be address, if to the 460 SW, to ---

5.2.1. 275 S. Aspen St. Stop 89, Buckley AFB, CO 80011

And, if to the Adams County HSD, to ----

5.2.2. 11860 Pecos Street, Westminster, CO 80234

5.3 FUNDS AND MANPOWER: This MOU does not document nor provide for the exchange of funds or manpower between the Parties nor does it make any commitment of funds of resources.

5.4 MODIFICATION OF MOU: This MOU may only be modified by the written agreement of the Parties, duly signed by their authorized representative. This MOU will be reviewed annually on or around the anniversary of its effective date, and every 3 years in its entirety.

5.5. DISPUTES: Any disputes relating to this MOU will, subject to any applicable law, Executive order, directive, or instruction be resolved by consultation between the Parties or in accordance with DoDI 4000.19.

5.6. TERMINATION OF UNDERSTANDING: This MOU may be terminated in writing at will by either Party.

5.7. TRANSFERABILITY: This MOU is not transferable except with the written consent of the Parties.

5.8. ENTIRE UNDERSTANDING: it is expressly understood and agreed that this MOU embodies the entire understanding between the Parties regarding the MOU's subject matter.

5.9. EFFECTIVE DATE: This MOU takes effect beginning on the day after the last Party Signs.

5.10. EXPIRATION DATE: This MOU expires on 31 December 2021.

5.11. CANCELLATION OF PREVIOUS MOU: This MOU supersedes the previously signed MOU Between the same Parties effective date of 03 April 2015.

APPROVED:

FOR THE Adams County HSD

FOR THE 460 SW

EVA HENRY, CHAIR
Adams County Board of Commissioners

SHANNON L. PHARES, Colonel, USAF
Buckley Air Force Base



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Abatements
FROM: Douglas Edelstein, Deputy Adams County Attorney
AGENCY/DEPARTMENT: County Attorney
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the recommendations of the Assessor's Office for the attached abatement petitions.

BACKGROUND:

The Assessor's Office reviewed the attached abatement petitions concerning tax years 2018, 2019 and 2020 and has agreed to the abated values for the respective accounts. The findings and recommendations of the Assessor's Office are attached hereto for approval and adoption.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Assessor's Office

ATTACHED DOCUMENTS:

Resolution
Summary Findings and Recommendations of the Assessor's Office

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/> <hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

RESOLUTION APPROVING ABATEMENT PETITIONS AND AUTHORIZING THE
REFUND OF TAXES FOR ACCOUNT NUMBERS P0037940, R0038455, R0038456,
R0103080, R0038454, R0190068, R0164002, R0008246, R0188066, R0086575, R0014034,
R0189412, R0116157, R0116158, R0095636, R0001102, P0035628, R0116147, R0170346 and
R0180881

WHEREAS, pursuant to C.R.S. § 39-1-113, the Board of County Commissioners may approve abatement petitions concerning property tax assessment and may refund taxes associated therewith; and,

WHEREAS, the attached petitions for account numbers P0037940, R0038455, R0038456, R0103080, R0038454, R0190068, R0164002, R0008246, R0188066, R0086575, R0014034, R0189412, R0116157, R0116158, R0095636, R0001102, P0035628, R0116147, R0170346 and R0180881 have been processed, reviewed and approved by the Adams County Assessor's Office; and,

WHEREAS, information regarding the initial assessed value and the justification for reduction in assessed value and refund of taxes is included for each property in the documentation attached; and,

WHEREAS, it is the recommendation of the Assessor's Office that these petitions be approved and refunds be issued by the Board of County Commissioners; and,

WHEREAS, for account numbers P0035628, R0116147, R0170346 and R0180881, approval by the Board of County Commissioners shall be forwarded as a recommendation to the Colorado Property Tax Administrator for review and approval as required by C.R.S. §§ 39-1-113(3) and 39-2-116.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the abatement petitions for account numbers P0037940, R0038455, R0038456, R0103080, R0038454, R0190068, R0164002, R0008246, R0188066, R0086575, R0014034, R0189412, R0116157, R0116158, R0095636 and R0001102 are hereby approved.

BE IT FURTHER RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the resolution approving the petition for account numbers P0035628, R0116147, R0170346 and R0180881 be forwarded, for review, to the Colorado Property Tax Administrator to approve the abatement petition for the Property.

ABATEMENT FOR TAX YEAR:		2020			
TODAYS DATE		02/09/21			
BUSINESS NAME:	CORUM REAL ESTATE GROUP C/O 9351 GRANT LLC				
ACCOUNT NUMBER:	P0037940				
PARCEL NUMBER:					
	ACTUAL	ASSESSED	MILL	TAX	
	VALUE	VALUE	LEVY	DOLLARS	
ORIGINAL VALUE	\$60,762	\$17,620	111.562	\$1,965.72	
REVISED VALUE	\$29,187	\$8,460	111.562	\$943.81	
ABATED VALUE	\$31,575	\$9,160	111.562	\$1,021.91	
Provide your reason for the Abatement/Added in the space below:					
Partial double assessment with P0014863. Removed 2018 line items.					
ADDED ASSESSMENT FOR TAX YEAR: <input type="text"/>					
BUSINESS NAME:					
ACCOUNT NUMBER:					
PARCEL NUMBER:					
	ACTUAL	ASSESSED	MILL	TAX	
	VALUE	VALUE	LEVY	DOLLARS	
ORIGINAL VALUE		\$0		\$0.00	
REVISED VALUE		\$0	0	\$0.00	
ADDED VALUE	\$0	\$0	0	\$0.00	

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received (Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 1/26/2021 (Month Day Year)

Petitioner's Name: CORUM REAL ESTATE GROUP C/O 9351 GRANT LLC

Petitioner's Mailing Address: 650 S CHERRY STREET SUITE 1200 GLENDALE CO 80246 (City or Town State Zip Code)

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: P0037940, 9351 GRANT STREET, THORNTON CO

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Partial double assessment with P0014863. Removed 2018 line items.

Petitioner's estimate of value: \$ 29,187 (2020) (Value Year)

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Joe Nichols (Petitioner's Signature) Daytime Phone Number (303) 409-2659 Email joen@corumreg.com

By (Agent's Signature*) Daytime Phone Number ()

Printed Name: Email

*Letter of agency must be attached when petition is submitted by an agent. If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only). Tax Year. Table with columns: Actual, Assessed, Tax. Rows: Original, Corrected, Abate/Refund. Checkboxes: Assessor recommends approval as outlined above. Assessor recommends denial for the following reason(s). Assessor's or Deputy Assessor's Signature.

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY
(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	Actual	Assessed	Tax
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	=====	=====	=====

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature Date

Assessor's or Deputy Assessor's Signature Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and

Petitioner _____ (being present--not present), and WHEREAS, the said
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby
 Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature Property Tax Administrator's Signature Date

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received 2/10/2021
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 2/10/2021
Month Day Year

Petitioner's Name: ADAMS COUNTY ASSESSOR ON BEHALF OF THE PROPERTY OWNER-HUNTINGTON LLC

Petitioner's Mailing Address: PO BOX 33574
NORTHGLENN CO 80233
City or Town State Zip Code

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: R0038455, 10573 LARSON DRIVE NORTHGLENN

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

EQUALIZATION FOR 2019 TO 2020

Petitioner's estimate of value: \$ 2,376,481.00 (2019)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

JACKIE HEADLEY BY MARIA PURDY Daytime Phone Number (720) 523-6160
Petitioner's Signature
By Agent's Signature* Daytime Phone Number ()
Email

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)
Tax Year
Actual Assessed Tax
Original
Corrected
Abate/Refund
Assessor recommends approval as outlined above.
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.
Tax year: Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
Assessor recommends denial for the following reason(s):
Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY
(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature _____
Date

Assessor's or Deputy Assessor's Signature _____
Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (*being present--not present*) and
Name
Petitioner _____ (*being present--not present*), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (*agrees--does not agree*) with the recommendation of the Assessor, and that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
------	----------------	--------------------

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature _____
Property Tax Administrator's Signature _____
Date

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ADOPTING HEARING OFFICER'S RECOMMENDATIONS FOR
DECISION REGARDING PROPERTY TAX ABATEMENT PETITIONS

Resolution 2021-024

WHEREAS, pursuant to C.R.S. § 39-1-113 (1) and (1.7), the Adams County Board of County Commissioners is to hold hearings and make decisions on petitions for property tax abatement; and,

WHEREAS, Hearing Officers duly appointed by the Adams County Board of County Commissioners in compliance with C.R.S. § 39-1-113(1) conducted property tax abatement hearings on December 11, 2020; and,

WHEREAS, the Hearing Officers have made findings and prepared recommendations to the Board of County Commissioners for consideration and final decision; and,

WHEREAS, those findings and recommendations are attached hereto as Exhibit A and are incorporated by reference as though fully set forth.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the decisions set forth in the abatement hearing summary attached hereto as Exhibit A are hereby adopted and confirmed.

BE IT FURTHER RESOLVED, that letters of decisions be mailed to the petitioners or their designated agent.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to adopt and confirm said abate hearing decisions on behalf of Adams County.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Henry _____ Aye
Tedesco _____ Aye
Pinter _____ Aye
O'Doriso _____ Aye
Baca _____ Aye
Commissioners

STATE OF COLORADO)
County of Adams)

I, Josh Zygielbaum, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 26th day of January A.D. 2021.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Josh Zygielbaum:



By:



Deputy

ABATEMENT HEARINGS FINDINGS AND RECOMMENDATIONS

Account No.: R0038455

Parcel No.: 0171911304020

Tax Year: 2019

HUNTINGTON SQUARE LLC,
v.

Petitioner(s),

ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent,

This matter coming on to be heard before independent referees appointed by the Adams County Commissioners for 2019 Tax Year, upon the Petition of the above Petitioner, and the referee(s) having received evidence and statements of the parties, hereby make the following findings:

FINDINGS:

- 1. This matter is properly before this Board.
2. Proper notice has been given to all parties.

Petitioner appeared:

- 3. Yes Leanne Day, Owner's Wife [] Pro Se [] By Agent/Attorney (name): []

4. Respondent appeared by: Greg Broderick, AC Assessor's Office

5. The property is classified as: Residential

6. Respondent stated that the property in question was originally valued as follows:

Total actual value: \$2,676,481 Land: \$306,664 Improvements: \$2,369,817

7. Petitioner requested a lower valuation as follows:

Total actual value: Claimed value too high and provided income figures Land: Improvements:

8. Petitioner submitted the following evidence: [] Independent Appraisal; [] Market Analysis; [] Cost Records

Claims size incorrect; small 1 bedrooms, Claims comps are not of similar properties but rather higher quality, more luxury apartments with greater amenities, Condition of property is low and small, Owner pays utilities and Other keeps rent low since elderly tenants

9. Respondent recommendation is as follows:

Total actual value: \$2,676,481 Land: \$306,664 Improvements: \$2,369,817

on grounds that: Comps support valuation and used lower time trend (1%) than that determined for apartments

RECOMMENDATIONS:

The Referee(s) herein below named recommend that the appeal be:

- []
[] ADJUSTED. The actual value for 2019 should be adjusted by the Respondent as follows:
Total actual value: \$2,376,481 Land: \$306,664 Improvements: \$2,069,817
Adjusted value properly accounts for lower condition of property, smaller units, less amenities, age, and features of property
on grounds that:

- []
[]

In the event that no reason(s) for reduction is (are) given, or in the event that the recommendation contains inconsistencies or errors, then the recommendation is that the Respondent's value be sustained and Petitioner's rights to further appeal be preserved.

Date: 12/10/2020

Referee: Deborah Nastro Referee:

RECEIVED

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received OCT 08 2020
(Use Assessor's or Commissioners' Date Stamp)

OFFICE OF THE
ADAMS COUNTY ASSESSOR

Section I: Petitioner, please complete Section I only.

Date: 10 / 8 / 2020
Month Day Year

Petitioner's Name: Huntington Square LLC
Petitioner's Mailing Address: P.O. Box 33574
Northglenn Co 80233
City/Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R0038454</u>	<u>735 E. 105th Pl</u>
<u>R0038456</u>	<u>10573 Larson Drive</u>
<u>R0038455</u>	<u>10573 Larson Drive</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2018 and 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Value too high?

*Amended
Add
Garcera
11/30/20*

Petitioner's estimate of value: \$ _____ 2018 and \$ _____ 2019
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Celan Colacore
Petitioner's Signature

Daytime Phone Number 303 255-3390
Email Banker100@aol.com

By _____
Agent's Signature*

Daytime Phone Number (_____) _____

Printed Name: _____

Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-118, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-128, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(b)(IX)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s): _____

Assessor's or Deputy Assessor's Signature _____

ADMINNO: 3398516

TAXROLL CORRECTION
Tax Year: 2019

To: ADAMS TREASURER

From: ADAMS ASSESSOR

Correction Type: ABATEMENT

Name: HUNTINGTON SQUARE LLC

Account #: R0038455

Map #:

Address: PO BOX 33574

Parcel #: 0171911304020

NORTHGLENN, CO 80233

Account Type Residential

Sub\Lot\Block 1190D \ \ 38

Legal Desc: SUB:NORTHGLENN THIRTEENTH FILING BLK:38 DESC: PT OF LOT 18 BLK 38 DESC AS BEG AT SE SD LOT TH SWLY ALG SLY LN AND ALG N ROW LN OF E 105TH PL ON A CURVE TO LEFT WITH RA 444/64 FT AND CENT A

PLEASE MAKE THE FOLLOWING CHANGES TO THE TAX ROLL
FOR THE ABOVE MENTIONED YEAR

Tax District: 134	Actual Value	Assessed Value	Mill Levy	Total Tax	Penalty \$
Prior Values	\$2,676,481.00	\$191,370.00	127.8460	\$24,465.89	\$0.00
Adjusted Values	\$2,376,481.00	\$169,920.00	127.8460	\$21,723.59	\$0.00
<i>Difference Decrease Tax Roll</i>	<i>-\$300,000.00</i>	<i>-\$21,450.00</i>	<i>0.0000</i>	<i>-\$2,742.30</i>	<i>\$0.00</i>

Reason BOCC ABATEMENT HEARING 12/10/2020. JUDGE ADJUST THE VALUE.

Appraiser Date

Reviewed By Date

Signature Date

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received 2/10/2021
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 2/10/2021
Month Day Year

Petitioner's Name: ADAMS COUNTY ASSESSOR ON BEHALF OF THE PROPERTY OWNER-HUNTINGTON LLC

Petitioner's Mailing Address: PO BOX 33574
NORTHGLENN CO 80233
City or Town State Zip Code

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: R0038456, 10593 LARSON DRIVE NORTHGLENN

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

EQUALIZATION FOR 2019 TO 2020

Petitioner's estimate of value: \$ 2,376,000.00 (2019)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

JACKIE HEADLEY BY MARIA PURDY Daytime Phone Number (720) 523-6160
Petitioner's Signature
By Agent's Signature* Daytime Phone Number ()
Email

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)
Tax Year
Actual Assessed Tax
Original
Corrected
Abate/Refund
Assessor recommends approval as outlined above.
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.
Tax year: Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
Assessor recommends denial for the following reason(s):
Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY
(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	=====	=====	=====

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature _____
Date

Assessor's or Deputy Assessor's Signature _____
Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (*being present--not present*) and
Name
Petitioner _____ (*being present--not present*), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (*agrees--does not agree*) with the recommendation of the Assessor, and that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____
Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature _____
Property Tax Administrator's Signature _____
Date

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ADOPTING HEARING OFFICER'S RECOMMENDATIONS FOR
DECISION REGARDING PROPERTY TAX ABATEMENT PETITIONS

Resolution 2021-024

WHEREAS, pursuant to C.R.S. § 39-1-113 (1) and (1.7), the Adams County Board of County Commissioners is to hold hearings and make decisions on petitions for property tax abatement; and,

WHEREAS, Hearing Officers duly appointed by the Adams County Board of County Commissioners in compliance with C.R.S. § 39-1-113(1) conducted property tax abatement hearings on December 11, 2020; and,

WHEREAS, the Hearing Officers have made findings and prepared recommendations to the Board of County Commissioners for consideration and final decision; and,

WHEREAS, those findings and recommendations are attached hereto as Exhibit A and are incorporated by reference as though fully set forth.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the decisions set forth in the abatement hearing summary attached hereto as Exhibit A are hereby adopted and confirmed.

BE IT FURTHER RESOLVED, that letters of decisions be mailed to the petitioners or their designated agent.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to adopt and confirm said abate hearing decisions on behalf of Adams County.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Henry _____ Aye
Tedesco _____ Aye
Pinter _____ Aye
O'Doriso _____ Aye
Baca _____ Aye
Commissioners

STATE OF COLORADO)
County of Adams)

I, Josh Zygielbaum, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 26th day of January A.D. 2021.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Josh Zygielbaum:



By:



Deputy

ABATEMENT HEARINGS FINDINGS AND RECOMMENDATIONS

Account No.: R0038456

Parcel No.: 0171911304021

Tax Year: 2019

HUNTINGTON SQUARE LLC,
v.

Petitioner(s),

ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent,

This matter coming on to be heard before independent referees appointed by the Adams County Commissioners for 2019 Tax Year, upon the Petition of the above Petitioner, and the referee(s) having received evidence and statements of the parties, hereby make the following findings:

FINDINGS:

- 1. This matter is properly before this Board.
2. Proper notice has been given to all parties.
3. Petitioner appeared: [] By Agent/Attorney (name):
4. Respondent appeared by: Greg Broderick, AC Assessor's Office
5. The property is classified as: Residential
6. Respondent stated that the property in question was originally valued as follows:
Total actual value: \$2,676,481 Land: \$247,416 Improvements: \$2,429,065
7. Petitioner requested a lower valuation as follows:
Total actual value: Claimed value too high and provided income figures Land: Improvements:
8. Petitioner submitted the following evidence: [] Independent Appraisal; [] Market Analysis; [] Cost Records
9. Respondent recommendation is as follows:
Total actual value: \$2,676,481 Land: \$247,416 Improvements: \$2,429,065
on grounds that: Value based on time trended sales of multi-unit properties; Showed comps, many dissimilar to subject property; Residential can't use income approach

RECOMMENDATIONS:

The Referee(s) herein below named recommend that the appeal be:

- []
[] ADJUSTED. The actual value for 2019 should be adjusted by the Respondent as follows:
Total actual value: \$2,376,000 Land: \$247,416 Improvements: \$2,128,584
on grounds that: Adjusted value properly accounts for lower condition of property, smaller units, less amenities, age, and features of property

Date: 12/10/2020
Referee: Deborah Nastro Referee:

RECEIVED

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received OCT 08 2020
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

OFFICE OF THE
ADAMS COUNTY ASSESSOR

Date: 10 / 8 / 2020
Month Day Year

Petitioner's Name: Huntington Square LLC
Petitioner's Mailing Address: P.O. Box 33574
Northglenn CO 80233
City/Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S) PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
R0038454 735 E. 105th Pl
R0038456 10593 Larsen Drive
R0038455 10573 Larsen Drive

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2018 and 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Value too high?

*Amended
Adams
Assessor
11/30/20*

Petitioner's estimate of value: \$ _____ (2018) and \$ _____ (2019)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Alan Cabalero
Petitioner's Signature

Daytime Phone Number 303 402 255-3390

Email Bunker100@aol.com

By _____
Agent's Signature

Daytime Phone Number ()

Printed Name: _____

Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.9(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s): _____

Assessor's or Deputy Assessor's Signature

RECEIVED

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received OCT 08 2020
(Use Assessor's or Commissioners' Date Stamp)

OFFICE OF THE
ADAMS COUNTY ASSESSOR

Section I: Petitioner, please complete Section I only.

Date: 10 / 8 / 2020
Month Day Year

Petitioner's Name: Huntington Square LLC
Petitioner's Mailing Address: P.O. Box 33574
Northglenn Co 80233
City/Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R0038454</u>	<u>735 E. 105th Pl</u>
<u>R0038456</u>	<u>10573 Larson Drive</u>
<u>R0038453</u>	<u>10573 Larson Drive</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2018 and 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Value too high?

*Amended
Adm
Garcera
11/30/20*

Petitioner's estimate of value: \$ _____ 2018 and \$ _____ 2019
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Alex Colacore
Petitioner's Signature

Daytime Phone Number 303 425-3390

Email Bunker100@aol.com

By _____
Agent's Signature*

Daytime Phone Number (_____) _____

Printed Name: _____

Email: _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-115, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(IX)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s): _____

Assessor's or Deputy Assessor's Signature _____

ADMINNO: 3398518

TAXROLL CORRECTION
Tax Year: 2019

To: ADAMS TREASURER

From: ADAMS ASSESSOR

Correction Type: ABATEMENT

Name: HUNTINGTON SQUARE LLC

Account #: R0038456

Map #:

Address: PO BOX 33574

Parcel #: 0171911304021

NORTHGLENN, CO 80233

Account Type: Residential

Sub\Lot\Block: 1190D \ \ 38

Legal Desc:

SUB:NORTHGLENN THIRTEENTH FILING BLK:38 DESC: PT OF LOT 18 BLK 38 DESC AS BEG AT NE SD LOT TH SELY ALG E LN SD LOT AND W ROW LN OF LARSON DR ON CURVE TO LEFT WITH RA 705 FT A CENT ANG OF 1


PLEASE MAKE THE FOLLOWING CHANGES TO THE TAX ROLL
FOR THE ABOVE MENTIONED YEAR

Tax District:	134	Actual Value	Assessed Value	Mill Levy	Total Tax	Penalty \$
Prior Values		\$2,676,481.00	\$191,370.00	127.8460	\$24,465.89	\$0.00
Adjusted Values		\$2,376,000.00	\$169,880.00	127.8460	\$21,718.48	\$0.00
Difference	Decrease Tax Roll	-\$300,481.00	-\$21,490.00	0.0000	-\$2,747.41	\$0.00

Reason: BOCC ABATEMENT HEARING 12/10/2020. JUDGE ADJUST THE VALUE.

Appraiser _____ Date _____

Reviewed By _____ Date _____



 Signature Date

FEB 09 2021

OFFICE OF THE
ADAMS COUNTY ASSESSOR

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received: **RECEIVED** 2021
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: _____
Month Day Year

MAR 02 2021

Petitioner's Name: JAI ME CAMARGO JR OFFICE OF THE
ADAMS COUNTY ASSESSOR
Petitioner's Mailing Address: 6361 JULIAN ST
DENVER CO. 80221
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$ _____ (_____)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Jai Me Camargo Jr
Petitioner's Signature

Daytime Phone Number (303) 495-8040

Email _____

By _____
Agent's Signature*

Daytime Phone Number (_____) _____

Printed Name: _____

Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.6(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Actual	Assessed	Tax
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s): _____

Assessor's or Deputy Assessor's Signature _____

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0103080

Parcel No : 01825-08-2-01-013

Petition Year : 2019

Date Filed : 03.02.2021

Owner Entity : Jaime Camargo Jr

Owner Address : 6351-6361 Julian St

Owner City : Denver

State : CO, 80221

Property Location : SUB:HARRELSON SUBD LOT:12

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT			
		Actual Value	Assessed Value	Actual Value	Assessed Value				
REAL	100	L:	\$105,000	\$7,508	L:	\$105,000	\$7,510	A. Ratio	7.15%
		I:	\$225,000	\$16,088	I:	\$556,780	\$39,810	Mill Levy	122.420
TOTALS :			\$330,000	\$23,595		\$661,780	\$47,320	Original Tax	\$5,792.91

Petitioner's Statement :

Value was appealed in 2020 but did not appeal 2019 valuation.

Assessor's Report

Situation :

The subject property is a 1472 sf duplex with 4 bedrooms and 2 bathrooms. The home was inspected in 2020 for the appeal. The square footage was confirmed and the condition was verified. There was not updating at that time but the home appeared sound and liveable.

Action :

Sales of similar properties in the area were researched to compare to the subject property. Based on the sales in the area the value should be lowered to that of the 2020 appeal.

Recommendation :

Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT		
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund		
REAL	100	L:	\$105,000	\$7,510	L:	\$105,000	\$7,510	\$2,903.80
		I:	\$556,780	\$39,810	I:	\$225,000	\$16,090	
TOTALS :			\$661,780	\$47,320		\$330,000	\$23,600	\$2,889.11

Eric I Norberg

Eric I Norberg

March 2, 2021

Date

Residential Appraiser III, Adams County Assessor's Office
Colorado Licensed Appraiser AL01323002

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received 2/10/2021
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 2/10/2021
Month Day Year

Petitioner's Name: ADAMS COUNTY ASSESSOR ON BEHALF OF THE PROPERTY OWNER-HUNTINGTON LLC

Petitioner's Mailing Address: PO BOX 33574
NORTHGLENN CO 80233
City or Town State Zip Code

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: R0038454, 735 E 105TH PLACE NORTHGLENN

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

EQUALIZATION FOR 2019 TO 2020

Petitioner's estimate of value: \$ 2,950,000.00 (2019)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

JACKIE HEADLEY BY MARIA PURDY Daytime Phone Number (720) 523-6160
Petitioner's Signature
By Agent's Signature* Daytime Phone Number ()
Email

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)
Tax Year
Actual Assessed Tax
Original
Corrected
Abate/Refund
Assessor recommends approval as outlined above.
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.
Tax year: Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
Assessor recommends denial for the following reason(s):
Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY
(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature _____
Date

Assessor's or Deputy Assessor's Signature _____
Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (*being present--not present*) and
Name
Petitioner _____ (*being present--not present*), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (*agrees--does not agree*) with the recommendation of the Assessor, and that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
------	----------------	--------------------

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature _____
Property Tax Administrator's Signature _____
Date

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ADOPTING HEARING OFFICER'S RECOMMENDATIONS FOR
DECISION REGARDING PROPERTY TAX ABATEMENT PETITIONS

Resolution 2021-024

WHEREAS, pursuant to C.R.S. § 39-1-113 (1) and (1.7), the Adams County Board of County Commissioners is to hold hearings and make decisions on petitions for property tax abatement; and,

WHEREAS, Hearing Officers duly appointed by the Adams County Board of County Commissioners in compliance with C.R.S. § 39-1-113(1) conducted property tax abatement hearings on December 11, 2020; and,

WHEREAS, the Hearing Officers have made findings and prepared recommendations to the Board of County Commissioners for consideration and final decision; and,

WHEREAS, those findings and recommendations are attached hereto as Exhibit A and are incorporated by reference as though fully set forth.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the decisions set forth in the abatement hearing summary attached hereto as Exhibit A are hereby adopted and confirmed.

BE IT FURTHER RESOLVED, that letters of decisions be mailed to the petitioners or their designated agent.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to adopt and confirm said abate hearing decisions on behalf of Adams County.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Henry _____ Aye
Tedesco _____ Aye
Pinter _____ Aye
O'Doriso _____ Aye
Baca _____ Aye
Commissioners

STATE OF COLORADO)
County of Adams)

I, Josh Zygielbaum, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 26th day of January A.D. 2021.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Josh Zygielbaum:



By:



Deputy

ABATEMENT HEARINGS FINDINGS AND RECOMMENDATIONS

Account No.: R0038454

Parcel No.: 0171911304019

Tax Year: 2018

HUNTINGTON SQUARE LLC,
v.

Petitioner(s),

ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS,

Respondent,

This matter coming on to be heard before independent referees appointed by the Adams County Commissioners for 2018 Tax Year, upon the Petition of the above Petitioner, and the referee(s) having received evidence and statements of the parties, hereby make the following findings:

FINDINGS:

- 1. This matter is properly before this Board.
2. Proper notice has been given to all parties.

3. Petitioner appeared:
Yes [] (Pro Se): [] By Agent/Attorney (name):

4. Respondent appeared by: Greg Broderick, AC Assessor's Office

5. The property is classified as: Residential

6. Respondent stated that the property in question was originally valued as follows:

Total actual value: \$3,326,401 Land: \$519,232 Improvements: \$2,807,169

7. Petitioner requested a lower valuation as follows:

Total actual value: Claimed value too high and provided income figures Land: Improvements:

8. Petitioner submitted the following evidence: [] Independent Appraisal; [] Market Analysis; [] Cost Records

Provided income info but since residential can't use that approach Claims size incorrect; small 1 bedrooms, Claims comps are not of similar properties but rather higher quality, more luxury apartments with greater Other amenities, Condition of property is low and small, Owner pays utilities and keeps rent low since elderly tenants

9. Respondent recommendation is as follows:

Total actual value: \$3,326,401 Land: \$519,232 Improvements: \$2,807,169

on grounds that: Value based on time trended sales of multi-unit properties; many dissimilar to subject property; Residential can't use income approach

RECOMMENDATIONS:

The Referee(s) herein below named recommend that the appeal be:

- []
[] ADJUSTED. The actual value for 2018 should be adjusted by the Respondent as follows:
Total actual value: \$3,000,000 Land: \$519,232 Improvements: \$2,480,768
Adjusted value appropriate to account for lower condition of property, smaller units, less amenities, age, and features of property
on grounds that:
[]
[]

In the event that no reason(s) for reduction is (are) given, or in the event that the recommendation contains inconsistencies or errors, then the recommendation is that the Respondent's value be sustained and Petitioner's rights to further appeal be preserved.

Date: 12/10/2020

Referee:

Deborah Nastro

Referee:

RECEIVED

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received OCT 08 2020
(Use Assessor's or Commissioner's Date Stamp)

OFFICE OF THE
ADAMS COUNTY ASSESSOR

Section I: Petitioner, please complete Section I only.

Date: 10 / 8 / 2020
Month Day Year

Petitioner's Name: Huntington Square LLC
Petitioner's Mailing Address: P.O. Box 33574
Northglenn Co 80233
City/Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)
R0038454
R0038456
R0038455

PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
735 E. 105th Pl
10543 Larson Drive
10573 Larson Drive

*Amended
Alan
Garcia
11/30/20*

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2018 and 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

value too high?

Petitioner's estimate of value: \$ _____ (2018) and \$ _____ (2019)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Alan Garcia
Petitioner's Signature

Daytime Phone Number 303 425-3390

Email Bunker100@aol.com

By _____
Agent's Signature

Daytime Phone Number (_____)

Printed Name: _____

Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision. § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(d)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Assessor's or Deputy Assessor's Signature

ADMINNO: 3398514

**TAXROLL CORRECTION
Tax Year: 2018**

To: ADAMS TREASURER

From: ADAMS ASSESSOR

Correction Type: ABATEMENT

Name: HUNTINGTON SQUARE LLC

Account #: R0038454

Map #:

Address: PO BOX 33574

Parcel #: 0171911304019

NORTHGLENN, CO 80233-0574

Account Type: Residential

Sub\Lot\Block: 1190D \ \ 38

Legal Desc:

SUB:NORTHGLENN THIRTEENTH FILING BLK:38 DESC: PT OF LOT 18 BLK 38 DESC AS BEG AT NW SD LOT TH E 215/59 FT TH S 299/85 FT TO S LN SD LOT TH ON ANG TO RT 88D 14M ALG SD S LN (CURVE TO RT HAV

**PLEASE MAKE THE FOLLOWING CHANGES TO THE TAX ROLL
FOR THE ABOVE MENTIONED YEAR**

Tax District:	134	Actual Value	Assessed Value	Mill Levy	Total Tax	Penalty \$
Prior Values		\$3,326,401.00	\$239,500.00	131.1870	\$31,419.29	\$0.00
Adjusted Values		\$3,000,000.00	\$216,000.00	131.1870	\$28,336.39	\$0.00
Difference	Decrease Tax Roll	-\$326,401.00	-\$23,500.00	0.0000	-\$3,082.90	\$0.00

Reason: BOCC ABATEMENT HEARING 12/10/2020. JUDGE ADJUST THE VALUE.

Appraiser _____ Date _____

Reviewed By _____ Date _____

Signature _____ Date _____

FEB 09 2021

OFFICE OF THE
ADAMS COUNTY ASSESSOR

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received 02-23-2021
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 02-23-2021 In house abatement by Katie Cordova (appraiser)
Month Day Year acting for Petitioner

Petitioner's Name: BRENNAN JENNIFER ANN 720-822-3310

Petitioner's Mailing Address: _____

City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R0190068</u>	<u>14044 JACKSON ST</u>
<u>0157324101036</u>	_____

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2020 and ----- are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Assessor error - improved vacant land was taxed at 29%, should have been taxed at 7.15%. The overall value will stay the same just the assessment ratio will change

Petitioner's estimate of value: \$ 341,907 (2020) and \$ ----- (-----)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Office of the Assessor Daytime Phone Number (720) 523-6725
Petitioner's Signature Email _____

By Katie Cordova Daytime Phone Number (_____) _____
Agent's Signature* Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____			Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and

Name

Petitioner _____ (being present--not present), and WHEREAS, the said

Name

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board (agrees--does not agree) with the recommendation of the Assessor and the petition be (approved--approved in part--denied) with an abatement/refund as follows:

_____	_____	_____	_____	_____	_____
Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

this _____ day of _____, _____

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s): _____

Secretary's Signature

Property Tax Administrator's Signature

Date

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0190068 Parcel No : 0157324101036
 Petition Year : 2020 Date Filed : February 21, 2021
 Owner Entity : BRENNAN JENNIFER ANN AND BRENNAN KEVIN MICHAEL
 Owner Address : 14044 JACKSON ST
 Owner City : THORNTON State : CO
 Property Location : 14044 JACKSON ST;FALLBROOK SUBD FLG NO 3 BLK 3 LOT 11

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT	
		Actual Value	Assessed Value	Actual Value	Assessed Value		
REAL		L: \$87,000	\$25,230	L: \$87,000	\$25,230	A. Ratio	0.13%
		I: \$254,907	\$18,230	I: \$254,907	\$18,230	Mill Levy	191.349
TOTALS :		\$341,460	\$43,460	\$341,907	\$43,460	Original Tax	\$8,316

Tax Exempt Portion
0%

Petitioner's Statement:

In house abatement filed for petitioner by appraiser - Katie Cordova

Assessor's Report

Situation :

Assessor error - improved vacant land was taxed at 29%, should have been taxed at 7.15%. The land and the improvement should be taxed at 7.15%. The overall value will stay the same just the assessment ratio will change

Action :

Correct vacant land code and adjust taxable improved land assesement rate to 7.15% per state statue.

Recommendation :

Upon further review, a reduction in assessment ratio appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT	
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund	
REAL		L: \$87,000	\$25,230	L: \$87,000	\$6,221		
		I: \$254,907	\$18,230	I: \$254,907	\$18,230		\$3,637.45
TOTALS :		\$341,907	\$43,460	\$341,907	\$24,451		\$4,678.58

Katie Cordova February 23, 2021
 Appraiser Date

Certified Residential Appraiser

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received 2/9/2021
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 2/9/2021
Month Day Year

Petitioner's Name: ADAMS COUNTY ASSESSOR ON BEHALF OF THE PROPERTY OWNER CHRISTOPHER ISSAC

Petitioner's Mailing Address: 283 BALSAM AVE
BRIGHTON CO 80601-2909
City or Town State Zip Code

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: R0164002, 283 BALSAM AVE.

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

EQUALIZATION FOR 2019 TO 2020

Petitioner's estimate of value: \$ 212,805.00 (2019)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Petitioner's Signature Daytime Phone Number (720) 523-6038
Email
By Agent's Signature* Daytime Phone Number
Email

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)
Tax Year
Actual Assessed Tax
Original
Corrected
Abate/Refund
Assessor recommends approval as outlined above.
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.
Tax year: Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
Assessor recommends denial for the following reason(s):
Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY
(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	=====	=====	=====

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature _____
Date

Assessor's or Deputy Assessor's Signature _____
Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (*being present--not present*) and
Name
Petitioner _____ (*being present--not present*), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (*agrees--does not agree*) with the recommendation of the Assessor, and that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____
Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature _____
Property Tax Administrator's Signature _____
Date

ASSESSOR'S RECOMMENDATION FOR ABATEMENT

Parcel #

1567-01-3-06-008

Account #

R0164002

Owner's name:

Herrera, Isaac Christopher and Herrera, Dora Elda
283 Balsam Ave.
Brighton, CO 80601

Representative/Agent:

Residential

YEAR

2019

	<u>ACTUAL</u> <u>VALUE</u>	<u>ASSESSED</u> <u>VALUE</u>
RES IMPROVEMENT VALUE	\$571,220.00	\$40,842.23
RES OUTBUILDINGS VALUE	\$0.00	\$0.00
LAND VALUE	\$70,000.00	\$5,005.00
TOTAL VALUE	\$641,220.00	\$45,847.23
MILL LEVY		142.761
TAX LIABILITY		\$6,545.20

TYPE
REAL
<u>TOTALS</u>

Residential

AFTER ADJUSTMENTS

YEAR

2019

	<u>ACTUAL</u> <u>VALUE</u>	<u>ASSESSED</u> <u>VALUE</u>
RES IMPROVEMENT VALUE	\$142,805.00	\$10,210.56
RES OUTBUILDINGS VALUE	\$0.00	\$0.00
LAND VALUE	\$70,000.00	\$5,005.00
TOTAL VALUE	\$212,805.00	\$15,215.56
MILL LEVY		142.761
TAX LIABILITY		\$2,172.19
REFUND		\$4,373.01

TYPE
REAL
<u>TOTALS</u>

SITUATION:

House was picked up at 100% complete for Tax Year 2019. House was not complete as of 1/1/2019

ACTION:

Changed house to 25% complete for 2019. Verified w/ building dept and inspections. Final Building Inspection not done until 12/30/2019

Supervisor Approval: _____

Appraiser: Jeremy Maldonado

Date: _____

8/20/2020

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0008246 Parcel NO.(S) 1571-06-0-01-003

2. The subject property is classified as a Residential property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019 :

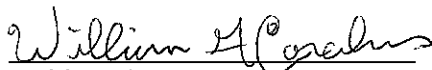
Land	\$63,500
Improvements	\$528,561
Total	\$592,061

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019 :

Land	\$63,500
Improvements	\$379,124
Total	\$442,624

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019.

DATED this: January 21, 2021



Petitioner's Representative

William A Corcilus

4200 E 168th Ave

Brighton Co 80602

Jeff
Maldonado

Digitally signed by Jeff Maldonado
DN: cn=Jeff Maldonado, o, ou,
email=jmaldonado@adcogov.org
c=US
Date: 2021.01.21 14:02:47 -0700

Assessor Representative
Adams County Assessor's Office

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0008246 Parcel No : 1571-06-0-01-003
 Petition Year : 2019 Date Filed :
 Owner Entity : William A Corcilius
 Owner Address : 4200 E 168th Ave
 Owner City : Brighton State : Co
 Property Location : SUB: CORCILIUS ACRES LOT:3 DESC: EXC N 45 FT

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	
REAL	100	L: [REDACTED]	[REDACTED]	L: \$63,500	\$4,540	A. Ratio 7.15%
		I: [REDACTED]	[REDACTED]	I: \$528,561	\$37,790	Mill Levy 95.017
TOTALS :		\$592,061	\$42,330	\$592,061	\$42,330	Original Tax \$4,022

Tax Exempt Portion
0%

Petitioner's Statement :
Area left blank

Assessor's Report
Situation :
Abatement filed after conversation with homeowner regarding overvaluation.

Action :
Comparables support reduction in value.

Recommendation :
Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund
REAL		L: \$63,500	\$4,540	L: \$63,500	\$4,540	\$1,014.78
		I: \$528,561	\$37,790	I: \$379,124	\$27,110	Revised Tax
TOTALS :		\$592,061	\$42,330	\$442,624	\$31,650	\$3,007.29

Jeff Maldonado February 18, 2021
 Appraiser Date
 Appraiser

[REDACTED]

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: October 14 2020
Month Day Year

Petitioner's Name: William A Corcilus

Petitioner's Mailing Address: 4200 E 168th Ave
Brighton Co 80602
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R0008246</u>	<u>4200 E 168th Ave Brighton Co 80602</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2019 and 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$ _____ (_____) and \$ _____ (_____)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

William A Corcilus
Petitioner's Signature Daytime Phone Number (303) 875-8495
Email _____
By _____ Daytime Phone Number (_____) _____
Agent's Signature* Email _____

*Letter of agency must be attached when petition is submitted by an agent.
If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year _____			Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2020 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0008246 Parcel No.(S) 1571-06-0-01-003

2. The subject property is classified as a Residential property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2020:

Land	\$63,500
Improvements	\$528,561
Total	\$592,061

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2020:

Land	\$63,500
Improvements	\$379,124
Total	\$442,624

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2020.

DATED this: January 21, 2021



Petitioner's Representative

William A Corcilus

4200 E 168th Ave

Brighton Co 80602

Jeff
Maldonado

Digitally signed by Jeff Maldonado
DN: cn=Jeff Maldonado, o, ou,
email=jemaldonado@adcogov.org,
c=US
Date: 2021.02.18 11:50:08 -0700

Assessor Representative
Adams County Assessor's Office

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0008246 Parcel No : 1571-06-0-01-003
 Petition Year : 2020 Date Filed :
 Owner Entity : William A Corcilius
 Owner Address : 4200 E 168th Ave
 Owner City : Brighton State : Co
 Property Location : SUB: CORCILIUS ACRES LOT:3 DESC: EXC N 45 FT

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	
REAL	100	L: [REDACTED]	[REDACTED]	L: \$63,500	\$4,540	A. Ratio 7.15%
		I: [REDACTED]	[REDACTED]	I: \$528,561	\$37,790	Mill Levy 95.017
TOTALS :		\$592,061	\$42,330	\$592,061	\$42,330	Original Tax \$4,022

Tax Exempt Portion
0%

Petitioner's Statement :
Area left blank

Assessor's Report
Situation :
Abatement filed after conversation with homeowner regarding overvaluation.

Action :
Comparables support reduction in value.

Recommendation :
Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund
REAL		L: \$63,500	\$4,540	L: \$63,500	\$4,540	\$1,014.78
		I: \$528,561	\$37,790	I: \$379,124	\$27,110	Revised Tax
TOTALS :		\$592,061	\$42,330	\$442,624	\$31,650	\$3,007.29

Jeff Maldonado February 18, 2021
 Appraiser Date
 Appraiser

[REDACTED]

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: October 14 2020
Month Day Year

Petitioner's Name: William A Corcilus

Petitioner's Mailing Address: 4200 E 168th Ave
Brighton Co 80602
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R0008246</u>	<u>4200 E 168th Ave Brighton Co 80602</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2019 and 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$ _____ (_____) and \$ _____ (_____)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

William A Corcilus
Petitioner's Signature Daytime Phone Number (303) 875-8495
Email _____
By _____ Daytime Phone Number (_____) _____
Agent's Signature* Email _____

*Letter of agency must be attached when petition is submitted by an agent.
If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)						
	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____
<input type="checkbox"/> Assessor recommends approval as outlined above.						
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.						
Tax year: _____ Protest? <input type="checkbox"/> No <input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)						
Tax year: _____ Protest? <input type="checkbox"/> No <input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)						
<input type="checkbox"/> Assessor recommends denial for the following reason(s):						
_____ Assessor's or Deputy Assessor's Signature						

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s)) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0188066 Parcel NO.(S) 1573-12-2-09-016

2. The subject property is classified as a Residential property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019 :

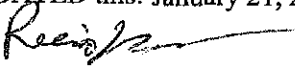
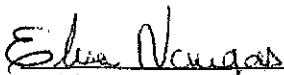
Land	\$100,000
Improvements	\$503,456
Total	\$603,456

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019 :

Land	\$100,000
Improvements	\$396,600
Total	\$496,600

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019.

DATED this: January 21, 2021



Petitioner's Representative
Ramiro and Elisa Vargas
15889 Clayton Way
Thornton Co 80602

Jeff
Maldonado

Digitally signed by Jeff Maldonado
DN: cn=Jeff Maldonado, o=co,
ou=jeffmaldonado@adcogov.org,
g, c=US
Date: 2021.02.01 09:24:54 -0700

Assessor Representative
Adams County Assessor's Office

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0188066 Parcel No : 1573-12-2-09-016
 Petition Year : 2019 Date Filed : November 13, 2020
 Owner Entity : Ramiro and Elisa Vargas
 Owner Address : 15889 Clayton Way
 Owner City : Thornton State : Co
 Property Location : CUNDALL FARMS SUBD FLG NO 1 AMND NO 3 BLK 16 LOT 12-A

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	
REAL	100	L: [REDACTED]	[REDACTED]	L: \$100,000	\$7,150	A. Ratio 7.15%
		I: [REDACTED]	[REDACTED]	I: \$603,456	\$43,150	Mill Levy 179.982
TOTALS :		\$495,645	\$35,440	\$50,300		Original Tax \$9,053

Tax Exempt Portion
0%

Petitioner's Statement :
 Subdivision overvalued - Per neighborhood comps - Cundall Farms

Assessor's Report
Situation :
 Confirmed overvaluation of property

Action :
 Value adjusted to 9/2017 purchase price

Recommendation :
 Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund
REAL		L: \$100,000	\$7,150	L: \$100,000	\$7,150	\$2,661.93
		I: \$603,456	\$43,150	I: \$396,600	\$28,360	Revised Tax
TOTALS :		\$703,456	\$50,300	\$496,600	\$35,510	\$6,391.16

Jeff Maldonado February 18, 2021
 Appraiser Date
 Appraiser

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: _____

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 11 / 12 / 2020
Month Day Year

Petitioner's Name: RAMIRO VARGAS, ELISA VARGAS
 Petitioner's Mailing Address: 15889 CLAYTON WAY
THORNTON CO 80602
 City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>0157312209016</u>	<u>15889 CLAYTON WAY</u>
	<u>THORNTON CO 80602</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2018 and 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

SAME PROPERTY WITHIN CONDALL FARMS
ARE PAYING LESSER TAXES THAN THIS
CURRENT PROPERTY.

Petitioner's estimate of value: \$496,645.⁰⁰ (2019) and \$675,000.⁰⁰ (2020)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Elisa Vargas
Petitioner's Signature

Daytime Phone Number (303) 818-2172
Email Evargas182021@gmail.com

By _____
Agent's Signature*

Daytime Phone Number () _____
Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Assessor's or Deputy Assessor's Signature _____

RECEIVED

NOV 13 2020

OFFICE OF THE
ADAMS COUNTY ASSESSOR

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner						
<i>(Only for abatements up to \$10,000)</i>						
The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.						
The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:						
		Tax Year _____		Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____
Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.						
Petitioner's Signature _____				Date _____		
Assessor's or Deputy Assessor's Signature _____				Date _____		

Section IV: Decision of the County Commissioners					
<i>(Must be completed if Section III does not apply)</i>					
WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:					
Month Day Year					
with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ <i>(being present--not present)</i> and					
Name					
Petitioner _____ <i>(being present--not present)</i> , and WHEREAS, the said					
Name					
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board <i>(agrees--does not agree)</i> with the recommendation of the Assessor and the petition be <i>(approved--approved in part--denied)</i> with an abatement/refund as follows:					
Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
Chairperson of the Board of County Commissioners' Signature _____					
I, _____ County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.					
IN WITNESS WHEREOF , I have hereunto set my hand and affixed the seal of said County					
this _____ day of _____, _____					
Month Year					
County Clerk's or Deputy County Clerk's Signature _____					
Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.					

Section V: Action of the Property Tax Administrator		
<i>(For all abatements greater than \$10,000)</i>		
The action of the Board of County Commissioners, relative to this abatement petition, is hereby		
<input type="checkbox"/> Approved <input type="checkbox"/> Approved in part \$ _____ <input type="checkbox"/> Denied for the following reason(s):		
Secretary's Signature _____		Date _____
Property Tax Administrator's Signature _____		Date _____

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2020 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0086575 Parcel NO.(S) 01821-34-3-00-001

2. The subject property is classified as a Residential property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2020 :

Land	\$304,962
Improvements	\$429,559
Total	\$734,521

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2020 :

Land	\$304,962
Improvements	\$285,038
Total	\$590,000

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2020.

DATED this: February 23, 2021

Petitioner's Representative

Jennifer
Palermo

Digitally signed by Jennifer Palermo
DN: cn=Jennifer Palermo, o, ou,
email=jpalermo@adcogov.org,
c=US
Date: 2021.02.24 09:34:55 -0700'

Assessor Representative
Adams County Assessor's Office

PETITION FOR ABATEMENT OR REFUND OF TAXES

RECEIVED

County: Adams

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

FEB 09 2021

Section I: Petitioner, please complete Section I only.

Date: 02 09 21
Month Day Year

OFFICE OF THE
ADAMS COUNTY ASSESSOR

Petitioner's Name: Zosimo Alvarez

Petitioner's Mailing Address: 2540 S. Bahama Way

Aurora CO 80013
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
	<u>1990 Tower Road</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

No improvements to the property. Property Value its to high

Petitioner's estimate of value: \$ 590,000 (2019)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Zosimo Alvarez
Petitioner's Signature

Daytime Phone Number (720) 427-3682

Email zosimo_alvarez@hotmail.com

By _____
Agent's Signature*

Daytime Phone Number () _____

Printed Name: _____

Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

Tax Year _____

	Actual	Assessed	Tax
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0086575 Parcel No : 01821-34-3-00-001
 Petition Year : 2020 Date Filed : February 9, 2021
 Owner Entity : ALVAREZ ZOSIMO
 Owner Address : 2540 S BAHAMA WAY
 Owner City : AURORA State : CO
 Property Location : 1990 TOWER RD, AURORA

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	
REAL	100	L: [REDACTED]	[REDACTED]	L: \$304,942	\$21,800	A. Ratio 7.15%
		I: [REDACTED]	[REDACTED]	I: \$429,579	\$30,710	Mill Levy 118.007
TOTALS :		\$590,000	\$42,190	\$734,521	\$52,510	Original Tax \$6,196.55

Petitioner's Statement :

[Empty space for Petitioner's Statement]

Assessor's Report

Situation :

[Empty space for Assessor's Report Situation]

Action :

[Empty space for Assessor's Report Action]

Recommendation :

Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund
REAL	100	L: \$304,942	\$21,800	L: \$304,942	\$21,800	\$1,219.01
		I: \$429,579	\$30,710	I: \$285,058	\$20,380	Revised Tax
TOTALS :		\$734,521	\$52,510	\$590,000	\$42,180	\$4,977.54

Jennifer Palermo

Appraiser

February 24, 2021

Date

ADMINNO: 3395554

TAXROLL CORRECTION
Tax Year: 2019

To: ADAMS TREASURER

From: ADAMS ASSESSOR

Correction Type: PREVIOUSLY EXEMPT

Name: ALVAREZ ZOSIMO AND

Account #: R0086575

ALVAREZ FRANCISCA

Map #:

Address:

Parcel #: 0182134300001

2540 S BAHAMA WAY

Account Type: Residential

AURORA, CO 80013-7676

Sub\Lot\Block

Legal Desc:

SECT,TWN,RNG:34-3-66 DESC: PARC BEG 30 FT E OF NW COR NW4 SW4 SEC 34 TH E 726 FT TH S
FT TH W 726 FT TH N 300 FT TO POB EXC RD 4/6670A

PLEASE MAKE THE FOLLOWING CHANGES TO THE TAX ROLL
FOR THE ABOVE MENTIONED YEAR

Tax District: 360	Actual Value	Assessed Value	Mill Levy	Total Tax	Penalty \$
Prior Values	\$0.00	\$0.00	0	\$0.00	\$0.00
Adjusted Values	\$472,000.00	\$33,750.00	117.7940	\$3,975.55	\$0.00
Difference Increase Tax Roll	\$472,000.00	\$33,750.00	117.7940	\$3,975.55	\$0.00

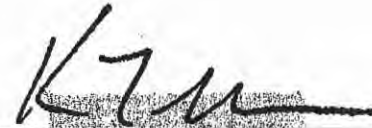
Reason CHANGED STATUS FROM EXEMPT TO TAXABLE.

Appraiser

Date

Reviewed By

Date



Signature

Date

AUG 28 2020

OFFICE OF THE
ADAMS COUNTY ASSESSOR

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

COUNTY BOARD OF EQUALIZATION

STIPULATION (As to Tax Year(s) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0014034 Parcel NO.(S) 0157302010002
2. The subject property is classified as a Vacant Land property.
3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019 :

Land	\$121,550
------	-----------

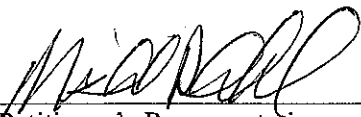
4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019 :

Land	\$ 121,550
------	------------

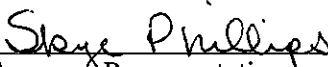
This parcel is contiguous with the main residential parcel and the abstract code will change to 0700 for the residential rate.

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019.

DATED this: March 1, 2021



 Petitioner's Representative



 Assessor's Representative
 Adams County Assessor's Office

**ASSESSOR'S RECOMMENDATION
BOARD OF EQUALIZATION**

Account No : R0014034 Parcel No : 0157302010002
 Petition Year : 2019 Date Filed : February 12, 2021
 Owner Entity : Rehfeld Keith 1/2 Int and Rehfeld Betty/Michael/Scott/Justin S 1/2
 Owner Address : 16200 Highway 7
 Owner City : Brighton State : CO
 Property Location : East 164th and Highway 7, Brighton

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT	
		Actual Value	Assessed Value	Actual Value	Assessed Value		
REAL		L: \$121,550		L: \$121,550	\$35,250	A. Ratio	29.00%
		I: \$0	\$0	I: \$0	\$0	Mill Levy	95.075
TOTALS :		\$121,550	\$35,250	\$121,550	\$35,250	Original Tax	\$3,351

Tax Exempt Portion
0%

Petitioner's Statement :
 The Petitioner Stated: Adjacent parcels should be classified as Residential @ Res assessment rate per statute.

Assessor's Report
Situation :

Action :

Recommendation :
 Upon further review, this parcel is contiguous with the main residential parcel and the abstract code will change to 0700 for the residential rate of 7.15%

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT	
		Actual Value	Assessed Value	Actual Value	Assessed Value		
REAL		L: \$121,550	\$35,250	L: \$121,550	\$8,690	Tax Refund	\$2,525.19
		I: \$0	\$0	I: \$0	\$0	Revised Tax	\$826.20
TOTALS :		\$121,550	\$35,250	\$121,550	\$8,690		

Skye Phillips

March 3, 2021
Date

Certified Residential Appraiser

RECEIVED

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received FEB 12 2021
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

OFFICE OF THE
ADAMS COUNTY ASSESSOR

Date: 02 12 2021
Month Day Year

Petitioner's Name: Michael Rehfeld
Petitioner's Mailing Address: 11338 Locust St
Thornton, CO 80233
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>01573 02010 001</u>	
<u>002</u>	
<u>003</u>	<u>16200 Hwy 7</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2019 and 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Adjacent parcels should be classified as Residential @ Res assessment rate per statute

Petitioner's estimate of value: \$ UNK (19) and \$ UNK (20)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

[Signature]
Petitioner's Signature

Daytime Phone Number (720) 435-5328
Email _____

By _____
Agent's Signature*

Daytime Phone Number (_____) _____

Printed Name: _____

Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision. § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer. § 39-10-114(1)(a)(i)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s): _____

Assessor's or Deputy Assessor's Signature

R0014033
R0014034
R0014035

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board (~~agrees--does not agree~~) with the recommendation of the Assessor and the petition be (~~approved--approved in part--denied~~) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____	_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____
Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

PASSED AS AMENDED

CAA Resolution: S-19-001 (Residential Land Definition)

Proposed Resolution for the CAA

**Conjunctive or Contiguous Use Residential Land
July 10, 2019**

WHEREAS:

§39-1-102 (14.4) (a) C.R.S., presently defines residential land as follows;

“Residential land” means a parcel or contiguous parcels of land under common ownership upon which residential improvements are located and that is used as a unit in conjunction with the residential improvements located thereon. The term includes parcels of land in a residential subdivision, the exclusive use of which land is established by the ownership of such residential parcels. The term includes land upon which residential improvements were destroyed by natural cause after the date of the last assessment as established in section 39-1-104 (10.2). The term also includes two acres or less of land on which a residential improvement is located where the improvement is not integral to an agricultural operation conducted on such land. The term does not include any portion of the land that is used for any purpose that would cause the land to be otherwise classified, except as provided for in section 39-1-103 (10.5)

And;

WHEREAS:

§39-1-102 (14.4)(a) C.R.S., presently is not specific as to terms such as “common ownership”, “conjunction” or “contiguous”.

Opinions of the Colorado Supreme Court are available to the public and can be accessed through the Judicial Branch's homepage at <http://www.courts.state.co.us>. Opinions are also posted on the Colorado Bar Association's homepage at <http://www.cobar.org>.

ADVANCE SHEET HEADNOTE
February 18, 2020

2020 CO 12

Nos. 18SC434, *Mook v. Bd. of Cty. Comm'rs*; 18SC499, *Bd. of Assessment Appeals v. Kelly*; 18SC544, *Bd. of Cty. Comm'rs v. Hogan* – Property Taxation – Statutory Interpretation.

In these three cases, the supreme court considers the definition of “residential land” in section 39-1-102(14.4)(a), C.R.S. (2019). “‘Residential land’ means a parcel or contiguous parcels of land under common ownership upon which residential improvements are located and that is used as a unit in conjunction with the residential improvements located thereon.” *Id.* Thus, for undeveloped property to qualify as residential land it must be: (1) contiguous with residential land; (2) used as a unit with residential land; and (3) under common ownership with residential land.

In *Mook*, the supreme court considers the contiguity requirement and holds that only parcels of land that physically touch qualify as “contiguous parcels of land.” In *Hogan*, the supreme court addresses the “used as a unit” requirement and holds that a residential improvement isn’t needed on each contiguous and

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2020 CO 12

Supreme Court Case No. 18SC434
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA437

Petitioners:

Gilbert D. Mook, Trustee; and Carol S. Mook, Trustee,

v.

Respondents:

Board of County Commissioners of Summit County, Colorado and Board of
Assessment Appeals.

Judgment Affirmed
en banc
February 18, 2020

* * * * *

Supreme Court Case No. 18SC499
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA431

Petitioners:

Board of Assessment Appeals and Board of County Commissioners of Summit
County, Colorado,

Attorneys for Petitioner/Respondent Board of County Commissioners of Summit County, Colorado:

Jeffrey L. Huntley, County Attorney
Juliane T. DeMarco, Assistant County Attorney
Franklin Celico, Special Assistant County Attorney
Breckenridge, Colorado

Attorneys for Respondent/Petitioner/Amicus Curiae Board of Assessment Appeals:

Philip J. Weiser, Attorney General
Emmy A. Langley, Assistant Solicitor General
Krista Maher, Assistant Attorney General
Evan P. Brennan, Assistant Attorney General
Denver, Colorado

Attorneys for Amici Curiae Boards of County Commissioners of the Counties of Boulder, Chaffee, Douglas, Eagle, Garfield, Grand, Jefferson, La Plata, Larimer, Mesa, Park, Pitkin, Routt, and San Miguel:

Michael A. Koertje, Boulder County Attorney's Office
Boulder, Colorado

Jennifer A. Davis, Chaffee County Attorney's Office
Salida, Colorado

Dawn L. Johnson, Douglas County Attorney's Office
Castle Rock, Colorado

Christina C. Hooper, Eagle County Attorney's Office
Katherine Parker
Eagle, Colorado

Katharine Johnson, Garfield County Attorney's Office
Glenwood Springs, Colorado

Christopher Leahy, Grand County Attorney's Office
Hot Sulphur Springs, Colorado

Rebecca Klymkowsky, Jefferson County Attorney's Office
Rachel Bender
Jason Soronson
Golden, Colorado

¶1 These three Summit County property tax cases enable us to unravel the mysteries of what constitutes “residential land” under section 39-1-102(14.4)(a), C.R.S. (2019).

¶2 Why is this definition important? Residential land is taxed at a lower rate than vacant land. And while we will only explore these three cases (and a companion case) today, hundreds of Colorado property owners assert that their combinations of residential and vacant parcels qualify as “residential land” under section 39-1-102(14.4)(a). They all seek corresponding tax abatements.

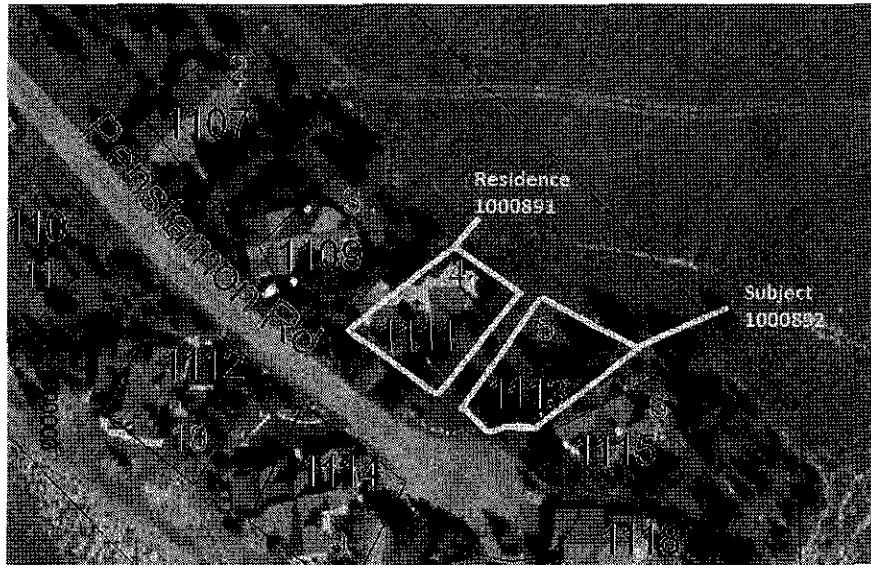
¶3 Section 39-1-102(14.4)(a) defines residential land as “a parcel or contiguous parcels of land under common ownership upon which residential improvements are located and that is used as a unit in conjunction with the residential improvements located thereon.”

¶4 This means that for vacant land to qualify as residential land, it must be: (1) *contiguous* with residential land; (2) *used as a unit* with residential land; and (3) *under common ownership* with residential land. We address one of these statutory requirements in each case before us today.¹

¹ We granted certiorari on the following issues:

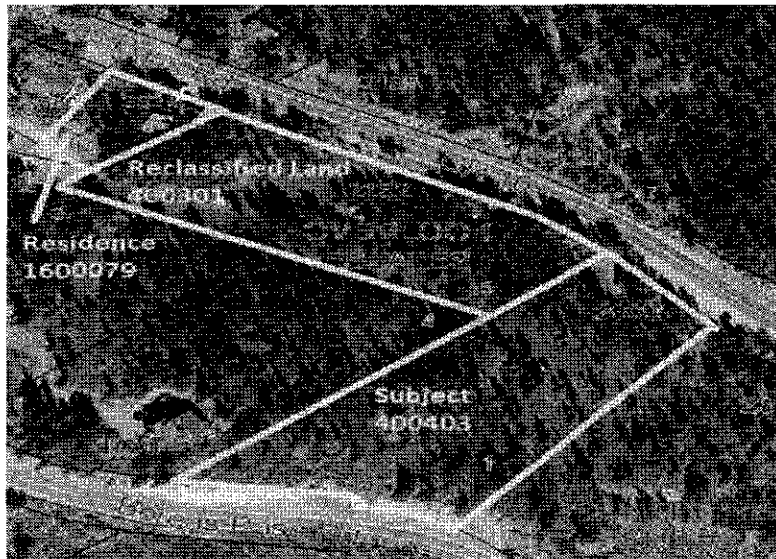
1. In *Mook* to review: [REFRAMED] Whether properties must be physically touching to satisfy the “contiguous parcels” requirement of section 39-1-102(14.4)(a), C.R.S. (2018).

strip of land that completely separates the two properties. That strip provides other members of the HOA access to adjacent public land.



¶8 The Mooks petitioned the Board of County Commissioners of Summit County ("BCC") to reclassify the subject parcel from vacant land to residential land. The BCC denied their petition, and the Mooks appealed to the Board of Assessment Appeals ("BAA"). The BAA upheld the BCC's decision. Notably, the BAA determined that contiguous parcels are those that are "physically connected." Here, the residential and subject parcels don't physically touch, and the BAA "was not persuaded that the use of the subject lot in conjunction with the residential lot was sufficient to defeat the plain meaning of contiguity." Thus, the BAA concluded that the two parcels aren't contiguous, and it denied the Mooks' appeal.

¶13 A third parcel directly touches the reclassified parcel. This parcel contains an unpaved driveway, but it's otherwise undeveloped. This parcel remains classified as vacant land ("the subject parcel").



¶14 The Hogans appealed the subject parcel's classification to the BCC, which upheld the vacant-land classification. The Hogans then filed an appeal with the BAA.

¶15 Both Marc Hogan and the county assessor testified before the BAA regarding the Hogans' use of the subject parcel. Mr. Hogan testified that the Hogans use the subject parcel to walk their dog, gather firewood, park vehicles and a trailer, and secure scenic views with a privacy buffer. The county assessor concluded that the Hogans don't use the subject parcel as a unit with the residential and reclassified parcels. In making that determination, she relied on

remanded this case with directions for the BAA to “employ the correct legal standards . . . and redetermine whether the Hogans are entitled to reclassification of [the subject parcel].” *Id.* at ¶ 46.

¶17 We granted the BCC’s petition for certiorari review.

C. Kelly

¶18 Karen L. Kelly serves as the trustee for two separate trusts that each own a parcel of land in Summit County. A house sits on one parcel, which is classified as residential land (“the residential parcel”). The other parcel remains undeveloped, and it’s classified as vacant land (“the subject parcel”). Title to the residential parcel is held in a qualified personal residence trust (the Karen L. Kelly 2011 Irrevocable Trust), while title to the subject parcel is held in a revocable family trust (the Karen L. Kelly 1990 Declaration of Trust). Ms. Kelly is the settlor, trustee, and beneficiary of each trust.

¶19 Ms. Kelly petitioned the BCC to reclassify the subject parcel from vacant land to residential land. The BCC denied her petition, and Ms. Kelly appealed to the BAA. Ms. Kelly argued that “‘common ownership’ exists whenever there is a common thread of ownership or control” between record owners. Thus, as the beneficiary of each trust, Ms. Kelly argued that she held the residential and subject parcels under common ownership. The BAA disagreed and upheld the BCC’s decision. Describing the trusts as two “separate and distinct legal entit[ies],” the

determined that Ms. Kelly, as the trustee and beneficiary of each trust, enjoyed the “traditional benefits of real property ownership” for each parcel. *Id.* at ¶ 28 (quoting *Hinsdale*, ¶ 26). Therefore, she held the parcels “under common ownership,” as required by section 39-1-102(14.4)(a). *Id.* at ¶ 41.

¶22 We granted the BCC’s and the BAA’s petitions for certiorari review.

II. Analysis

¶23 We begin with the standard of review and applicable principles of statutory construction. We then explain the constitutional and statutory contexts in which this definitional conundrum surfaces. Finally, we address the three elements of residential land—“contiguous parcels,” “used as a unit,” and “common ownership”—in *Mook*, *Hogan*, and *Kelly*, respectively.

A. Standard of Review and Principles of Statutory Interpretation

¶24 We review de novo issues of statutory interpretation. *Boulder Cty. Bd. of Comm’rs v. HealthSouth Corp.*, 246 P.3d 948, 951 (Colo. 2011). When interpreting a statute, “[o]ur primary objective is to effectuate the intent of the General Assembly by looking to the plain meaning of the language used, considered within the context of the statute as a whole.” *Bly v. Story*, 241 P.3d 529, 533 (Colo. 2010). In the absence of a statutory definition, “we construe a statutory term in accordance with its ordinary or natural meaning.” *Cowen v. People*, 2018 CO 96, ¶ 14, 431 P.3d 215, 218 (quoting *FDIC v. Meyer*, 510 U.S. 471, 476 (1994)). “In applying the plain

Id. Because of this requirement, the General Assembly has continually lowered the assessment rate for residential real property. *See* § 39-1-104.2, C.R.S. (2019).

¶27 During the years relevant to these three appeals (2013–2015), the assessment rate for residential real property was 7.96 percent. *Id.* at § -104.2(n)–(o). In contrast, the tax rate for vacant land remained at twenty-nine percent. § 39-1-104(1), C.R.S. (2019). Thus, to receive a preferential tax rate for their subject parcels, the landowners here sought to prove that their properties qualify as residential land under section 39-1-102(14.4)(a).

¶28 To qualify as residential land, property must contain a residence. *See* Colo. Const. art. X, § 3(1)(b) (defining “residential real property” to “include all residential dwelling units and the land, as defined by law, *on which such units are located*” (emphasis added)). However, section 39-1-102(14.4)(a) expressly contemplates the classification of multiple parcels as residential land. In those situations, each parcel need not contain an independent residential dwelling unit. However, any undeveloped parcels must be: (1) *contiguous* with residential land; (2) *used as a unit* with residential land; and (3) *under common ownership* with residential land. *See* § 39-1-102(14.4)(a). We address one of these statutory requirements in each case we decide today.

examples provided in the dictionaries cited above. In reference to an assessor's duty to prepare and maintain county maps, the ARL defines "contiguous parcels" as "*adjoining parcels*, under a common ownership and within the same tax area." 2 Div. of Prop. Taxation, Dep't of Local Affairs, *Administrative and Assessment Procedures* 14.2 (rev. Oct. 2019) [hereinafter ARL] (emphasis added); see Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/adjoining>; [<https://perma.cc/9MZ8-9NEJ>] (defining adjoining as "touching or bounding at a point or line"). And two unanimous divisions of the court of appeals have likewise concluded that "contiguous," as it's used in section 39-1-102(14.4)(a), refers to parcels of land that physically touch. *Bringle Family Tr. v. Bd. of Cty. Comm'rs*, 2018 COA 64, ¶ 17, __ P.3d __ ("Thus, we conclude that subsection 102(14.4)(a)'s language unambiguously means that two parcels must actually touch to be contiguous and, thereby, to constitute residential property."); *Mook*, ¶ 13 ("Hence, for two parcels to be contiguous under section 39-1-102(14.4)(a), the boundaries of the two parcels must touch at some point.").

¶33 In support of their argument that we should interpret "contiguous" more broadly, the Mooks cite several Colorado statutes that define contiguous land to include areas that don't physically touch.

- Section 31-12-104(1)(a), C.R.S. (2019), addresses municipal annexation and requires contiguity between the annexing municipality and the to-be-annexed property. However, the statute clarifies that "[c]ontiguity

we must refrain from adding words to the statute, *see People v. Diaz*, 2015 CO 28, ¶ 12, 347 P.3d 621, 624.

¶36 Further, were we to construe “contiguous” to encompass both touching and non-touching parcels of land, we arguably would render superfluous the language in those other statutes clarifying that certain physically separated parcels remain contiguous. We seek to avoid constructions that would render statutory language superfluous. *Pineda-Liberato v. People*, 2017 CO 95, ¶ 39, 403 P.3d 160, 166. Therefore, we decline to construe contiguous so broadly. Instead, we conclude that the plain language of section 39-1-102(14.4)(a) requires that parcels must physically touch to be contiguous.

¶37 Despite the seeming clarity of the plain language, the Mooks encourage us to look further in gleaning legislative intent. They raise several arguments in support of their contention that this court should construe the phrase “contiguous parcels” to encompass vacant parcels that don’t physically touch the homeowner’s existing residential parcel. We address those arguments below.

2. The Mooks’ Remaining Arguments

¶38 First, the Mooks provide alternate definitions of “contiguous” from dictionaries in circulation when the General Assembly adopted section 39-1-102(14.4)(a) in 1983. Those dictionaries defined contiguous to mean “touching at a point or along a boundary” or “[i]n close proximity.” *See*

722 (emphasis added). We elaborated that “contiguity need not be absolute, and may exist irrespective of intervening roads, easements or natural intrusions.” *Id.* at 722 n.9. The Mooks contend that, although not binding, that language is persuasive and indicates that “contiguity of land is not an absolute concept, and [it] may exist despite intervening roads and easements.”

¶41 But *Clarke* is inapposite. *Clarke* involved a different property classification – namely agricultural land, not residential land. And the agricultural land subsection at issue in *Clarke* didn’t explicitly require contiguity between various parcels. *See id.* at 720-21. We simply used the term contiguous to define “parcel” – the actual statutory term at issue. *Id.* at 722. Because the legislature intended “contiguous” – as it’s used in the *residential land* subsection – to require that parcels physically touch, the Mooks’ reliance on *Clarke* is misplaced.

¶42 The Mooks also cite out-of-state authority, which they assert: (1) demonstrates how other jurisdictions have construed the term “contiguous” to include non-touching parcels; or, alternately, (2) highlights how some courts have interpreted contiguous to require physical touching while others haven’t, thereby rendering the term ambiguous. We are unpersuaded: Even if the definition of contiguous may be up for grabs in other states, our legislature, for the reasons stated, made its intention plain here.

Ridge, LLC v. Bd. of Cty. Comm'rs, 2018 COA 108, __ P.3d __; *Hogan*, 2018 COA 86; *Rust v. Bd. of Cty. Comm'rs*, 2018 COA 72, __ P.3d __; *Fifield v. Pitkin Cty. Bd. of Comm'rs*, 2012 COA 197, 292 P.3d 1207. In reviewing these uniformly thoughtful and thorough opinions, we largely adopt the analysis employed by the *Hogan* division and by Judge Hawthorne in his dissent in *Martin Trust*. In doing so, we conclude that a landowner must use multiple parcels of land together as a collective unit of residential property to satisfy the "used as a unit" requirement.

1. The Assessor Applied Incorrect Legal Standards to Deny the Hogans' Petition to Reclassify the Subject Parcel

¶46 In denying the Hogans' petition for reclassification, the county assessor: (1) concluded that none of the Hogans' uses of the subject parcel satisfy the "used as a unit" requirement according to the ARL guidelines; (2) construed the "residential land" definition to require that the Hogans engage in more "active" uses of the property; and (3) testified that the subject parcel must contain a residential improvement to be classified as residential land, which the subject parcel does not. The BAA upheld the BCC's application of the residential land definition in section 39-1-102(14.4)(a) and affirmed the assessor's decision.

¶47 We defer to the Property Tax Administrator's and the BAA's construction of section 39-1-102(14.4)(a) if that statute "is subject to different reasonable interpretations and the issue[s] come[] within [their] special expertise."

¶49 The assessor relied on the second (integral) and third (conveyed as a unit) ARL guidelines to determine whether the Hogans satisfied the “used as a unit” statutory requirement.

i. Integral

¶50 The assessor interpreted the second guideline—“[a]re the parcels considered an integral part of the residence and actually used as a common unit with the residence?”—to mean the subject parcel must be “necessary” or “essential” to the Hogans’ use of the residential and reclassified parcels. And the BAA found that the assessor correctly applied the ARL guidelines to deny the Hogans’ petition for reclassification.

¶51 But, as the division below noted, this construction has no basis in the statutory language. The statute requires that contiguous parcels of land be “used as a unit.” “Used” means “employed in accomplishing something.” Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/used>; [<https://perma.cc/TST4-WKK5>]. A “unit” refers to “a single thing, person, or group that is a constituent of a whole.” Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/unit>; [<https://perma.cc/2MDU-7E4D>]. Thus, these definitions suggest the Hogans must employ the subject property as a constituent part of a larger whole. In other

ii. Conveyed as a Unit

¶53 Applying the third ARL guideline—“[w]ould the parcel[] in question likely be conveyed with the residence as a unit?”—the assessor concluded that the Hogans were likely to sell the subject parcel separately from the residential and reclassified parcels. She noted that the Hogans’ deck extends from their house on the residential parcel onto the reclassified parcel. So, “[i]t was logical . . . [the residential and reclassified parcels] would be conveyed together.” In contrast, the assessor pointed out how Mr. Hogan purchased the subject parcel separately, “at a very favorable price. And due to appreciation in Summit, it’s more than likely that Mr. Hogan may sell this separately.” The assessor noted that this factor weighed against classifying the subject parcel as residential land.

¶54 But section 39-1-102(14.4)(a) defines residential land as property that “*is used as a unit.*” (Emphasis added.) And we previously construed identical language in the tax code to refer only to an owner’s present use of property. See *Boulder Cty. Bd. of Equalization v. M.D.C. Constr. Co.*, 830 P.2d 975, 980–81 (Colo. 1992) (addressing the definition of agricultural land). In *M.D.C. Construction*, we noted that a parcel qualifies as a “farm” when the land “*is used to produce agricultural products . . .*,” and a parcel qualifies as a “ranch” when the land “*is used for grazing livestock . . .*” *Id.* at 981. We concluded that this plain language directs assessors

dog or viewing nature, without engaging in those “active” uses described by the assessor. Thus, the statute’s plain language doesn’t so limit the permissible uses of residential land. The court of appeals properly concluded that the assessor erred by relying on this “active” use requirement to deny the Hogans’ petition and that it was error for the BAA to uphold such an application of section 39-1-102(14.4)(a).

c. Residential Improvements

¶58 Finally, the assessor interpreted section 39-1-102(14.4)(a) to require that the subject parcel contain a residential improvement.⁴ Because the subject parcel didn’t contain a residential improvement, the assessor concluded that she couldn’t reclassify it as residential land.

¶59 However, the plain language of section 39-1-102(14.4)(a) doesn’t require each parcel of land in a multi-parcel assemblage to contain a residential improvement. The statute expressly contemplates the classification of both single-parcel and multi-parcel properties. Parsing the statutory language so that

⁴ The tax code defines “residential improvements” to include “a building, or that portion of a building, designed for use predominantly as a place of residency by a person, a family, or families. The term includes buildings, structures, fixtures, fences, amenities, and water rights that are an integral part of the residential use.” § 39-1-102(14.3).

¶61 If the legislature intended to require that each parcel contain a residential improvement, it could have said as much. It didn't. Instead, section 39-1-102(14.4)(a) only refers to residential improvements as they exist on a greater, multi-parcel piece of property. Thus, we agree with the court of appeals that section 39-1-102(14.4)(a) doesn't require each parcel to contain a residential improvement.

¶62 Here, the Hogans' house qualifies as a residential improvement under section 39-1-102(14.3), thereby satisfying this requirement as it applies to the Hogans' three-parcel assemblage of land. Thus, the assessor erred by denying the Hogans' petition for reclassification because the subject parcel doesn't also contain a residential improvement.

2. The Correct Legal Standard for Determining Whether Property Use Satisfies the "Used as a Unit" Requirement

¶63 Thus far, we've rejected the legal standards the assessor and the BAA applied to determine whether the Hogans' use of the subject parcel satisfied the "used as a unit" requirement. However, as evidenced by the multitude of cases pending around the state, assessors need more guidance on how to construe and apply this element of the residential land definition. Therefore, we supply additional direction below.

¶64 As a reminder, section 39-1-102(14.4)(a) defines "residential land" to mean "a parcel or contiguous parcels of land under common ownership upon which

of land. Instead, the Hogans contend that their use of the subject parcel satisfies the “used as a unit” requirement because their multi-parcel assemblage contains a dwelling and they don’t use the subject parcel for any non-residential purpose.

¶68 We agree with the Hogans. First, the statute’s plain language provides no basis for imposing a heightened use requirement on landowners seeking to reclassify property as residential land by satisfying the multi-parcel definition. In regard to both single-parcel properties and multi-parcel properties, the statute simply states that a landowner must use the property as a unit in conjunction with the residential improvements located thereon. There’s no textual distinction between how this requirement applies in the single-parcel context versus the multi-parcel context.

¶69 Second, the Hogans are correct that, to obtain a residential land classification, landowners must refrain from engaging in non-residential property uses. The last sentence of section 39-1-102(14.4)(a) provides that “[t]he term [residential land] does not include any portion of the land that is used for any purpose that would cause the land to be otherwise classified” Together the tax code and the ARL provide assessors with use-based definitions that

¶71 And because we conclude that each contiguous parcel need not contain a residential improvement, there will be times (such as the present) when landowners seek to reclassify undeveloped property from vacant land to residential based solely on their purported use of that parcel in conjunction with a contiguous and commonly owned residential parcel. How, in those situations, are assessors to determine whether a landowner's use of undeveloped property qualifies the land for a residential land classification over a vacant land classification?

¶72 The fourth ARL guideline—“[i]s the primary purpose of the parcel and associated structures to be for the support, enjoyment, or other non-commercial activity of the occupant of the residence?”—remains instructive here. *ARL, supra*, at 6.12. This guideline doesn't incorporate requirements that go beyond the text of the statute. Instead, it (1) confirms that landowners should use any undeveloped parcels as an extension of their residence, and (2) gives greater meaning to what type of property use satisfies the “used as a unit” requirement.

used for any commercial, residential, or agricultural purpose.” *Id.* at § -103(14)(c)(II)(A). ““Site improvements’ means streets with curbs and gutters, culverts and other sewage and drainage facilities, and utility easements and hookups for individual lots or parcels.” *Id.* at § -103(14)(c)(II)(B).

differently when a landowner seeks to reclassify a single parcel of land versus a multi-parcel assemblage of land. Thus, *Gyurman* demonstrates how property uses such as those contemplated by the fourth ARL guideline and testified to by the Hogans are sufficient to satisfy the “used as a unit” requirement.

¶75 Finally, section 39-1-102(14.4)(a) provides the “residential land” definition that assessors must rely on to classify property. In contrast, the legislature defined “vacant land” in section 39-1-103(14) to assist assessors “in *determining the actual value of vacant land.*” §39-1-103(14)(a) (emphasis added). And it expressly limited the application of that definition, noting that it is only “[f]or the purposes of this subsection 14.” *Id.* at § -103(14)(c)(I) (emphasis added). When statutes irreconcilably conflict, “we have adopted a canon of statutory construction that a specific statutory provision ‘acts as an exception to that general provision, carving out a special niche from the general rules to accommodate a specific circumstance.’” *Stellabotte*, ¶ 32, 421 P.3d at 180 (quoting *Martin v. People*, 27 P.3d 846, 852 (Colo. 2001)).

¶76 Whether the Hogans’ subject parcel satisfies the “used as a unit” requirement is an issue of *classification*, not *valuation*. And, the residential land definition addresses the specific circumstances present here. That definition expressly permits the reclassification of undeveloped property if the parcel is contiguous to residential land, commonly owned with residential land, and used

look past the statutory language and instead interpret “common ownership” to encompass “overlapping equity ownership and control.”

¶80 However, section 39-5-102(1), C.R.S. (2019), directs that “[o]wnership of real property *shall* be ascertained by the assessor from the records of the county clerk and recorder” (Emphasis added.) “There is a presumption that the word ‘shall’ when used in a statute is mandatory.” *Riley v. People*, 104 P.3d 218, 221 (Colo. 2004). Thus, according to the plain language of the tax code, assessors must rely on county records to determine whether properties are held under “common ownership.”

¶81 We came to the same conclusion in *Hinsdale*, when we held that assessors should consult county records to determine property ownership when assessing taxes. ¶ 22, 438 P.3d at 747. We based our decision on section 39-5-102(1), noting that “property tax valuation and assessment in Colorado is premised on the notion that the *party holding record title to the property is the fee owner* responsible for property taxes.” *Id.* at ¶¶ 22, 25, 438 P.3d at 747, 748 (emphasis added). *Hinsdale* therefore rejected the court of appeals’ use of a substance-over-form analysis that would’ve allowed individuals to overcome record title by presenting evidence that a non-record owner “enjoy[ed] most of the traditional benefits of real property ownership,” thus becoming the “true owner” for purposes of tax assessment. *See id.* at ¶¶ 14–15, 40, 438 P.3d at 746, 751.

the individual established common ownership despite not holding record title. We again decline to burden assessors with this task.

¶85 We recognize that Ms. Kelly isn't urging this court to affirm the court of appeals by relying on the division's analysis. However, her suggested alternative approach is even more problematic than the rebuttable presumption framework adopted by the court of appeals. The *Kelly* division at least would have allowed assessors to initially rely on county records to determine ownership. Yet Ms. Kelly argues that assessors should consider unrecorded evidence of equity ownership and control *during the initial classification stage*. Ms. Kelly's approach would thus place an even greater burden on assessors. Therefore, we reject such a framework for determining ownership under section 39-1-102(14.4)(a). Instead, we direct assessors to rely on county records when deciding whether properties are held under "common ownership."

2. The Residential Parcel and the Subject Parcel Aren't Held "Under Common Ownership"

¶86 The parties don't dispute that, according to the county records, a different trust owns each of the two parcels. Thus, those two parcels aren't held under

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0189412 Parcel NO.(S) 1573-12-2-01-164

2. The subject property is classified as a Residential property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019 :


Land	\$100,000
Improvements	\$600,895
Total	\$700,895

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019 :

Land	\$100,000
Improvements	\$404,100
Total	\$504,100

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019.

DATED this: January 21, 2021



Petitioner's Representative
Jose G and Maria E Garcia
15838 Clayton St
Thornton Co 80602

Jeff
Maldonado
Digitally signed by Jeff Maldonado
DN: cn=Jeff Maldonado, o=us,
email=jemaldonado@adcogov.org,
c=US
Date: 2021.01.02 09:28:01 -0700

Assessor Representative
Adams County Assessor's Office

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0189412 Parcel No : 1573-12-2-01-164
 Petition Year : 2019 Date Filed : November 13, 2020
 Owner Entity : Jose G and Maria E Garcia
 Owner Address : 15838 Clayton St
 Owner City : Thornton State : Co
 Property Location : CUNDALL FARMS FLG 1 AMND 5 BLK 19 LOT 2A

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	
REAL	100	L: [REDACTED]	[REDACTED]	L: \$100,000	\$7,150	A. Ratio 7.15%
		I: [REDACTED]	[REDACTED]	I: \$600,895	\$42,960	Mill Levy 179.982
TOTALS :		\$504,000	\$36,040	\$504,100	\$36,040	Original Tax \$9,019

Tax Exempt Portion
0%

Petitioner's Statement :
 House is overvalued based on similar properties in same subdivision

Assessor's Report
Situation :
 Over valuation confirmed

Action :
 Value adjusted to 9/2017 purchase price

Recommendation :
 Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund
REAL		L: \$100,000	\$7,150	L: \$100,000	\$7,150	\$2,532.35
		I: \$600,895	\$42,960	I: \$404,100	\$28,890	Revised Tax
TOTALS :		\$700,895	\$50,110	\$504,100	\$36,040	\$6,486.55

Jeff Maldonado February 18, 2021
 Appraiser Date
 Appraiser

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: _____

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 01 / 12 / 2020
Month Day Year

Petitioner's Name: Jose G. Garcia and Maria E. Garcia
 Petitioner's Mailing Address: 15838 Clayton Street
Thornton CO 80602
 City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)
20189412

PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
15838 Clayton Street Thornton, CO
80602

2018 & 2019

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2018 and 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

The house has been over valued. Same property within Candall farms are paying lesser taxes than this current property.

Petitioner's estimate of value: \$ 504,000.00 (2019) and \$ 665,000.00 (2020)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Maria E. Garcia
Petitioner's Signature

Daytime Phone Number (703) 311-5973
Email garcia03198@gmail.com

By _____
Agent's Signature*

Daytime Phone Number (_____) _____
Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)						
	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____
<input type="checkbox"/> Assessor recommends approval as outlined above.						
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.						
Tax year: _____	Protest?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)			
Tax year: _____	Protest?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)			
<input type="checkbox"/> Assessor recommends denial for the following reason(s):						

RECEIVED

NOV 13 2020

**OFFICE OF THE
ADAMS COUNTY ASSESSOR**

Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____			Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature _____ Date _____
Assessor's or Deputy Assessor's Signature _____ Date _____

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (*being present--not present*) and

Petitioner _____ (*being present--not present*), and WHEREAS, the said

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board (*agrees--does not agree*) with the recommendation of the Assessor and the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____	_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

this _____ day of _____, _____

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature _____ Property Tax Administrator's Signature _____ Date _____

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0116157 Parcel NO.(S) 0171903417025

2. The subject property is classified as a Residential property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019 :

Land	\$37,922
Improvements	\$1,525,731
Total	\$1,563,653

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019 :

Land	\$37,922
Improvements	\$828,478
Total	\$866,400

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019.

DATED this: December 22, 2020

Petitioner's Representative
NORTHGLENN GRANT DRIVE
LLC

Gregory J. Broderick
Assessor Representative
Adams County Assessor's Office

Digitally signed by Gregory J. Broderick
DN: cn=Gregory J. Broderick, o=Adams County, ou=Assessor's Office,
email=gbroderick@adcogov.org, c=US
Date: 2020.12.22 15:53:14 -07'00'

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0116157 Parcel No : 0171903417025
 Petition Year : 2019 Date Filed : November 10, 2020
 Owner Entity : Northglenn Grant Drive LLC
 Owner Address : 12201 W 38th Ave.
 Owner City : Wheat Ridge State : Colorado
 Property Location : 11275 Grant Drive

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	
REAL		L:	\$0	L:	\$37,922	A. Ratio 7.15%
		I:	\$0	I:	\$1,525,731	Mill Levy 127.846
TOTALS :		\$750,000	\$53,630	\$1,563,653	\$111,800	Original Tax \$14,293

Tax Exempt Portion
0%

Petitioner's Statement :

Assessor's Report

Situation :
Abatement petition filed after 2020 CBOE value changed.

Action :
2019 property value should match 2020 value.

Recommendation :
Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund
REAL		L:	\$37,922	L:	\$37,922	\$6,373.12
		I:	\$1,525,731	I:	\$828,478	
TOTALS :		\$1,563,653	\$111,800	\$866,400	\$61,950	Revised Tax \$7,920.06

Gregory J Broderick February 22, 2021
 Appraiser Date

Certified General Appraiser

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 11 10 2020
Month Day Year

Petitioner's Name: Dennis Duval

Petitioner's Mailing Address: 11275 GRANT DR.
Northglenn CO 80233
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
_____	<u>11275 GRANT DR, Northglenn 80233</u>
_____	<u>11275 GRANT DR, Northglenn 80233</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$ 4,500 19 (2020)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

[Signature]
Petitioner's Signature Daytime Phone Number (303) 726-1187
Email _____

By _____ Daytime Phone Number (_____) _____
Agent's Signature* Email _____

*Letter of agency must be attached when petition is submitted by an agent.
If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

Tax Year _____

	Actual	Assessed	Tax
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: _____ Protest? No Yes (if a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s): _____

Assessor's or Deputy Assessor's Signature

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0116158 Parcel NO.(S) 0171903417026

2. The subject property is classified as a Residential property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019:

Land	\$37,922
Improvements	\$1,525,731
Total	\$1,563,653

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019:

Land	\$37,922
Improvements	\$828,478
Total	\$866,400

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019.

DATED this: December 22, 2020

Petitioner's Representative
NORTHGLENN GRANT DRIVE
LLC

Gregory J. Broderick
Assessor Representative
Adams County Assessor's Office

Digitally signed by Gregory J. Broderick
DN: cn=Gregory J. Broderick, o=Adams County, ou=Assessor's Office,
email=gbroderick@adcogov.org, c=US
Date: 2020.12.22 15:56:29 -0700

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0116158 Parcel No : 0171903417026
 Petition Year : 2019 Date Filed : November 10, 2020
 Owner Entity : Northglenn Grant Drive LLC
 Owner Address : 12201 W 38th Ave.
 Owner City : Wheat Ridge State : Colorado
 Property Location : 11255 Grant Drive

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT	
		Actual Value	Assessed Value	Actual Value	Assessed Value		
REAL		L: \$0	\$0	L: \$37,922	\$2,710	A. Ratio	7.15%
		I: \$0	\$0	I: \$1,525,731	\$109,090	Mill Levy	127.846
TOTALS :		\$750,000	\$53,630	\$1,563,653	\$111,800	Original Tax	\$14,293

Tax Exempt Portion
0%

Petitioner's Statement :

Assessor's Report

Situation :

Abatement petition filed after 2020 CBOE value changed.

Action :

2019 property value should match 2020 value.

Recommendation :

Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT	
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund	
REAL		L: \$37,922	\$2,710	L: \$37,922	\$2,710		\$6,373.12
		I: \$1,525,731	\$109,090	I: \$828,478	\$59,240	Revised Tax	
TOTALS :		\$1,563,653	\$111,800	\$866,400	\$61,950		\$7,920.06

Gregory J Broderick
Appraiser

February 22, 2021
Date

Certified General Appraiser

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 11 10 2020
Month Day Year

Petitioner's Name: Dennis Duval

Petitioner's Mailing Address: 11275 GRANT DR.
Northglenn CO 80233
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
_____	<u>11275 GRANT DR, Northglenn 80233</u>
_____	<u>11275 GRANT DR, Northglenn 80233</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$ 4,500 in 2020
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

[Signature] Daytime Phone Number (303) 726-1187
Petitioner's Signature Email _____

By _____ Daytime Phone Number (_____) _____
Agent's Signature* Email _____

*Letter of agency must be attached when petition is submitted by an agent.
If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II:		Assessor's Recommendation		
		(For Assessor's Use Only)		
		Tax Year _____		
	Actual	Assessed	Tax	
Original	_____	_____	_____	
Corrected	_____	_____	_____	
Abate/Refund	_____	_____	_____	
<input type="checkbox"/> Assessor recommends approval as outlined above.				
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.				
Tax year: _____ Protest? <input type="checkbox"/> No <input type="checkbox"/> Yes (if a protest was filed, please attach a copy of the NOD.)				
<input type="checkbox"/> Assessor recommends denial for the following reason(s):				
				_____ Assessor's or Deputy Assessor's Signature

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0095636 Parcel NO.(S) 0182334427014

2. The subject property is classified as a Residential property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019 :

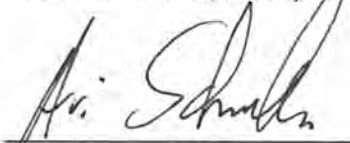
Land	\$142,875
Improvements	\$6,108,125
Total	\$6,251,000

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019 :

Land	\$142,875
Improvements	\$5,137,125
Total	\$5,280,000

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019 .

DATED this: March 1, 2021



Petitioner's Representative
1575 GALENA LLC

Digitally signed by Gregory J. Broderick
DN: cn=Gregory J. Broderick, o=Adams County,
ou=Assessor's Office,
email=gbroderick@adcogov.org, c=US
Date: 2021.03.01 13:09:31 -0700

Gregory J. Broderick
Assessor Representative
Adams County Assessor's Office

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS**

Account No : R0095636 Parcel No : 0182334427014
 Petition Year : 2019 Date Filed : November 10, 2020
 Owner Entity : 1575 Galena LLC
 Owner Address : 1575 Galena St #C-105
 Owner City : Aurora State : Colorado
 Property Location : 1575 Galena Street, Aurora, CO 80010

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	
REAL		L: \$0	\$0	L: \$142,875	\$10,220	A. Ratio 7.15%
		I: \$0	\$0	I: \$6,108,125	\$436,730	Mill Levy 117.794
TOTALS :		\$5,280,000	\$377,520	\$6,251,000	\$446,950	Original Tax \$52,648

Tax Exempt Portion
0%

Petitioner's Statement :

Assessor's Report

Situation :

Abatement petition filed based on value.

Action :

The market was researched for comparable sales similar to the subject property.

Recommendation :

Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund
REAL		L: \$142,875	\$10,220	L: \$142,875	\$10,220	\$8,178.44
		I: \$6,108,125	\$436,730	I: \$5,137,125	\$367,300	Revised Tax
TOTALS :		\$6,251,000	\$446,950	\$5,280,000	\$377,520	\$44,469.59

Gregory J Broderick March 10, 2021
 Appraiser Date

Certified General Appraiser

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Arkansas

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: Oct 15 2020
Month Day Year

Petitioner's Name: Ani Schwalb

Petitioner's Mailing Address: 1575 galena st C-105
Arora CO 80010
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>0182334427014</u>	<u>1575 galena st Arora CO 80010</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2019 and 1 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$ 5,280,000 (2019) and \$ 5,280,000 (2020)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Ani Schwalb
Petitioner's Signature Daytime Phone Number (303) 364 1310
Email 1575galena@arabsgazp.com

By _____ Daytime Phone Number (_____)
Agent's Signature*

Printed Name: _____ Email _____

*Letter of agency must be attached when petition is submitted by an agent.
If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision. § 39-10-114.5(1), C.R.S.

	Tax Year _____			Tax Year _____		
	Actual	Assessed	Tax	Actual	Assessed	Tax
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer. § 39-10-114(1)(a)(1)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS (BOCC)**

Account No : R0001102 Parcel No : 01567-07-1-03-001
 Petition Year : 2020 Date Filed : February 16, 2021
 Owner Entity : JEWETT, BRANDON
 Owner Address : 15686 ELK CIRCLE
 Owner City : BRIGHTON State : CO
 Property Location : 15686 ELK CIRCLE, BRIGHTON

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	
REAL		LC:		LC:	\$0	A. Ratio COM 29%
		LR:	\$131,000	LR:	\$9,370	A. Ratio RES 7%
		IC:		IC:	\$369,152	Mill Levy 93.263
		IR:	\$793,000	IR:	\$39,250	Original Tax \$14,518
TOTALS :		\$924,000	\$267,960	\$1,049,152	\$155,670	

Petitioner's Statement:

NEWLY CONSTRUCTED HANGAR WAS CLASSIFIED COMMERCIAL BUT IT IS RESIDENTIAL

Assessor's Report:

Situation :

HANGAR WAS ERRONEOUSLY ADDED TO THE TAX ROLLS UNDER THE COMMERCIAL CLASSIFICATION

Action :

RECLASSIFIED HANGAR UNDER RESIDENTIAL USE

Recommendation :

Upon further review, a reduction in value appears warranted.

ASSESSOR'S RECOMMENDED ADJUSTMENT

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund
REAL		LC:	\$0	LC:	\$0	\$8,356.36
		LR:	\$131,000	LR:	\$9,370	
		IC:	\$369,152	IC:	\$0	
		IR:	\$549,000	IR:	\$56,700	Revised Tax
TOTALS :		\$1,049,152	\$155,670	\$924,000	\$66,070	\$6,161.89

Whitney Sparks
Assessor Representative

February 17, 2021
Date

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 2 / 12 / 2021
Month Day Year

Petitioner's Name: Brandon Jewett

Petitioner's Mailing Address: 15686 Elk Cir
Brighton CO 80603
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>0156707103001</u>	<u>15686 Elk Cir Brighton CO 80603</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

*Wrong classification this is non commercial Residential Only.
New Building was cost 162,000. Building 82,000 concrete*

*680,000
+ 162,000
82,000

\$ 924,000.*

Petitioner's estimate of value: \$ 924,000.00 (2020)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Petitioner's Signature: *[Signature]* Daytime Phone Number (303 521 3238)
Email: brandondc3@comcast.net

By: _____ Daytime Phone Number (_____)
Agent's Signature* Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114 5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)			
	Tax Year _____		
	Actual	Assessed	Tax
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____
<input type="checkbox"/> Assessor recommends approval as outlined above.			
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.			
Tax year: _____ Protest? <input type="checkbox"/> No <input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)			
<input type="checkbox"/> Assessor recommends denial for the following reason(s):			
_____ Assessor's or Deputy Assessor's Signature			

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and
Name
Petitioner _____ (being present--not present), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this _____ day of _____, _____.

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received 2/19/21
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: Month Day Year

Petitioner's Name: Adams County Assessor on Behalf of the Property owner RECOVERY FOUNDATION INC

Petitioner's Mailing Address:

City or Town State Zip Code

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: R0170346, 4335 W 76TH AVE WESTMINSTER

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Assessor Error.

Property was sold to Mile High Council on Alcoholism and Drug Abuse on 11/15/2019.

The property should not have been fully taxable in 2019 should be prorated on the date of the sale.

Mile High Council on Alcoholism and Drug Abuse is not exempt property per DPT.

Petitioner's estimate of value: \$ Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Petitioner's Signature (Handwritten signature)
By Agent's Signature*

Daytime Phone Number (720) 523-6038
Email jheadley@adco.gov.org
Daytime Phone Number
Email

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)
Table with columns: Actual, Assessed, Tax
Original, Corrected, Abate/Refund
Assessor recommends approval as outlined above.
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.
Tax year: Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
Assessor recommends denial for the following reason(s):
Assessor's or Deputy Assessor's Signature

Maria Purdy

To: Hieu Nguyen
Subject: RE: Exempt Status

From: Young - DOLA, John <johnr.young@state.co.us>
Sent: Wednesday, February 17, 2021 1:39 PM
To: Hieu Nguyen <HNguyen@adcogov.org>
Subject: Re: Exempt Status

Please be cautious. This email was sent from outside Adams County

Hi Hieu,
Attached is a copy of the Summary Sheet for File 01-01537-02.
The status is "X" which means deleted.
The Termination Date is the date that the exemption was terminated.

John

On Wed, Feb 17, 2021 at 11:51 AM Hieu Nguyen <HNguyen@adcogov.org> wrote:

Hi John,

Sorry, I have a favor. Can you give me a copy for File No. for Recovery Foundation: 01-01537-02? I have to do a tax roll correction and the treasurer is asking for proof.

I'm sorry to be a pain and thank you!

Hieu Nguyen

Quality Control Specialist

ADAMS COUNTY, COLORADO

4430 South Adams County Pkwy

Brighton, CO 80601-8214

www.adcogov.org

From: Young - DOLA, John <johnr.young@state.co.us>
Sent: Wednesday, February 17, 2021 8:53 AM
To: Hieu Nguyen <HNguyen@adcogov.org>
Subject: Re: Exempt Status

Please be cautious: This email was sent from outside Adams County

Oops - forgot the File No. for Recovery Foundation: 01-01537-02.

On Wed, Feb 17, 2021 at 8:13 AM Hieu Nguyen <HNguyen@adcogov.org> wrote:

Is Recovery Foundation exempt for 2019 or 2020 John? Would it be the same File # or different? If you can give me a copy I'd greatly appreciate it!

Thanks again for your help.

Hieu Nguyen

Quality Control Specialist

ADAMS COUNTY, COLORADO

4430 South Adams County Pkwy

Brighton, CO 80601-8214

www.adcogov.org

From: Young - DOLA, John <johnr.young@state.co.us>
Sent: Wednesday, February 17, 2021 7:11 AM
To: Hieu Nguyen <HNguyen@adcogov.org>
Cc: Shannon Wheeler <SWheeler@adcogov.org>
Subject: Re: Exempt Status

Please be cautious: This email was sent from outside Adams County

Yes, that is correct. Our record shows that Arapahoe House owned only the personal property at that location. The real property was owned by Recovery Foundation. They sold it in 2019.

On Tue, Feb 16, 2021 at 4:47 PM Hieu Nguyen <HNgyuen@adcogov.org> wrote:

Hi John,

I got a Notice of Forfeiture and wanted to double check with you if I'm reading this correctly. Per the letter below, does the forfeiture only applies to Personal Property?

The Real property still exempt?

Thanks,

Hieu

NOTICE OF FORFEITURE

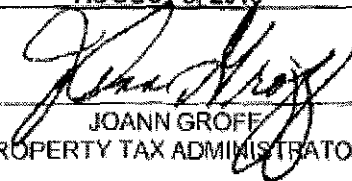
OWNER NAME AND ADDRESS: ARAPAHOE HOUSE INC 8801 LIPAN ST THORNTON CO 80260-4912	REFERENCE INFORMATION: File No. 01-01301-10 County: ADAMS Parcel:
---	---

FINAL DECISION:
The owner of the property described below has failed to file an adequate and timely report of exempt property as required by Colorado Revised Statutes, Title 39, Article 2, Section 117 (3). Such failure is hereby declared to be a forfeiture of any right to claim general exemption of such property. The listed owner and the assessor, treasurer, and board of county commissioners of the named county are hereby notified that such property must be placed on the assessment roll as taxable effective JANUARY 1, 2019.

LEGAL DESCRIPTION
PERSONAL PROPERTY ONLY
Address: 4335 W 76TH ST, WESTMINSTER

COMMENTS
If the property was sold prior to the date on this notice, the real property should be returned to the tax rolls as of the date of sale. The personal property should be returned to the tax roll as of the next assessment date, pursuant to C.R.S. 39-3-130 (1)(a)(II) and (1)(b)(II).

DATED: AUGUST 9, 2019



JOANN GROFF
PROPERTY TAX ADMINISTRATOR

(SEE REVERSE SIDE FOR AN EXPLANATION OF YOUR RIGHTS AND OPTIONS)

Hieu Nguyen

Quality Control Specialist

ADAMS COUNTY, COLORADO

4430 South Adams County Pkwy

Brighton, CO 80601-8214

www.adcogov.org

--
John Young
Property Tax Specialist

Division of Property Taxation - Exemptions



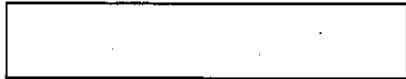
P 303-864-7782 | F 303-864-7799

1313 Sherman St., Suite 419, Denver, CO 80203

johnr.young@state.co.us | www.dola.colorado.gov/DPT

--
John Young
Property Tax Specialist

Division of Property Taxation - Exemptions



P 303-864-7782 | F 303-864-7799

1313 Sherman St., Suite 419, Denver, CO 80203

johnr.young@state.co.us | www.dola.colorado.gov/DPT

--

John Young
Property Tax Specialist
Division of Property Taxation - Exemptions



P 303-864-7782 | F 303-864-7799
1313 Sherman St., Suite 419, Denver, CO 80203
johnr.young@state.co.us | www.dola.colorado.gov/DPT



Statement Of Taxes Due

Account Number R0170346
Assessed To

Parcel 0171931212018
MILE HIGH COUNCIL ON ALCOHOLISM AND
C/O: DRUG ABUSE
4242 DELAWARE ST
DENVER, CO 80216-2618

Legal Description		Situs Address			
SUB:SUNSET HEIGHTS FIRST REPLAT LOT:5		4335 W 76TH AVE WESTMINSTER			
Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$24,384.08	\$0.00	\$0.00	\$0.00	\$24,384.08
2019	\$0.00	\$0.00	\$13.00	\$0.00	\$13.00
Total Tax Charge					\$24,397.08
Lien					
2019 Lien: 2020-19411	\$26,062.75	\$781.88	\$0.00	\$0.00	\$26,844.63
2019	\$0.00	\$0.00	\$7.00	\$0.00	\$7.00
Total Lien					\$26,851.63
GRAND TOTAL					\$51,248.71
Grand Total Due as of 02/19/2021					\$51,248.71

Tax Billed at 2020 Rates for Tax Area 555 - 555

Authority	Mill Levy	Amount	Values	Actual	Assessed
GENERAL	22.7730000	\$5,399.48	COMM LND OFFICES	\$183,744	\$53,290
HYLAND HILLS PARK & RECREAT	5.1160000	\$1,213.00	OFFICES	\$633,829	\$183,810
RETIREMENT	0.3140000	\$74.45	Total	\$817,573	\$237,100
ROAD/BRDGE	1.3000000	\$308.23			
DEVELOPMENTALLY DISABLED	0.2570000	\$60.93			
SD 50 BOND (Westminster)	10.1770000	\$2,412.97			
SD 50 GENERAL (Westminster)	56.0030000	\$13,278.31			
URBAN DRAINAGE SOUTH PLATTE	0.1000000	\$23.71			
URBAN DRAINAGE & FLOOD CONT	0.9000000	\$213.39			
SOCIAL SERVICES	2.2530000	\$534.19			
CITY OF WESTMINSTER	3.6500000	\$865.42			
Taxes Billed 2020	102.8430000	\$24,384.08			

Tax amounts are subject to change due to endorsement, advertising, or fees.
Please call the office to confirm amount due after August 1st.

All Tax Lien Redemption payments must be made with cash or cashier's check.

Adams County Treasurer & Public Trustee
4430 S Adams County Parkway Suite C2436
Brighton, CO 80601
720-523-6160



State Documentary Fee
Date: 11-15-19
\$130.00

Warranty Deed

(Pursuant to C.R.S. 38-30-113(1)(a))

THIS DEED, made on this 15 day of NOV, 2019 by THE RECOVERY FOUNDATION, INC., A COLORADO NON-PROFIT CORPORATION Grantor(s), of the County of Arapahoe and State of Colorado for the consideration of (\$1,300,000.00) ***One Million Three Hundred Thousand and 00/100*** dollars in hand paid, hereby sells and conveys to MILE HIGH COUNCIL ON ALCOHOLISM AND DRUG ABUSE, A COLORADO NONPROFIT CORPORATION whose street address is 4242 DELAWARE STREET, DENVER, CO 80216, County of Denver, and State of Colorado, the following real property in the County of Adams, and State of Colorado, to wit:

LOT 5, BLOCK 4, FIRST REPLAT-SUNSET HEIGHTS, COUNTY OF ADAMS, STATE OF COLORADO

RIGHT OF FIRST REFUSAL WILL BE GRANTED TO SELLER

also known by street and number as: **4335 W 76TH AVENUE, WESTMINSTER, CO 80033**

with all its appurtenances and warrants the title to the same, subject to the matters shown in the attached Exhibit A, which, by reference, is incorporated herein.

(SEE ATTACHED "SIGNATURE PAGE")

UNOFFICIAL COPY

When recorded return to: **MILE HIGH COUNCIL ON ALCOHOLISM AND DRUG ABUSE, A COLORADO NONPROFIT CORPORATION**
4242 DELAWARE STREET, DENVER, CO 80216



Warranty Deed
SIGNATURE PAGE

THE RECOVERY FOUNDATION, INC., A COLORADO
NON-PROFIT CORPORATION

By: [Signature]
ROBERT PIPKIN, BOARD CHAIR

State of Colorado)
County of Denver)ss.
)

The foregoing instrument was acknowledged before me on this 15 day of NOV, 2019 by ROBERT
PIPKIN AS BOARD CHAIR OF THE RECOVERY FOUNDATION, INC., A COLORADO NON-PROFIT CORPORATION

Witness my hand and official seal

My Commission expires: 5.11.21

[Signature]
Notary Public

KATHERINE C TALCOTT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19974007236
My Commission Expires May 11, 2021

UNOFFICIAL COPY

Exhibit A

1. GENERAL TAXES FOR THE YEAR OF CLOSING.
2. DISTRIBUTION UTILITY EASEMENTS (INCLUDING CABLE TV).
3. THOSE SPECIFICALLY DESCRIBED RIGHTS OF THIRD PARTIES NOT SHOWN BY THE PUBLIC RECORDS OF WHICH GRANTEE HAS ACTUAL KNOWLEDGE AND WHICH WERE ACCEPTED BY GRANTEE IN ACCORDANCE WITH § 8.3 (OFF-RECORD TITLE) AND § 9 (NEW ILC OR NEW SURVEY) OF THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED.
4. INCLUSION OF THE PROPERTY WITHIN ANY SPECIAL TAXING DISTRICT.
5. ANY SPECIAL ASSESSMENT IF THE IMPROVEMENTS WERE NOT INSTALLED AS OF THE DATE OF GRANTEE'S SIGNATURE TO THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED, WHETHER ASSESSED PRIOR TO OR AFTER CLOSING.
6. OFFICIAL DEVELOPMENT PLAN FOR HUMAN SERVICES, INC. ADOLESCENT SHELTER, RECORDED DECEMBER 06, 1996 UNDER RECEPTION NO. C0236144.
7. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SUNSET HEIGHTS-REPLAT 'A' - A REPLAT OF LOT 5, BLOCK 4, SUNSET HEIGHTS SUBDIVISION RECORDED JULY 14, 2006 UNDER RECEPTION NO. 20060714000712660.

OFFICIAL COPY

ABATEMENT FOR TAX YEAR: 2019

BUSINESS NAME: U S BANK NATIONAL ASSOCIATION

ACCOUNT NUMBER: P0035628

PARCEL NUMBER:

	ACTUAL	ASSESSED	MILL	TAX
	VALUE	VALUE	LEVY	DOLLARS
ORIGINAL VALUE	\$338,944	\$98,290	154.794	\$15,214.70
REVISED VALUE	\$0	\$0	154.794	\$0.00
ABATED VALUE	\$338,944	\$98,290	154.794	\$15,214.70

Provide your reason for the Abatement/Added in the space below:

Licensed equipment inappropriately assessed.

CJG.

ADDED ASSESSMENT FOR TAX YEAR:

BUSINESS NAME:

ACCOUNT NUMBER:

PARCEL NUMBER:

	ACTUAL	ASSESSED	MILL	TAX
	VALUE	VALUE	LEVY	DOLLARS
ORIGINAL VALUE		\$0		\$0.00
REVISED VALUE		\$0	0	\$0.00
ADDED VALUE	\$0	\$0	0	\$0.00

ABATEMENT FOR TAX YEAR:

BUSINESS NAME:	U S BANK NATIONAL ASSOCIATION			
ACCOUNT NUMBER:	P0035628			
PARCEL NUMBER:				
	ACTUAL	ASSESSED	MILL	TAX
	VALUE	VALUE	LEVY	DOLLARS
ORIGINAL VALUE	\$354,622	\$102,840	149.507	\$15,375.30
REVISED VALUE	\$0	\$0	149.507	\$0.00
ABATED VALUE	\$354,622	\$102,840	149.507	\$15,375.30

Provide your reason for the Abatement/Added in the space below:

Licensed equipment inappropriately assessed.

CJG

ADDED ASSESSMENT FOR TAX YEAR:

BUSINESS NAME:				
ACCOUNT NUMBER:				
PARCEL NUMBER:				
	ACTUAL	ASSESSED	MILL	TAX
	VALUE	VALUE	LEVY	DOLLARS
ORIGINAL VALUE		\$0		\$0.00
REVISED VALUE		\$0	0	\$0.00
ADDED VALUE	\$0	\$0	0	\$0.00

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Adams

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 03/10/2021
Month Day Year

Petitioner's Name: U S BANK NATIONAL ASSOCIATION TAX DEPT

Petitioner's Mailing Address: 1310 MADRID ST STE 100

MARSHALL MN 56258-4001
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>P0035628</u>	<u>1953 GUN CLUB RD</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2019 and 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

Licensed equipment inappropriately assessed.

Petitioner's estimate of value: \$ 0.00 (2019) and \$ 0.00 (2020)
Value Year Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct, and complete.

Belinda Evjen Daytime Phone Number (507) 532-8440
Petitioner's Signature

By _____ E-Mail Address Belinda.Evjen@usbank.com
Agent's Signature*

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)						
	Tax Year _____			Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____
<input type="checkbox"/> Assessor recommends approval as outlined above.						
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.						
Tax year: _____	Protest?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)			
Tax year: _____	Protest?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)			
<input type="checkbox"/> Assessor recommends denial for the following reason(s):						
						_____ Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____			Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

 Petitioner's Signature _____
 Date

 Assessor's or Deputy Assessor's Signature _____
 Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ *(being present--not present)* and
 Name
 Petitioner _____ *(being present--not present)*, and WHEREAS, the said
 Name
 County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board *(agrees--does not agree)* with the recommendation of the Assessor and the petition be *(approved--approved in part--denied)* with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____	_____	_____	_____

 Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County
 this _____ day of _____, _____
 Month Year

 County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

 Secretary's Signature _____
 Property Tax Administrator's Signature Date

ADAMS COUNTY ASSESSOR PERSONAL PROPERTY DETAIL LIST

Account #: P0035628

Appraiser Init: SAM

Inactive On:

Status: A

Last Updated: 08/20/2020

Owners Name and Address

U S BANK NATIONAL ASSOCIATION
C/O PROPERTY TAX DEPARTMENT
1310 MADRID ST STE 100
MARSHALL, MN 56258 - 4001

Property Location

Street 1953 GUN CLUB RD
City AURORA

Lessor Acct#

Business/Complex: LESSEE - INTERLINE BRANDS INC

Business Type: 57359
County Audit Date:
Audited By:

Dec Sent Date: 08/20/2020
Dec Return Date: 04/15/2020
NOV Sent Date:

Late Dec Flag: No
Pre Collect Date:
Letter Sent Flag: No

Valued By: SAM

Tax Year: 2020 **Levy:** 149.507 **Parcel:** **Acct Type:** Leasing **Tax District:** 467

ID	Abst	BIA	Om	Qty	Type Desc	Description	In Yr	Cost	Type	Life	Meth	Cond	Fctr	RCN	%Gd	%Depr	RCNLD	R'bck	Actual	Assessed
7	2410	<input type="checkbox"/>	<input type="checkbox"/>	1	Retail/Wareho use	piggy back lift truck	2016	\$89,719	4	9	1	A	1.1000	\$98,691	62.00%	%	\$61,188	0.96	\$58,741	\$17,035
8	2410	<input type="checkbox"/>	<input type="checkbox"/>	1	Retail/Wareho use	piggy back lift truck	2016	\$89,719	4	9	1	A	1.1000	\$98,691	62.00%	%	\$61,188	0.96	\$58,741	\$17,035
9	2410	<input type="checkbox"/>	<input type="checkbox"/>	1	Retail/Wareho use	piggy back lift truck	2016	\$89,719	4	9	1	A	1.1000	\$98,691	62.00%	%	\$61,188	0.96	\$58,741	\$17,035
10	2410	<input type="checkbox"/>	<input type="checkbox"/>	1	Retail/Wareho use	piggy back lift truck	2016	\$89,719	4	9	1	A	1.1000	\$98,691	62.00%	%	\$61,188	0.96	\$58,741	\$17,035
11	2410	<input type="checkbox"/>	<input type="checkbox"/>	1	Retail/Wareho use	piggy back lift truck	2016	\$89,719	4	9	1	A	1.1000	\$98,691	62.00%	%	\$61,188	0.96	\$58,741	\$17,035
12	2410	<input type="checkbox"/>	<input type="checkbox"/>	1	Machinery & Equip	PIGGY BACK TRUCK	2016	\$88,207	2	10	1	A	1.0900	\$96,146	66.00%	%	\$63,456	0.96	\$60,918	\$17,666

Detail Items:	6	Total Cost	RCN	RCNLD	Actual	Assessed
		\$536,802	\$589,600	\$369,398	\$354,622	\$102,841
		Omitted Cost			Omitted Actual	Assessed Omitted
		\$0			\$0	\$0

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0116147 Parcel NO.(S) 0171906202006

2. The subject property is classified as a Commercial property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019:

Land	\$815,435
Improvements	\$3,249,565
Total	\$4,065,000

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019:

Land	\$815,435
Improvements	\$2,684,565
Total	\$3,500,000

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019.

DATED this: March 2, 2021

Thomas E. Downey, Jr. #9486
Petitioner's Representative
Attorney for Petitioner
tom@cladonlawpc.com
303-813-1121

Shannon
C. Wheeler
Assessor Representative
Adams County Assessor's Office

Digitally signed by Shannon C. Wheeler
DN: cn=Shannon C. Wheeler,
o=Adams County Government,
ou=Assessor's Office,
email=wheeler@adcogov.org, c=US
Date: 2021.03.02 09:36:57 -0700

**ADAMS COUNTY ASSESSOR'S RECOMMENDATION WORKSHEET
BOARD OF COUNTY COMMISSIONERS (BOCC)**

Account No : **R0116147** Parcel No : **0171906202006**
 Petition Year : **2019** Petition Filed Date : **December 4, 2020**
 Owner Entity : **TKG SHERIDAN CROSSING DEVELOPMENT**
 Owner Address : **211 N STADIUM BLVD STE 201**
 Owner City : **COLUMBIA** State : **MO**
 Property Location : **4830 W 120th Ave - Westminster**

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT			
		Actual Value	Assessed Value	Actual Value	Assessed Value				
REAL	412	L: I:		L: I:	\$815,435 \$3,249,565	\$236,480 \$942,370	A. Ratio Mill Levy Original Tax	29.00% 118.653 \$139,874	
TOTALS :			\$3,500,000		\$1,015,000	\$4,065,000	\$1,178,850	\$1,015,000	\$120,432.80

Petitioner's Statement :

Stipulation executed in 2020 as to the value of the property. Abatement is to equalize these values.

Assessor's Report

Situation :

2020 CBOE stipulation excuted.

Action :

Verified stipulation and confirmed adjustment made in 2020.

Recommendation :

Upon further review, a reduction in value appears warranted.

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED ADJUSTMENT		REVISED TAX WARRANT		
		Actual Value	Assessed Value	Actual Value	Assessed Value			
REAL	412	L: I:	\$815,435 \$3,249,565	L: I:	\$236,480 \$942,370	Tax Refund Revised Tax	\$19,441.29 \$120,432.80	
TOTALS :			\$4,065,000		\$1,178,850	\$3,500,000	\$1,015,000	\$120,432.80

Shannon C. Wheeler
 Appraiser
 March 2, 2021
 Date

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received _____
(Use Assessor's or Commissioners' Date Stamp)

RECEIVED

DEC 04 2020

Section I: Petitioner, please complete Section I only.

Date: 12-01-2020
Month Day Year

OFFICE OF THE
ADAMS COUNTY ASSESSOR

Petitioner's Name: TKG SHERIDAN CROSSING DEVELOPMENT LLC

Petitioner's Mailing Address: 211 N STADIUM BLVD STE 201
COLUMBIA MO 65203-1161
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R0116147</u>	<u>4830 W 120TH AVENUE, WESTMINSTER</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

SEE ATTACHED

Petitioner's estimate of value: \$ 3,500,000 (2019)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Petitioner's Signature Daytime Phone Number ()

By Thomas E. Downey, Jr. #9686
ATTORNEY FOR PETITIONER
Agent's Signature*

Thomas E. Downey, Jr., #9686
Attorney for Petitioner
tom@downeylawpc.com 303-813-1111

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation	
(For Assessor's Use Only)	
Tax Year _____	
Actual	Assessed Tax
Original _____	_____
Corrected _____	_____
Abate/Refund _____	_____
<input type="checkbox"/> Assessor recommends approval as outlined above.	
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(1)(D), C.R.S.	
Tax year: _____ Protest? <input type="checkbox"/> No <input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.)	
<input type="checkbox"/> Assessor recommends denial for the following reason(s):	

Assessor's or Deputy Assessor's Signature	

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (being present--not present) and

Name

Petitioner _____ (being present--not present), and WHEREAS, the said

Name

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (agrees--does not agree) with the recommendation of the Assessor, and that the petition be (approved--approved in part--denied) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

this _____ day of _____, _____

Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

The statute provides that an abatement/refund is proper when the taxes on a property have been levied erroneously or illegally due to erroneous valuation for assessment, irregularity in the levying, clerical error or overvaluation. Colo Rev. Stat. § 39-10-114. The purpose of the abatement petition is to conform the 2019 value of the subject property to the 2020 value, which was established during the 2020 Protest and CBOE proceedings. See attached. The 2019 value is an "erroneous valuation for assessment" pursuant to *Boulder Country Club v. Boulder County Board of Commissioners*, 97 P.3d 119 (Colo. App. 2003), and is also overvalued.

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

COUNTY BOARD OF EQUALIZATION

STIPULATION (As to Tax Year(s) 2020 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0116147 Parcel NO.(S) 0171906202006

2. The subject property is classified as a Commercial property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2020:

Land	\$815,435
Improvements	\$3,249,565
Total	\$4,065,000

4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2020:

Land	\$815,435
Improvements	\$2,684,565
Total	\$3,500,000

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2020.

DATED this: 8th day of October, 2020

X Thomas E. Dawney 9/28/20
Petitioner's Representative
Attorney for Petitioner
Thomas E. Dawney
6855 S. HANCOCK ST 690
CORNERVILLE, CO 80112

Gregory L. Korth
Digitally signed by Gregory L. Korth
DN: cn=Gregory L. Korth, o=Adams County
Assessor, email=gregory.korth@adcogov.org, c=US
Date: 2020.10.08 11:47:05 -0700
Assessor Representative
Adams County Assessor's Office

Ken Musso
Assessor



Assessor's Office
4430 South Adams County Parkway
2nd Floor, Suite C2100
Brighton, CO 80601-8201
Phone 720-523-6038
Fax 720-523-6037
www.adcogov.org

BOARD OF COUNTY COMMISSIONERS

STIPULATION (As to Tax Year(s) 2019 Actual Value(s))

1. The property subject to this Stipulation is:
Schedule No. (S): R0180881 Parcel NO.(S) 0156915302012

2. The subject property is classified as a Commercial property.

3. The County Assessor originally assigned the following actual value to the subject property for tax year(s) 2019:

Land	\$2,441,636
Improvements	\$3,822,947
Total	\$6,264,583


4. The Adams County Assessor has reviewed this file and agrees to make the following adjustment to the valuation for the subject property for tax year(s) 2019:

Land	\$2,441,636
Improvements	\$3,822,947
Total	\$6,264,583

Classification of property changed from 100% commercial to 55.0%.

5. By entering into this agreement, the Petitioner understands that they are giving up rights to further appeal of the value of this property for tax year(s) 2019.

DATED this: January 25, 2021



Petitioner's Representative
SULLIVAN VALUATION SERVICES GROUP LLC
PO Box 664 Evergreen CO 80437
T 303.273.0138

Shannon
C. Wheeler

Assessor Representative
Adams County Assessor's Office

Digitally signed by Shannon C. Wheeler
DN: cn=Shannon C. Wheeler,
o=Adams County Government,
ou=Assessor's Office,
email=swheeler@adcogov.org, c=US
Date: 2021.01.25 10:11:11 -0700

**ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS (BOCC)**

Account No : R0180881 Parcel No : 0156915302012
 Petition Year : 2019 Date Filed : August 14, 2020
 Owner Entity : TRISIMO BRIGHTON II LLC
 Owner Address : 1910 8TH AVE NE
 Owner City : ABERDEEN State : SD
 Property Location : 2204 SOUTH MEDICAL CENTER DRIVE - BRIGHTON

LEGEND
 LC - LAND COMMERCIAL
 LR LAND RESIDENTIAL
 IC - IMPROVEMENT COMMERCIAL
 IR - IMPROVEMENT RESIDENTIAL

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT		
		Actual Value	Assessed Value	Actual Value	Assessed Value			
REAL	1332 N/A	LC:		LC:	\$2,165,898	\$628,110	A. Ratio COM	29.00%
		LR:		LR:	\$275,738	\$19,720	A. Ratio RES	7.15%
		IC:		IC:	\$2,942,103	\$853,210	Mill Levy	135.132
		IR:		IR:	\$880,845	\$62,980	Original Tax	\$211,349
TOTALS :			\$6,264,583	\$1,816,730	\$6,264,583	\$1,564,020		

Petitioner's Statement:
 Property reportedly includes residential stays beyond 30 days - thus, a residential rate should be utilized.

Assessor's Report:
Situation :
 Property operates as Candlewood Suites, an extended-stay classified hotel. Petitioner provided DR-100 State of Colorado Documents that illustrated sales against taxed sales as reported by the operator. Claims appear to be inconsistent with prior year.

Action :
 Reviewed DR-100 documents, which supports claim as indicated above. Processed these figures and an adjustment appears warranted at this time. The claims appeared inconsistent with the prior year. As a result, negotiated a 45% Residential and a 55% Commercial allocation.

Recommendation :
 Upon further review, a classification change appears warranted for the 2019 abatement period.

ASSESSOR'S RECOMMENDED ADJUSTMENT								
TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT		
		Actual Value	Assessed Value	Actual Value	Assessed Value			
REAL	1332 N/A	LC:	\$2,165,898	\$628,110	LC:	\$1,342,900	\$389,440	Tax Refund \$49,088.05
		LR:	\$275,738	\$19,720	LR:	\$1,098,736	\$78,560	
		IC:	\$2,942,103	\$853,210	IC:	\$2,102,621	\$609,760	Revised Tax \$162,261.10
		IR:	\$880,845	\$62,980	IR:	\$1,720,326	\$123,000	
TOTALS :			\$6,264,583	\$1,564,020		\$6,264,583	\$1,200,760	

2019 Abatement Calculation	
Building Area	
Total of all buildings	41,313
Total of Residential	18,591
Pro Rate Share - Total For Land	45.000%
Building 1 Size	41,313
Residential Portion	18,591
ProRata Share - Residential	45.000%
Pro Rata Share Commercial	55.000%

Land Area Calculation	
Total	88,702.00
Commercial	48,786.10
Residential	39,915.90

Value Calculation	
NEW - Total Value	\$6,264,583
Residential Total Value	\$2,819,062
Land	\$1,098,736
Improvements	\$1,720,326
Commercial Total Value	\$3,445,521
Land	\$1,342,900
Improvements	\$2,102,621

Shannon Wheeler - Commercial Supervisor
 Assessor Representative

January 25, 2021
 Date

LEGEND
 LC - LAND COMMERCIAL
 LR LAND RESIDENTIAL
 IC - IMPROVEMENT COMMERCIAL
 IR - IMPROVEMENT RESIDENTIAL

ASSESSOR'S RECOMMENDATION
BOARD OF COUNTY COMMISSIONERS (BOCC)

Account No : R0180881
 Petition Year : 2019
 Owner Entity : TRISIMO BRIGHTON II LLC
 Owner Address : 1910 8TH AVE NE
 Owner City : ABERDEEN
 Property Location : 2204 SOUTH MEDICAL CENTER DRIVE - BRIGHTON
 State : SD
 Parcel No : 0156915302012
 Date Filed : August 14, 2020

TYPE	OCC CODE	PETITIONER'S REQUESTED VALUES		ASSESSOR'S ASSIGNED VALUES		ORIGINAL TAX WARRANT	
		Actual Value	Assessed Value	Actual Value	Assessed Value	A. Ratio COM	A. Ratio RES
REAL	1332			LC: \$2,165,898	\$628,110	29.00%	
				LR: \$275,738	\$19,720	7.15%	
	N/A			IC: \$2,942,103	\$853,210		
				IR: \$880,845	\$62,980		
TOTALS :		\$6,264,583	\$1,816,730	\$6,264,583	\$1,564,020		Original Tax \$211,349

Petitioner's Statement:

Property reportedly includes residential stays beyond 30 days - thus, a residential rate should be utilized.

Assessor's Report:

Situation :

Property operates as Candlewood Suites, an extended-stay classified hotel. Petitioner provided DR-100 State of Colorado Documents that illustrated sales against taxed sales as reported by the operator. Claims appear to be inconsistent with prior year.

Action :

Reviewed DR-100 documents, which supports claim as indicated above. Processed these figures and an adjustment appears warranted at this time. The claims appeared inconsistent with the prior year. As a result, negotiated a 45% Residential and a 55% Commercial allocation.

Recommendation :

Upon further review, a classification change appears warranted for the 2019 abatement period.

TYPE	OCC CODE	ASSESSOR'S ASSIGNED VALUE		RECOMMENDED VALUE		REVISED TAX WARRANT	
		Actual Value	Assessed Value	Actual Value	Assessed Value	Tax Refund	
REAL	1332	LC: \$2,165,898	\$628,110	LC: \$1,342,900	\$389,440	\$49,088.05	
		LR: \$275,738	\$19,720	LR: \$1,098,736	\$78,560		
		IC: \$2,942,103	\$853,210	IC: \$2,102,621	\$609,760		
		IR: \$880,845	\$62,980	IR: \$1,720,326	\$123,000		Revised Tax
TOTALS :		\$6,264,583	\$1,564,020	\$6,264,583	\$1,200,760		\$162,261.10

Shannon Wheeler - Commercial Supervisor
 Assessor Representative

January 25, 2021
 Date

2019 Abatement Calculation	
Building Area	
Total of all buildings	41,313
Total of Residential	18,591
Pro Rate Share - Total For Land	45.0000%
Building 1 Size	41,313
Residential Portion	18,591
ProRata Share - Residential	45.0000%
Pro Rata Share Commercial	55.0000%
Land Area Calculation	
Total	88,702.00
Commercial	48,786.10
Residential	39,915.90
Value Calculation	
NEW - Total Value	\$6,264,583
Residential Total Value	\$2,819,062
Land	\$1,098,736
Improvements	\$1,720,326
Commercial Total Value	\$3,445,521
Land	\$1,342,900
Improvements	\$2,102,621

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: ADAMS

Date Received: AUG 14 2020
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 8 10 2020
Month Day Year

AUG 14 2020

Petitioner's Name: TRISIMO BRIGHTON II LLC

OFFICE OF THE ADAMS COUNTY ASSESSOR

Petitioner's Mailing Address: Sullivan Valuation Services Group LLC - PO Box 664

Evergreen Colorado 80437
City or Town State Zip Code

Table with 2 columns: SCHEDULE OR PARCEL NUMBER(S) and PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY. Row 1: R0180881, 2204 S Medical Center Dr. Brighton CO 80601

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2019 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Petitioner's estimate of value: \$ 5,108,001 (2019) Classification Abatement Appeal
Value Year

The petitioner's claim is to correct the property classification to mixed use; and to account for extended stays of greater than 30 days. Residential 54.43% and Commercial 45.57%.

See attached agency authorization

Petitioner's Signature
By [Signature]
Agent's Signature

Daytime Phone Number ()
Email See attached agency authorization
Daytime Phone Number (303) 273-0138
Email patrick@sullivantax.us

Printed Name: Patrick Sullivan, Authorized Agent

*Letter of agency must be attached when petition is submitted by an agent.
If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation (For Assessor's Use Only)
Tax Year
Actual Assessed Tax
Original
Corrected
Abate/Refund
Assessor recommends approval as outlined above.
If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(i)(D), C.R.S.
Tax year: Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)
Assessor recommends denial for the following reason(s):
Assessor's or Deputy Assessor's Signature

R 0180881

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY
(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	Actual	Assessed	Tax
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature Date

Assessor's or Deputy Assessor's Signature Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (*being present--not present*) and
Name
Petitioner _____ (*being present--not present*), and WHEREAS, the said
Name
County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (*agrees--does not agree*) with the recommendation of the Assessor, and that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-Officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County
this _____ day of _____,
Month Year

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s): _____

Secretary's Signature

Property Tax Administrator's Signature

Date



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution accepting Special Warranty Deed conveying property from Kendra B. Hengel and Clifton G. Dodge to Adams County for road right-of-way
FROM: Brian Staley, P.E., PTOE, RSP, Deputy Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Special Warranty Deed for the acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue for the Miscellaneous Concrete and ADA Ramps Project. The intention of this Project is to identify and improve the overall mobility and accessibility of maturing neighborhoods with ADA accessibility connectivity including ADA-compliant sidewalks and the addition of ADA pedestrian ramps. The attached resolution allows Adams County to accept the Special Warranty Deed.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Special Warranty Deed
Planning Commission resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING SPECIAL WARRANTY DEED CONVEYING PROPERTY
FROM KENDRA B. HENGEL AND CLIFTON G. DODGE
TO ADAMS COUNTY FOR ROAD RIGHT-OF-WAY

WHEREAS, Adams County is in the process of acquiring right-of-way for the Miscellaneous Concrete and ADA Ramps Project along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue (“Project”); and,

WHEREAS, this right-of-way parcel is from property at 929 Douglas Drive, located in the Southeast Quarter of Section 28, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado and is owned by Kendra B. Hengel and Clifton G. Dodge (“Parcel”); and

WHEREAS, Adams County requires ownership of the Parcel for construction of the Project; and

WHEREAS, Kendra B. Hengel and Clifton G. Dodge have executed a Special Warranty Deed to convey the Parcel for road right-of-way purposes for Greenwood Boulevard that complies with County standards and will benefit the citizens of Adams County; and

WHEREAS, at a regular meeting of the Planning Commission for Adams County, Colorado, held at the County Government Center in Brighton on Thursday the 11th day of February, 2021, the Planning Commission recommended that the Board of County Commissioners accept said Special Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Special Warranty Deed from Kendra B. Hengel and Clifton G. Dodge, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is accepted.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to accept said Special Warranty Deed and execute any attending documents on behalf of Adams County.

SPECIAL WARRANTY DEED

THIS DEED, dated this 4 day of Nov, 2022 between **KENDRA B. HENGEL AND CLIFTON G. DODGE**, whose address is 929 Douglas Drive, Denver, Colorado 80221, grantor(s), and **THE COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **ONE THOUSAND TWO HUNDRED FIFTY-SIX AND 00/100** (\$1,256.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: being a portion of 929 Douglas Drive

Assessor's schedule or parcel number: part of 1719-28-4-20-002

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, does covenant, and agree that it shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under grantor(s), except and subject to matters of record, and except interests of record.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

By: [Signature]
KENDRA B. HENGEL

By: [Signature]
CLIFTON G. DODGE

STATE OF COLORADO)
County of ADAMS) §

The foregoing instrument was acknowledged before me this 4 day of Nov, 2022 by Kendra B. Hengel and Clifton G. Dodge.

Witness my hand and official seal.
My commission expires: 1/6/2024

[Signature]
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)



EXHIBIT "A"

**DEED FROM KENDRA D. HENGEL AND CLIFTON G. DODGE,
TO
THE COUNTY OF ADAMS, STATE OF COLORADO**

Legal Description

Being a portion of Lot 20 Block 2 of the SHERRELWOOD ESTATES FILING NO. 8, a Subdivision recorded on November 8, 1962 in File No. 11 Map 11 Reception No. 679075 in the Office of the Clerk and Recorder of Adams County, Colorado, located in the Southeast Quarter of Section 28, Township 2 South, Range 68 West of the 6th Principal Meridian, being more particularly described as follows:

Beginning at the most Westerly Corner of said Lot 20, thence North 22°26'03" East, along the Northwest line of said Lot 20, a distance of 15.00 feet to a point of cusp with a tangent curve concave Northeasterly and having a radius of 15.00 feet;

Thence leaving said Northwest line along the arc of said curve, a distance of 23.56 feet through a central angle of 90°00'00" to the Southwest line of said Lot 20;

Thence North 67°33'57" West, along the Southwest line of said Lot 20, a distance of 15.00 feet to the Point of Beginning.

Containing: 48 square feet, more or less.

Legal description prepared by:

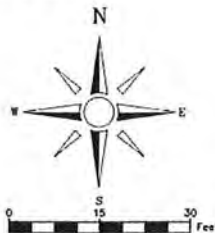
Ian Cortez, PLS
Colorado Professional
Land Surveyor No. 32822
For and on behalf of:
Adams County, Colorado

Exhibit "B" attached and hereby made a part thereof.



ADAMS COUNTY PUBLIC WORKS
EXHIBIT "B"

LOCATED in the SE1/4 of SEC 28, T2S, R68W of the 6th P.M.,
COUNTY OF ADAMS, STATE OF COLORADO



KENDRA B. HENGEL &
CLIFTON G. DODGE
929 DOUGLAS DRIVE
PN: 1719-28-4-20-002
LOT 20 BLOCK 2
SHERRELWOOD ESTATES
FILING NO. 8

AREA = 48 S.F.,±

LINE TABLE		
LINE	BEARING	LENGTH
L1	N22°26'03"E	15.00'
L2	N67°33'57"W	15.00'

L1 — R = 15.00'
Δ = 90°00'00"
L2 — L = 23.56'

POINT OF BEGINNING

GREENWOOD BOULEVARD

DOUGLAS DRIVE

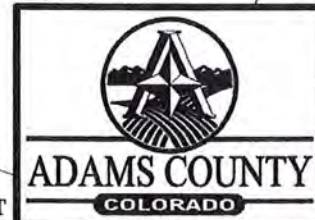


Ian Cortez

THIS DAY: May 29, 2020 CREATED BY: cortez

THIS EXHIBIT IS NOT A BOUNDARY SURVEY AND SHOULD NOT BE USED AS SUCH. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

LINEAL UNITS=US SURVEY FEET



AGENDA ITEM

PLANNING COMMISSION FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION RECOMMENDING ACCEPTANCE OF A SPECIAL WARRANTY DEED
FROM KENDRA B. HENGEL AND CLIFTON G. DODGE TO ADAMS COUNTY
FOR RIGHT-OF-WAY PURPOSES

At the regular meeting for the Planning Commission for Adams County, Colorado, held at County Government Center in Brighton on Thursday the 11th day of February, 2021, the following proceedings and others were had and done, to wit:

WHEREAS, the Adams County Planning Commission has considered the advisability of acceptance by the Board of County Commissioners of a Special Warranty Deed from Kendra B. Hengel and Clifton G. Dodge for right-of-way purposes on the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, this Special Warranty Deed is in conjunction with the Miscellaneous Concrete and ADA Ramps Project along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue, located in the Southeast Quarter of Section 28, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Adams County Planning Commission recommends to the Board of County Commissioners that said Special Warranty Deed from Kendra B. Hengel and Clifton G. Dodge be accepted by the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted.

I, John F. DuPriest, Chairperson/Acting Chairperson of the Adams County Planning Commission do hereby certify that the annexed foregoing resolution is a true and correct record of the proceedings of the Adams County Planning Commission.



Chairperson/Acting Chairperson
Adams County Planning Commission

SPECIAL WARRANTY DEED

THIS DEED, dated this 4 day of Nov, 2020 between **KENDRA B. HENGEL AND CLIFTON G. DODGE**, whose address is 929 Douglas Drive, Denver, Colorado 80221, grantor(s), and **THE COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **ONE THOUSAND TWO HUNDRED FIFTY-SIX AND 00/100** (\$1,256.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: being a portion of 929 Douglas Drive

Assessor's schedule or parcel number: part of 1719-28-4-20-002

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, does covenant, and agree that it shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under grantor(s), except and subject to matters of record, and except interests of record.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

By: [Signature]
KENDRA B. HENGEL

By: [Signature]
CLIFTON G. DODGE

STATE OF COLORADO)
County of ADAMS)§

The foregoing instrument was acknowledged before me this 4 day of Nov, 2020 by Kendra B. Hengel and Clifton G. Dodge.

Witness my hand and official seal.
My commission expires: 1/4/2024

[Signature]
Notary Public

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

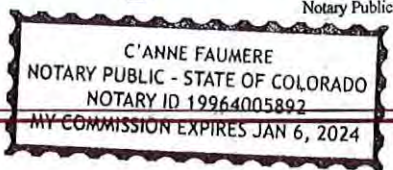


EXHIBIT "A"

**DEED FROM KENDRA D. HENGEL AND CLIFTON G. DODGE,
TO
THE COUNTY OF ADAMS, STATE OF COLORADO**

Legal Description

Being a portion of Lot 20 Block 2 of the SHERRELWOOD ESTATES FILING NO. 8, a Subdivision recorded on November 8, 1962 in File No. 11 Map 11 Reception No. 679075 in the Office of the Clerk and Recorder of Adams County, Colorado, located in the Southeast Quarter of Section 28, Township 2 South, Range 68 West of the 6th Principal Meridian, being more particularly described as follows:

Beginning at the most Westerly Corner of said Lot 20, thence North 22°26'03" East, along the Northwest line of said Lot 20, a distance of 15.00 feet to a point of cusp with a tangent curve concave Northeasterly and having a radius of 15.00 feet;

Thence leaving said Northwest line along the arc of said curve, a distance of 23.56 feet through a central angle of 90°00'00" to the Southwest line of said Lot 20;

Thence North 67°33'57" West, along the Southwest line of said Lot 20, a distance of 15.00 feet to the Point of Beginning.

Containing: 48 square feet, more or less.

Legal description prepared by:

Ian Cortez, PLS
Colorado Professional
Land Surveyor No. 32822
For and on behalf of:
Adams County, Colorado

Exhibit "B" attached and hereby made a part thereof.



A handwritten signature in black ink, appearing to read "Ian Cortez", written over the bottom portion of the professional seal.

ADAMS COUNTY PUBLIC WORKS

EXHIBIT "B"

LOCATED in the SE1/4 of SEC 28, T2S, R68W of the 6th P.M.,
COUNTY OF ADAMS, STATE OF COLORADO



KENDRA B. HENGEL &
CLIFTON G. DODGE

929 DOUGLAS DRIVE
PN: 1719-28-4-20-002

LOT 20 BLOCK 2
SHERRELWOOD ESTATES
FILING NO. 8

AREA = 48 S.F.,±

LINE TABLE		
LINE	BEARING	LENGTH
L1	N22°26'03"E	15.00'
L2	N67°33'57"W	15.00'

R = 15.00'
Δ = 90°00'00"
L = 23.56'

POINT OF
BEGINNING



Ian Cortez

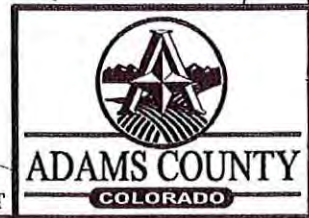
GREENWOOD BOULEVARD

DOUGLAS DRIVE

THIS DAY: May 29, 2020 CREATED BY: cortez

THIS EXHIBIT IS NOT A BOUNDARY SURVEY AND SHOULD NOT BE USED AS SUCH. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

LINEAL UNITS=US SURVEY FEET





PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution accepting Warranty Deed conveying property from Edward J. Bauer and Carol L. Bauer to Adams County for road right-of-way
FROM: Brian Staley, P.E., PTOE, RSP, Deputy Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Warranty Deed for the acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue for the Miscellaneous Concrete and ADA Ramps Project. The intention of this Project is to identify and improve the overall mobility and accessibility of maturing neighborhoods with ADA accessibility connectivity including ADA-compliant sidewalks and the addition of ADA pedestrian ramps. The attached resolution allows Adams County to accept the Warranty Deed.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Warranty Deed
Planning Commission resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/> <hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING WARRANTY DEED CONVEYING PROPERTY FROM
EDWARD J. BAUER AND CAROL L. BAUER TO ADAMS COUNTY
FOR ROAD RIGHT-OF-WAY

WHEREAS, Adams County is in the process of acquiring right-of-way for the Miscellaneous Concrete and ADA Ramps Project along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue (“Project”); and,

WHEREAS, this right-of-way parcel is from property at 7631 Fernando Road, located in the Northwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado and is owned by Edward J. Bauer and Carol L. Bauer (“Parcel”); and

WHEREAS, Adams County requires ownership of the Parcel for construction of the Project; and

WHEREAS, Edward J. Bauer and Carol L. Bauer have executed a Warranty Deed to convey the Parcel for road right-of-way purposes for Drake Street that complies with County standards and will benefit the citizens of Adams County; and

WHEREAS, at a regular meeting of the Planning Commission for Adams County, Colorado, held at the County Government Center in Brighton on Thursday the 11th day of February, 2021, the Planning Commission recommended that the Board of County Commissioners accept said Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Warranty Deed from Edward J. Bauer and Carol L. Bauer, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is accepted.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to accept said Warranty Deed and execute any attending documents on behalf of Adams County.

WARRANTY DEED

THIS DEED, dated this 19th day of October 2020, between **EDWARD J. BAUER AND CAROL L. BAUER**, whose address is 7631 Fernando Road, Denver, Colorado 80221, grantor(s), and the **COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway , Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: being a portion of 7631 Fernando Road
Assessor's schedule or parcel number: part of 0-1719-34-2-27-001

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record.

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Edward J. Bauer
Edward J. Bauer

Carol L. Bauer
Carol L. Bauer

STATE OF Colorado)
County of Adams)§

The foregoing instrument was acknowledged before me this 19th day of October, 2020 by Edward J. Bauer and Carol L. Bauer.

Witness my hand and official seal.
My commission expires: 6/10/24

**NICOLE BAUER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164022112
MY COMMISSION EXPIRES 06/10/2024**

Nicole Bauer
Notary Public

EXHIBIT "A"

**DEED FROM EDWARD J. BAUER AND CAROL L. BAUER,
TO
THE COUNTY OF ADAMS, STATE OF COLORADO**

Legal Description

Being a portion of Lot 9 Block 23 of the SHERRELWOOD ESTATES FILING NO. 1, a Subdivision recorded on December 24, 1958 in File No. 10 Map 301 Reception No. 569158 in the Office of the Clerk and Recorder of Adams County, Colorado, located in the Northwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, being more particularly described as follows:

Beginning at the most Northerly Corner of said Lot 9, thence South 32°25'08" East, along the Northeast line of said Lot 9, a distance of 1.00 feet;

Thence leaving said Northeast line, North 79°49'57" West, a distance of 1.35 feet to the Northwest line of said Lot 9;

Thence North 52°45'14" East, along the Northwest line of said Lot 9, a distance of 1.00 feet to the Point of Beginning.

Containing: 0.5 square feet, more or less.

Legal description prepared by:

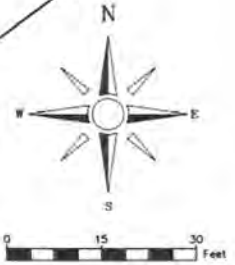
Ian Cortez, PLS
Colorado Professional
Land Surveyor No. 32822
For and on behalf of:
Adams County, Colorado

Exhibit "B" attached and hereby made a part thereof.



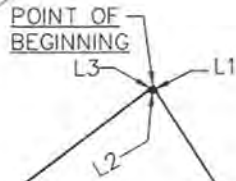
ADAMS COUNTY PUBLIC WORKS
EXHIBIT "B"

LOCATED in the NW1/4 of SEC 34, T2S, R68W of the 6th P.M.,
COUNTY OF ADAMS, STATE OF COLORADO



LINEAL UNITS =
US SURVEY FEET

DRAKE STREET



AREA = 0.5 S.F.,±

LINE TABLE		
LINE	BEARING	LENGTH
L1	S32°25'08"E	1.00'
L2	N79°49'57"W	1.35'
L3	N52°45'14"E	1.00'

FERNANDO ROAD

EDWARD J. BAUER AND
CAROL L. BAUER

7631 FERNANDO ROAD
PN: 1719-34-2-27-001

LOT 9 BLOCK 23
SHERRELWOOD ESTATES
FILING NO. 1



Ian Cortez

THIS DAY: May 29, 2020 CREATED BY: cortez

THIS EXHIBIT IS NOT A BOUNDARY SURVEY AND SHOULD NOT BE USED AS SUCH. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



AGENDA ITEM

PLANNING COMMISSION FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION RECOMMENDING ACCEPTANCE OF A WARRANTY DEED
FROM EDWARD J. BAUER AND CAROL L. BAUER TO ADAMS COUNTY
FOR RIGHT-OF-WAY PURPOSES

At the regular meeting for the Planning Commission for Adams County, Colorado, held at County Government Center in Brighton on Thursday the 11th day of February, 2021, the following proceedings and others were had and done, to wit:

WHEREAS, the Adams County Planning Commission has considered the advisability of acceptance by the Board of County Commissioners of a Warranty Deed from Edward J. Bauer and Carol L. Bauer for right-of-way purposes on the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, this Warranty Deed is in conjunction with the Miscellaneous Concrete and ADA Ramps Project along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue, located in the Northwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Adams County Planning Commission recommends to the Board of County Commissioners that said Warranty Deed from Edward J. Bauer and Carol L. Bauer be accepted by the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted.

I, John F. DuPiest, Chairperson/Acting Chairperson of the Adams County Planning Commission do hereby certify that the annexed foregoing resolution is a true and correct record of the proceedings of the Adams County Planning Commission.



Chairperson/Acting Chairperson
Adams County Planning Commission

WARRANTY DEED

THIS DEED, dated this 19th day of October 2020, between **EDWARD J. BAUER AND CAROL L. BAUER**, whose address is 7631 Fernando Road, Denver, Colorado 80221, grantor(s), and the **COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: being a portion of 7631 Fernando Road
Assessor's schedule or parcel number: part of 0-1719-34-2-27-001

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record.

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Edward J. Bauer

Edward J. Bauer

Carol L. Bauer

Carol L. Bauer

STATE OF Colorado)
County of Adams)§

The foregoing instrument was acknowledged before me this 19th day of October, 2020 by Edward J. Bauer and Carol L. Bauer.

Witness my hand and official seal.
My commission expires: 6/10/24

NICOLE BAUER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164022112
MY COMMISSION EXPIRES 06/10/2024

N Bauer

Notary Public

EXHIBIT "A"

**DEED FROM EDWARD J. BAUER AND CAROL L. BAUER,
TO
THE COUNTY OF ADAMS, STATE OF COLORADO**

Legal Description

Being a portion of Lot 9 Block 23 of the SHERRELWOOD ESTATES FILING NO. 1, a Subdivision recorded on December 24, 1958 in File No. 10 Map 301 Reception No. 569158 in the Office of the Clerk and Recorder of Adams County, Colorado, located in the Northwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, being more particularly described as follows:

Beginning at the most Northerly Corner of said Lot 9, thence South 32°25'08" East, along the Northeast line of said Lot 9, a distance of 1.00 feet;

Thence leaving said Northeast line, North 79°49'57" West, a distance of 1.35 feet to the Northwest line of said Lot 9;

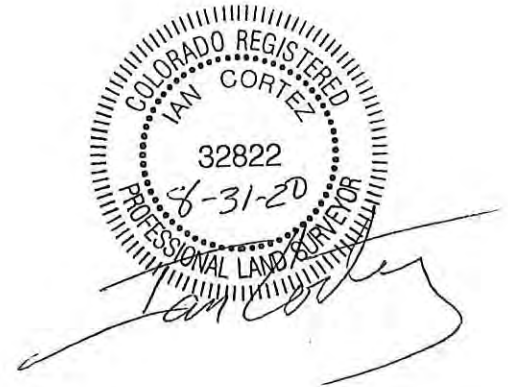
Thence North 52°45'14" East, along the Northwest line of said Lot 9, a distance of 1.00 feet to the Point of Beginning.

Containing: 0.5 square feet, more or less.

Legal description prepared by:

Ian Cortez, PLS
Colorado Professional
Land Surveyor No. 32822
For and on behalf of:
Adams County, Colorado

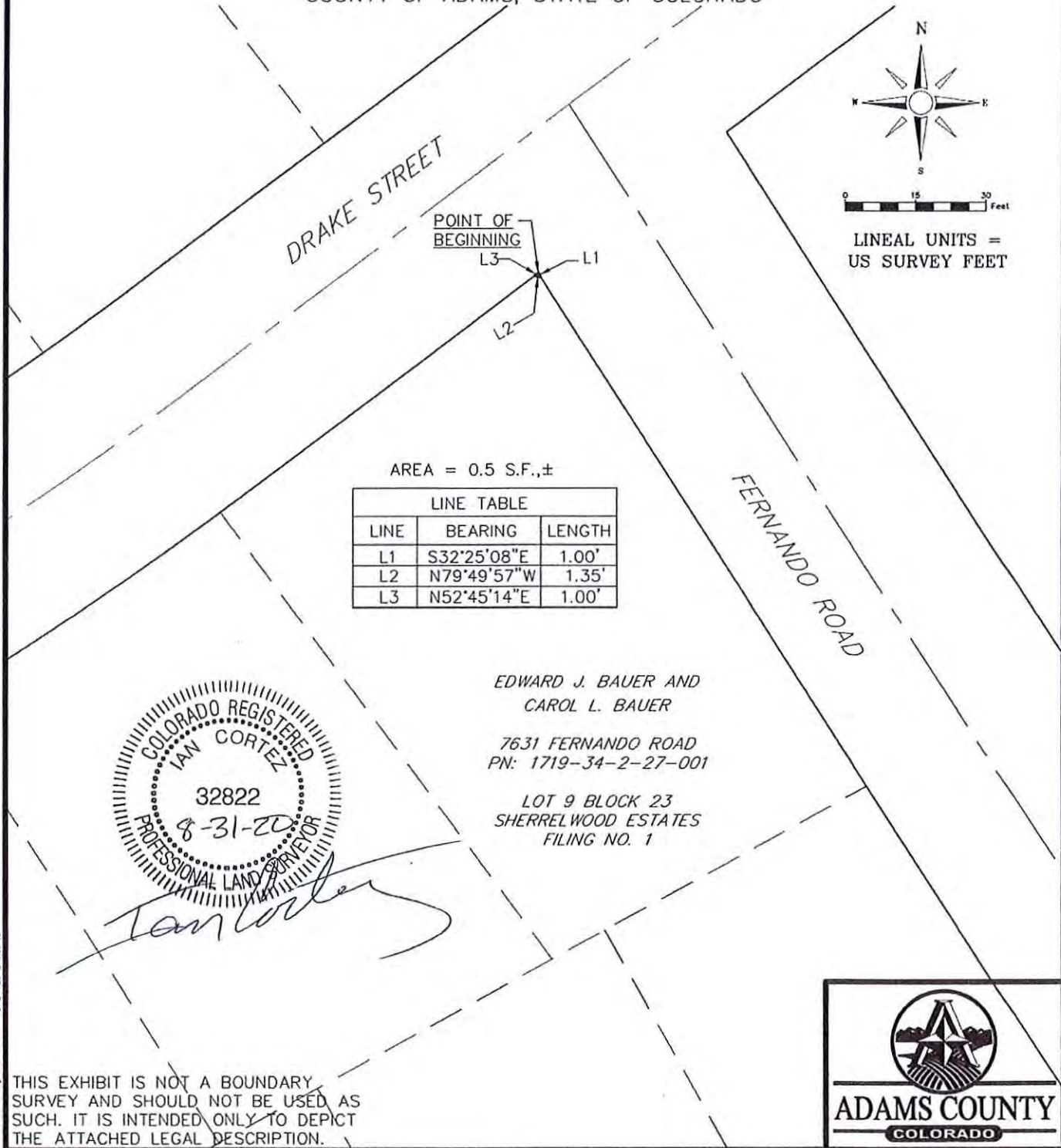
Exhibit "B" attached and hereby made a part thereof.



ADAMS COUNTY PUBLIC WORKS

EXHIBIT "B"

LOCATED in the NW1/4 of SEC 34, T2S, R68W of the 6th P.M.,
COUNTY OF ADAMS, STATE OF COLORADO



AREA = 0.5 S.F.,±

LINE TABLE		
LINE	BEARING	LENGTH
L1	S32°25'08"E	1.00'
L2	N79°49'57"W	1.35'
L3	N52°45'14"E	1.00'

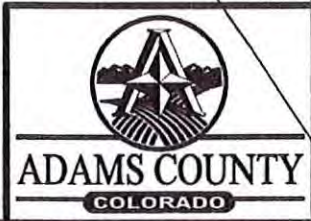
EDWARD J. BAUER AND
CAROL L. BAUER

7631 FERNANDO ROAD
PN: 1719-34-2-27-001

LOT 9 BLOCK 23
SHERRELWOOD ESTATES
FILING NO. 1



Ian Cortez



THIS DAY: May 29, 2020 CREATED BY: cortez

THIS EXHIBIT IS NOT A BOUNDARY SURVEY AND SHOULD NOT BE USED AS SUCH. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution accepting Special Warranty Deed conveying property from Khoi Tran to Adams County for road right-of-way
FROM: Brian Staley, P.E., PTOE, RSP, Deputy Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Special Warranty Deed for the acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue for the Miscellaneous Concrete and ADA Ramps Project. The intention of this Project is to identify and improve the overall mobility and accessibility of maturing neighborhoods with ADA accessibility connectivity including ADA-compliant sidewalks and the addition of ADA pedestrian ramps. The attached resolution allows Adams County to accept the Special Warranty Deed.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Special Warranty Deed
Planning Commission resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/> <hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING SPECIAL WARRANTY DEED CONVEYING PROPERTY
FROM KHOI TRAN TO ADAMS COUNTY FOR ROAD RIGHT-OF-WAY

WHEREAS, Adams County is in the process of acquiring right-of-way for the Miscellaneous Concrete and ADA Ramps Project along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue (“Project”); and,

WHEREAS, this right-of-way parcel is from property at 41 Bowie Court, located in the Southwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado and is owned by Khoi Tran (“Parcel”); and

WHEREAS, Adams County requires ownership of the Parcel for construction of the Project; and

WHEREAS, Khoi Tran has executed a Special Warranty Deed to dedicate the Parcel for road right-of-way purposes for Broadway Street that complies with County standards and will benefit the citizens of Adams County; and

WHEREAS, at a regular meeting of the Planning Commission for Adams County, Colorado, held at the County Government Center in Brighton on Thursday the 11th day of February, 2021, the Planning Commission recommended that the Board of County Commissioners accept said Special Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Adams, State of Colorado, that the Special Warranty Deed from Khoi Tran, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is accepted.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to accept said Special Warranty Deed and execute any attending documents on behalf of Adams County.

SPECIAL WARRANTY DEED

THIS DEED, dated this 3rd day of August 2020, between **KHOI TRAN**, whose address is PO BOX 564, Westminster, Colorado 80036 of the County of Jefferson and State of Colorado, grantor(s), and **THE COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **SEVEN HUNDRED TWENTY-ONE AND NO/100 DOLLARS (\$721.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: **11 Bowie Court**

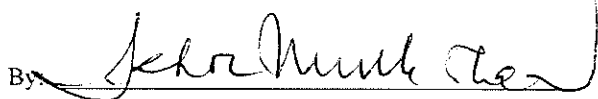
Assessor's schedule or parcel number: part of **0171934317010**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, does covenant, and agree that it shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under grantor(s), except and subject to matters of record, and except interests of record.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Khoi Tran

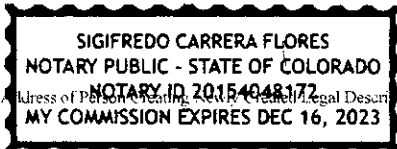
By: 

STATE OF Colorado)
County of Adams) §

The foregoing instrument was acknowledged before me this 3rd day of August, 2020, by Khoi Tran.

Witness my hand and official seal.
My commission expires: 12/16/2023





Notary Public

Name and Address of Person Reading, Copy, Grant or Legal Description (§38-55-106.5, C.R.S.)

EXHIBIT "A"

**DEED FROM KHOI TRAN
TO
THE COUNTY OF ADAMS, STATE OF COLORADO**

Legal Description

A parcel of land being a portion of Lot 35 Block 4 of the WESTERN HILLS FILING NO. 1, a Subdivision recorded on October 7, 1954 in File No. 10 Map 82 Reception No. 430673 in the Office of the Clerk and Recorder of Adams County, Colorado, located in the Southwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, being more particularly described as follows:

Beginning at the Southeasterly Corner of said Lot 35, thence South 89°57'43" West, along the Southerly line of said Lot 35, a distance of 10.00 feet:

Thence leaving said Southerly line, North 44°57'43" East, a distance of 14.14 feet to the Easterly line of said Lot 35;

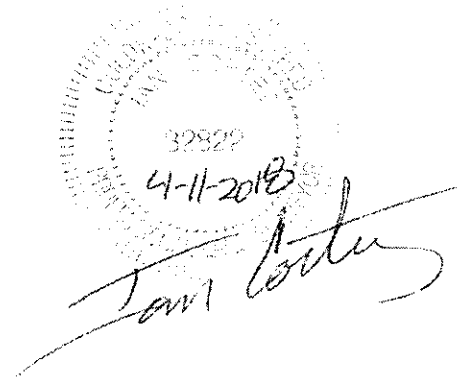
Thence South 0°02'17" East, along the Easterly line of said Lot 35, a distance of 10.00 feet to the Point of Beginning.

Containing: 50 square feet, more or less.

Legal description prepared by:

Ian Cortez, PLS
Colorado Professional
Land Surveyor No. 32822
For and on behalf of:
Adams County, Colorado

Exhibit "B" attached and hereby made a part thereof.



A circular professional seal for Ian Cortez, Colorado Professional Land Surveyor No. 32822. The seal contains the text "COLORADO PROFESSIONAL LAND SURVEYOR" around the perimeter and "IAN CORTAZ" in the center. The number "32822" is printed in the center. A date stamp "4-11-2018" is visible over the seal. A handwritten signature, "Ian Cortez", is written across the bottom of the seal.

EXHIBIT "B"

38802
4-11-2018
Jan Carter

KHOI TRAN
WESTERN HILLS FILING NO. 1
LOT 35, BLOCK 4
11 BOWIE COURT
PN: 1719-34-3-17-010

BROADWAY STREET

WEST LINE - SET/4 SEC. 34

N44°57'43"E
14.14'

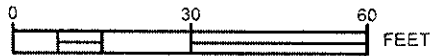
S0°02'17"E
10.00'

POINT OF BEGINNING

S89°57'43"W
10.00'

AREA =
50 S.F., ±

BOWIE COURT



SCALE: 1" = 30'



ADAMS COUNTY
COLORADO

THIS EXHIBIT IS NOT A BOUNDARY SURVEY AND SHOULD NOT BE USED AS SUCH. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

AGENDA ITEM

PLANNING COMMISSION FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION RECOMMENDING ACCEPTANCE OF A SPECIAL WARRANTY DEED
FROM KHOI TRAN TO ADAMS COUNTY
FOR RIGHT-OF-WAY PURPOSES

At the regular meeting for the Planning Commission for Adams County, Colorado, held at County Government Center in Brighton on Thursday the 11th day of February, 2021, the following proceedings and others were had and done, to wit:

WHEREAS, the Adams County Planning Commission has considered the advisability of acceptance by the Board of County Commissioners of a Special Warranty Deed from Khoi Tran for right-of-way purposes on the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, this Special Warranty Deed is in conjunction with the Miscellaneous Concrete and ADA Ramps Project along the Broadway Street-Conifer Road corridor from U.S. Highway 36 to 84th Avenue, located in the Southwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Adams County Planning Commission recommends to the Board of County Commissioners that said Special Warranty Deed from Khoi Tran be accepted by the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted.

I, John F. DuPriest, Chairperson/Acting Chairperson of the Adams County Planning Commission do hereby certify that the annexed foregoing resolution is a true and correct record of the proceedings of the Adams County Planning Commission.



Chairperson/Acting Chairperson
Adams County Planning Commission

SPECIAL WARRANTY DEED

THIS DEED, dated this 3rd day of August 2020, between **KHOI TRAN**, whose address is PO BOX 564, Westminster, Colorado 80036 of the County of Jefferson and State of Colorado, grantor(s), and **THE COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **SEVEN HUNDRED TWENTY-ONE AND NO/100 DOLLARS (\$721.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: **11 Bowie Court**

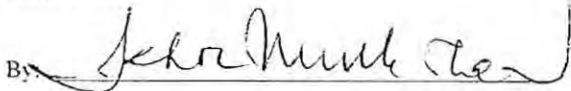
Assessor's schedule or parcel number: part of **0171934317010**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, does covenant, and agree that it shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or under grantor(s), except and subject to matters of record, and except interests of record.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Khoi Tran

By: 

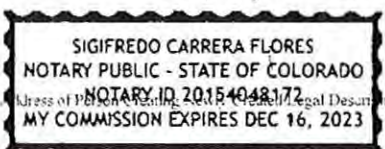
STATE OF Colorado)
) §
County of Adams)

The foregoing instrument was acknowledged before me this 3rd day of August, 2020, by Khoi Tran.

Witness my hand and official seal.
My commission expires: 12/16/2023



Notary Public



Name and Address of Person Receiving: _____ Legal Description: _____ (Section 38-35-106.5, C.R.S.)

EXHIBIT "A"

**DEED FROM KHOI TRAN
TO
THE COUNTY OF ADAMS, STATE OF COLORADO**

Legal Description

A parcel of land being a portion of Lot 35 Block 4 of the WESTERN HILLS FILING NO. 1, a Subdivision recorded on October 7, 1954 in File No. 10 Map 82 Reception No. 430673 in the Office of the Clerk and Recorder of Adams County, Colorado, located in the Southwest Quarter of Section 34, Township 2 South, Range 68 West of the 6th Principal Meridian, being more particularly described as follows:

Beginning at the Southeasterly Corner of said Lot 35, thence South 89°57'43" West, along the Southerly line of said Lot 35, a distance of 10.00 feet:

Thence leaving said Southerly line, North 44°57'43" East, a distance of 14.14 feet to the Easterly line of said Lot 35;

Thence South 0°02'17" East, along the Easterly line of said Lot 35, a distance of 10.00 feet to the Point of Beginning.

Containing: 50 square feet, more or less.

Legal description prepared by:

Ian Cortez, PLS
Colorado Professional
Land Surveyor No. 32822
For and on behalf of:
Adams County, Colorado

Exhibit "B" attached and hereby made a part thereof.



Professional seal of Ian Cortez, PLS, Colorado Professional Land Surveyor No. 32822, dated 4-11-2018, with a handwritten signature.

EXHIBIT "B"

4-11-2018

Jan Carter

KHOI TRAN
WESTERN HILLS FILING NO. 1
LOT 35, BLOCK 4
11 BOWIE COURT
PN: 1719-34-3-17-010

BROADWAY STREET

WEST LINE - SET 1/4 SEC. 34

N44°57'43"E
14.14'

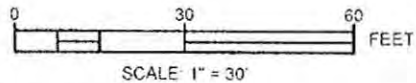
S0°02'17"E
10.00'

POINT OF BEGINNING

S89°57'43"W
10.00'

AREA =
50 S.F., ±

BOWIE COURT



THIS EXHIBIT IS NOT A BOUNDARY SURVEY AND SHOULD NOT BE USED AS SUCH. IT IS INTENDED ONLY TO DEPICT THE ATTACHED LEGAL DESCRIPTION.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution accepting Warranty Deed conveying property from Spera Family Investment Co., and Michele P. Erickson to Adams County, for road right-of-way
FROM: Brian Staley, P.E., PTOE, RSP, Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Warranty Deed for the acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street. The County is in need of a portion of Spera Family Investment Co., and Michele P. Erickson property for the construction of curb, gutter, sidewalk and drainage improvements. The attached resolution allows Adams County to accept the Warranty Deed.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Warranty Deed
Planning Commission resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING WARRANTY DEED CONVEYING PROPERTY FROM
SPERA FAMILY INVESTMENT CO., AND MICHELE P. ERICKSON
TO ADAMS COUNTY FOR ROAD RIGHT-OF-WAY

WHEREAS, Adams County is in the process of acquiring right-of-way and temporary construction easements along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street (the “Project”); and,

WHEREAS, this right-of-way parcel is from property at 5820 Ogden Street, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, and owned by Spera Family Investment Co., a Colorado limited partnership, and Michele P. Erickson, (“Parcel 5”); and,

WHEREAS, Adams County requires ownership of Parcel 5 for construction of the Project; and,

WHEREAS, Spera Family Investment Co., and Michelle P. Erickson, have executed a Warranty Deed to convey Parcel 5 for road right-of-way purposes for East 58th Avenue that complies with County standards and will benefit the citizens of Adams County; and,

WHEREAS, at a regular meeting of the Planning Commission for Adams County, Colorado, held at the County Government Center in Brighton on Thursday the 11th day of February, 2021, the Planning Commission recommended that the Board of County Commissioners accept said Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Warranty Deed from Spera Family Investment Co., a Colorado limited partnership, and Michele P. Erickson, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is accepted.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to accept said Warranty Deed and execute any attending documents on behalf of Adams County.



State Documentary Fee

Date:

EXEMPT

Warranty Deed

(Pursuant to C.R.S. 38-30-113(1)(a))

THIS DEED, made on 11-18-2020 by SPERA FAMILY INVESTMENT CO., A COLORADO LIMITED PARTNERSHIP AND MICHELE P. ERICKSON Grantor(s), of the County of Weld and State of Colorado for the consideration of (\$47,285.00) ***Forty Seven Thousand Two Hundred Eighty Five and 00/100 *** dollars in hand paid, hereby sells and conveys to ADAMS COUNTY Grantee(s), whose street address is 4430 S ADAMS COUNTY PARKWAY STE. W2000B, Brighton, CO 80601, County of Adams, and State of Colorado, the following real property in the County of Adams, and State of Colorado, to wit:

See attached "Exhibit A"

also known by street and number as: 5820 OGDEN STREET, DENVER, CO 80126

with all its appurtenances and warrants the title to the same, subject to the matters shown in the attached Exhibit B, which, by reference, is incorporated herein.

(SEE ATTACHED "SIGNATURE PAGE")

When recorded return to: **ADAMS COUNTY**
4430 S ADAMS COUNTY PARKWAY STE. W2000B, Brighton, CO 80601



Warranty Deed

SIGNATURE PAGE - Page 1 of 3

SPERA FAMILY INVESTMENT CO., A COLORADO
LIMITED PARTNERHIP

By: Sharon K Spera
SHARON K. SPERA, GENERAL PARTNER

State of Colorado)

County of Jefferson)ss.
)

The foregoing instrument was acknowledged before me on this day of Nov 18th 2020 by SHARON K. SPERA AS
GENERAL PARTNER OF SPERA FAMILY INVESTMENT CO., A COLORADO LIMITED PARTNERHIP

Witness my hand and official seal

My Commission expires: 10/17/2023

[Signature]
Notary Public

JOHN RICHARD SCANLON IV
Notary Public
State of Colorado
Notary ID: 20194039699
My Commission Expires 10/17/2023

Warranty Deed

SIGNATURE PAGE - Page 2 of 3

SPERA FAMILY INVESTMENT CO., A COLORADO
LIMITED PARTNERHIP

By: Patricia R. Gibbons
PATRICIA R. GIBBONS, GENERAL PARTNER

State of Colorado)
County of Weld)ss.
)

The foregoing instrument was acknowledged before me on this day of November 18th, 2020 by PATRICIA R. GIBBONS AS
GENERAL PARTNER OF SPERA FAMILY INVESTMENT CO., A COLORADO LIMITED PARTNERHIP

Witness my hand and official seal

My Commission expires: 1/9/23 _____
Notary Public

MICHEALA RAE SMITH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194000990
MY COMMISSION EXPIRES 01/09/2023

Warranty Deed

SIGNATURE PAGE - Page 3 of 3

Michele P. Erickson
MICHELE P. ERICKSON

State of Colorado)
County of Weld)ss.
)

The foregoing instrument was acknowledged before me on this day of November 18th, 2020 by MICHELE P. ERICKSON

Witness my hand and official seal

My Commission expires: 1/9/23

[Signature]
Notary Public

MICHEALA RAE SMITH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194000990
MY COMMISSION EXPIRES 01/09/2023



Drexel, Barrell & Co.

JULY 1, 2019

EXHIBIT A
LEGAL DESCRIPTION
PARCEL RW-5
RIGHT-OF-WAY DEDICATION

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. C1090371 IN THE ADAMS COUNTY RECORDS, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

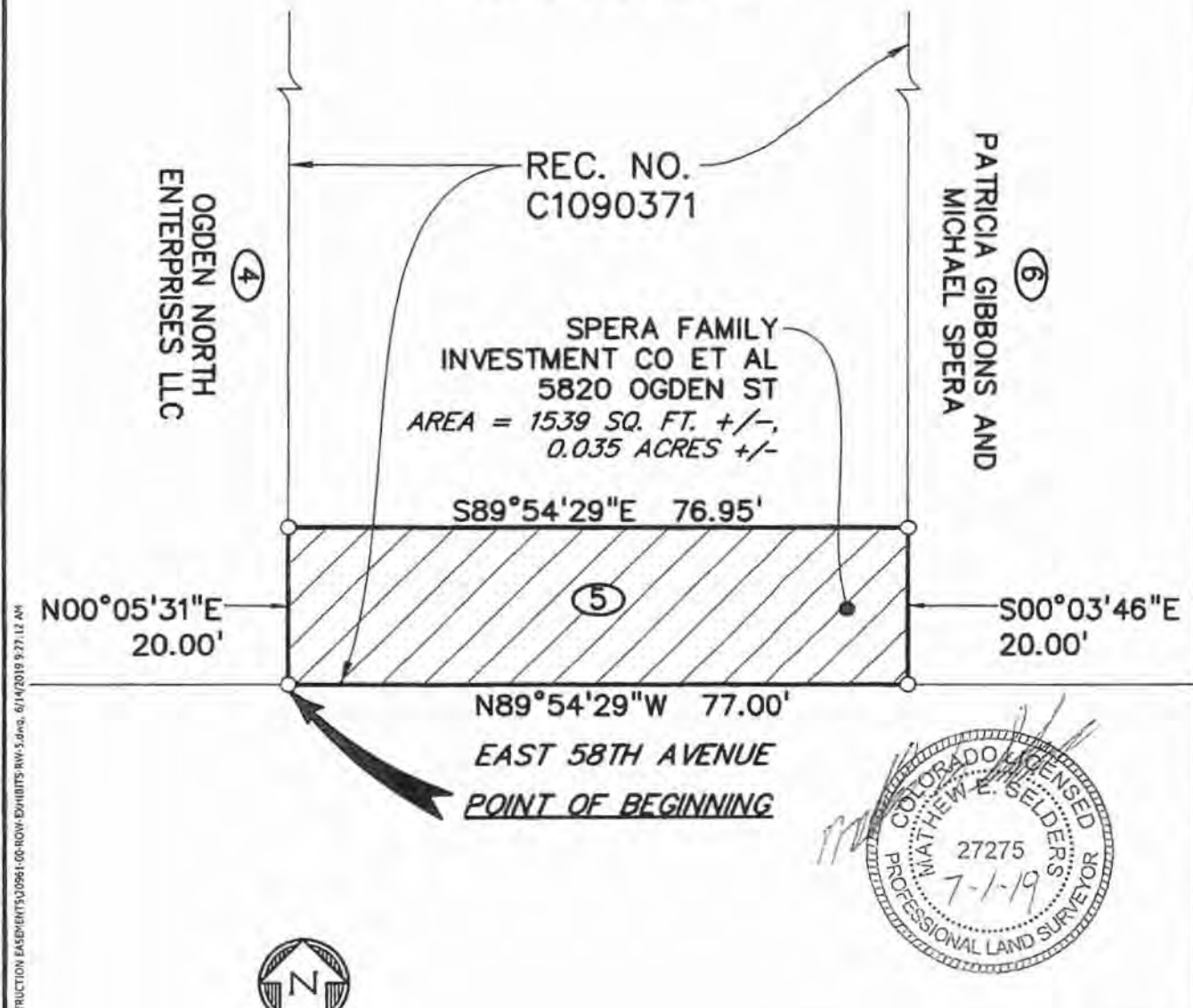
BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. C1090371, SAID POINT BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE; THENCE N00°05'31"E, 20.00 FEET ALONG THE WESTERLY LINE OF SAID TRACT OF LAND; THENCE S89°54'29"E, 76.95 FEET TO THE EASTERLY LINE OF SAID TRACT OF LAND; THENCE S00°03'46"E, 20.00 FEET ALONG SAID EASTERLY LINE TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND, SAID POINT ALSO BEING ON SAID NORTHERLY LINE OF EAST 58TH AVENUE; THENCE N89°54'29"W, 77.00 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT OF LAND AND ALONG SAID NORTHERLY LINE OF EAST 58TH AVENUE TO THE **POINT OF BEGINNING**.

CONTAINING 0.035 ACRES OR 1539 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



**EXHIBIT
 PARCEL RW-5
 R.O.W. DEDICATION**



SCALE 1" = 20'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338

BOULDER, COLORADO (303) 442-4338
 COLORADO SPRING, COLORADO (719) 260-0887
 GREELEY, COLORADO (970) 361-0846

Revisions - Date	Date	Drawn By	Job No.
	6/12/19	MAN	20961-00
	Scale	Checked By	Drawing No.
	1"=20'	MES	IN FILE

16120961-0081-TMSurvey-Drawing-08-C.O.W. TAKES AND CONSTRUCTION EASEMENTS 20961-00-R.O.W. EXHIBITS RW-5.dwg, 6/14/2019 9:27:11 AM

Exhibit B

1. GENERAL TAXES FOR THE YEAR OF CLOSING.
2. DISTRIBUTION UTILITY EASEMENTS (INCLUDING CABLE TV).
3. THOSE SPECIFICALLY DESCRIBED RIGHTS OF THIRD PARTIES NOT SHOWN BY THE PUBLIC RECORDS OF WHICH GRANTEE HAS ACTUAL KNOWLEDGE AND WHICH WERE ACCEPTED BY GRANTEE IN ACCORDANCE WITH § 8.3 (OFF-RECORD TITLE) AND § 9 (NEW ILC OR NEW SURVEY) OF THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED.
4. INCLUSION OF THE PROPERTY WITHIN ANY SPECIAL TAXING DISTRICT.
5. ANY SPECIAL ASSESSMENT IF THE IMPROVEMENTS WERE NOT INSTALLED AS OF THE DATE OF GRANTEE'S SIGNATURE TO THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED, WHETHER ASSESSED PRIOR TO OR AFTER CLOSING.
6. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY EASEMENT RECORDED AUGUST 23, 1935 IN BOOK 225 AT PAGE 513.
7. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT DEED RECORDED APRIL 13, 1955 IN BOOK 544 AT PAGE 255.
8. EASEMENT AND RIGHTS OF OTHERS TO USE THAT PORTION OF OGDEN STREET CROSSING SUBJECT PROPERTY, SAID OGDEN STREET WAS VACATED IN VACATION OF RIGHT-OF-WAY RECORDED NOVEMBER 3, 1965 IN BOOK 1257 AT PAGE 93.
9. TERMS, CONDITIONS AND PROVISIONS OF NOTICE RECORDED AUGUST 11, 1967 IN BOOK 1381 AT PAGE 313.
10. THE EFFECT OF LICENSE AGREEMENT RECORDED JULY 07, 1970, IN BOOK 1611 AT PAGE 34.
11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY EASEMENT RECORDED DECEMBER 20, 1977 IN BOOK 2199 AT PAGE 697.
12. THE EFFECT OF NORTH WASHINGTON STREET AND SANITATION DISTRICT WATER AND SEWER UTILITIES BASE MAP - INDEX RECORDED MAY 8, 2017 UNDER RECEPTION NO. 2017000039956.

AGENDA ITEM

PLANNING COMMISSION FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION RECOMMENDING ACCEPTANCE OF A WARRANTY DEED
FROM THE SPERA FAMILY INVESTMENT CO. AND MICHELE P. ERICKSON TO
ADAMS COUNTY
FOR RIGHT-OF-WAY PURPOSES

At the regular meeting for the Planning Commission for Adams County, Colorado, held at County Government Center in Brighton on Thursday the 11th day of February, 2021, the following proceedings and others were had and done, to wit:

WHEREAS, the Adams County Planning Commission has considered the advisability of acceptance by the Board of County Commissioners of a Warranty Deed from Spera Family Investment Co., a Colorado limited partnership and Michele P. Erickson for right-of-way purposes on the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, this Warranty Deed is in conjunction with the East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Adams County Planning Commission recommends to the Board of County Commissioners that said Warranty Deed from Spera Family Investment Co., a Colorado limited partnership and Michele P. Erickson be accepted by the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted.

I, John F. DuPiest, Chairperson/Acting Chairperson of the Adams County Planning Commission do hereby certify that the annexed foregoing resolution is a true and correct record of the proceedings of the Adams County Planning Commission.



Chairperson/Acting Chairperson
Adams County Planning Commission



State Documentary Fee
Date:
EXEMPT

Warranty Deed

(Pursuant to C.R.S. 38-30-113(1)(a))

THIS DEED, made on 11-18-2020 by SPERA FAMILY INVESTMENT CO., A COLORADO LIMITED PARTNERSHIP AND MICHELE P. ERICKSON Grantor(s), of the County of Weld and State of Colorado for the consideration of (\$47,285.00) ***Forty Seven Thousand Two Hundred Eighty Five and 00/100 *** dollars in hand paid, hereby sells and conveys to ADAMS COUNTY Grantee(s), whose street address is 4430 S ADAMS COUNTY PARKWAY STE. W2000B, Brighton, CO 80601, County of Adams, and State of Colorado, the following real property in the County of Adams, and State of Colorado, to wit:

See attached "Exhibit A"

also known by street and number as: 5820 OGDEN STREET, DENVER, CO 80126

with all its appurtenances and warrants the title to the same, subject to the matters shown in the attached Exhibit B, which, by reference, is incorporated herein.

(SEE ATTACHED "SIGNATURE PAGE")

When recorded return to: ADAMS COUNTY
4430 S ADAMS COUNTY PARKWAY STE. W2000B, Brighton, CO 80601



Warranty Deed

SIGNATURE PAGE - Page 1 of 3

SPERA FAMILY INVESTMENT CO., A COLORADO
LIMITED PARTNERHIP

By: Sharon K Spere
SHARON K. SPERA, GENERAL PARTNER

State of Colorado)
County of Jefferson)ss.
)

The foregoing instrument was acknowledged before me on this day of Nov. 18th 2020 by SHARON K. SPERA AS
GENERAL PARTNER OF SPERA FAMILY INVESTMENT CO., A COLORADO LIMITED PARTNERHIP

Witness my hand and official seal

My Commission expires: 10/17/2023

John Richard Scanlon IV
Notary Public

JOHN RICHARD SCANLON IV
Notary Public
State of Colorado
Notary ID: 20194039699
My Commission Expires 10/17/2023

Warranty Deed

SIGNATURE PAGE - Page 2 of 3

SPERA FAMILY INVESTMENT CO., A COLORADO
LIMITED PARTNERHIP

By: Patricia R. Gibbons
PATRICIA R. GIBBONS, GENERAL PARTNER

State of Colorado)
County of Weld)ss.
)

The foregoing instrument was acknowledged before me on this day of November 18th, 2020 by PATRICIA R. GIBBONS AS
GENERAL PARTNER OF SPERA FAMILY INVESTMENT CO., A COLORADO LIMITED PARTNERHIP

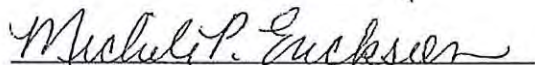
Witness my hand and official seal

My Commission expires: 1/9/23 
Notary Public

MICHEALA RAE SMITH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194000990
MY COMMISSION EXPIRES 01/09/2023

Warranty Deed

SIGNATURE PAGE - Page 3 of 3


MICHELE P. ERICKSON

State of Colorado)
County of Weld)
ss.

The foregoing instrument was acknowledged before me on this day of November 18th, 2020 by MICHELE P. ERICKSON

Witness my hand and official seal

My Commission expires: 1/9/23



Notary Public

MICHEALA RAE SMITH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194000990
MY COMMISSION EXPIRES 01/09/2023



Drexel, Barrell & Co.

JULY 1, 2019

EXHIBIT A
LEGAL DESCRIPTION
PARCEL RW-5
RIGHT-OF-WAY DEDICATION

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. C1090371 IN THE ADAMS COUNTY RECORDS, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

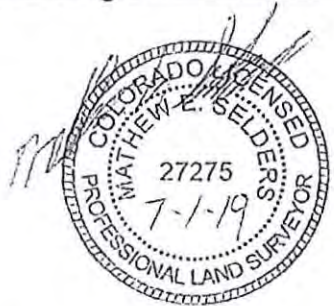
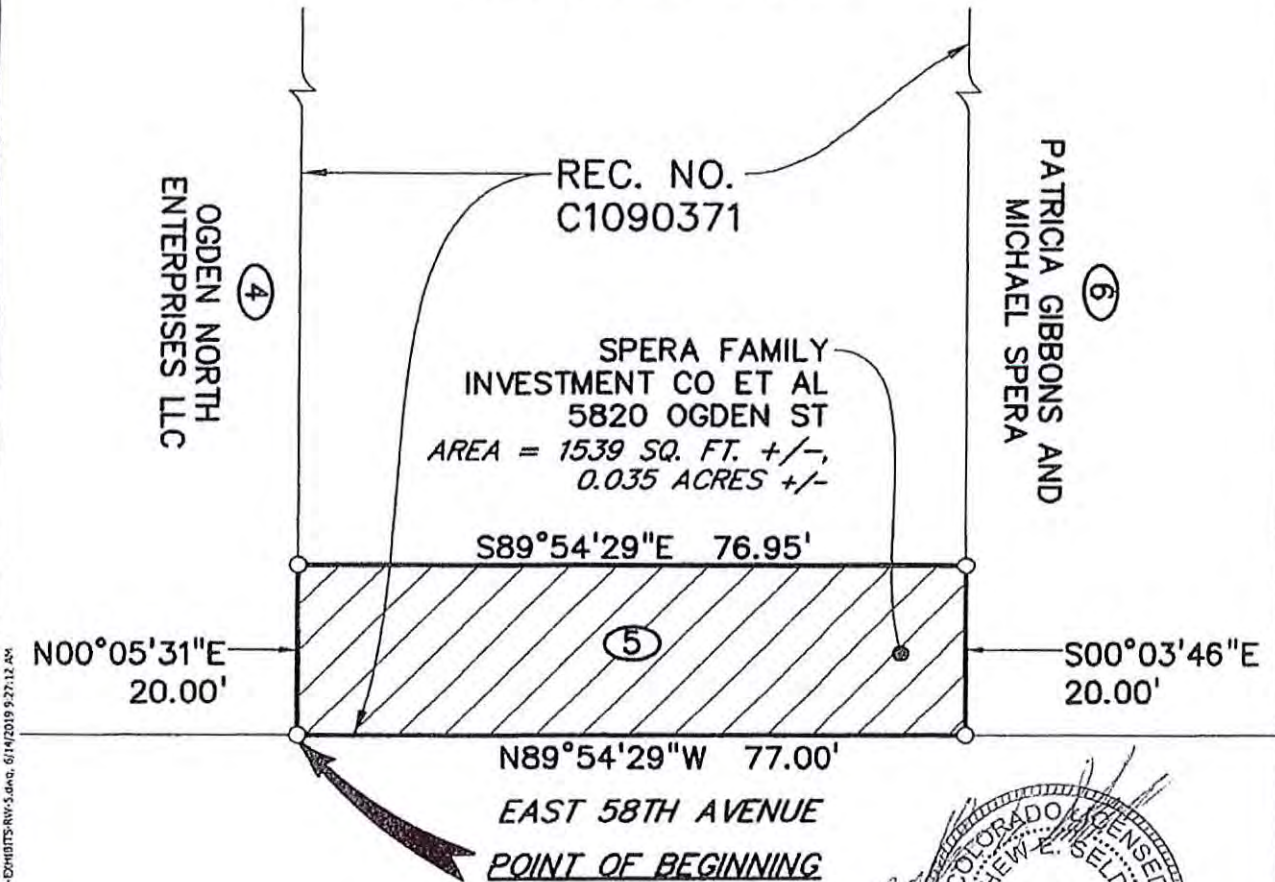
BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. C1090371, SAID POINT BEING ON THE NORTHERLY LINE OF EAST 58TH AVENUE; THENCE N00°05'31"E, 20.00 FEET ALONG THE WESTERLY LINE OF SAID TRACT OF LAND; THENCE S89°54'29"E, 76.95 FEET TO THE EASTERLY LINE OF SAID TRACT OF LAND; THENCE S00°03'46"E, 20.00 FEET ALONG SAID EASTERLY LINE TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND, SAID POINT ALSO BEING ON SAID NORTHERLY LINE OF EAST 58TH AVENUE; THENCE N89°54'29"W, 77.00 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT OF LAND AND ALONG SAID NORTHERLY LINE OF EAST 58TH AVENUE TO THE **POINT OF BEGINNING**.

CONTAINING 0.035 ACRES OR 1539 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



**EXHIBIT
 PARCEL RW-5
 R.O.W. DEDICATION**



SCALE 1" = 20'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 39TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 BOULDER, COLORADO (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 260-0887
 GREELEY, COLORADO (970) 361-0645



Revisions - Date	Date	Drawn By	Job No.
	6/12/19	MAN	20961-00
	Scale	Checked By	Drawing No.
	1"=20'	MES	IN FILE

H:\2020\1-COBLTRISurvey\Drawings\RW-Dedication\EXHIBITS\RW-5.dwg, 6/14/2019 9:27:12 AM

Exhibit B

1. GENERAL TAXES FOR THE YEAR OF CLOSING.
2. DISTRIBUTION UTILITY EASEMENTS (INCLUDING CABLE TV).
3. THOSE SPECIFICALLY DESCRIBED RIGHTS OF THIRD PARTIES NOT SHOWN BY THE PUBLIC RECORDS OF WHICH GRANTEE HAS ACTUAL KNOWLEDGE AND WHICH WERE ACCEPTED BY GRANTEE IN ACCORDANCE WITH § 8.3 (OFF-RECORD TITLE) AND § 9 (NEW ILC OR NEW SURVEY) OF THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED.
4. INCLUSION OF THE PROPERTY WITHIN ANY SPECIAL TAXING DISTRICT.
5. ANY SPECIAL ASSESSMENT IF THE IMPROVEMENTS WERE NOT INSTALLED AS OF THE DATE OF GRANTEE'S SIGNATURE TO THE CONTRACT TO BUY AND SELL REAL ESTATE RELATING TO THE REAL PROPERTY CONVEYED BY THIS DEED, WHETHER ASSESSED PRIOR TO OR AFTER CLOSING.
6. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY EASEMENT RECORDED AUGUST 23, 1935 IN BOOK 225 AT PAGE 513.
7. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT DEED RECORDED APRIL 13, 1955 IN BOOK 544 AT PAGE 255.
8. EASEMENT AND RIGHTS OF OTHERS TO USE THAT PORTION OF OGDEN STREET CROSSING SUBJECT PROPERTY, SAID OGDEN STREET WAS VACATED IN VACATION OF RIGHT-OF-WAY RECORDED NOVEMBER 3, 1965 IN BOOK 1257 AT PAGE 93.
9. TERMS, CONDITIONS AND PROVISIONS OF NOTICE RECORDED AUGUST 11, 1967 IN BOOK 1381 AT PAGE 313.
10. THE EFFECT OF LICENSE AGREEMENT RECORDED JULY 07, 1970, IN BOOK 1611 AT PAGE 34.
11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN UTILITY EASEMENT RECORDED DECEMBER 20, 1977 IN BOOK 2199 AT PAGE 697.
12. THE EFFECT OF NORTH WASHINGTON STREET AND SANITATION DISTRICT WATER AND SEWER UTILITIES BASE MAP - INDEX RECORDED MAY 8, 2017 UNDER RECEPTION NO. 2017000039956.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution accepting Warranty Deed conveying property from Ready Mixed Concrete Company, LLC, to Adams County, for road right-of-way
FROM: Brian Staley, P.E., PTOE, RSP, Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Warranty Deed for the acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street. The County is in need of a portion of Ready Mixed Concrete Company, LLC, property for the construction of curb, gutter, sidewalk and drainage improvements. The attached resolution allows Adams County to accept the Warranty Deed.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Warranty Deed
Planning Commission resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING WARRANTY DEED CONVEYING PROPERTY FROM
READY MIXED CONCRETE COMPANY, LLC,
TO ADAMS COUNTY FOR ROAD RIGHT-OF-WAY

WHEREAS, Adams County is in the process of acquiring right-of-way and temporary construction easements along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street (the “Project”); and,

WHEREAS, this right-of-way parcel is from property at 1590 East 58th Avenue and 1570 East 58th Avenue, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, and owned by Ready Mixed Concrete Company, LLC, (“Parcel 37-40”); and,

WHEREAS, Adams County requires ownership of Parcel 37-40 for construction of the Project; and,

WHEREAS, Ready Mixed Concrete Company, LLC, has executed a Warranty Deed to convey Parcel 37-40 for road right-of-way purposes for East 58th Avenue that complies with County standards and will benefit the citizens of Adams County; and,

WHEREAS, at a regular meeting of the Planning Commission for Adams County, Colorado, held at the County Government Center in Brighton on Thursday the 11th day of February, 2021, the Planning Commission recommended that the Board of County Commissioners accept said Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Warranty Deed from Ready Mixed Concrete Company, LLC, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is accepted.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to accept said Warranty Deed and execute any attending documents on behalf of Adams County.

State Documentary Fee
Date
\$ Exempt

WARRANTY DEED

THIS DEED, dated this 19th day of NOVEMBER 2020, between Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company who acquired title as Ready Mixed Concrete Company, a Colorado Corporation, whose address is 5775 Franklin Street, Denver, Colorado 80216, grantor(s), and the COUNTY OF ADAMS, State of Colorado, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of \$276,000 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: a portion of 1590 East 58th Avenue & 1570 East 58th Avenue
Assessor's schedule or parcel numbers: 182511300045, 182511300044 & 182511300043

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record if any.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company
who acquired title as Ready Mixed Concrete Company, a Colorado Corporation

By: Brannan Sand and Gravel Company, L.L.C., Sole member

By: [Signature]
J. Curtis Marvel, JR. President and CEO





C2873145

Order Number: 70640182

Image Type: **Warranty Deed - Recordable (WARDEED)**

Printed By: Cassidee Schmidt

On: 11/05/2020

Address: 1570 AND 1590 EAST 58TH AVENUE AND VACANT
LAND, DENVER, CO 80216

Buyer/Borrower: COUNTY OF ADAMS, STATE OF COLORADO

E-RECORD

THIS DOCUMENT WAS FILED

State Documentary Fee
Date
\$ Exempt

WARRANTY DEED

THIS DEED, dated this 19th day of NOVEMBER 2020, between **Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company who acquired title as Ready Mixed Concrete Company, a Colorado Corporation**, whose address is 5775 Franklin Street, Denver, Colorado 80216, grantor(s), and the **COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of \$276,000 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: a portion of 1590 East 58th Avenue & 1570 East 58th Avenue
Assessor's schedule or parcel numbers: 182511300045, 182511300044 & 182511300043

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the enrolling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record if any.

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company
who acquired title as **Ready Mixed Concrete Company, a Colorado Corporation**

By: Brannan Sand and Gravel Company, L.L.C., Sole member

By: [Signature]
J. Curtis Marvel, JR. President and CEO



STATE OF Colorado)
County of Adams) §

The foregoing instrument was acknowledged before me this 19th day of Nov, 2020, by J. Curtis Marvel, JR., as President and CEO of Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company who acquired title as Ready Mixed Concrete Company, a Colorado corporation.

Witness my hand and official seal.
My commission expires: 7/24/2021



Notary Public

**KATHARINE EDGAR
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014022844
MY COMMISSION EXPIRES 07/24/2021**



Drexel, Barrell & Co.

JULY 12, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

LEGAL DESCRIPTION PARCEL RW-37 RIGHT-OF-WAY DEDICATION

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. 2015000007011 IN THE ADAMS COUNTY RECORDS, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. 2015000007011, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE AND THE WESTERLY LINE OF FRANKLIN STREET, THENCE S00°07'44"E, 150.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND AND ALONG SAID WESTERLY LINE OF FRANKLIN STREET TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE N89°54'29"W, 10.00 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT OF LAND; THENCE N00°07'44"W, 56.71 FEET; THENCE N47°53'17"W, 94.55 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND; THENCE N00°07'44"W, 30.00 FEET ALONG SAID WESTERLY LINE TO THE NORTHWEST CORNER OF SAID TRACT OF LAND, SAID POINT ALSO BEING ON SAID SOUTHERLY LINE OF EAST 58TH AVENUE; THENCE S89°54'29"E, 80.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE **POINT OF BEGINNING**.

CONTAINING 0.133 ACRES OR 5815 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338

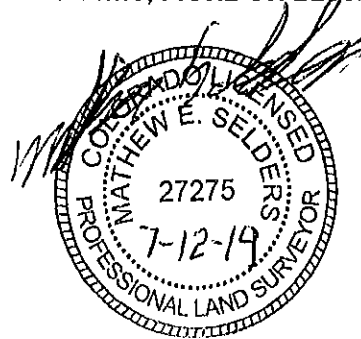


EXHIBIT PARCEL RW-37 R.O.W. DEDICATION

POINT OF BEGINNING

EAST 58TH AVENUE

S89°54'29"E 80.00'

**N00°07'44"W
30.00'**

**(38)
READY MIXED
CONCRETE
COMPANY**

**REC. NO.
2015000007011**

120.00'

**N47°53'17"W
94.55'**

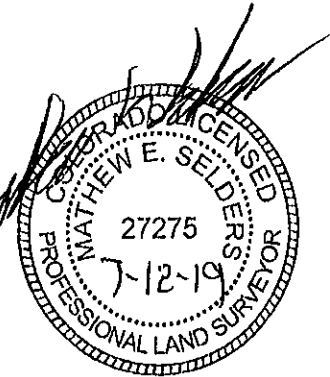
70.00'

**S00°07'44"E 150.00'
FRANKLIN STREET**

**N00°07'44"W
56.71'**

**N89°54'29"W
10.00'**

**READY MIXED
CONCRETE
COMPANY
1590 E 58TH ST
AREA = 5815 SQ. FT.
+/-, 0.133 ACRES +/-**



SCALE 1" = 40'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;

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

Drexel, Barrell & Co. Engineers/Surveyors
1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
BOULDER, COLORADO (303) 442-4338
COLORADO SPRINGS, COLORADO (719) 260-0887
GREELEY, COLORADO (970) 361-0646



Revisions - Date	Date	Drawn By	Job No.
	7/5/19	MAN	20961-00
	Scale	Checked By	Drawing No.
	1" = 40'	MES	IN FILE

H:\20961-00\BLT\Survey\Drawings\R.O.W. TAKES AND CONSTRUCTION EASEMENTS\20961-00-R.O.W.-EXHIBITS-RW-37.dwg, 7/12/2019 9:04:51 AM



Drexel, Barrell & Co.

JULY 12, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

LEGAL DESCRIPTION PARCEL RW-38 RIGHT-OF-WAY DEDICATION

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AS PARCEL B AT RECEPTION NO. 2015000007018 IN THE ADAMS COUNTY RECORDS, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED AS PARCEL B AT RECEPTION NO. 2015000007018, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE S00°07'44"E, 30.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND; THENCE N89°54'29"W, 80.00 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND; THENCE N00°07'44"W, 30.00 FEET ALONG SAID WESTERLY LINE TO THE NORTHWEST CORNER OF SAID TRACT OF LAND, SAID POINT ALSO BEING ON SAID SOUTHERLY LINE OF EAST 58TH AVENUE; THENCE S89°54'29"E, 80.00 FEET ALONG SAID NORTHERLY LINE AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE POINT OF BEGINNING.

CONTAINING 0.055 ACRES OR 2400 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338

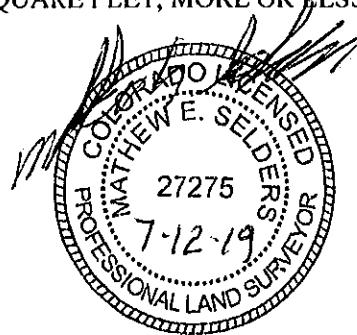


EXHIBIT PARCEL RW-38 R.O.W. DEDICATION

POINT OF BEGINNING

EAST 58TH AVENUE

S89°54'29"E 80.00'

READY MIXED CONCRETE COMPANY

READY MIXED CONCRETE
COMPANY

(38) 1570 E 58TH ST
AREA = 2400 SQ. FT.
+/-, 0.055 ACRES +/-

(37)

READY MIXED
CONCRETE
COMPANY

30.00'
S00°07'44"E

N89°54'29"W 80.00'

N00°07'44"W 30.00'

PARCEL B
REC. NO.
2015000007018

80.00'

120.00'

120.00'



SCALE 1" = 20'

NOTES

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IN ACCORDANCE WITH CRS 13-80-105;
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Drexel, Barrell & Co. Engineers/Surveyors
1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
BOULDER, COLORADO (303) 442-4338
COLORADO SPRINGS, COLORADO (719) 260-0887
ORRELEBY, COLORADO (970) 361-0845



Revisions -- Date	Date 7/5/19	Drawn By MNF	Job No. 20961-00
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Drexel, Barrell & Co.

JULY 12, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

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**LEGAL DESCRIPTION
PARCEL RW-39
RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AS PARCEL A AT RECEPTION NO. 2015000007018 IN THE ADAMS COUNTY RECORDS, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 0.055 ACRES OR 2400 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338

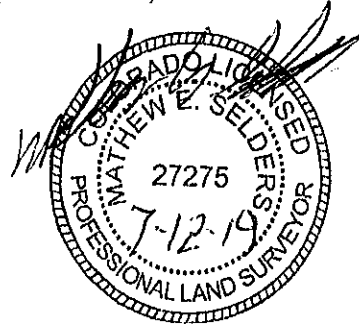


EXHIBIT PARCEL RW-39 R.O.W. DEDICATION

POINT OF BEGINNING

EAST 58TH AVENUE

S89°54'29"E 80.00'

N00°07'44"W
30.00'

READY MIXED CONCRETE
COMPANY
(39)
AREA = 2400 SQ. FT.
+/-, 0.055 ACRES +/-

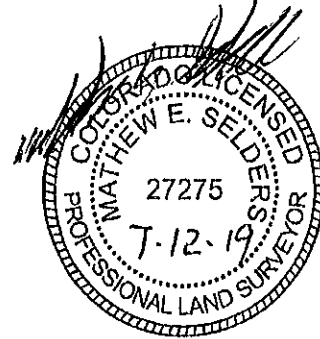
S00°07'44"E
30.00'

N89°54'29"W 80.00'

READY MIXED
CONCRETE COMPANY
(40)

PARCEL A
REC. NO.
2015000007018

(38)
READY MIXED
CONCRETE COMPANY



SCALE 1" = 20'

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		Drexel, Barrell & Co. Engineers/Surveyors 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4336 BOULDER, COLORADO (303) 442-4336 COLORADO SPRINGS, COLORADO (719) 280-0887 GREELEY, COLORADO (970) 351-0645	
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Revisions - Date	Date 7/5/19	Drawn By MNF	Job No. 20961-00
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AGENDA ITEM

PLANNING COMMISSION FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION RECOMMENDING ACCEPTANCE OF A WARRANTY DEED
FROM READY MIXED CONCRETE COMPANY, LLC, TO ADAMS COUNTY
FOR RIGHT-OF-WAY PURPOSES

At the regular meeting for the Planning Commission for Adams County, Colorado, held at County Government Center in Brighton on Thursday the 11th day of February, 2021, the following proceedings and others were had and done, to wit:

WHEREAS, the Adams County Planning Commission has considered the advisability of acceptance by the Board of County Commissioners of a Warranty Deed from Ready Mixed Concrete Company, LLC, for right-of-way purposes on the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, this Warranty Deed is in conjunction with the East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Adams County Planning Commission recommends to the Board of County Commissioners that said Warranty Deed from Ready Mixed Concrete Company, LLC, be accepted by the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted.

I, John F. DuPriest, Chairperson/Acting Chairperson of the Adams County Planning Commission do hereby certify that the annexed foregoing resolution is a true and correct record of the proceedings of the Adams County Planning Commission.



Chairperson/Acting Chairperson
Adams County Planning Commission

State Documentary Fee
Date
\$ Exempt

WARRANTY DEED

THIS DEED, dated this 19th day of NOVEMBER 2020, between Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company who acquired title as Ready Mixed Concrete Company, a Colorado Corporation, whose address is 5775 Franklin Street, Denver, Colorado 80216, grantor(s), and the COUNTY OF ADAMS, State of Colorado, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of \$276,000 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: a portion of 1590 East 58th Avenue & 1570 East 58th Avenue
Assessor's schedule or parcel numbers: 182511300045, 182511300044 & 182511300043

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the enrolling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record if any.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company
who acquired title as Ready Mixed Concrete Company, a Colorado Corporation

By: Brannan Sand and Gravel Company, L.L.C., Sole member

By: [Signature]
J. Curtis Marvel, JR. President and CEO





C2873145

Order Number: 70640182

Image Type: Warranty Deed - Recordable (WARDEED)

Printed By: Cassidee Schmidt

On: 11/05/2020

Address: 1570 AND 1590 EAST 58TH AVENUE AND VACANT
LAND, DENVER, CO 80216

Buyer/Borrower: COUNTY OF ADAMS, STATE OF COLORADO

State Documentary Fee
Date
\$ Exempt

WARRANTY DEED

THIS DEED, dated this 19th day of NOVEMBER 2020, between **Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company who acquired title as Ready Mixed Concrete Company, a Colorado Corporation**, whose address is 5775 Franklin Street, Denver, Colorado 80216, grantor(s), and the **COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of \$276,000 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

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TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the encoding and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record if any.

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company
who acquired title as **Ready Mixed Concrete Company, a Colorado Corporation**

By: [Signature] Brannan Sand and Gravel Company, L.L.C., Sole member


By: [Signature]
J. Curtis Marvel, JR. President and CEO



STATE OF Colorado)
County of Adams) §

The foregoing instrument was acknowledged before me this 19th day of Nov, 2020, by J. Curtis Marvel, JR., as President and CEO of Ready Mixed Concrete Company, LLC, a Colorado Limited Liability Company who acquired title as Ready Mixed Concrete Company, a Colorado corporation.

Witness my hand and official seal.
My commission expires: 7/24/2021



Notary Public

**KATHARINE EDGAR
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014022844
MY COMMISSION EXPIRES 07/24/2021**



Drexel, Barrell & Co.

JULY 12, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

**LEGAL DESCRIPTION
PARCEL RW-37
RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. 2015000007011 IN THE ADAMS COUNTY RECORDS, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

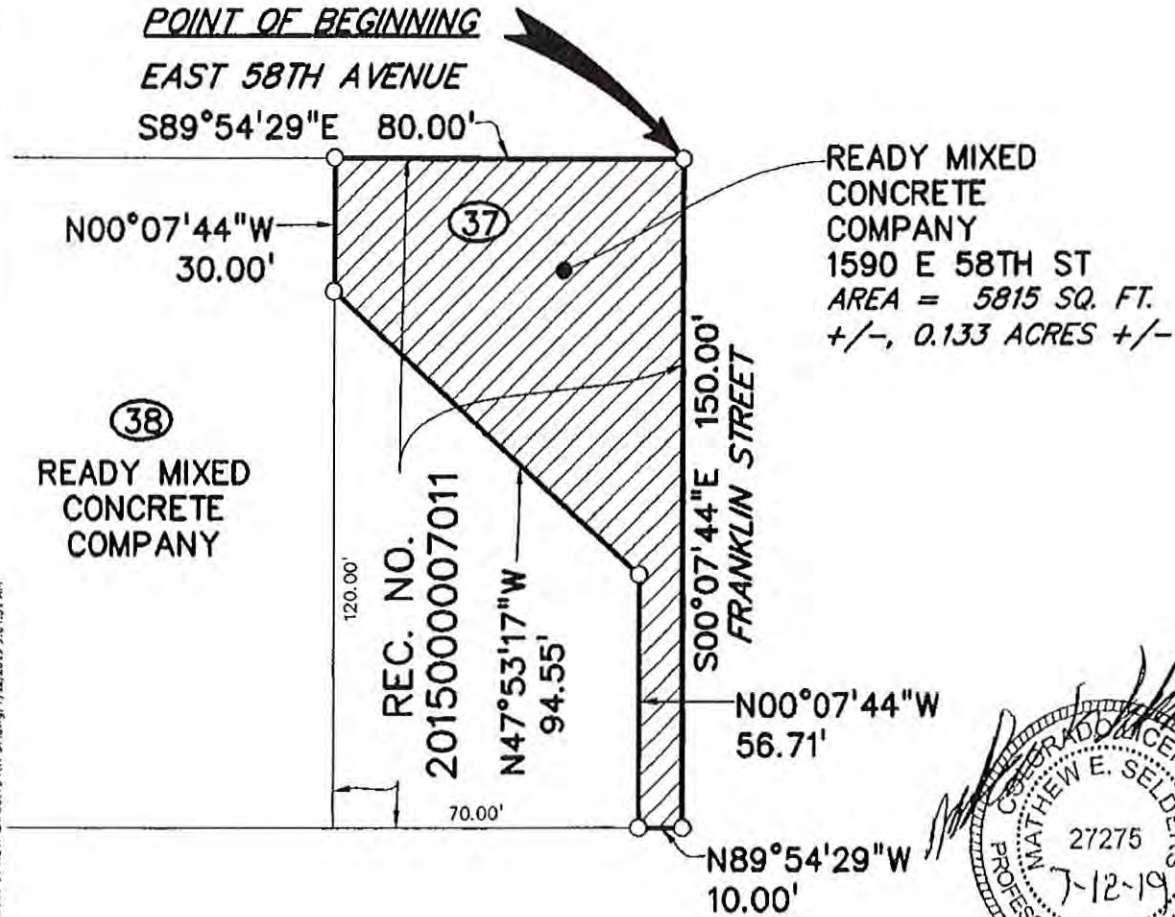
BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED AT RECEPTION NO. 2015000007011, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE AND THE WESTERLY LINE OF FRANKLIN STREET, THENCE S00°07'44"E, 150.00 FEET ALONG THE EASTERLY LINE OF SAID TRACT OF LAND AND ALONG SAID WESTERLY LINE OF FRANKLIN STREET TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE N89°54'29"W, 10.00 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT OF LAND; THENCE N00°07'44"W, 56.71 FEET; THENCE N47°53'17"W, 94.55 FEET TO THE WESTERLY LINE OF SAID TRACT OF LAND; THENCE N00°07'44"W, 30.00 FEET ALONG SAID WESTERLY LINE TO THE NORTHWEST CORNER OF SAID TRACT OF LAND, SAID POINT ALSO BEING ON SAID SOUTHERLY LINE OF EAST 58TH AVENUE; THENCE S89°54'29"E, 80.00 FEET ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE **POINT OF BEGINNING**.

CONTAINING 0.133 ACRES OR 5815 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELTERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT PARCEL RW-37 R.O.W. DEDICATION



SCALE 1" = 40'

NOTES

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BOULDER, COLORADO (303) 442-4338
COLORADO SPRINGS, COLORADO (719) 260-0887
GREELEY, COLORADO (970) 861-0845

Revisions - Date	Date	Drawn By	Job No.
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Drexel, Barrell & Co.

JULY 12, 2019

Engineers/Surveyors

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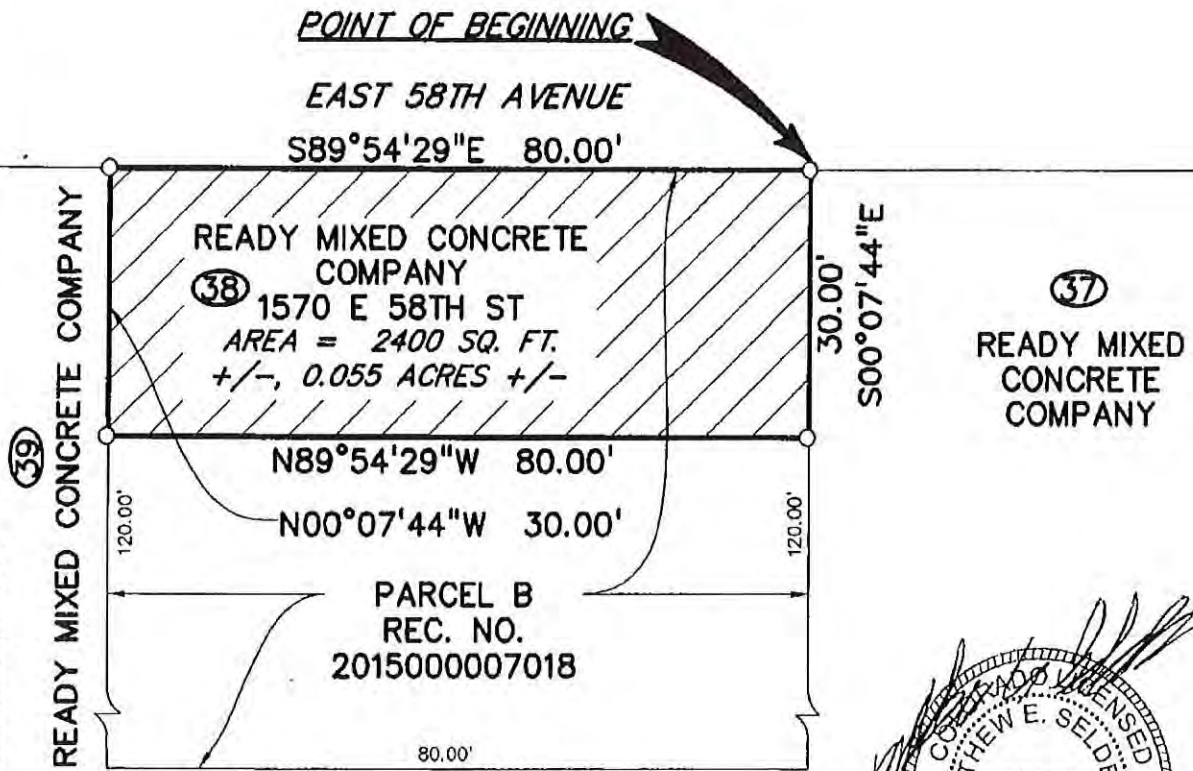
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LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
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EXHIBIT PARCEL RW-38 R.O.W. DEDICATION



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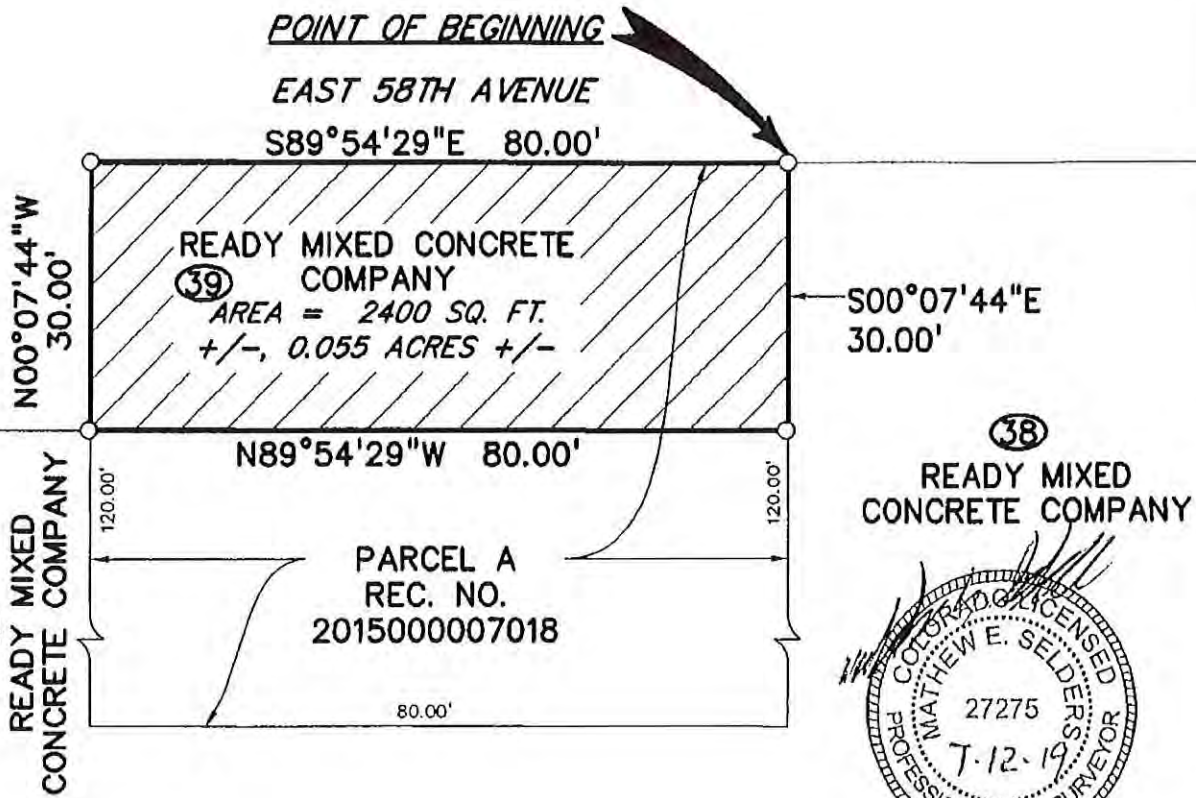
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LEGAL DESCRIPTION PREPARED BY:
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2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
NOTICE: ACCORDING TO COLORADO LAW YOU **MUST** COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 30TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 BOULDER, COLORADO (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 280-0887
 GREELEY, COLORADO (970) 351-0646

Revisions - Date	Date 7/5/19	Drawn By MNF	Job No. 20961-00
	Scale 1"=20'	Checked By MES	Drawing No. IN FILE

H:\10961-00BLTR\SURVEY\DRAWINGS\RD.W. TAKES AND CONSTRUCT\ON EASEMENTS\20961-00-RW-EXHIBITS-RW-39.dwg, 7/11/2019 9:36:22 AM



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution accepting Warranty Deed conveying property from Paris Family, LLC, to Adams County, for road right-of-way
FROM: Brian Staley, P.E., PTOE, RSP, Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Warranty Deed for the acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street. The County is in need of a portion of Paris Family, LLC, property for the construction of curb, gutter, sidewalk and drainage improvements. The attached resolution allows Adams County to accept the Warranty Deed.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Warranty Deed
Planning Commission resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/> <hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/> <hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING WARRANTY DEED CONVEYING PROPERTY FROM
PARIS FAMILY, LLC, TO ADAMS COUNTY, FOR ROAD RIGHT-OF-WAY

WHEREAS, Adams County is in the process of acquiring right-of-way and temporary construction easements along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street (the “Project”); and,

WHEREAS, this right-of-way parcel is from property at 1150 East 58th Avenue, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, and owned by Paris Family, LLC, (“Parcel 44”); and,

WHEREAS, Adams County requires ownership of Parcel 44 for construction of the Project; and,

WHEREAS, Paris Family, LLC, has executed a Warranty Deed to convey Parcel 44 for road right-of-way purposes for East 58th Avenue that complies with County standards and will benefit the citizens of Adams County; and,

WHEREAS, at a regular meeting of the Planning Commission for Adams County, Colorado, held at the County Government Center in Brighton on Thursday the 11th day of February, 2021, the Planning Commission recommended that the Board of County Commissioners accept said Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Warranty Deed from Paris Family, LLC, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is accepted.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to accept said Warranty Deed and execute any attending documents on behalf of Adams County.

DOC Fee: Exempt

WARRANTY DEED

THIS DEED, dated this 17th day of August 2020, between **Paris Family, LLC, a Colorado limited liability company**, whose address is 6 Brookhaven Trail, Suite 200, Littleton, CO 80123, grantor(s), and the **COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **Thirty Thousand Five Hundred Ten and No/100 Dollars (\$30,510.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" Parcel RW-44 – ROW Dedication dated 7-31-19 attached hereto and incorporated herein by this reference.

Also known by street and number as: 1150 E. 58th Avenue
Assessor's schedule or parcel number: part of 0182511312009

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record.

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Paris Family, LLC, a Colorado limited liability company

[Signature]

STATE OF COLORADO)
) §
County of ARAPAHOE)

The foregoing instrument was acknowledged before me this 17th day of August, 2020 by STEVE PARIS as MANAGING MEMBER of Paris Family, LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: 2-17-2022

[Signature]

Notary Public

JOHN L. DOTY
Notary Public
State of Colorado
Notary ID # 20064006865
My Commission Expires 02-17-2022





Drexel, Barrell & Co.

JULY 31, 2019

EXHIBIT A

**LEGAL DESCRIPTION
PARCEL RW-44
RIGHT-OF-WAY DEDICATION**

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF LOT 1, WELBOURNE / 58TH AVENUE SUBDIVISION AMENDED, RECORDED AT RECEPTION NO. C0058612, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

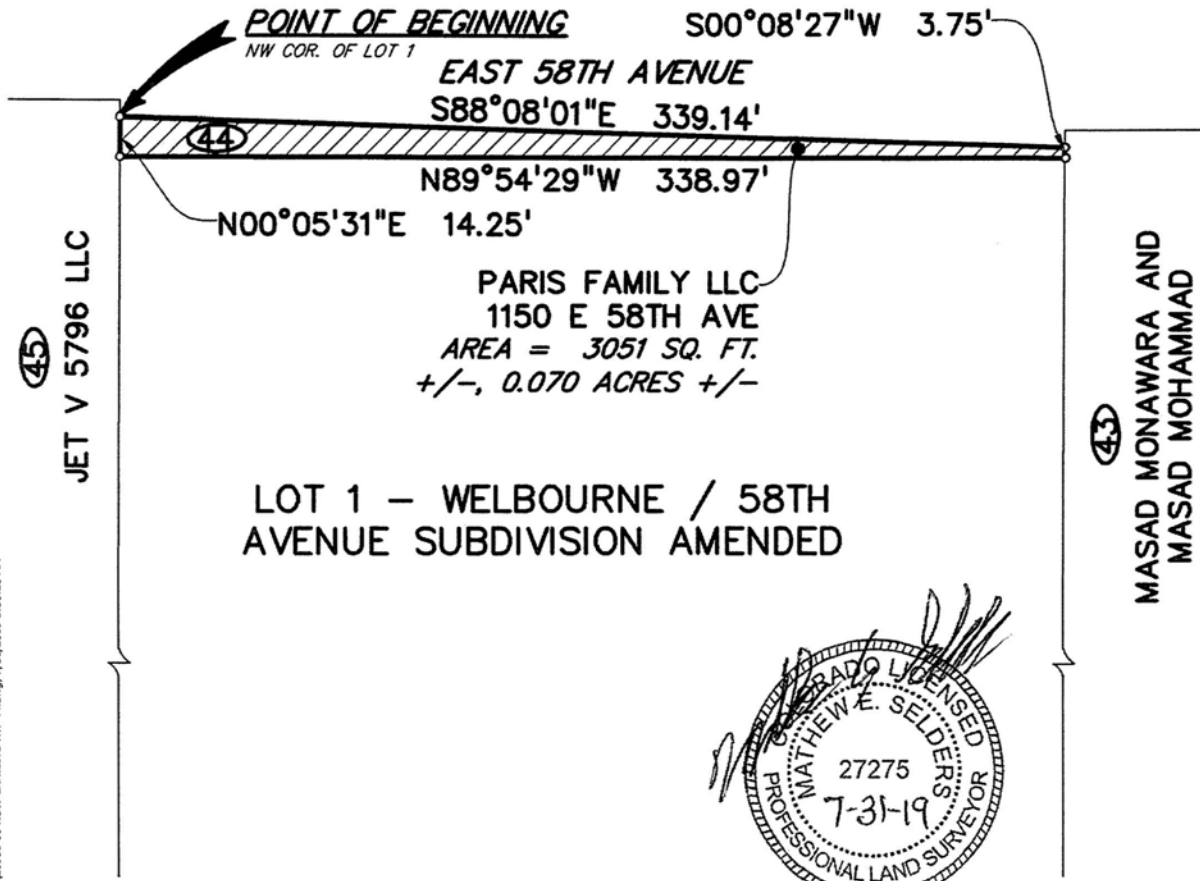
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE S88°08'01"E, 339.14 FEET ALONG THE NORTHERLY LINE OF SAID LOT 1 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°08'27"W, 3.75 FEET ALONG THE EASTERLY LINE OF SAID LOT 1; THENCE N89°54'29"W, 338.97 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE N00°05'31"E, 14.25 FEET ALONG SAID WESTERLY LINE OF LOT 1 TO THE **POINT OF BEGINNING**.

CONTAINING 0.070 ACRES OR 3051 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELTERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT
PARCEL RW-44
R.O.W. DEDICATION



LOT 1 - WELBOURNE / 58TH AVENUE SUBDIVISION AMENDED



SCALE 1" = 60'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80501 (303) 442-4338

BOULDER, COLORADO (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 260-0867
 GREELEY, COLORADO (970) 351-0846

Revisions - Date	Date	Drawn By	Job No.
	7/31/19	MANF	20961-00
	Scale	Checked By	Drawing No.
	1"=60'	MES	IN FILE

H:\20961-00\LTR\Survey\Drawings\R.O.W. TAKES AND CONSTRUCTION EASEMENTS\20961-00-R.O.W-EXHIBITS-RW-44.dwg, 7/31/2019 8:38:23 AM

AGENDA ITEM

PLANNING COMMISSION FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION RECOMMENDING ACCEPTANCE OF A WARRANTY DEED
FROM PARIS FAMILY, LLC, TO ADAMS COUNTY
FOR RIGHT-OF-WAY PURPOSES

At the regular meeting for the Planning Commission for Adams County, Colorado, held at County Government Center in Brighton on Thursday the 11th day of February, 2021, the following proceedings and others were had and done, to wit:

WHEREAS, the Adams County Planning Commission has considered the advisability of acceptance by the Board of County Commissioners of a Warranty Deed from Paris Family, LLC, for right-of-way purposes on the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, this Warranty Deed is in conjunction with the East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Adams County Planning Commission recommends to the Board of County Commissioners that said Warranty Deed from Paris Family, LLC, be accepted by the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted.

I, John F. DuPriest, Chairperson/Acting Chairperson of the Adams County Planning Commission do hereby certify that the annexed foregoing resolution is a true and correct record of the proceedings of the Adams County Planning Commission.



Chairperson/Acting Chairperson
Adams County Planning Commission



Drexel, Barrell & Co.

JULY 31, 2019

EXHIBIT A

**LEGAL DESCRIPTION
PARCEL RW-44
RIGHT-OF-WAY DEDICATION**

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF LOT 1, WELBOURNE / 58TH AVENUE SUBDIVISION AMENDED, RECORDED AT RECEPTION NO. C0058612, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

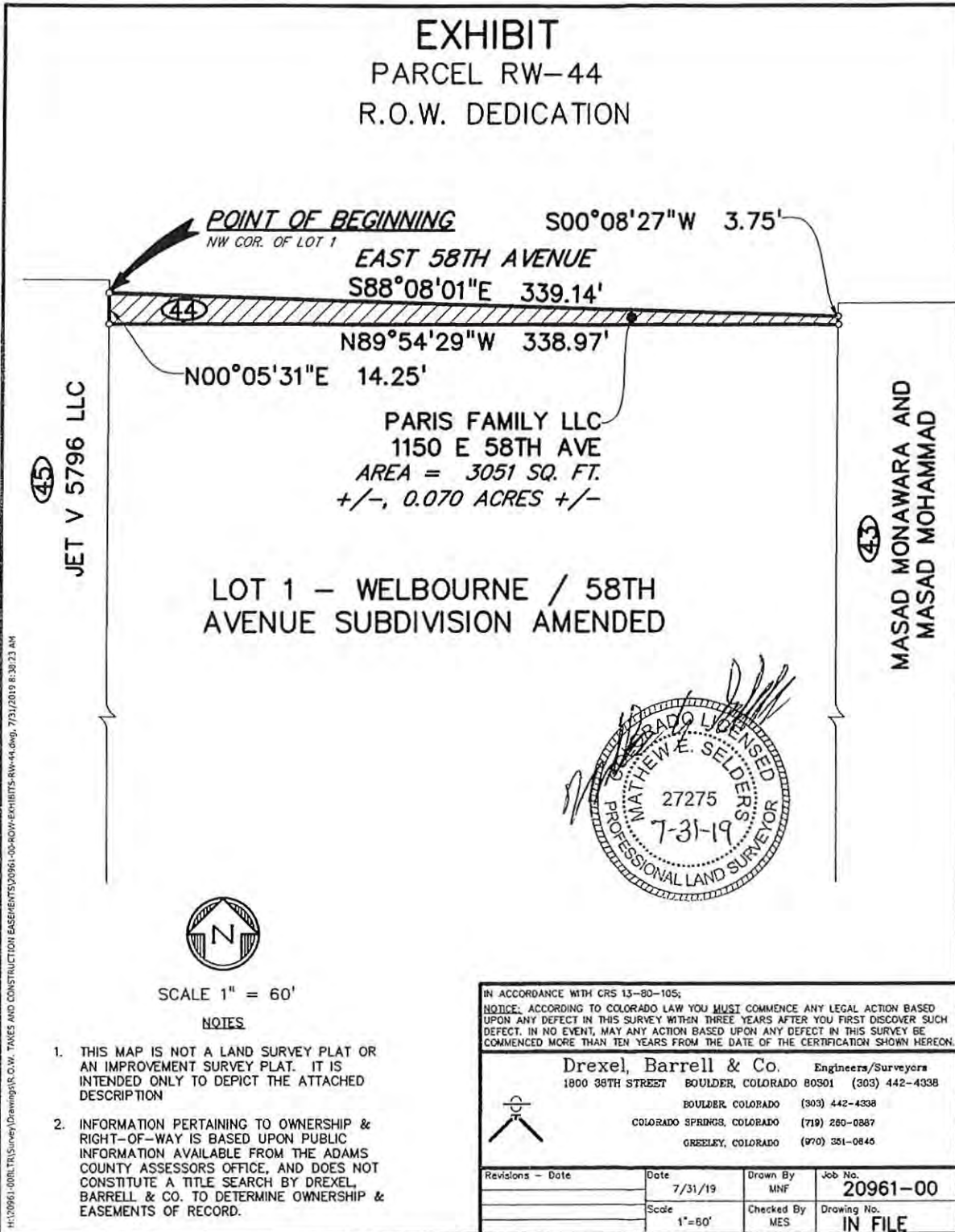
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE S88°08'01"E, 339.14 FEET ALONG THE NORTHERLY LINE OF SAID LOT 1 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°08'27"W, 3.75 FEET ALONG THE EASTERLY LINE OF SAID LOT 1; THENCE N89°54'29"W, 338.97 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE N00°05'31"E, 14.25 FEET ALONG SAID WESTERLY LINE OF LOT 1 TO THE **POINT OF BEGINNING**.

CONTAINING 0.070 ACRES OR 3051 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT
PARCEL RW-44
R.O.W. DEDICATION



H:\20961-00\TR\SURVEY\DRAWINGS\0-ROW-CONSTRUCTION EASEMENTS\20961-00-ROW-EXHIBITS-RW-44.dwg, 7/31/2019 8:38:23 AM



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution accepting Warranty Deed conveying property from KSKK, LLC, to Adams County, for road right-of-way
FROM: Brian Staley, P.E., PTOE, RSP, Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Warranty Deed for the acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street. The County is in need of a portion of KSKK, LLC, property for the construction of curb, gutter, sidewalk and drainage improvements. The attached resolution allows Adams County to accept the Warranty Deed.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Warranty Deed
Planning Commission resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING WARRANTY DEED CONVEYING PROPERTY FROM
KSKK, LLC, TO ADAMS COUNTY FOR ROAD RIGHT-OF-WAY

WHEREAS, Adams County is in the process of acquiring right-of-way and temporary construction easements along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street (the “Project”); and,

WHEREAS, this right-of-way parcel is from property at 1290 East 58th, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, and owned by KSKK, LLC, (“Parcel 42”); and,

WHEREAS, Adams County requires ownership of Parcel 42 for construction of the Project; and,

WHEREAS, KSKK, LLC, has executed a Warranty Deed to convey Parcel 42 for road right-of-way purposes for East 58th Avenue that complies with County standards and will benefit the citizens of Adams County; and,

WHEREAS, at a regular meeting of the Planning Commission for Adams County, Colorado, held at the County Government Center in Brighton on Thursday the 11th day of February, 2021, the Planning Commission recommended that the Board of County Commissioners accept said Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Warranty Deed from KSKK, LLC, a copy of which is attached hereto and incorporated herein by this reference, be and hereby is accepted.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to accept said Warranty Deed and execute any attending documents on behalf of Adams County.

Deed: Exempt

WARRANTY DEED

THIS DEED, dated this 12th day of July, 2020, between **KSKK, LLC, a Colorado limited liability company**, whose address is 1290 East 58th Avenue, Denver, Colorado 80216, grantor(s), and the **COUNTY OF ADAMS, State of Colorado**, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **Forty-Six Thousand Four Hundred Ninety-Five and No/100 Dollars (\$46,495.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: being a portion of 1290 East 58th Avenue
Assessor's schedule or parcel number: 0182511309001

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record.

The grantor(s) shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

SUSAN NOREEN PARKER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20094018991
MY COMMISSION EXPIRES JUNE 30, 2021

KSKK, LLC, a Colorado limited liability company

By: *Jeannie Kruse*
Print: Jeannie Kruse
Title: Member

STATE OF Colorado)
County of Adams) §

The foregoing instrument was acknowledged before me this 12 day of July, 2020,
Jeannie Kruse, as member of KSKK, LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: June 30, 2021



Notary Public



Drexel, Barrell & Co.

JULY 19, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

**LEGAL DESCRIPTION
PARCEL RW-42
RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND BEING A PORTION OF LOT 1, BLOCK 1, GAVITO SUBDIVISION, RECORDED AT RECEPTION NO. 985524, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE S89°54'29"E, 191.91 FEET ALONG THE NORTHERLY LINE OF SAID LOT 1 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°05'31"W, 10.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 1; THENCE N89°54'29"W, 191.91 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE N00°05'31"E, 10.00 FEET ALONG SAID WESTERLY LINE OF LOT 1 TO THE **POINT OF BEGINNING**.

CONTAINING 0.044 ACRES OR 1919 SQUARE FEET, MORE OR LESS.

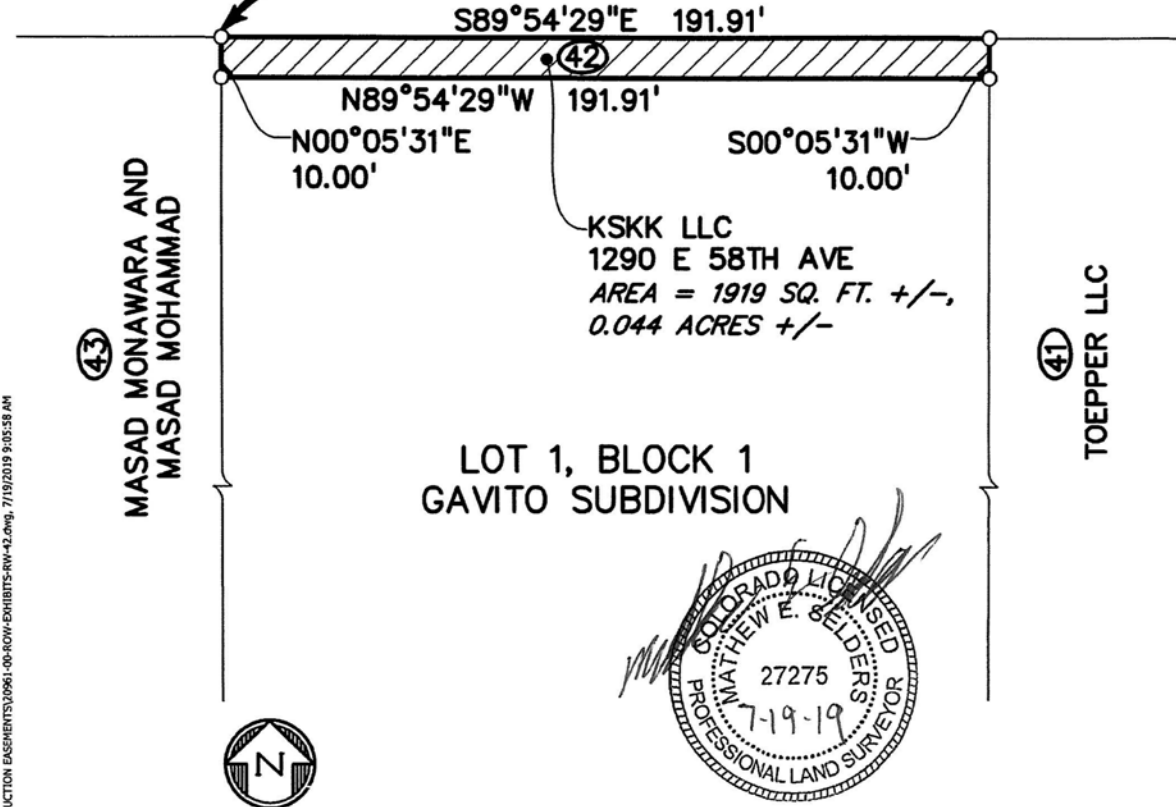
LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT
PARCEL RW-42
R.O.W. DEDICATION

EAST 58TH AVENUE

POINT OF BEGINNING
 NW COR. OF LOT 1, BLOCK 1



H:\20961-00\BLT\SURVEY\Drawings\RW.DWG TAKES AND CONSTRUCTION EASEMENTS\20961-00-R.O.W.-EXHIBITS-RW-42.dwg, 7/19/2019 9:05:38 AM

43 MASAD MONAWARA AND MASAD MOHAMMAD

41 TOEPPER LLC

KSKK LLC
 1290 E 58TH AVE
 AREA = 1919 SQ. FT. +/-,
 0.044 ACRES +/-

LOT 1, BLOCK 1
 GAVITO SUBDIVISION



SCALE 1" = 40'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105:
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 BOULDER, COLORADO (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 280-0857
 GREELEY, COLORADO (970) 351-0645

Revisions - Date	Date	Drawn By	Job No.
	7/19/19	MMF	20961-00
	Scale	Checked By	Drawing No.
	1"=40'	MES	IN FILE

AGENDA ITEM

PLANNING COMMISSION FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION RECOMMENDING ACCEPTANCE OF A WARRANTY DEED
FROM KSKK, LLC, TO ADAMS COUNTY
FOR RIGHT-OF-WAY PURPOSES

At the regular meeting for the Planning Commission for Adams County, Colorado, held at County Government Center in Brighton on Thursday the 11th day of February, 2021, the following proceedings and others were had and done, to wit:

WHEREAS, the Adams County Planning Commission has considered the advisability of acceptance by the Board of County Commissioners of a Warranty Deed from KSKK, LLC, for right-of-way purposes on the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, this Warranty Deed is in conjunction with the East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Adams County Planning Commission recommends to the Board of County Commissioners that said Warranty Deed from KSKK, LLC, be accepted by the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted.

I, John F. DuPriest, Chairperson/Acting Chairperson of the Adams County Planning Commission do hereby certify that the annexed foregoing resolution is a true and correct record of the proceedings of the Adams County Planning Commission.



Chairperson/Acting Chairperson
Adams County Planning Commission

Doc Fee: Exempt

WARRANTY DEED

THIS DEED, dated this 12th day of July 2020, between **KSKK, LLC**, a Colorado limited liability company, whose address is 1290 East 58th Avenue, Denver, Colorado 80216, grantor(s), and the **COUNTY OF ADAMS**, State of Colorado, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **Forty-Six Thousand Four Hundred Ninety-Five and No/100 Dollars (\$46,495.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: being a portion of 1290 East 58th Avenue
Assessor's schedule or parcel number: 0182511309001

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

SUSAN NOREEN PARKER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20094018991
MY COMMISSION EXPIRES JUNE 30, 2021

KSKK, LLC, a Colorado limited liability company

By: Jeanmie Kruse
Print: J. Jeanmie Kruse
Title: Member

STATE OF Colorado)
County of Adams)§

The foregoing instrument was acknowledged before me this 12 day of July, 2020,
Jeanmie Kruse, as member of KSKK, LLC, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: June 30, 2021



Notary Public



Drexel, Barrell & Co.

JULY 19, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

**LEGAL DESCRIPTION
PARCEL RW-42
RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND BEING A PORTION OF LOT 1, BLOCK 1, GAVITO SUBDIVISION, RECORDED AT RECEPTION NO. 985524, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF EAST 58TH AVENUE, THENCE S89°54'29"E, 191.91 FEET ALONG THE NORTHERLY LINE OF SAID LOT 1 AND ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°05'31"W, 10.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 1; THENCE N89°54'29"W, 191.91 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE N00°05'31"E, 10.00 FEET ALONG SAID WESTERLY LINE OF LOT 1 TO THE **POINT OF BEGINNING**.

CONTAINING 0.044 ACRES OR 1919 SQUARE FEET, MORE OR LESS.

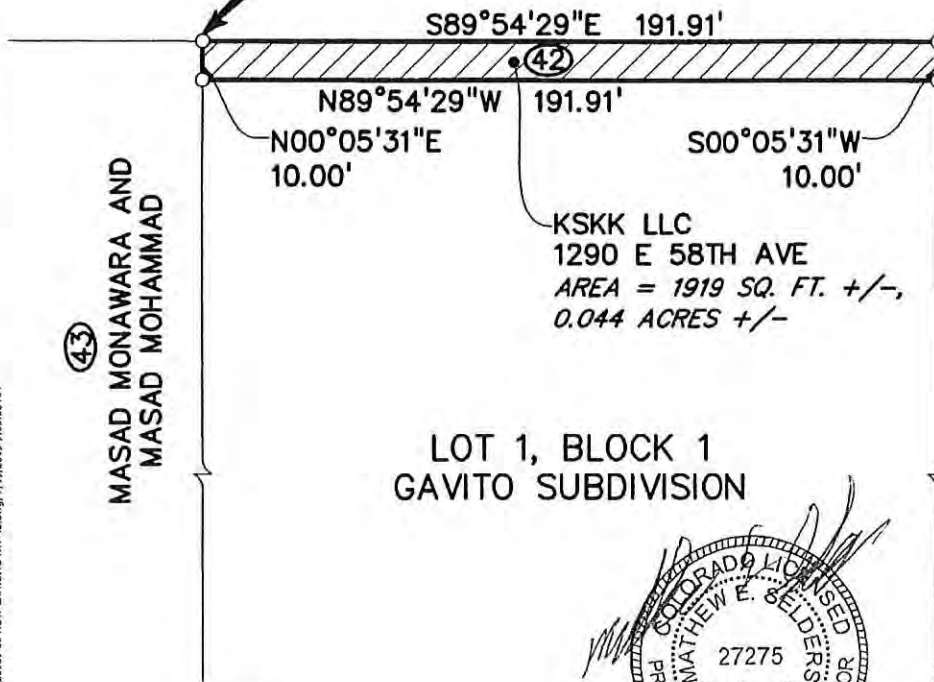
LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELTERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT
PARCEL RW-42
R.O.W. DEDICATION

EAST 58TH AVENUE

POINT OF BEGINNING
 NW COR. OF LOT 1, BLOCK 1



(43) MASAD MONAWARA AND MASAD MOHAMMAD

KSKK LLC
 1290 E 58TH AVE
 AREA = 1919 SQ. FT. +/-,
 0.044 ACRES +/-

(41) TOEPFER LLC

LOT 1, BLOCK 1
 GAVITO SUBDIVISION



SCALE 1" = 40'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 BOULDER, COLORADO (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 280-0887
 GREELEY, COLORADO (970) 361-0645

Revisions - Date	Date	Drawn By	Job No.
	7/19/19	MMF	20961-00
	Scale	Checked By	Drawing No.
	1" = 40'	MES	IN FILE

H:\20961-00\BLLT\SURVEY\DRAWING\CONSTRUCTION EASEMENTS\20961-00-RW-EXHIBITS-RW-42.dwg, 7/19/2019 9:05:58 AM



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Resolution accepting Warranty Deed conveying property from Clark A. Ltd, to Adams County, for road right-of-way
FROM: Brian Staley, P.E., PTOE, RSP, Director of Public Works
AGENCY/DEPARTMENT: Public Works
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners accepts the Warranty Deed for the acquisition of property needed for road right-of-way.

BACKGROUND:

Adams County is in the process of acquiring right-of-way along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street. The County is in need of a portion of Clark A. Ltd, property for the construction of curb, gutter, sidewalk and drainage improvements. The attached resolution allows Adams County to accept the Warranty Deed.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Public Works, Office of the County Attorney and Adams County Board of County Commissioners.

ATTACHED DOCUMENTS:

Draft resolution
Warranty Deed
Planning Commission resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<hr/>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<hr/>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING WARRANTY DEED CONVEYING PROPERTY FROM
CLARK A. LTD., TO ADAMS COUNTY FOR ROAD RIGHT-OF-WAY

WHEREAS, Adams County is in the process of acquiring right-of-way and temporary construction easements along East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street (the “Project”); and,

WHEREAS, this right-of-way parcel is from property at 5790 Clarkson Street, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, and owned by Clark A. Ltd., (“Parcel 47”); and,

WHEREAS, Adams County requires ownership of Parcel 47 for construction of the Project; and,

WHEREAS, Clark A. Ltd., has executed a Warranty Deed to convey Parcel 47 for road right-of-way purposes for East 58th Avenue that complies with County standards and will benefit the citizens of Adams County; and,

WHEREAS, at a regular meeting of the Planning Commission for Adams County, Colorado, held at the County Government Center in Brighton on Thursday the 11th day of February, 2021, the Planning Commission recommended that the Board of County Commissioners accept said Warranty Deed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Warranty Deed from Clark A. Ltd., a copy of which is attached hereto and incorporated herein by this reference, be and hereby is accepted.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to accept said Warranty Deed and execute any attending documents on behalf of Adams County.

Doc Fee: Exempt

WARRANTY DEED

THIS DEED, dated this 4th day of January 2021, between Clark A Ltd, a Colorado limited liability company, whose address is 5790 Clarkson Street, Denver, CO 80216, grantor(s), and the COUNTY OF ADAMS, State of Colorado, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in the consideration of the sum of TWENTY-NINE THOUSAND FIFTY DOLLARS AND NO/100 (\$29,050.00), the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: being a portion of 5790 Clarkson Street
Assessor's schedule or parcel number: part of 0182511306001

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

Clark A. Ltd, a Colorado limited liability company

[Signature]

STATE OF CO)
County of Denver) §

The foregoing instrument was acknowledged before me this 19 day of Nov, 2020 by Manuel Ornelas as Sole Member of Clark A. Ltd, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: 5-19-24

[Signature]

Notary Public

CASSIDEE SCHMIDT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164032013
My Commission Expires: August 19, 2024





Drexel, Barrell & Co.

DECEMBER 11, 2019

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

LEGAL DESCRIPTION PARCEL RW-47 RIGHT-OF-WAY DEDICATION

A TRACT OF LAND BEING A PORTION OF LOT 1, BLOCK 1, BELLIO SUBDIVISION, RECORDED AT RECEPTION NO. 402215, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, THENCE N00°05'31"E, 34.40 FEET ALONG THE EASTERLY LINE OF SAID LOT 1 TO THE **TRUE POINT OF BEGINNING**:

THENCE S87°13'34"W, 76.25 FEET; THENCE S63°15'44"W, 37.93 FEET; THENCE S00°05'31"W, 13.47 FEET TO THE SOUTHERLY LINE OF SAID LOT 1; THENCE N89°54'29"W, 3.00 FEET ALONG SAID SOUTHERLY LINE OF LOT 1 TO THE EASTERLY LINE OF CLARKSON STREET; THENCE N00°05'31"E, 13.74 FEET ALONG SAID EASTERLY LINE OF CLARKSON STREET; THENCE NORTHEASTERLY 38.27 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST AND ALONG SAID EASTERLY LINE OF CLARKSON STREET, THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 87°42'07" AND BEING SUBTENDED BY A CHORD THAT BEARS N43°56'35"E, 34.64 FEET TO THE SOUTHERLY LINE OF EAST 58TH AVENUE; THENCE N89°35'23"E, 89.01 FEET ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO SAID EASTERLY LINE OF LOT 1; THENCE S00°05'31"W, 5.10 FEET ALONG SAID EASTERLY LINE OF LOT 1 TO THE **POINT OF BEGINNING**.

CONTAINING 0.024 ACRES OR 1056 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338



EXHIBIT
PARCEL RW-47
R.O.W. DEDICATION

58TH AVENUE

L=38.27'
 R=25.00'
 Δ=87°42'07"
 CH=N43°56'35"E
 34.64'

CLARKSON STREET

N00°05'31"E 13.74'

S00°05'31"W 5.10'

N89°35'23"E 89.01'

S87°13'34"W 76.25'

S63°15'44"W 37.93'

N00°05'31"E 34.40'

TRUE POINT OF BEGINNING

(46)

ORITZ RAFAEL AND ZUBIA ESTELA

CLARK A LTD
 AREA = 1056 SQ. FT. +/-,
 0.024 ACRES +/-

POINT OF COMMENCEMENT
 SE COR., LOT 1

S00°05'31"W 13.47'
 N89°54'29"W 3.00'

LOT 2

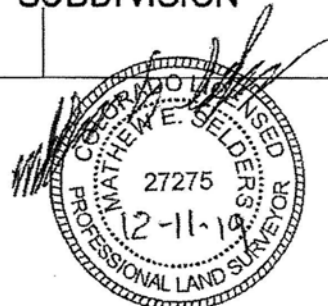
BLOCK 1
BELLIO SUBDIVISION



SCALE 1" = 30'

NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION
2. INFORMATION PERTAINING TO OWNERSHIP & RIGHT-OF-WAY IS BASED UPON PUBLIC INFORMATION AVAILABLE FROM THE ADAMS COUNTY ASSESSORS OFFICE, AND DOES NOT CONSTITUTE A TITLE SEARCH BY DREXEL, BARRELL & CO. TO DETERMINE OWNERSHIP & EASEMENTS OF RECORD.



IN ACCORDANCE WITH CRS 13-80-105:
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 BOULDER, COLORADO (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 260-0667
 GREELEY, COLORADO (970) 351-0846

Revisions - Date	Date	Drawn By	Job No.
	12-10-19	VJD	20961-00
	Scale	Checked By	Drawing No.
	1" = 30'	MES	IN FILE

H:\2021\0001\TR\SURVEY\DRAWINGS\O.W. EASEMENTS AND CONSTRUCTION EASEMENTS\20961-00-R.O.W.-EASEMENTS-47.dwg, 1/7/2021 10:25:27 AM

AGENDA ITEM

PLANNING COMMISSION FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION RECOMMENDING ACCEPTANCE OF A WARRANTY DEED
FROM CLARK A. LTD, TO ADAMS COUNTY
FOR RIGHT-OF-WAY PURPOSES

At the regular meeting for the Planning Commission for Adams County, Colorado, held at County Government Center in Brighton on Thursday the 11th day of February, 2021, the following proceedings and others were had and done, to wit:

WHEREAS, the Adams County Planning Commission has considered the advisability of acceptance by the Board of County Commissioners of a Warranty Deed from Clark A. Ltd, for right-of-way purposes on the following described land to wit:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, this Warranty Deed is in conjunction with the East 58th Avenue for the East 58th Avenue Improvements Project – East 58th Avenue from Clarkson Street to York Street, located in the Southwest Quarter of Section 11, Township 3 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Adams County Planning Commission recommends to the Board of County Commissioners that said Warranty Deed from Clark A. Ltd, be accepted by the Board of County Commissioners.

Upon a motion duly made and seconded, the foregoing resolution was adopted.

I, John F. DuPriest, Chairperson/Acting Chairperson of the Adams County Planning Commission do hereby certify that the annexed foregoing resolution is a true and correct record of the proceedings of the Adams County Planning Commission.



Chairperson/Acting Chairperson
Adams County Planning Commission

Doc Fee: Exempt

WARRANTY DEED

THIS DEED, dated this 4th day of January 2021, between Clark A Ltd, a Colorado limited liability company, whose address is 5790 Clarkson Street, Denver, CO 80216, grantor(s), and the COUNTY OF ADAMS, State of Colorado, whose legal address is 4430 South Adams County Parkway, Brighton, Colorado 80601 of the said County of Adams and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in the consideration of the sum of TWENTY-NINE THOUSAND FIFTY DOLLARS AND NO/100 (\$29,050.00), the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm, unto the grantee(s), its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Adams, State of Colorado, described as follows:

Legal description as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Also known by street and number as: being a portion of 5790 Clarkson Street
Assessor's schedule or parcel number: part of 0182511306001

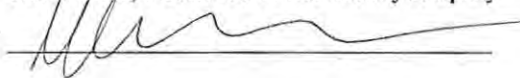
TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its successors and assigns forever. The grantor(s), for itself, its successors and assigns, do covenant, grant, bargain and agree to and with the grantee(s), its successors and assigns, that at the time of the ensembling and delivery of these presents, it is well seized of the premises above conveyed, have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except interests of record.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee(s), its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the grantor(s) have executed this deed on the date set forth above.

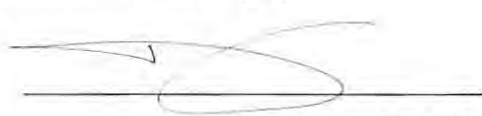
Clark A. Ltd, a Colorado limited liability company



STATE OF CO)
County of Denver) §

The foregoing instrument was acknowledged before me this 19 day of Nov, 2020 by Manuel Ornelas as Sole Member of Clark A. Ltd, a Colorado limited liability company.

Witness my hand and official seal.
My commission expires: 5.19.24



Notary Public

CASSIDEE SCHMIDT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164032013
My Commission Expires: August 19, 2024



Land Title 70637525



Drexel, Barrell & Co.

DECEMBER 11, 2019

LEGAL DESCRIPTION
PARCEL RW-47
RIGHT-OF-WAY DEDICATION

Engineers/Surveyors

Boulder
Colorado Springs
Greeley

1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A TRACT OF LAND BEING A PORTION OF LOT 1, BLOCK 1, BELLIO SUBDIVISION, RECORDED AT RECEPTION NO. 402215, LOCATED IN THE SW1/4 OF SECTION 11, T3S, R68W OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, THENCE N00°05'31"E, 34.40 FEET ALONG THE EASTERLY LINE OF SAID LOT 1 TO THE TRUE POINT OF BEGINNING:

THENCE S87°13'34"W, 76.25 FEET; THENCE S63°15'44"W, 37.93 FEET; THENCE S00°05'31"W, 13.47 FEET TO THE SOUTHERLY LINE OF SAID LOT 1; THENCE N89°54'29"W, 3.00 FEET ALONG SAID SOUTHERLY LINE OF LOT 1 TO THE EASTERLY LINE OF CLARKSON STREET; THENCE N00°05'31"E, 13.74 FEET ALONG SAID EASTERLY LINE OF CLARKSON STREET; THENCE NORTHEASTERLY 38.27 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST AND ALONG SAID EASTERLY LINE OF CLARKSON STREET, THE ARC OF SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 87°42'07" AND BEING SUBTENDED BY A CHORD THAT BEARS N43°56'35"E, 34.64 FEET TO THE SOUTHERLY LINE OF EAST 58TH AVENUE; THENCE N89°35'23"E, 89.01 FEET ALONG SAID SOUTHERLY LINE OF EAST 58TH AVENUE TO SAID EASTERLY LINE OF LOT 1; THENCE S00°05'31"W, 5.10 FEET ALONG SAID EASTERLY LINE OF LOT 1 TO THE POINT OF BEGINNING.

CONTAINING 0.024 ACRES OR 1056 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338





PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Time and Attendance Workforce Management System
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Finance
HEARD AT STUDY SESSION ON: March 9, 2021 (AIR)
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves an agreement with Ultimate Kronos Group for a Time and Attendance Workforce Management System.

BACKGROUND:

Due to the ongoing growth of the County, the current Time and Attendance system is not adequate to efficiently handle the continued growth. A Time & Attendance Workforce Management System will provide an intuitive approach to time entry and leave management. This will enhance the end users experience by populating schedules, applying labor rules including; overtime, supplemental pay, on-call, extra duty and bi-lingual pay.

A formal Request for Proposal for a Time and Workforce Management System was posted on BidNet and proposals were opened on January 5, 2021. Ten responses were received. The proposals were evaluated on the following criteria:

- Project Understanding and Approach
- Background and Qualifications
- The Application Requirements Met
- The Technical Requirements Met
- Project Schedule and Timeline
- References/Client List

After a thorough evaluation, the team received demonstrations of the systems from the three top scoring firms and then received final demonstrations from the top two scoring firms. Upon completion of the final evaluations it was determined that Ultimate Kronos Group (UKG) provided the best value to the county.

The recommendation is to award a five-year agreement for a Time and Attendance Workforce Management System and associated implementation services to Ultimate Kronos Group in the total not to exceed amount of \$1,122,050. The agreement will break down as follows:

Year One and Implementation	\$ 334,098.00
Year Two	\$ 196,988.00
Year Three	\$ 196,988.00
Year Four	\$ 196,988.00
Year Five	\$ 196,988.00
Total	\$ 1,122,050.00

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Finance

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 1
Cost Center: 9252

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<u> </u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	7685*		\$600,000
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u> </u> <u>\$600,000</u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

*It is anticipated that the project will be paid from account but is subject to change.

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AN AGREEMENT BETWEEN ADAMS COUNTY AND
ULTIMATE KRONOS GROUP FOR A TIME AND ATTENDANCE MANAGEMENT
SYSTEM

WHEREAS, Adams County needs a new Time and Attendance Management System due to the ongoing growth of the county; and,

WHEREAS, The Ultimate Kronos Group submitted a proposal on January 5, 2021, to provide a Time and Attendance Management System; and,

WHEREAS, after thorough evaluation it was deemed that The Ultimate Kronos Group was the most responsive and responsible proposer; and,

WHEREAS, The Ultimate Kronos Group agrees to provide a Time and Attendance Management System in the not to exceed amount of \$1,122,050.00 for a five-year agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Agreement between Adams County and Ultimate Kronos Group for a Time and Attendance Management System, be and hereby is approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to sign said Agreement with Ultimate Kronos Group on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Statement of Qualifications Veterans Memorial
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Facilities and Fleet Management
HEARD AT STUDY SESSION ON:
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Pre-Qualification list of the Construction Managers/General Contractors (CMGC) for the Adams County Veterans Memorial.

BACKGROUND:

In August 2014, the Board of County Commissioners adopted the Purchasing Policy #1071, Procurement of New Building Construction and Major Improvement/Remodeling. The policy stipulates that pre-qualification is required of contractors for projects of this magnitude prior to participating in the Request for Proposal (RFP) process, and the results of such be presented to the Board for review and comment. The pre-qualified contractors will then be invited to participate in the formal RFP.

The Statement of Qualifications (SOQ) was posted for the Adams County Veterans Memorial on BidNet, with submittals due February 11, 2021. The following contractors responded:

1. Adolfson & Peterson Construction
2. Concrete Express, Inc. (CEI)
3. ECI Site Construction Management, Inc.
4. FCI Constructors Inc.
5. Howell Construction
6. HPM Contacting
7. MW Golden Constructors
8. Naranjo Civil
9. Saunders Construction, Inc.
10. Symmetry Builder, Inc.
11. Taylor Kohrs, LLC.

After a thorough review, the following contractors have been accepted and recommended as pre-qualified for the Adams County Veterans Memorial CMGC:

1. Adolfson & Peterson Construction
2. Concrete Express, Inc. (CEI)
3. ECI Site Construction Management, Inc.
4. FCI Constructors, Inc.
5. Howell Construction
6. HPM Contacting
7. Saunders Construction, Inc.
8. Taylor Kohrs, LLC.

The recommendation is that the Board of County Commissioners approves the pre-qualified contractors for the Adams County Veterans Memorial.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Facilities and Fleet Management

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: YES NO

Future Amendment Needed: YES NO

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION DESIGNATING PRE-QUALIFIED CONTRACTORS FOR THE
CONSTRUCTION MANAGER GENERAL CONTRACTOR QUALIFICATIONS
FOR THE VETERANS MEMORIAL PROJECT

WHEREAS, Adams County Purchasing Policy #1071 requires the pre-qualification of contractors for Construction Management General Contractor (“CMGC”) proposal qualifications; and,

WHEREAS, Adams County’s construction of the Veterans Memorial Project falls under this policy; and,

WHEREAS, the following contractors submitted qualifications for the CMGC proposal for the Veterans Memorial Project: Adolfson & Peterson Construction, Concrete Express, Inc. (CEI), ECI Site Construction Management, Inc., FCI Constructors, Inc., Howell Construction, HPM Contracting, Inc., MW Golden Constructors, Naranjo Civil, Saunders Construction, Inc., Symmetry Builder, Inc., and Taylor Kohrs, LLC; and,

WHEREAS, Adolfson & Peterson Construction, Concrete Express, Inc. (CEI), ECI Site Construction Management, Inc., FCI Constructors, Inc., Howell Construction, HPM Contracting, Inc., Saunders Construction, Inc., and Taylor Kohrs, LLC, were recommended as pre-qualified contractors under Adams County Purchasing Policy #1071 and should be deemed eligible to provide proposals for the Veterans Memorial Project.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the designated pre-qualified contractors may participate in the Request for Proposal Process for the Veterans Memorial Project.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Equipment for Emergency Vehicles
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Facilities and Fleet Management Department and the Sheriff's Office
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendment Two to the agreement with BearCom for the acquisition and installation of equipment for emergency vehicles.

BACKGROUND:

The Facilities and Fleet Management Department in conjunction with the Adams County Sheriff's Office requires a qualified supplier to provide and install equipment, communication equipment and Light Bars for all County emergency vehicles. In March 2019, the Board of County Commissioners approved an agreement with Bear Communications, Inc., dba BearCom, to provide the equipment and installation services. The contract breakdown is as follows:

Agreement/Amendment	Approval Date	Amount
Original Contract Amount	March 12, 2019	\$700,000.00
Amendment One to Extend Term to 3/11/2021	May 26, 2020	\$600,000.00
Amendment Two to Extend Term to 3/11/2022		\$480,000.00
Total Agreement		\$1,780,000.00

The Facilities and Fleet Management Department is pleased with the services and equipment for Emergency Vehicles provided by BearCom and recommends that Amendment Two to renew the agreement for one additional year in the not to exceed amount of \$480,000.00 be approved.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Facilities and Fleet Management Department
Sheriff's Office

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 6
Cost Center: 9111

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			
	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	9175		\$480,000
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$480,000</u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT TWO TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND BEAR COMMUNICATIONS, INC. FOR THE ACQUISITION AND
INSTALLATION OF EQUIPMENT FOR COUNTY EMERGENCY VEHICLES

WHEREAS, on March 12, 2019, the Board of County Commissioners approved an agreement for the acquisition and installation of communication equipment and light bars for all County emergency vehicles with Bear Communications, Inc., d/b/a BearCom (the "Original Agreement"); and,

WHEREAS, Adams County approved Amendment One to the Original Agreement on May 26, 2020; and,

WHEREAS, the Adams County Facilities and Fleet Management Department wishes to once again renew the Original Agreement with Bear Communications, Inc., d/b/a BearCom for one additional year and extend the term of the Original Agreement until March of 2022; and,

WHEREAS, Bear Communications, Inc., d/b/a BearCom has agreed to provide the equipment for emergency vehicles in the not exceed amount of \$480,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment Two to the Agreement Between Adams County and Bear Communications, Inc. for the Acquisition and Installation of Equipment for County Emergency Vehicles, be and is hereby approved.

BE IT FURTHER RESOLVED that the Chair of the Board of County Commissioners is hereby authorized to sign said Amendment Two to the Agreement with Bear Communications, Inc. on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Purchase of a John Deere 772GP Motor Grader
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Facilities and Fleet Management Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the use of a Purchase Order with Honnen Equipment Company for the purchase of a motor grader.

BACKGROUND:

The Adams County Facilities and Fleet Management Department (Fleet) has budgeted for the replacement of a motor grader in 2021. The old equipment has reached and exceeded its life cycle value. The equipment will be replaced with a new 2021 John Deere 772GP motor grader.

Sourcewell is a Cooperative that formally solicits and awards contracts for the purchase of many products and services. By utilizing the cooperative contract, the County can streamline the procurement process and receive competitive pricing. Sourcewell awarded the agreement to Honnen Equipment Company which will result in a discount of 45% off of the motor grader list price. The contract award includes cooperative language, the use of these agreements adheres to the Adams County Purchasing Policy, Appendix E – Cooperative, Single, and Sole Source Purchases.

It is recommended that the Purchase Order be issued to Honnen Equipment Company, for a John Deere 772GP motor grader in the not to exceed amount of \$333,905.00.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Facilities and Fleet Management Department

ATTACHED DOCUMENTS:

Resolution

Revised 06/2016

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 6
Cost Center: 9111

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			
	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	9165	91112120	\$345,000
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$345,000</u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING A PURCHASE ORDER BETWEEN ADAMS COUNTY AND
HONNEN EQUIPMENT COMPANY FOR A JOHN DEERE 772GP MOTOR GRADER

WHEREAS, the Facilities and Fleet Management Department budgeted for the equipment replacement of a motor grader in 2021; and,

WHEREAS, Sourcewell formally solicited and awarded a cooperative agreement with Honnen Equipment Company which included cooperative language. The use of cooperative agreements adheres to the Adams County Purchasing Policy, Appendix E- Cooperative, Single, and Sole Source Purchases; and,

WHEREAS, Honnen Equipment Company agrees to provide a 2021 John Deere 772GP motor grader in the not to exceed amount of \$333,905.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Purchase Order to Honnen Equipment Company for a John Deere 772GP motor grader is hereby approved.

BE IT FURTHER RESOLVED that the Chair hereby authorizes the Purchasing Division to sign the Purchase Order to Honnen Equipment Company after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Purchase of an Elgin Street Sweeper
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Facilities and Fleet Management Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the use of a Purchase Order with Faris Machinery Company for the purchase of a street sweeper.

BACKGROUND:

The Adams County Facilities and Fleet Management Department (Fleet) has budgeted for the replacement of a street sweeper in 2021. The old equipment has reached and exceeded its life cycle value. The equipment will be replaced with a new Elgin Pelican NP street sweeper.

Sourcewell is a Cooperative that formally solicits and awards contracts for the purchase of many products and services. By utilizing the cooperative contract, the County can streamline the procurement process and receive competitive pricing. Sourcewell awarded the agreement to Faris Machinery Company which will result in a discount of 3% off of the street sweeper list price. The contract award includes cooperative language, the use of these agreements adheres to the Adams County Purchasing Policy, Appendix E – Cooperative, Single, and Sole Source Purchases.

It is recommended that the Purchase Order be issued to Faris Machinery Company, for an Elgin street sweeper in the not to exceed amount of \$253,211.00.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Facilities and Fleet Management Department

ATTACHED DOCUMENTS:

Resolution

Revised 06/2016

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 6
Cost Center: 9111

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			
	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	9165	91112122	\$285,000
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$285,000</u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING A PURCHASE ORDER BETWEEN ADAMS COUNTY AND
FARIS MACHINERY COMPANY FOR AN ELGIN STREET SWEEPER

WHEREAS, the Facilities and Fleet Management Department budgeted for the equipment replacement of a street sweeper in 2021; and,

WHEREAS, Sourcewell formally solicited and awarded a cooperative agreement with Faris Machinery Company which included cooperative language. The use of cooperative agreements adheres to the Adams County Purchasing Policy, Appendix E - Cooperative, Single, and Sole Source Purchases; and,

WHEREAS, Faris Machinery Company agrees to provide an Elgin Pelican NP street sweeper in the not to exceed amount of \$253,211.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Purchase Order to Faris Machinery Company for an Elgin street sweeper is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners hereby authorizes the Purchasing Division to sign the Purchase Order to Faris Machinery Company after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: 2021 Crushed Recycled Aggregates
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Public Works Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves Amendment One to the agreement with Allied Recycled Aggregates for crushed recycled aggregates.

BACKGROUND:

The County's Public Works Department has implemented an accelerated gravel road rehabilitation program. This program includes the mixing and blending of various gravel materials to produce surface gravel that is then used and placed to resurface existing gravel roads. By proportioning and mixing gravel, the Division can reduce cost.

A formal invitation for bid (IFB) for Crushed Recycled Aggregates was solicited utilizing BidNet Direct on January 28, 2020. Allied Recycled Aggregates was awarded an agreement to provide crushed recycled aggregates.

This will be the first (1st) renewal option of four (4) as described in the original 2020 solicitation. Allied Recycled Aggregates has proposed a 2% price increase for unit cost. The increase is based on anticipated impacts from steel parts, labor rate increases and inflation of the consumer price index (CPI). The increase is considered fair and reasonable and has been determined competitive due to proximity of County facilities. The 2021 renewal is recommended to not exceed \$154,997.50.

Original Contract Amount	Approved 3/10/2020	\$ 368,810.00
Amendment One		\$ 154,997.50
New Total Contract Value		\$ 523,807.50

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT ONE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND ALLIED RECYCLED AGGREGATES FOR CRUSHED
RECYCLED AGGREGATES

WHEREAS, Allied Recycled Aggregates and Adams County entered into an Agreement on March 10, 2020 to Provide Crushed Recycled Aggregates (the “Original Agreement”); and,

WHEREAS, Adams County and Allied Recycled Aggregates agree to renew and extend the Original Agreement by this Amendment One to provide crushed recycled aggregates for the amount of \$154,997.50 for a new total not to exceed agreement amount of \$523,807.50.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment One to the Agreement with Allied Recycled Aggregates to Provide Crushed Recycled Aggregates be and is hereby approved.

BE IT FURTHER RESOLVED, by the Chair of the Board of County Commissioners is hereby authorized to sign said Amendment One to the Agreement with Allied Recycled Aggregates on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: 2021 Crushed Virgin Class 6 Materials
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Public Works Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves Amendment Two to the agreement with Albert Frei and Sons for crushed virgin class 6 materials.

BACKGROUND:

The County’s Public Works Department has implemented an accelerated gravel road rehabilitation program. This program includes the mixing and blending of various gravel materials to produce surface gravel that is then used and placed to resurface existing gravel roads. By proportioning and mixing gravel the Public Works Operations Division can reduce cost.

A formal invitation for bid (IFB) for Crushed Virgin Class 6 Materials was solicited utilizing BidNet Direct on March 19, 2019. Albert Frei and Sons was awarded an agreement to provide crushed virgin class 6 materials. This will be the second (2nd) renewal option of two (2) as described in the original 2019 solicitation. Albert Frei and Sons has proposed no price increase for the 2021 term. The 2021 renewal is recommended to not exceed \$88,425.00

Original Contract Amount	\$ 151,140.00
Amendment One	\$ 153,270.00
Amendment Two	\$ 88,425.00
New Total Contract Value	\$ 392,835.00

Public Works has sufficient 2021 budget to support Change Order Two, a budget amendment will not be required.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Public Works Department

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 13
Cost Center: 3031

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	7470.1		\$425,000
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$425,000

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT TWO TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND ALBERT FREI AND SONS
TO PROVIDE CRUSHED VIRGIN CLASS 6 MATERIALS

WHEREAS, Adams County and Albert Frei and Sons entered into an Agreement to Provide Crushed Virgin Class 6 Materials on April 12, 2019 (the "Original Agreement"); and,

WHEREAS, Adams County and Albert Frei and Sons agree to amend and extend the Original Agreement and provide crushed virgin class 6 materials for the 2021 term in the amount of \$88,425.00 for a new total not to exceed agreement amount of \$392,835.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment Two to the Agreement to Provide Crushed Virgin Class 6 Materials be and hereby is approved.

BE IT FURTHER RESOLVED, by the Chair of the Board of County Commissioners is hereby authorized to sign said Amendment Two to the Agreement with Albert Frei and Sons on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: 2021 Video Inspection and Maintenance Program
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Public Works Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves Amendment One to the agreement with Industrial Pipe Solutions for 2021 Video Inspection and Maintenance services.

BACKGROUND:

The 2021 Video Inspection and Maintenance of Stormwater Infrastructure will be taking place in the northern part of Adams County, the project area is generally described as, the western and southern border will be US – 36, the eastern border will be US-HWY 85, and the northern border will be E 104th Avenue.

A formal invitation for bid (IFB) for Video Inspection and Maintenance was solicited utilizing BidNet Direct on April 9, 2020. Industrial Pipe Solutions was awarded an agreement to provide video inspection and maintenance services.

Adams County recommends extending the agreement with Industrial Pipe Services. This will be the first (1st) renewal option of two (2) as described in the original 2020 solicitation. Industrial Pipe Solutions has submitted pricing for 2021 and all pricing amounts have not changed, with the exception of traffic control management which increased from \$650 per day to \$750 per day. The change in pricing is directly due to COVID -19 related issues such as sanitation, radio equipment needed to maintain distance, etc. The 2021 renewal is recommended to not exceed \$717,228.62.

Original Contract Amount	Approved 6/16/2020	\$ 592,087.00
Amendment One		\$ 717,228.62
New Total Contract Value		\$ 1,309,315.62

Public Works Drainage Maintenance division recommends extending the agreement with Industrial Pipe Solutions for the 2021 Video Inspection and Maintenance Program in the amount of \$717,228.62.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Public Works Department

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 1
Cost Center: 3090

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	7820		\$1,209,707
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			\$1,209,707

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT ONE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND INDUSTRIAL PIPE SOLUTIONS FOR THE VIDEO INSPECTION
AND MAINTENANCE PROGRAM

WHEREAS, Adams County and Industrial Pipe Solutions entered into an Agreement for the Video Inspection and Maintenance Program on June 16, 2020 (the “Original Agreement”); and,

WHEREAS, Adams County and Industrial Pipe Solutions agree to amend and extend the Original Agreement by said Amendment One to provide video inspection and maintenance services for the 2021 term in the amount of \$717,228.62 for a new total not to exceed agreement amount of \$1,309,315.62.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment One to the Agreement between Adams County and Industrial Pipe Solutions for the Video Inspection and Maintenance Program, be and hereby is approved.

BE IT FURTHER RESOLVED, by the Chair of the Board of County Commissioners is hereby authorized to sign said Amendment One to the Agreement with Industrial Pipe Solutions on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Change Order 5 for the York Street Phase I – State Highway 224 to East 78th Avenue Improvements Project
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Public Works Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves Change Order Five to the Agreement with Drexel, Barrell & Company for Professional Engineering Services for York Street Phase One – State Highway 224 to East 78 th Avenue Improvement Project.

BACKGROUND:

The York Street Phase One project objective is to improve roadway safety, capacity, mobility, pedestrian access facilities, and the drainage system on York Street between State Highway 224 and East 78th Avenue. This project also includes a new pedestrian and drainage underpass below State Highway 224, that will connect the Welby community to the Clear Creek trail.

Additional design construction support services and a contract time extension are being requested. These services will assist in addressing additional tasks, due to utility conflicts, contractor requested modifications that can have an overall positive impact to the project, coordination efforts with development, and other unforeseen elements. This change order supports design modifications to keep the project moving along as smoothly and efficiently as possible. It is anticipated that construction will be complete at the end of 2021, therefore requesting that the contract time be extended to June 30, 2022 to ensure project final acceptance.

An Agreement was awarded on January 13, 2015 to Drexel, Barrell & Company for Professional Engineering Services for the York Street Improvement Project Phase One. The contract breakdown is as follows:

Original Contract Amount	Approved 1/13/2015	\$243,215.00
Change Order One	1/12/2016	\$127,645.00

Change Order Two	12/13/2016	\$49,018.00
Change Order Three	8/21/2018	\$80,000.00
Change Order Four	1/2/2020	\$89,680.00
Change Order Five		\$83,835.00
New Total Contract Value		\$673,393.00

It is recommended to approve Change Order Five to the Agreement with Drexel, Barrell & Company in the amount of \$83,835.00 for a total not to exceed agreement amount of \$673,393.00.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Public Works Department

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 13
Cost Center: 3056

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<u> </u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:	9135	30561507	\$15,000,000
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$15,000,000</u>

New FTEs requested: **YES** **NO**

Future Amendment Needed: **YES** **NO**

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING CHANGE ORDER FIVE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND DREXEL, BARRELL AND COMPANY FOR YORK STREET
PHASE ONE – STATE HIGHWAY 224 TO EAST 78TH AVENUE IMPROVEMENTS
PROJECT

WHEREAS, Drexel, Barrell and Company was awarded an agreement on January 13, 2015 to provide York Street Phase One – State Highway 224 to East 78th Avenue Improvements; and,

WHEREAS, Drexel, Barrell and Company agrees to amend the current agreement by said Change Order Give to provide additional professional engineering services for the York Street Phase One – State Highway 224 to East 78th Avenue Improvements in the amount of \$83,835.00 for a new total not to exceed agreement amount of \$673,393.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Change Order Five to the agreement with Drexel, Barrell and Company to provide professional engineering services for the York Street Phase One – State Highway 224 to East 78th Avenue Improvements be and is hereby approved.

BE IT FURTHER RESOLVED, by the Chair of the Board of County Commissioners is hereby authorized to execute said Change Order Five to the Agreement with Drexel, Barrell and Company on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Change Order One - Professional Engineering Services for Broadway and 62 nd Avenue Drainage Improvements
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Public Works Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Change Order One to the agreement with Drexel, Barrell & Company for Professional Engineering Services for the Broadway and 62 nd Avenue Drainage Improvements Project.

BACKGROUND:

The Broadway and 62nd Avenue Drainage Improvements Project is to design and implement drainage improvements in the area. This change order supports design modifications to keep the project moving along as smoothly and efficiently as possible, and to address additional tasks due to utility conflicts and any unforeseen elements. In addition, a time extension through March 15, 2022, is necessary to complete the final design for the major drainage system.

An Agreement for Professional Engineering Services for the Broadway and 62nd Avenue Drainage Improvements Project was awarded to Drexel, Barrell & Company on December 10, 2019. The Agreement breakdown is as follows:

Original Agreement	Approved 12/10/19	\$364,896.00
Change Order One		\$ 5,000.00
Total Agreement		\$369,896.00

It is recommended to approve Change Order One to the Agreement with Drexel, Barrell & Company in the amount of \$5,000.00 for a total not to exceed agreement amount of \$369,896.00.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Public Works Department

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 07
Cost Center: 3705

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<u> </u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	7820		\$130,000
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u><u>\$130,000.00</u></u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING CHANGE ORDER ONE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND DREXEL, BARRELL & COMAPNY FOR PROFESSIONAL
ENGINEERING SERVICES OF THE BROADWAY AND 62ND AVENUE DRAINAGE
IMPROVEMENTS PROJECT

WHEREAS, Drexel, Barrell & Company was awarded an agreement on December 20, 2019 to provide Professional Engineering Services for the Broadway and 62nd Avenue drainage improvements project; and,

WHEREAS, Adams County and Drexel, Barrell & Company agree to amend the current agreement by said Change Order One to provide additional professional engineering services for the Broadway and 62nd Avenue drainage improvements project in the amount of \$5,000.00 for a new total not to exceed agreement amount of \$369,896.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Change Order One to the Agreement with Drexel, Barrell & Company to provide Professional Engineering Services for the Broadway and 62nd Avenue drainage improvements project be and is hereby approved.

BE IT FURTHER RESOLVED, by the Chair of the Board of County Commissioners is hereby authorized to execute said Change Order One to the Agreement with Drexel, Barrell & Company on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: 2021 Street Paving Program
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement & Contracts Manager
AGENCY/DEPARTMENT: Public Works Department
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Approves the agreement with Aggregate Industries for the 2021 Street Paving Program.

BACKGROUND:

The 2021 Street Paving Program is significant street maintenance program with approximately 54 lane miles in five different areas of unincorporated Adams County. These areas have been identified as priorities for rehabilitation in the County’s Transportation Asset Management System (TAMS).

A formal Invitation for Bids (IFB) was solicited through BidNet on February 12, 2021. Bids were opened on March 9, 2021 and five bids were submitted. After verifying the unit bid prices for each company, the Public Works Department confirmed that Aggregate Industries is the lowest responsive and responsible bidder.

A summary of the bids received are as follows:

RANK	BIDDER	TOTAL BID
1	Aggregate Industries	\$8,279,858.30
2	Martin Marietta Materials	\$8,761,370.00
3	Brannan Sand Gravel, Inc.	\$9,068,416.66
4	Asphalt Specialties	\$9,444,015.05
5	APC Construction	\$11,678,412.50

It is recommended that the agreement for the 2021 Street Paving program be awarded to Aggregate Industries as the lowest, the most responsible, and responsive bidder in the amount of \$8,279,858.30.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Public Works Department

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 13
Cost Center: 3055

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			<u> </u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	7820		\$8,000,000
Add'l Operating Expenditure not included in Current Budget:			\$279,859
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u><u>\$8,279,859</u></u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

Additional Note:

Additional operating expenditures to be covered by potential savings in overall cost center budget of \$9,250,000.00.

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AN AGREEMENT BETWEEN ADAMS COUNTY AND
AGGREGATE INDUSTRIES TO PROVIDE SERVICES FOR THE 2021 STREET PAVING
PROGRAM

WHEREAS, Aggregate Industries submitted a bid on March 9, 2021 for the 2021 Street Paving Program; and,

WHEREAS, after verification of the unit bid prices it was verified that Aggregate Industries was the lowest most responsive and responsible bidder; and,

WHEREAS, Aggregate Industries agrees to provide services for the 2021 Street Paving Program in the not to exceed amount of \$8,279,858.30.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Agreement between Adams County and Aggregate Industries to Provide Services for the 2021 Street Paving Program be and is hereby approved.

BE IT FURTHER RESOLVED, by the Chair of the Board of County Commissioners is hereby authorized to sign said Agreement with Aggregate Industries on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Housing Services
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Adams County Human Services Department, Temporary Assistance for Needy Families (TANF) Division
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendments to Agreements with multiple providers for 2020/2021 Housing Services.

BACKGROUND:

Adams County Human Services Department (HSD) receives Federal Temporary Assistance for Needy Families (TANF) Block Grant funds, allocated by the State to assist with the goals of the HSD Workforce and Business Center (WBC) TANF program. These Home Services provide homelessness prevention, rent, utility assistance and other related services for eligible Adams County families who are in danger of homelessness.

Adams County Human Services Department (ACHSD) is requesting an adjustment of \$150,000 within the Temporary Assistance for Needy Families (TANF) county allocation, regarding the contracted Housing and Homeless Prevention Services. This request is being made due to Maiker Housing reporting that they are under-spent and will be unable to spend their allocated contract amount by the end of their contract term (August 31, 2021).

County Human Services Department is requesting to adjust the agreements for the following 2020-2021 current TANF housing contracts:

Maiker Housing Partners:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$64,500.00	11/13/2018	\$64,500.00
Amendment One-First Year Extension	\$300,000.00	12/13/2018	\$364,500.00
Amendment Two-Second Year Extension	\$306,250.00	11/19/2019	\$670,750.00
Amendment Three-Funds Added	\$125,000.00	6/16/2020	\$795,750.00
Amendment Four-Third Year Extension	\$431,250.00	9/15/2020	\$1,227,000.00
Amendment Four – Decrease Funds	(\$150,000.00)		\$1,077,000.00

Access Housing Inc.:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$162,000.00	11/13/2018	\$162,000.00
Amendment One-First Year Extension	\$130,044.00	12/10/2019	\$292,044.00
Amendment Two-Funds Added	\$100,000.00	6/16/2020	\$392,044.00
Amendment Three - Second Year Extension	\$265,000.00	9/15/2020	\$657,044.00
Amendment Four – Funds Added	\$75,000.00	3/2/2021	\$732,044.00
Additional Funds Requested	\$50,000.00		\$782,044.00

Almost Home Inc.:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$347,437.23	11/13/2018	\$347,437.23
Amendment One-First Year Extension	\$332,208.00	9/24/2019	\$569,573.23
Amendment Two-Funds Added	\$125,000.00	6/16/2020	\$694,573.23
Amendment Three-Second Year Extension	\$457,208.00	9/15/2020	\$1,261,853.23
Additional Funds Requested	\$100,000.00		\$1,361,853.23

Housing Services will be funded through the 2020/2021 TANF Block Grant Funds. The funding will be covered under 85/15. 85% funded Federally with a 15% Adams County match.

The recommendation is to approve the amendments for pricing adjustments for the 2020/2021 Housing Services agreements.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Human Services Department Workforce and Business Center, (TANF)

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 15
Cost Center: 99915, Various

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790
Additional Revenue not included in Current Budget:			
Total Revenues:			<u>\$50,239,790</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	Various.7645		\$6,078,100
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$6,078,100</u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT FIVE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND MAIKER HOUSING PARTNERS TO PROVIDE HOUSING
SERVICES

WHEREAS, Adams County and Maiker Housing Partners entered into an agreement in 2018 (the "Original Agreement"), to provide Housing Services for the Adams County Human Services Department, Temporary Assistance for Needy Families (TANF) Division; and,

WHEREAS, Adams County Human Services TANF Program would like to decrease the amount of the Original Agreement by this Amendment Five due to Maiker Housing Partners reporting that they are under-spent and will be unable to spend their allocated contract amount by the end of their contract term; and,

WHEREAS, Maiker Housing Partners agrees to decrease the amount of the Original Agreement by \$150,000.00 for a total not to exceed agreement amount of \$1,077,000.00; and,

WHEREAS, the program is being funded eighty-five (85%) percent by TANF Block Grant Funds, with Adams County responsible for the remaining fifteen (15%) percent.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment Five to the Agreement with Maiker Housing Partners to provide Housing Services be and is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to sign Amendment Five with Maiker Housing Partners on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Housing Services
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Adams County Human Services Department, Temporary Assistance for Needy Families (TANF) Division
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendments to Agreements with multiple providers for 2020/2021 Housing Services.

BACKGROUND:

Adams County Human Services Department (HSD) receives Federal Temporary Assistance for Needy Families (TANF) Block Grant funds, allocated by the State to assist with the goals of the HSD Workforce and Business Center (WBC) TANF program. These Home Services provide homelessness prevention, rent, utility assistance and other related services for eligible Adams County families who are in danger of homelessness.

Adams County Human Services Department (ACHSD) is requesting an adjustment of \$150,000 within the Temporary Assistance for Needy Families (TANF) county allocation, regarding the contracted Housing and Homeless Prevention Services. This request is being made due to Maiker Housing reporting that they are under-spent and will be unable to spend their allocated contract amount by the end of their contract term (August 31, 2021).

County Human Services Department is requesting to adjust the agreements for the following 2020-2021 current TANF housing contracts:

Maiker Housing Partners:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$64,500.00	11/13/2018	\$64,500.00
Amendment One-First Year Extension	\$300,000.00	12/13/2018	\$364,500.00
Amendment Two-Second Year Extension	\$306,250.00	11/19/2019	\$670,750.00
Amendment Three-Funds Added	\$125,000.00	6/16/2020	\$795,750.00
Amendment Four-Third Year Extension	\$431,250.00	9/15/2020	\$1,227,000.00
Amendment Four – Decrease Funds	(\$150,000.00)		\$1,077,000.00

Access Housing Inc.:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$162,000.00	11/13/2018	\$162,000.00
Amendment One-First Year Extension	\$130,044.00	12/10/2019	\$292,044.00
Amendment Two-Funds Added	\$100,000.00	6/16/2020	\$392,044.00
Amendment Three - Second Year Extension	\$265,000.00	9/15/2020	\$657,044.00
Amendment Four – Funds Added	\$75,000.00	3/2/2021	\$732,044.00
Additional Funds Requested	\$50,000.00		\$782,044.00

Almost Home Inc.:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$347,437.23	11/13/2018	\$347,437.23
Amendment One-First Year Extension	\$332,208.00	9/24/2019	\$569,573.23
Amendment Two-Funds Added	\$125,000.00	6/16/2020	\$694,573.23
Amendment Three-Second Year Extension	\$457,208.00	9/15/2020	\$1,261,853.23
Additional Funds Requested	\$100,000.00		\$1,361,853.23

Housing Services will be funded through the 2020/2021 TANF Block Grant Funds. The funding will be covered under 85/15. 85% funded Federally with a 15% Adams County match.

The recommendation is to approve the Amendments for pricing adjustments for the 2020/2021 Housing Services Agreements.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Human Services Department Workforce and Business Center, (TANF)

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 15
Cost Center: 99915, Various

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790
Additional Revenue not included in Current Budget:			
Total Revenues:			<u>\$50,239,790</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	Various.7645		\$6,078,100
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$6,078,100</u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT FOUR TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND ALMOST HOME, INC., TO PROVIDE HOUSING SERVICES

WHEREAS, the Board of County Commissioners approved an agreement with Almost Home Inc., in 2018 (the "Original Agreement"), to provide Housing Services for the Adams County Human Services Department, Temporary Assistance for Needy Families (TANF) Division; and,

WHEREAS, Adams County Human Services TANF Program would like to amend the Original Agreement by this Amendment Four to add additional funds in the amount of \$100,000.00 for a not to exceed contract amount of \$1,361,853.23; and,

WHEREAS, the program is being funded eighty-five (85%) percent by TANF Block Grant Funds, with Adams County responsible for the remaining fifteen (15%) percent.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment Four to the Agreement with Almost Home, Inc., to provide Housing Services be and is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is hereby authorized to sign Amendment Four with Almost Home Inc., after negotiation and approval as to form is completed by the County Attorney's Office.



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 30, 2021
SUBJECT: Housing Services
FROM: Raymond H. Gonzales, County Manager Alisha Reis, Deputy County Manager Nancy Duncan, Budget & Finance Director Jennifer Tierney Hammer, Procurement and Contracts Manager
AGENCY/DEPARTMENT: Adams County Human Services Department, Temporary Assistance for Needy Families (TANF) Division
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves Amendments to Agreements with multiple providers for 2020/2021 Housing Services.

BACKGROUND:

Adams County Human Services Department (HSD) receives Federal Temporary Assistance for Needy Families (TANF) Block Grant funds, allocated by the State to assist with the goals of the HSD Workforce and Business Center (WBC) TANF program. These Home Services provide homelessness prevention, rent, utility assistance and other related services for eligible Adams County families who are in danger of homelessness.

Adams County Human Services Department (ACHSD) is requesting an adjustment of \$150,000 within the Temporary Assistance for Needy Families (TANF) county allocation, regarding the contracted Housing and Homeless Prevention Services. This request is being made due to Maiker Housing reporting that they are under-spent and will be unable to spend their allocated contract amount by the end of their contract term (August 31, 2021).

County Human Services Department is requesting to adjust the agreements for the following 2020-2021 current TANF housing contracts:

Maiker Housing Partners:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$64,500.00	11/13/2018	\$64,500.00
Amendment One-First Year Extension	\$300,000.00	12/13/2018	\$364,500.00
Amendment Two-Second Year Extension	\$306,250.00	11/19/2019	\$670,750.00
Amendment Three-Funds Added	\$125,000.00	6/16/2020	\$795,750.00
Amendment Four-Third Year Extension	\$431,250.00	9/15/2020	\$1,227,000.00
Amendment Four – Decrease Funds	(\$150,000.00)		\$1,077,000.00

Access Housing Inc.:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$162,000.00	11/13/2018	\$162,000.00
Amendment One-First Year Extension	\$130,044.00	12/10/2019	\$292,044.00
Amendment Two-Funds Added	\$100,000.00	6/16/2020	\$392,044.00
Amendment Three - Second Year Extension	\$265,000.00	9/15/2020	\$657,044.00
Amendment Four – Funds Added	\$75,000.00	3/2/2021	\$732,044.00
Additional Funds Requested	\$50,000.00		\$782,044.00

Almost Home Inc.:

Agreement/Amendment	Amount	Date Approved	Total Contract Amount
Original Agreement	\$347,437.23	11/13/2018	\$347,437.23
Amendment One-First Year Extension	\$332,208.00	9/24/2019	\$569,573.23
Amendment Two-Funds Added	\$125,000.00	6/16/2020	\$694,573.23
Amendment Three-Second Year Extension	\$457,208.00	9/15/2020	\$1,261,853.23
Additional Funds Requested	\$100,000.00		\$1,361,853.23

Housing Services will be funded through the 2020/2021 TANF Block Grant Funds. The funding will be covered under 85/15. 85% funded Federally with a 15% Adams County match.

The recommendation is to approve the amendments for pricing adjustments for the 2020/2021 Housing Services agreements.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Human Services Department Workforce and Business Center, (TANF)

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

Fund: 15
Cost Center: 99915, Various

	Object Account	Subledger	Amount
Current Budgeted Revenue:	99915.5755		\$50,239,790
Additional Revenue not included in Current Budget:			
Total Revenues:			<u>\$50,239,790</u>

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	Various.7645		\$6,078,100
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			<u>\$6,078,100</u>

New FTEs requested: YES NO

Future Amendment Needed: YES NO

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION APPROVING AMENDMENT FIVE TO THE AGREEMENT BETWEEN
ADAMS COUNTY AND ACCESS HOUSING, INC. TO PROVIDE HOUSING SERVICES

WHEREAS, Adams County and Access Housing, Inc., entered into an agreement in 2018 (“Original Agreement”), to provide Housing Services for the Adams County Human Services Department, Temporary Assistance for Needy Families (TANF) Division; and,

WHEREAS, Adams County Human Services TANF Program would like amend the Original Agreement by this Amendment Five to add additional funds in the amount of \$50,000.00, for a total not to exceed agreement amount of \$782,044.00; and,

WHEREAS, the program is being funded eighty-five (85%) percent by TANF Block Grant Funds, with Adams County responsible for the remaining fifteen (15%) percent.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment Five to the Agreement with Access Housing, Inc. to Provide Housing Services be and is hereby approved.

BE IT FURTHER RESOLVED that the Chair of the Board of County Commissioners is hereby authorized to sign said Amendment Five to the Agreement with Access Housing, Inc. on behalf of Adams County, after negotiation and approval as to form is completed by the County Attorney's Office.



COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT

CASE NO.: RCU2020-00009

CASE NAME: Lienzo Charro El Paraíso Equestrian Riding Academy

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- 2.1 Vicinity Map
- 2.2 Aerial Map
- 2.3 Zoning Map
- 2.4 Future Land Use Map

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- 3.1 Written Narrative
- 3.2 Site Plan
- 3.3 Supplemental Information

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- 4.1 Adams County - Development Review Team Comments
- 4.2 Bennett-Watkins Fire Rescue
- 4.3 Colorado Department of Public Health and Environment
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- 4.6 Xcel Energy
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- 5.1 Neighborhood Meeting Summary
- 5.2 Request for Comments
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- 5.5 Referral Agency Labels
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**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Board of County Commissioners

March 30, 2021

Case Number:	RCU2020-00009
Case Name:	Lienzo Charro El Paraíso Equestrian Riding Academy
Property Owner's Name:	Lino Cardenas
Applicant's Name:	Jerome DeHerrera
Applicant's Address:	146 W. 11 th Avenue, Denver, CO 80204
Location of Request:	50000 E. 56 th Avenue, Bennett, CO 80102
Parcel Number:	0181514100004
Nature of Requests:	Conditional Use Permit for an equestrian riding academy use to provide instruction and training in Charrería and Escaramuza in association with Lienzo Charro El Paraíso, a local non-profit.
Zone District:	Agriculture-3 (A-3)
Future Land Use:	Agriculture
Site Area:	40.716 acres
Existing Use:	Single-Family Residential
Proposed Use:	Riding Academy and Single-Family Residential
Hearing Date(s):	PC: March 11, 2021 / 6:00 pm BoCC: March 30, 2021 / 9:30 am
Report Date:	March 5, 2021
Case Manager:	Alan Sielaff
Staff Recommendation:	APPROVAL with 8 findings-of-fact, 4 conditions precedent, 12 conditions, and 4 notes

SUMMARY OF APPLICATIONS

Background:

The applicant, Jerome DeHerrera on behalf of Lienzo Charro El Paraíso, Inc., (LCEP), is requesting a conditional use permit in order to operate an equestrian riding academy to provide instruction and training in Charrería and Escaramuza. According to information provided by the applicant, LCEP is a Colorado non-profit corporation with the mission of promoting the cultural and traditional values of Charreada and Escaramuza horsemanship for charitable and educational purposes. LCEP has entered into a lease agreement with property owner Lino Cardenas to use the outdoor equestrian arena located at 50000 E. 56th Avenue. A conditional use permit is required to operate a riding academy in the Agriculture-3 (A-3) zone.

The applicant has provided the following summarized background information related to Charrería and Escaramuza, please see the applicant's written narrative for a full description. The applicant explains that Charrería and Escaramuza are a highly technical and artistic equestrian sport and an important cultural tradition in the Southwestern United States and Mexico. In 2016, UNESCO recognized Charrería on the Representative List of the Intangible Cultural Heritage of Humanity. Modern Charrería is characterized as a mix of rodeo skills and dressage, with riders showing traditional competitive roping and ranch skills while training their horses to perform exquisite movements. Escaramuza is the artistic sport practiced by women who train and ride their horses in choreographed and synchronized maneuvers. The women ride side-saddle and wear traditional Mexican costumes and accessories.

The proposed riding academy will be operated by a non-profit corporation, LCEP, created by the property owner and his family with a mission of promoting and educating the public about the cultural and traditional values of Charreada, Escaramuza and horsemanship. The organization is governed by a board of directors, and the applicant for this conditional use request also serves as general counsel for LCEP. Current programming by LCEP involves instruction and training for youth teams.

Site Characteristics:

The subject property is located approximately a half mile east of Highway 79 on E. 56th Avenue in eastern Adams County, and approximately two miles north of Bennett. The site is approximately 40 acres and is surrounded by other agriculturally zoned properties with residential and agriculture uses. The site contains residential dwellings and agricultural accessory structures dating to the previous property owner. The proposed use will utilize the existing personal equestrian arena, an allowed accessory use in the A-3 zone. The equestrian arena is approximately 350 ft. in length and 125 ft. in width at its widest point and features fencing forming the exterior of the arena area. It is located approximately 150 ft. behind the nearest structures on the site and approximately 550 ft. from the nearest neighboring dwelling. The property contains mostly typical rural/agricultural grasses beyond the immediate inhabited areas, with more formal landscaping and trees to the north and east of the dwelling facing E. 56th Avenue.

Proposed Operations:

Instruction and trainings will take place within the existing riding arena and no new construction is proposed. The proposed use will require the creation of a designated parking area with crushed

gravel where the participants will park their trucks and trailers. Training sessions last approximately three hours and will take place on evenings and weekends, ending no later than 8 p.m. There will not be more than five trainings sessions per week. Because the sessions will all take place outdoors, the equestrian season will generally take place during the months of April through November, depending on weather conditions. All lessons and trainings will take place within the riding arena. The participants will also use the adjacent parking area to unload their horses and prepare them for the riding sessions. The riders may warm their horses up or cool them down by lunging, riding or walking them in the area surrounding the riding arena. The Escaramuza team's performance is set to traditional Mexican music, while the boys Charro team does not perform or practice to music. The music that is played during the Escaramuza practice is kept at a lower volume than what is used during an actual performance competition. LCEP has purchased two sound level meters so that it can monitor sound levels to make sure the music volume never exceeds the permitted level (80 decibels at the property line or a public right-of-way). Participants will bring their own horses to sessions, so no horse boarding is included in this request. LCEP also requires every participant to sign a waiver and acknowledgement form prior to participation in the training sessions. The form notifies participants of the dangers inherent in the equestrian activity and notifies the participant of the rules of behavior that must be followed while participating in sessions. This includes expectations for behavior, noise, and leaving no trace at the equestrian arena.

In response to requests by Tri-County Health Department, the applicant will be providing a portable toilet and hand-washing station for use by the participants and guests of the riding academy program. The applicant will locate the portable toilet and hand-washing station in the riding arena area so that the participants and guests can remain in the that area of the property. Participants will also have access to a trash receptacle where they will be expected to place all of their trash. All trash created during the practice sessions will be disposed of as part of the property owner's regular trash service. Participants will bring their own water, while horses will be provided drinking water in a livestock watering trough located near the arena. The applicant will water the arena's sand/dirt floor prior to training sessions if appropriate, and further state that because of the dangers that significant dust will cause to the horses and riders, there is every incentive to control and mitigate dust. Finally, in response to a public comment received asking if veterinary services would be available during training sessions, the applicant states that unfortunately it is not feasible for the non-profit to have a veterinarian on-site during each practice session, but they do have a close relationship with a veterinarian who provides care and treatment to many of the horses involved in the program and is available to be on-call.

Development Standards and Regulations (DSR) Requirements:

The site for this proposed equestrian riding academy use is located in the A-3 zone district. Section 3-10-01 of the DSR states that the purpose of the A-3 district is to provide land primarily in holdings of at least thirty-five (35) acres for dryland or irrigated farming, pasturage, or other related food production uses. Riding stables or academy is a conditional use in the A-3 zone under the Agriculture Support Businesses and Services subset of the Agricultural Uses category in the land use table. A riding stable or academy is defined in Section 11-02-513 of the DSR as any establishment where horses are boarded and cared for; where instruction in riding, jumping, and showing is offered; and/or where horses may be hired for riding. A riding stable or academy may also be an accessory use in the operation of a club, association, ranch, or similar establishment.

This definition adheres with the applicant's proposal to establish an instructional riding academy. There are no specific performance standards associated with a riding academy use.

The riding academy will utilize the existing equestrian arena on the property, which is an allowed accessory agricultural use. Section 4-06-02-01-05 of the DSR outlines the performance standards for a personal equestrian arena, including that it is accessory to the primary use of the property, includes limitations to the number of participants, prohibits commercial activities unless a conditional use permit is granted, and that off-site impacts are mitigated. The applicant will be required to meet all of the performance standards. The existing arena will be required to obtain a building permit in order to relocate the arena approximately 5 ft. to the east to meet the 10 ft. side setback for accessory structures in the A-3 zone. This will be included as a recommended condition precedent. For this request, the non-profit is proposing to allow up to 25 people in addition to the inhabitants of the property in association with the training sessions; this limitation has been included as a condition of approval.

Parking standards were reviewed in accordance with Section 4-13 of the DSR. Parking for the training sessions will be accommodated in an improved parking area with access drive adjacent to the equestrian arena. Agricultural parking areas are not required to be paved, but will be required to meet all surface and dimensional requirements of the fire district. The applicant is proposing a crushed gravel base and will be required to widen the entry gate and access road to the parking area.

Operational standards were reviewed in accordance with Section 4-14 of the DSR and provided early in the review to allow the applicant to tailor their proposed operations to be within the performance standards. The applicant has provided information addressing each standard. Lighting is not proposed as training sessions will be limited to daylight hours. Noise and vibration impacts associated with music and training activities are required to remain at or below the daytime limit of 80 decibels in the A-3 zone. Dust and debris control will be provided as conditions warrant. And proper waste management procedures will be followed for participants and animals associated with the use. Tri-County Health Department has reviewed the request and provided guidance and best practice information to the applicant.

While agricultural uses are exempt from landscaping requirements in Section 4-17, the applicant has agreed to install additional landscape buffering of one tree approximately every 80 ft. in the area immediately adjacent to the equestrian arena along the western property line. This was the recommended landscape buffering based on Bufferyard Type A between residential and agricultural uses.

Section 2-02-09 of the DSR outlines the process and criteria for obtaining a conditional use permit for a use. Among the approval criteria, conditional uses must demonstrate that the request is compatible with the surrounding area, not detrimental to the immediate area, all off-site impacts have been addressed, and that the site plan will provide the most convenient and functional use of the lot.

Future Land Use Designation/Comprehensive Plan:

The future land use designation on the property is Agriculture. Chapter 5 of the Adams County Comprehensive Plan describes the purpose of Agricultural areas as those that are not expected to develop, except for limited areas of very low density residential at densities of one dwelling per 35 acres, for the foreseeable future. These areas are typically characterized by a lack of urban services. This designation supports the agricultural primary and accessory uses and is consistent with the Comprehensive Plan.

Surrounding Zoning Designations and Existing Use Activity:

Northwest A-3 Vacant	North A-3 Vacant	Northeast A-3 Vacant
West A-3 Single-family dwelling	Subject Property A-3 Vacant	East A-3 Single-family dwelling
Southwest A-3 Single-family dwelling	South A-3 Single-family dwelling	Southeast A-3 Single-family dwelling

Compatibility with the Surrounding Area:

The surrounding properties are all zoned A-3 and are either vacant or contain single-family dwellings and associated agricultural accessory structures. Surrounding properties range in size from 10 acres to 160 acres, with at least one other property (located to the immediate east) also containing an equestrian arena. The applicant has conducted neighborhood outreach and staff will be recommending conditions to ensure the proposed use of the riding academy is compatible with the surrounding area and addresses and minimizes all anticipated off-site impacts. Staff has also reviewed a traffic analysis and facilitated referral comments with partner agencies to identify anticipated impacts and address concerns. The anticipated traffic impact does not warrant any public improvements to the existing road network in the area, and it has been determined that Highway 79 and E. 56th Avenue can accommodate traffic associated with the use. The proposed use is found to be compatible with the area and not detrimental to public health and safety. Approval of these requests will be consistent with the character of development activities and uses in the area.

Planning Commission Update:

The Planning Commission (PC) considered the application for a conditional use permit on March 11, 2021 and voted (7-0) to recommend approval of the request. The PC made 8 findings-of-fact, 4 conditions precedent, 12 conditions, and 4 notes to the applicant.

The applicant gave a presentation at the meeting to provide an overview of the cultural importance of Charrería and Escaramuza, operations of the riding academy, and to address public concerns with the proposed use.

The PC directed questions to staff and the applicant and engaged in further discussion on the proposed use. Specific topics included questions of the nature of and how recent there had been code compliance violations associated with previous rodeo events on the property. Staff said there

are have not been violations for the duration of the existing application, and the County Attorney further explained history regarding a past court injunction on the property that had resulted. The applicant responded to discuss how they are intent on obtaining the correct permits and working with the County and neighbors moving forward. The PC asked staff how the 80-decibel sound limitation was determined, to which staff explained it was set by development standards in Section 4-14 for operational standards regarding allowable daytime noise in agricultural zones. The PC also asked how common the proposed use is elsewhere in the Denver metro area and if the use would include any fund-raising events. The applicant discussed that they are aware of possibly 10 other groups, but the need for locations to train and perform is likely much greater. The applicant said at this time due to the early age of the non-profit and the limitations imposed by the conditional use permit they were not planning on fund-raising activities associated with this specific use and this location, but it would be a possibility the group engages in fund raising in the future as part of an additional request at another possible location. Finally, many PC members who spoke voiced support for the conditional use request, while stating how important it would be the applicant adhere to the rules and regulations included in the proposal.

One member of the public spoke and voiced concerns over past of volume music at the property. He stated as long as noise is kept at a respectable level, he has no issues with the proposed use.

Staff Recommendation:

Based upon the application, the criteria for approval, and a recent site visit, staff recommends approval of this conditional use request with **8 findings-of-fact, 4 conditions precedent, 12 conditions and 4 notes:**

Recommended Findings-of-Fact:

Conditional Use Permit (see Section 2-02-09-06):

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions Precedent:

1. The applicant shall obtain a Use Permit from the Tri-County Health Department for all On-Site Wastewater Treatment (OWTS) needs for the existing property.
2. The existing equestrian arena must be relocated to meet the 10 ft. side setback requirement for accessory structures and uses in the Agriculture-3 zone district. A building permit is required prior to construction activities.
3. A landscape buffer of at least one tree every 80 ft. shall be installed along the western property boundary adjacent to the equestrian arena to reduce visual impacts.
4. The applicant shall receive a “Notice to Proceed” from the Department of Community and Economic Development. Written proof that all of the conditions precedent have been satisfied shall be required prior to receiving this notice.

Recommended Conditions of Approval:

1. The Conditional Use Permit shall expire on March 30, 2024 (three years).
2. The applicant shall comply with all the requirements of the Tri-County Health Department provided in their letter dated January 25, 2021.
3. The applicant shall comply with all the requirements of the Bennett-Watkins Fire District provided in their letter dated January 5, 2021.
4. The applicant shall comply with all the requirements of the Colorado Department of Parks and Wildlife provided in their letter dated July 16, 2020.
5. Training sessions are to be conducted in accordance with the provided Riding Academy Operations Plan, which includes a maximum of five trainings sessions per week. Each session can begin no earlier than 8 a.m. in the morning and must end no later than 8 p.m. in the evening.
6. The maximum number of participants, volunteers, and visitors to the site may not exceed twenty-five (25) people at any time, in addition to the inhabitants of the property.
7. The applicant shall establish a notification procedure for property owners and residents within one half-mile of the facility.
8. The applicant shall provide a quarterly report to the Code Compliance Supervisor that includes all citizen concerns and complaints. The reports shall begin once the Notice to Proceed has been issued by dates set by the Code Compliance Supervisor. In that report, the applicant shall provide responses to the complaints and how these issues were remedied. The applicant shall also provide written responses to any complaints received and forwarded to the applicant by Code Compliance.
9. All parking for participants shall be located on the subject property. All vehicle parking and drive lanes shall be on an approved surface, such as recycled gravel or asphalt.
10. Sound monitoring is required during training sessions to ensure music volume does not exceed 80 decibels at property lines or public right-of-way.
11. Fugitive dust control mechanisms must be in place and functioning prior and during training sessions as conditions warrant.
12. Compensation and fees may be collected as part of the approved Riding Academy land use, however, food and alcohol may not be sold or bought on the premises. Livestock

may not be brought to the site from a provider for the purpose of hosting a rodeo. No commercial competition or commercial entertainment (e.g. camps, birthday parties) other than riding lessons shall be permitted on site.

Recommended Notes to the Applicant:

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations during the development of the subject site.
2. The conditional use permit approval shall lapse one year (March 30, 2022) following this approval if a building permit for the relocated equestrian arena has not been issued.
3. Deviation from the site plan and stated or approved operations provided with this application will require an amendment to the conditional use permit.
4. Renewal of a conditional use permit requires a full application process and approval at public hearings prior to expiration for continuation of the riding academy use.

PUBLIC COMMENTS

Notifications Sent	Comments Received
76	6

All property owners and residents within one mile of the subject property were notified of the request. As of writing this report, staff has received six public comments on this case during the project referral period, with five of the comments in opposition and one in support. Among the concerns are past nuisances associated with the property and other properties associated with the property owner, concerns with the condition of E. 56th Avenue, possible trespassing on adjacent properties, general safety in regards to past use of firearms, and possible future uses of the property. Some of the comments suggested that limitations be imposed to the frequency, timing, and capacity of the use, that music, noise, and dust be minimized, and one resident suggested a veterinarian be on site for animal injuries. It should be stated that at the time the applicant held the neighborhood meeting, they were planning on submitting a second conditional use permit for an event center use at another location, so some of the public comments may be in response to that referenced potential future application. One comment in support stated approval for teaching equestrian and only requested respecting property boundaries should any open range riding be conducted. The applicant has provided several letters of support, and has addressed comments as part of the resubmittal process. Several specific operational limitations related to staff, public, and referral agency comments have been incorporated into this request, and has offered to perform proactive ongoing outreach efforts to address concerns including providing information to neighbors with a description of the riding academy program and contact information for questions, concerns, and to report complaints. The applicant is also offering to provide records of any complaints reported directly to them to the County’s Code Compliance office on a quarterly basis. These will be included as recommended conditions of approval.

COUNTY AGENCY COMMENTS

Adams County Development Services staff and other County offices and departments have reviewed the request. Code Compliance, within the Department of Community Safety and Well-Being, and the Sherriff's Department have provided comments expressing concern with the proposal due to past violations on the property related to personal use of the equestrian arena to host large events and the nuisance and criminal impacts that resulted. Code compliance violations related to the past use resulted in court action. The applicant has met with both agencies since initial application for this use and sought to limit the request to specific, day-time riding sessions and clarify the proposed use for the site. Both Code Compliance and the Sherriff's Office have since expressed concern regarding enforcement of the proposed use should it exceed stated operations, and concern with the number of people on the property and associated with the use. The applicant has clarified the number of residents and visitors associated with the riding academy in order to address these comments. Additional conditions of approval will be included to help address some of these concerns including a 25 person maximum for training sessions, and a relatively brief approval period of three years before requiring renewal.

REFERRAL AGENCY COMMENTS

Responding with Comments or Concerns:

Bennett-Watkins Fire Rescue (BWFR)

- BWFR has responded to referral requests throughout the review period to request additional detail regarding the use and site access, provide information on fire department requirements, and has expressed concerns related to past use of the site and experiences associated with other equestrian arenas. The applicant has responded to these concerns by providing additional detail on site access and operations and acknowledgement of applicable fire code requirements.

Colorado Parks and Wildlife (CPW)

- CPW provided referral comment related to expected wildlife species that may utilize the site on a regular basis such as migratory birds, burrowing owls, and prairie dog colonies. CPW recommends buffer zones around any active nest sites if development activities are proposed, that a burrowing owl survey be performed for any earth-moving activities between March 15th and August 31st, and humane relocation or removal of any prairie dog colonies. These recommendations are included as a condition of approval.

Tri-County Health Department (TCHD)

- TCHD has responded to referral requests throughout the review period to provide information relating to anticipated impacts and recommendations for the proposed riding academy use, including information regarding provision of water for participants, sun safety for participants, proper disposal of horse waste, and minimizing fugitive dust. As part of the review process, TCHD identified the need to certify that the property's on-site wastewater treatment system (OWTS) accommodates the existing residents. While the applicant has since updated the operational plan to provide a portable toilet, which TCHD has stated no objection, TCHD is requesting the property owner obtain a Use Permit for any OWTS on the property. This is included as a condition precedent of approval.

Responding without Concerns:

Colorado Department of Public Health and Environment
Xcel Energy

Notified but not Responding / Considered a Favorable Response:

Bennett Park and Recreation District
Bennett School District
Century Link
Comcast
Intermountain Rural Electric Association



Legend

- Highways (10,000 - 20,000)
 - Interstate
 - Highway
 - Tollway
- Building
- County Parks and Open Space
- Cities
 - Arvada
 - Aurora
 - Bennett
 - Brighton
 - Commerce City
 - Federal Heights
 - Lochbuie
 - Northglenn
 - Thornton
 - Westminster
- Small Lakes
- Major Lakes
- Rivers
 - Canal
 - Ditch
 - Primary Creek
 - River
 - Secondary Creek
 - Stream
- Irrigation Ditches
- Parcels
- County Boundary

1: 13,700



0.4 0 0.22 0.4 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Legend

- Highways (10,000 - 20,000)
 - Interstate
 - Highway
 - Tollway
- Building
- County Parks and Open Space
- Cities
 - Arvada
 - Aurora
 - Bennett
 - Brighton
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 - Primary Creek
 - River
 - Secondary Creek
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- Parcels
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1: 13,700



0.4 0 0.22 0.4 Miles

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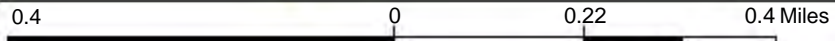
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Legend

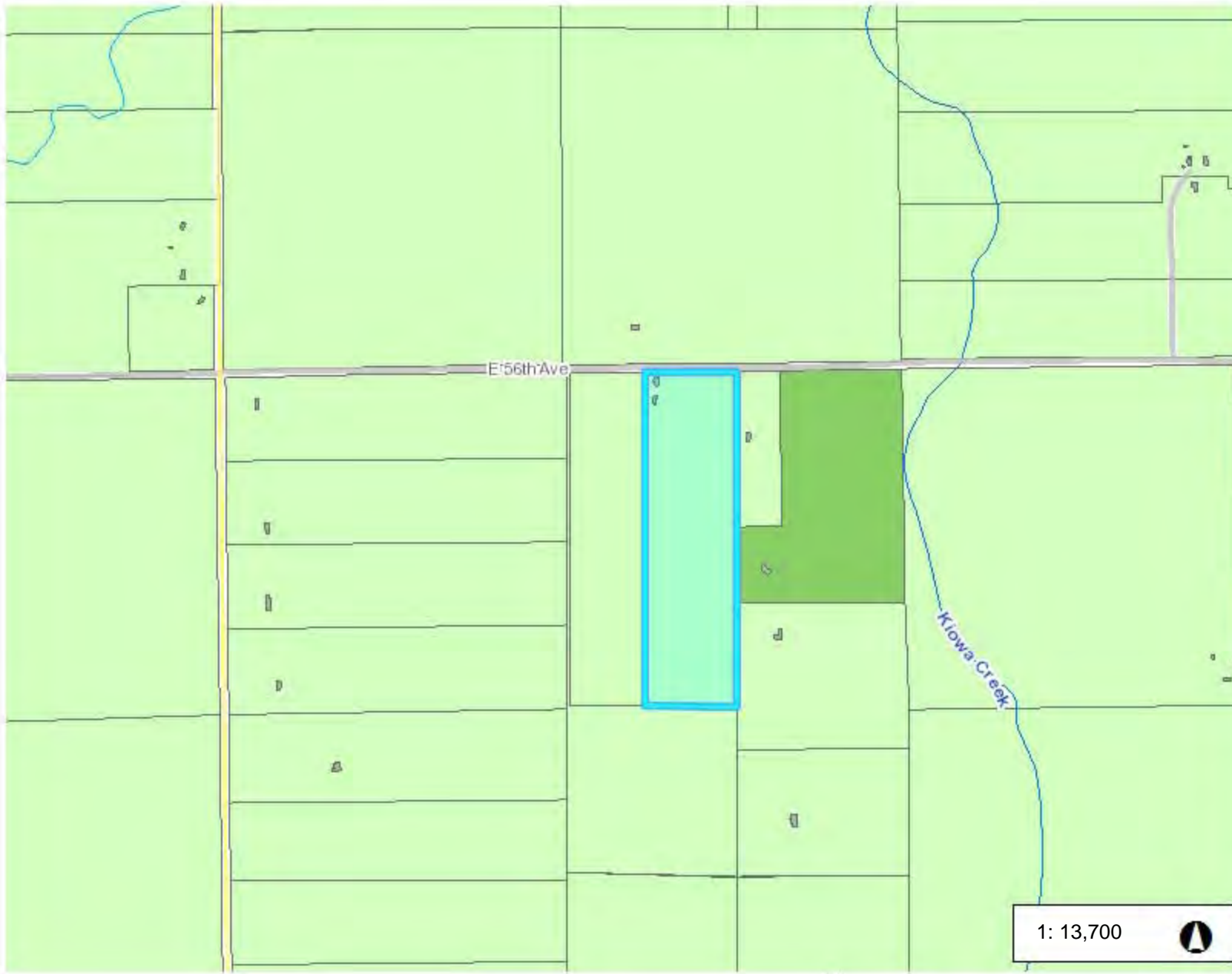
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 - Interstate
 - Highway
 - Tollway
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- County Parks and Open Space
- Cities
 - Arvada
 - Aurora
 - Bennett
 - Brighton
 - Commerce City
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 - Lochbuie
 - Northglenn
 - Thornton
 - Westminster
- Small Lakes
- Major Lakes
- Rivers
 - Canal
 - Ditch
 - Primary Creek
 - River
 - Secondary Creek
 - Stream
- Parcels
- Zoning
 - Municipality
 - A-1

1: 13,700



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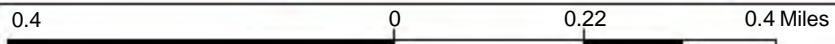
Notes



Legend

- Highways (10,000 - 20,000)**
 - Interstate
 - Highway
 - Tollway
- Building**
- County Parks and Open Space**
- Cities**
 - Arvada
 - Aurora
 - Bennett
 - Brighton
 - Commerce City
 - Federal Heights
 - Lochbuie
 - Northglenn
 - Thornton
 - Westminster
- Small Lakes**
- Major Lakes**
- Rivers**
 - Canal
 - Ditch
 - Primary Creek
 - River
 - Secondary Creek
 - Stream
- Parcels**
- Comprehensive Plan**
 - Urban Residential
 - Estate Residential

1: 13,700



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Notes



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Conditional Use Permit Application 2nd Resubmission:

LIENZO CHARRO EL PARAÍSO EQUESTRIAN RIDING ACADEMY 50000 E. 56th AVENUE, BENNETT, CO

Lienzo Charro El Paraíso, Inc. (“LCEP” or “Applicant”) is a Colorado non-profit corporation with the mission of promoting the cultural and traditional values of Charreada and Escaramuza horsemanship for charitable and educational purposes. Charrería is the equivalent of the Western Rodeo with male riders relying on their horses to demonstrate roping and riding skills and to compete in traditional ranching events. Escaramuza is an artistic equestrian performance with teams of women side-saddle riders guiding their highly trained horses through synchronized maneuvers set to traditional mariachi music.

LCEP has entered into a lease agreement with Lino Cardenas to use his outdoor riding arena located at 50000 E. 56th Avenue (“Farm Property”) for purposes of operating a riding academy that provides equestrian training and instruction. LCEP seeks a conditional use permit to operate the riding academy at the Farm Property. Because the Farm Property is zoned A-3, a conditional use permit for a Riding Stable and Academy is a permitted use under the Adams County Development Standards and Regulations.

The riding academy will provide instruction and training in Charrería and Escaramuza. The instruction and trainings will take place within the existing riding arena and no new construction is proposed. The proposed use will require the creation of a designated parking area with crushed gravel where the participants will park their trucks and trailers. The training sessions last approximately three hours and will take place on evenings and weekends (ending no later than 8 p.m.). There will never be more than five trainings sessions per week. Because the sessions will all take place outdoors, the equestrian season will generally take place during the months of April through November, depending on weather conditions.

Description of Charrería & Escaramuza:

Charrería and Escaramuza are highly technical and artistic equestrian sports. They are one of the most important cultural traditions in the Southwestern United States and Mexico. In 2016, UNESCO recognized Charrería on the Representative List of the Intangible Cultural Heritage of Humanity. See <https://ich.unesco.org/en/RL/charrerria-equestrian-tradition-in-mexico-01108>.



The history of Charrería dates back to the time when Mexico and the Southwestern United States were part of the Spanish Empire. During the colonial time, wealthy Spanish landowners hired, trained and outfitted groups of Charros to manage their large ranches and herds of cattle and sheep. The Charros were highly trained, well educated, and outfitted with elaborate clothing, saddles, and equipment. Modern Charrería follows in those traditions and is best described as a mix of rodeo skills and dressage, with riders showing traditional competitive roping and ranch skills while training their horses to perform exquisite movements. Escaramuza is the artistic sport practiced by women who train and ride their horses in choreographed and synchronized maneuvers. The women ride side-saddle and wear traditional Mexican costumes and accessories.

Background on LCEP:

Translated into English, the non-profit corporation's name means: The Paradise Mexican Rodeo Arena. El Paraíso was created in October of 2019 by the Cardenas family, parents with kids in the riding program, and other supporters of the non-profit's mission of promoting and educating the public about the cultural and traditional values of Charreada, Escaramuza and horsemanship. El Paraíso is governed by a board of directors who understand and are committed to meeting all legal and regulatory requirements applicable to the corporation and its operations. Angelica Cardenas (Lino Cardenas' daughter) serves as the Chair of the Board of Directors. The other members of the Board of Directors are: Soledad Cardenas (Vice-Chair); George Herrera (Secretary); and Marcos Diaz (Treasurer). Jerome DeHerrera of Achieve Law Group LLC serves as General Counsel.

El Paraíso's current programming involves Charrería and Escaramuza instruction and training for youth teams. At a later date, the nonprofit will expand operations to include hosting amateur performance competitions that will be open to the public. All instruction, training, and performance competitions will be done in compliance with the standards established by the Mexican Federation of Charrería (<http://fmCharrería.com/>), which is the official organization that sanctions international Charrería competitions. El Paraíso's performance competitions will serve as local events at which riders and teams can qualify for the amateur tournaments at the state, national, and internal level.

LCEP intends to conduct operations at two facilities. At 50000 E. 56th Avenue, LCEP will provide instruction and trainings for the youth teams. LCEP will not host any performance competitions at this property. At 47335 E. 72nd Avenue, another property in Bennett that is owned by Lino Cardenas, LCEP intends to host performance competitions as well as provide instruction and training sessions. This conditional use permit application relates only to the riding academy operations at the Farm Property at 50000 E. 56th Avenue. LCEP is still developing its resubmittal of the land use application for a commercial arena at the property on

72nd Avenue. LCEP believes that these will be the first permitted Charreada equestrian arenas in Adams County.

Description of the Farm Property:

Lino Cardenas purchased the developed farm property located at 50000 East 56th Avenue, Bennet, CO 80102 (“Farm Property”) in 2008. The Property is approximately 41 acres and is zoned A-3. The Property contains the family dwelling for the Cardenas family, a farm employee dwelling, and an additional accessory dwelling unit. The Property also includes a detached garage, two grain silos, a pole barn, and additional farm utility buildings (a storage building, a Quonset metal storage building, a lean-to barn, and chicken coops). After purchasing the Farm Property, Mr. Cardenas constructed a horse barn and the outdoor equestrian arena. All of the other major structures were constructed by the prior owner of the Farm Property. Mr. Cardenas and his family purchased the Farm Property in Bennett because they have a deep love for horses and performing traditional Mexican Charrería and Escaramuza events.

Google Maps





Riding Academy Operations Plan:

The riding academy's training and instruction program are led by two trainers, Jorge Moreno Rendon and Mariana Villa. Mr. Rendon is a medical doctor who has been providing instruction and training in Charreada for eleven years. Ms. Villa is also a medical doctor and she has been providing instruction and training in Escaramuza for nine years. Lino Cardenas will also serve as an instructor. Mr. Cardenas is a champion Charro who has been performing traditional Charro events for more than thirty-years. He is recognized as one of Colorado's leading Charros. He has supported and participated in the National Western Stock Show's Mexican Rodeo Extravaganza. In addition, Board Member Marcos Diaz provides individual horsemanship instruction and volunteers as a instructor for the team trainings.

Participants:

Lessons and trainings are provided in a team format. The boys' charro team currently has nine participants who are between the ages of 9 to 16 years of age. At each of the boys charro team practices, there are generally five truck and horse trailer combinations plus a handful of cars used by parents who do not have horse trailers. Members of the team carpool and some of the parents who have horse trailers bring the horses for other kids. This reduces the number of trucks and trailers on-site. As far as the number of people on-site, the typical practice has one trainer, nine participants, around seven or eight parents and several siblings who the parents watch during the practice sessions. Attached as **Exhibit 1** are letters of support from families of boys who participate in the Charro lessons.

The girls' escaramuza team has nine girls who are between the ages of 17 to 24 years old. Escaramuza teams are limited to eight performers plus one alternate. Because the participants on the girls' team are older, some of the participants drive themselves to the practice. Accordingly, there are typically four truck and trailer combinations plus several cars. Typically there are only about 5 to 10 other people (parents, siblings, friends) on site in addition to the trainer and nine participants. Attached as **Exhibit 2** are letters of support from participants of the Escaramuza trainings and their family members.

The Applicant understands that Adams County recently granted a conditional use permit for an equestrian riding academy and boarding stable to Mount Moriah Stables in Westminster. The County's approval of that permit was conditioned on the following restriction:

"The maximum number of people attending activities at the site may not exceed twenty people at any time, in addition to the inhabitants of the property, volunteers, and participants."

See Mount Mariah Stables CUP (RCU2019-00025) at p. 26, attached as **Exhibit 3**.

The Applicant will agree to meet that same condition for all its proposed riding academy activities. As compared to the Mt. Moriah Stables' proposed use, the Farm Property where LCEP will operate consists of 41 acres, as compared to Mt. Moriah's property which is less than two acres in size, and which is closely surrounded by small rural residential lots with houses. Even though LCEP's proposed riding academy activities will take place on a much larger property (where the nearest residences are much farther), LCEP believes this same condition would be appropriate to its permit. LCEP will agree to not exceed this condition for its activities.

The estimated maximum number of people on-site during a practice session is thirty-nine people. This estimate is based on the 25 people who typically attend a Charro¹ team practice (1 trainer, 9 riders, and approximately 15 parents/siblings/guests) plus the 14 inhabitants living on the property (two adults and four children living in the Cardenas personal residence; two adults and one child living in the accessory dwelling unit; and two adults and three children living in the farm employee dwelling).

Proposed Schedule of Practices:

During the Fall months, the Charreada team generally practiced (at on off-site location) on Mondays and Tuesdays from 5:00 to 6:30 p.m. With horse set-ups, warm-ups, cool downs and then loading of the horses into the trailers, the Charreada team is on the property from about 4:30 to 7:00 p.m. The Escaramuza team generally practiced (at an off-site location) on Wednesdays from 5:30 to 7:00 p.m. and then again on Sundays from 8:30 to 11:00 a.m. The Escaramuza team also has set-up and wind-down periods before each practice session. Accordingly, the Escaramuza riders may be on site a half hour before and after each practice session.

LCEP proposes a similar schedule with between three to five practices per week for its conditional use permit. Training sessions will not go past 7:30 p.m. during the weekday evenings, and the weekend practice sessions will not begin before 8:00 a.m.

Location of Activities Within the Farm Property:

The Farm Property and the equestrian arena are shown in the attached site plan. *See **Exhibit 4A***. All lessons and trainings will take place within the riding arena. The participants will also use the adjacent parking area to unload their horses and prepare them for the riding sessions. The riders may able warm their horses up or cool them down by lunging, riding or walking them in the area surrounding the riding arena. Riders will also de-saddle their horses in

¹ The estimate is based on the attendees at Charro team practices rather the Escaramuza team practices because the Charro sessions typically have more attendees.



the parking areas and then loading their horses. Otherwise, all activities will take place within the riding arena.

Music:

The Escaramuza team's performance is set to traditional Mexican music. Accordingly, the Escaramuza team practices will include music. The boys Charro team, however, does not perform or practice to music.

The music that is played during the Escaramuza practice is kept at a lower volume than what is used during an actual performance competition. The non-profit has purchased two sound level meters so that it can monitor sound levels to make sure the music volume never exceeds the permitted level (80 decibels at the property line or a public right-of-way). LCEP has twice measured the music that is played during Escaramuza practice to confirm that the music did not exceed the permitted sound level. The music could not be heard at the public right-of-way at 56th Avenue. Indeed, the music could no longer be heard approximately 400 feet away from the arena. The public right-of-way at 56th Avenue is approximately 1,000 feet away from the area in the arena where the music will be played. In addition, the houses nearest to the arena are all 800 feet or farther from the arena. Based on the measurements taken, the Applicant is confident that the music will never be close to 80 decibels as measured at 56th Avenue.

The Applicant is cognizant of and takes seriously the complaints raised by neighbors regarding prior rodeo events with music. The Applicant reached out to all of the neighbors who raised concerns about music (and who provided contact information). The Applicant discussed the proposed activities and explained how they will be different than the prior un-permitted rodeo events. The Applicant also committed to ensuring that there would never be music played at a level that would disturb any of the neighbors. The Applicant also invited the neighbors to the Farm Property to hear the level of music that would be played during Escaramuza practices. The Applicant is willing to keep working with neighbors on their concerns. But at the same time, the Applicant is confident that none of the music it will play will exceed the permissible decibel level.

Boarding of Horses:

The Applicant is not requesting approval to board horses on the Farm Property as part of this conditional use application. All participants in the program will use and bring their own horses to the training sessions. Because the application does not include horse boarding, the Applicant has not addressed the questions that relate only to horse boarding.

Landscaping Buffer:

Adams County's landscaping requirements do not apply this type of conditional use in Eastern Adams County. Nevertheless, the property owner, Mr. Cardenas has agreed to install a

landscaping buffer yard between the arena and the western property line. The buffer yard will reduce visual impacts from the equestrian arena. Mr. Cardenas intends to install trees at a distance of approximately every twenty feet along the western property line adjacent to the equestrian arena.

Over the next two years, the Applicant and Mr. Cardenas will also look to build a buffer yard on the eastern edge of the parking area to the east of the equestrian arena. At this time the Applicant does not believe a landscape buffer on the eastern edge of the parking area is needed because there should be no impact on the adjacent property owner to the east. The eastern neighbor's property line is approximately 500 feet from the parking area, and the adjacent property is downhill from the parking area. The neighbor's property line where their house is located is approximately 600 feet from the parking area. Because the proposed riding academy use will not include night-time activities, there should be little to no headlight impacts from trucks in the parking area. Overall, the parking area should have little to no impact on the eastern neighbor because of the distance and the fact that there will no night-time activities.

Health & Environment Efforts:

LCEP is committed to and will comply with all hazardous and solid waste rules and regulations. In response to the comments provided by the Tri-County Health Department, the Applicant has decided that it will provide a portable toilet and hand-washing station for use by the participants and guests of the riding academy program. The Applicant will locate the portable toilet and hand-washing station in the riding arena area so that the participants and guests can remain in the that area of the property. By providing a portable toilet and hand-washing station, the participants and guests will not be using the on-site bathrooms. Applicant will be contracting with Empire Portable Potties to provide, and regularly service, the portable toilet and hand-washing station.

Participants will also have access to a trash receptacle where they will be expected to place all of their trash. All trash created during the practice sessions will be disposed of as part of the property owner's regular trash service. The Property Owner will continue to be diligent in preventing rodent and insect infestation. No hazardous wastes will be produced as part of the proposed use. Accordingly, LCEP is not making any arrangements for the disposal of hazardous wastes.

Because this is an outdoor equestrian activity, participants and their guests will all be expected to bring their own drinking water. Horses will be provided drinking water in a livestock watering trough located near the arena. The proposed used does not include any operations or construction that requires a storm water discharge permit.

LCEP's proposed use will not generate any air quality issues that would require compliance measures. Because the riding sessions may generate dust in the arena, LCEP will

closely monitor and mitigate this potential impact. LCEP is prepared to water the arena's sand/dirt floor prior to training sessions if appropriate. Accordingly, if LCEP determines that the dryness of the soil is such that it should be sprayed, LCEP will do so. Because of the dangers that significant dust will cause to the horses and riders, LCEP has every incentive to control and mitigate dust.

As an additional potential issue, one of the neighbors has asked whether a veterinarian can be on-site during each of the practice sessions. Unfortunately, it is not feasible for the non-profit to have a veterinarian on-site during each practice session. The Applicant does have a close relationship with a veterinarian who provides care and treatment to many of the horses involved in the program. The veterinarian is a supporter of the non-profit program and is available to be on-call for the Applicant.

Horse Waste:

Because the conditional use permit will not include horse boarding, the amount of horse waste caused by the proposed use will not be as significant as other similar applications. Nevertheless, the property owner has a horse waste management plan. The plan calls for the regular removal of horse waste from the arena and parking area to prevent build-up. The horse waste is then removed to one of the manure compost piles that is located on the 41 acre property. Once the manure has had sufficient time to compost and decompose, the organic material is then distributed throughout the pasture as a soil supplement. The property owner has a skid-loader, tractor and a manure spreader on site to carry out the horse waste management plan. Below is a picture of the Property Owner's manure spreader.

Participant Acknowledgement Form:

LCEP requires every participant to read and execute a waiver and acknowledgement form in order to participate in the training sessions. The waiver and acknowledgment form notifies participants of the dangers inherent in the equestrian activity for which the participant will acknowledge and waive claims against LCEP. The form also notifies the participant of the rules of behavior that must be followed while participating in an LCEP event. This includes expectations for behavior, noise, and leaving no trace at the equestrian arena. Because equestrian riders must conduct themselves in a certain manner that respects and cares for their horse, LCEP believes that all of its participants will be respectful and will not engage in behavior that is detrimental to the neighborhood. Nevertheless, LCEP uses the waiver and acknowledgement form as a best practice and because of prior complaints about horse events on the Farm Property.

Mr. Cardenas' Personal Use of the Farm Property:

When LCEP is not using the arena, Mr. Cardenas and his family may use the arena for their own personal use. Mr. Cardenas knows and understands the constraints on personal use of his riding arena. He understands that his personal use of the riding arena is limited to twenty guests in addition to the inhabitants of the farm. He understands that he cannot host equestrian events on his property with more than twenty guests. Mr. Cardenas will comply with all of the personal equestrian arena standards: there will be no commercial activities (other than the lessons and trainings provided by LCEP); there will be no sales of food or alcohol on the property; the number of guests will not exceed 20 people (excluding the people living on the Farm Property); and livestock will not be brought onto the Farm Property for purposes of a rodeo.

Mr. Cardenas acknowledges that he hosted Charreada and Escaramuza performances in the past on his Farm Property without a permit. Mr. Cardenas fully supports the non-profit's plans and efforts and is committed to ensuring that the land-use regulations applicable to his property are not violated. He is also committed to ensuring that the non-profit complies with all applicable legal and regulatory standards and conducts its operations in a manner that does not negatively impact his neighbors. He also understands how his prior activities negatively impacted his neighbors and he is committed to ensuring that doesn't happen again. His contributions to create and operate the non-profit and his support for the land-use permits and legal representation should serve as important indications of his commitment to follow the legal requirements applicable to the use of his properties.

CONDITIONAL USE PERMIT CRITERIA:

Criteria One: The conditional use is permitted within in the applicable zone district because the property is zoned A-3 and a "riding stable and academy" is identified as a permissible conditional use in the zone district. *See Zone District Regulations Use Chart and Dimension Requirements.* As stated above, this application is for a riding academy only, it will not include horse boarding.

Criteria Two: The conditional use is consistent with the purposes of these standards and regulations governing land uses in the A-3 zone district. As an identified permissible conditional use, the proposed riding stable academy is presumptively compatible with other land uses authorized or permitted in the zone district.

The location, design, and configuration of the proposed land use demonstrates that it is consistent with the purpose of the land use code. In addition to being presumptively consistent with the land use code, the proposed use is consistent with and appropriate for the surrounding area. As shown in the google map image above, the Farm Property is located in the rural area north of

Bennett. The Farm Property is surrounded by other large-acre farm properties, many of which have horses and riding arenas. Both adjacent properties (to the east and west) are lots of a similar size and configuration to the Farm Property, are also Zoned A-3, and have similar equestrian facilities and uses. The adjacent farm to the East has its own Mexican riding arena. As the google map image above shows, the Farm Property is surrounded for miles by agricultural properties in this rural area. Because an equestrian riding academy is appropriate for the surrounding area, the proposed use is consistent with the purposes of the County's land use standards and regulations.

Criteria Three: The conditional use will comply with the requirements of the County's development standards and regulations including, but not limited to, all applicable performance standards.

There are no specific Conditional Use performance standards for equestrian riding academies. However, the proposed application does comply with all generally applicable standards for the Farm Property's A-3 zoning. The applicant is not requesting any variances as part of this application. The Applicant and Property Owner will be moving the riding arena's most western point so that it meets the required ten foot distance from the western property line (to comply with the setback requirement for accessory buildings in the A-3 zoned property).

Criteria Four: The proposal is "compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed riding stable and academy will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation."

Compatible and Harmonious:

The proposed use is compatible with the surrounding area and is harmonious with the character of the neighborhood. As shown in the google map image above, the property is surrounded by other agriculture properties that are of a similar size, similar land-use, and with the same A-3 zoning. The proposed riding academy is a natural fit for this rural area. Horse riding activities and equestrian uses are common in this rural area. All the surrounding properties are agricultural properties, and many have their own horse facilities.

In addition, because the Farm Property consists of 41 acres and the arena was constructed near the center of the property (approximately 1,000 feet from the public right-of-way on 56th Avenue), there is a significant distance between the arena and the residences located on the surrounding properties (which are all at least 800 feet away from the arena). As the google image of the area shows, the Farm Property is surrounded by other agricultural properties for



miles. An equestrian riding academy is fully compatible and harmonious with the neighborhood and surrounding area.

Neighbor Concerns:

The Applicant and Property Owner understand that several neighbors have expressed concerns that the noise from the training sessions will be disturbing to the neighborhood. These concerns are based on prior un-permitted large Mexican rodeo events hosted by Mr. Cardenas. The Applicant is not seeking approval to host large Mexican rodeo events at the Farm Property. This permit application is limited to an equestrian riding academy that will convene team training and instruction in Charreada and Escaramuza. The Applicant has tried hard to explain this to the neighbors. Several neighbors who understand the proposal have responded to the Applicant that they support the proposal or at least are not opposed to it. *See* Letters Received, attached as **Exhibit 5** (one neighbor who responded is opposed because he believes all the operations should take place at the property on 72nd Avenue).

These training and instruction sessions are vastly different from the Mexican rodeo events that caused the earlier complaints. The instruction and training sessions are not open to the public. The only people who will be on-site during these sessions will be the trainers, the student participants, their parents and the siblings who are being watched by those parents (in addition to those who live on the Farm Property). As described above, these are youth teams. That means the nature and size of these sessions are vastly different from, and will not cause the same type of impacts caused by, the prior Mexican rodeo events.

In addition, the riding academy is being operated by a non-profit corporation that is governed by a board of directors and it has legal counsel. The Board of Directors is committed to ensuring that its use of the Farm Property complies with the conditional use permit conditions and does not cause any harmful or detrimental impacts on the neighborhood.

As described above, the Applicant has taken steps to ensure that its proposed activities will not cause noise complaints. This has included reaching out to the neighbors who raised concerns about possible noise issues. The Applicant explained the limited nature of the training sessions that will take place on the Farm Property and explained these activities are not open to the public and there would be no large performances. The Applicant also explained that there is no music during the boys charro team practices, and the music that is used during escaramuza practices is at a level that cannot be heard from the road or any of the nearby houses. The Applicant also explained that it would be requesting a separate permit for the property on 72nd Avenue to host performance events that would be open to the public. The Applicant also agreed to provide the neighbors with a demonstration at the Farm Property but the neighbors declined or did not respond.



In an abundance of caution, the Applicant will agree to send a mailing to the neighbors with a short description of the riding academy activities along with two contact numbers that the neighbors can use to ask questions, raise concerns, or make complaints. The Applicant will provide a record of complaints received to the enforcement office of Adams County on a quarterly basis. After one year, so long as there are minimal or no complaints, the Applicant will no longer record and forward complaints on a quarterly basis.

Performance Competitions:

As part of its non-profit mission, LCEP plans to host Charreada and Escaramuza performance competitions as a means of promoting and educating the public about the cultural and artistic values of the equestrian sport. But such events will not take place at the Farm Property. LCEP has an agreement to rent Mr. Cardenas' property in Bennett located on the corner of 72nd Avenue and Converse Road for purposes of hosting performance competitions. LCEP's resubmission of the conditional use permit for this proposed use is still being developed. The Applicant and Mr. Cardenas are committed to developing an operational plan for that proposed use that is reasonable, is not disruptive to neighbors, and complies with all county regulations.

LCEP understands that many of the neighbors who provided comments were confused about the proposed use that will take place at the Farm Property on 56th Avenue and the commercial equestrian arena permit that it will apply for at the 72nd Avenue property. In an effort to be fully transparent to all the neighbors who live near the two properties, LCEP invited them all to attend one public meeting that discussed both applications. This confused some of the neighbors. But LCEP believes the confusion was worth the transparency. Some of the property owners near one or the other properties, was not entitled to the notice or the opportunity to comment on the other property. Nevertheless, LCEP provided them all with the same information about both permit applications and has considered all comments.

Remedies for Violations:

Some neighbors asked what type of remedies are available in the event that Mr. Cardenas or LCEP violate land-use regulations through their use of the Farm Property. If there are violations on the property, the neighbors have the same types of remedies that are available to all Adams County residents. By obtaining a Conditional Use permit to operate an equestrian riding academy, neither the LCEP or Mr. Cardenas are exempted from complying with the land-use code or any other applicable law.

Before resorting to enforcement remedies, the Applicant hopes that neighbors will communicate directly with the non-profit about any questions, concerns or complaints they have. The Applicant will send a flyer to neighbors describing the riding academy operations and providing contact numbers. The neighbors will be invited to contact the non-profit to raise

questions, concerns or complaints. The non-profit will be prepared to address and resolve any such complaints or concerns. The non-profit will also share any complaints it receives with the Adams County's enforcement office.

LCEP and Mr. Cardenas believe that the neighbors who have submitted concerns already have a good understanding of the potential remedies available to them for code violations. For example, one neighbor unfairly commented that Mr. Cardenas had a recent inappropriate party on one of his properties. The event was a family gathering that took place on Father's Day. The neighbor called the police to report the event. The sheriff's office responded and entered Mr. Cardenas' property to investigate. After observing the scene, the sheriff's deputy told Mr. Cardenas that he and his family were not doing anything wrong and should proceed with their Father's Day party. The deputy even told Mr. Cardenas that as far as the neighbor's noise complaint, the deputy could not hear anything from the road so there was no need for them to lower their music. The neighbor who complained about the party had been scrutinizing the party from a high point on her property and was able to watch the entire conversation with the deputy.

By following the County's land-use process LCEP and Mr. Cardenas have developed an operational plan that meets all code requirements, and do so in a way that is respectful to neighbors. LCEP and Mr. Cardenas hopes that this effort at compliance gives the neighbors confidence that the un-permitted activities of the past will not be repeated.

Will Not Cause Excessive Traffic, Noise, Vibration, Dust, Glare, Heat, Smoke, Fumes, Gas, Odors, or Inappropriate Hours of Operation:

As described above, the Applicant has developed an operations and mitigation plan that will ensure its training sessions do not cause significant impacts to neighbors and the surrounding area. As stated in the traffic generation analysis, and confirmed by County staff, the proposed use will not generate excessive traffic for the area and its roads. The Bennett Watkins Fire Department provided comments and requested several modifications to the Farm Property: (1) that the eastern gate to the property be widened to 20 feet; (2) that the interior road be widened to 20 feet and covered with six inches of crushed gravel; (3) that the parking area be covered with six inches of crushed gravel and include a turnaround cul-de-sac with a diameter of at least 96 feet. The Applicant and Property Owner will agree to meet all of those recommendations. Applicant is submitting a revised site-plan drawing, attached as **Exhibit 4A**, showing the adoption of all of the recommendations from the Bennett-Watkins Fire Rescue.

Regarding music and potential noise complaints, LCEP is committed to operating within the permissible sound levels and its measurements confirm that its operations will not exceed the permissible level of sound volume. The Applicant has also developed an operational plan that will mitigate any potential impacts from dust or odors or other impacts from the horses and their waste. LCEP does not believe its proposed use will cause any noticeable impacts in the form of vibration, glare, heat, smoke, fumes, gas. Finally, LCEP's riding lessons and trainings will all be

conducted during reasonable hours, *e.g.* on weekdays the sessions will conclude by 7:30 and on the weekend, the riding sessions will not begin before 8:00 a.m. Accordingly, the proposed use will not take place during inappropriate hours.

Criteria Five: The conditional use permit has addressed all off-site impacts.

The Application has been revised to address potential off-site impacts. With regard to potential noise complaints, as discussed above, the Applicant has measured the volume of the music to be played during the Escaramuza practices. Those measurements establish that the music level will never exceed 80 decibels as measured at 56th Avenue (the nearest right-of-way). In addition, as an abundance of caution, the Applicant will send a flyer to neighbors describing the riding academy program and providing them with two contact numbers that they can use if they have questions, requests, or any complaints. The Applicant will be prepared to address any complaints by neighbors. In addition, the Applicant will provide to the County's enforcement office a record of complaints it receives.

The Applicant has also met with the Adams County Sheriff's Office in order to mitigate the concerns it raised about the application. The Applicant and Property Owner understand that the Sheriff is concerned that large rodeo performances on the property could cause significant impacts. The Applicant has committed to Adams County that its use of the Farm Property will be limited to the riding activities described herein. The Applicant believes the Sheriff's Department is comfortable that the proposed Riding Academy activities will not have significant off-site impacts.

Finally, the Applicant has also been in communication with the Bennett Watkins Fire Department and is agreeing to implement its recommendations. Those recommendations are described above.

Criteria Six: The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.

The site is large enough and is appropriate for the proposed riding stable and academy. As shown on the attached site plan, the property contains abundant land to comfortably accommodate the proposed activities in the equestrian arena. As discussed below, the Farm Property is also large enough to provide a sufficient parking area. The property also has sufficient access from 56th Avenue with two existing entry gates. Finally, the property is appropriate because of its agricultural designation and because there are no known environmental constraints.

Entry Gate, Access Road, and Parking:

Participants will enter the Farm Property through the eastern access gate and then travel through a gravel road to the parking area adjacent to the arena. Pursuant to comments from the Bennet-Watkins Fire Department, the Applicant and Property Owner will enlarge the eastern access gate to a width of 20 feet, the road will be widened to 20 feet, and the road will consist of crushed gravel 6 inches deep. As shown on the site map, the parking area provides a large path that will facilitate easy entry and exit for trucks with horse trailers. The southern portion of the parking area will provide a turnaround cul-de-sac with a diameter of at least 96 feet. These specifications meet all of the comments from the Bennett Watkins Fire Department. *See* comments attached as **Exhibit 6** and the marked-up site plan drawing as **Exhibit 7**. *See also* **Exhibit 4A** showing the adoption of these recommendations.

As an alternative and back-up, participants could also enter and exit the Farm Property through the western gate that is the main entry way for the home and Farm Property.

As shown on the site plan, the parking area is spacious and will provide sufficient space for the riding academy lessons. Because the operation involves horses and horse trailers, it is important that the parking area is spacious enough to provide spacing between the trailers for the horses.

Criteria 7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

The site plan for the proposed riding academy provides the most convenient and functional use of the lot because it makes use of the existing riding arena and the open land surrounding it. The site plan provides the most functional and convenient traffic circulation and parking scheme because it utilizes an entry gate and interior access road that is used exclusively for farming operations and is different from the entry gate and interior road that is used for the residential portion of the property. By using this dedicated entrance and access road, the participants of the riding academy will not disturb the residential uses of the Property. In addition, the proposed site plan makes good use of the open space that is adjacent to the riding arena by converting it to a convenient and nearby parking area for the participants. As discussed above, the Property is large enough to enable the Applicant to modify the width and size of the entry gate, access road and parking area in order to meet the recommendations of the Bennett-Watkins Fire Department.

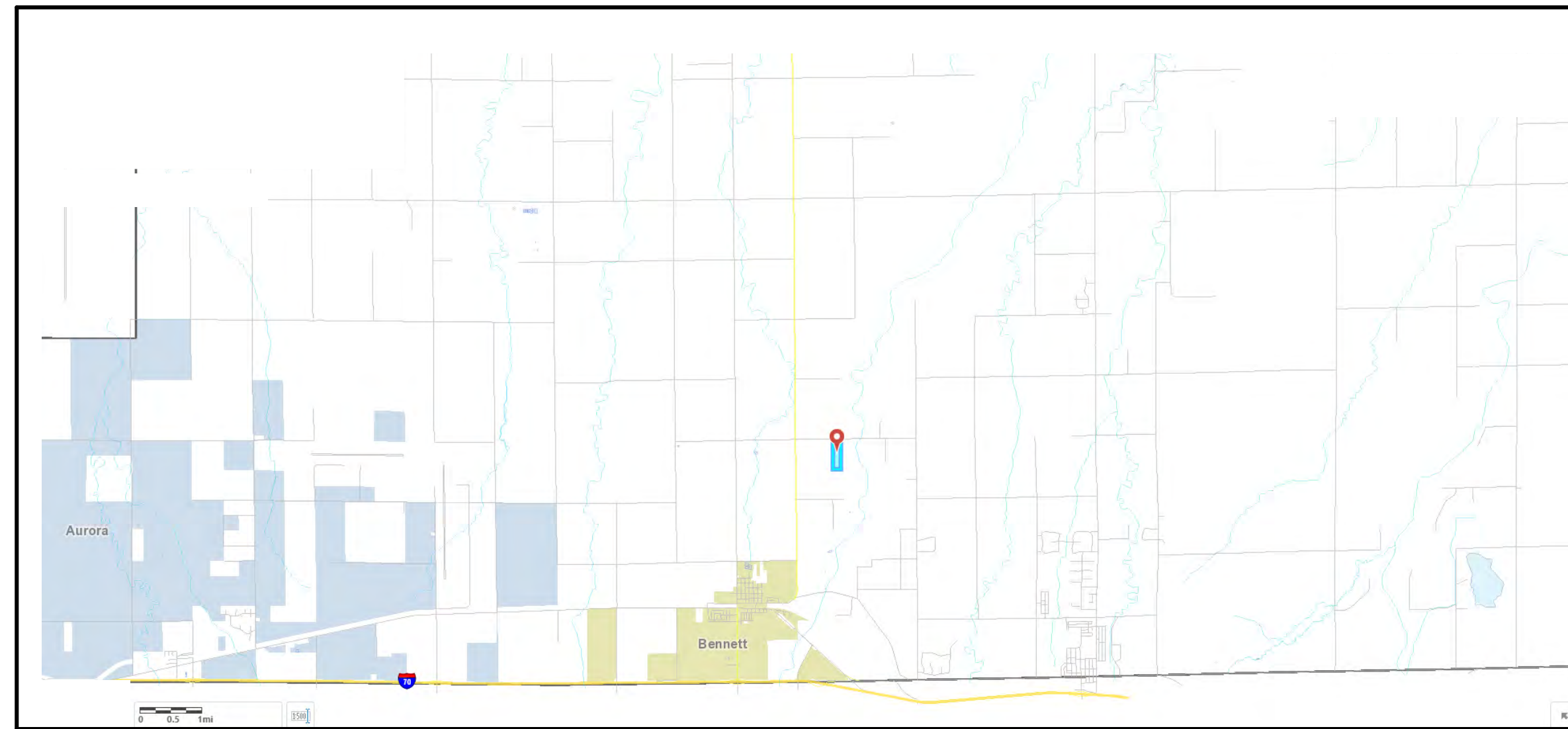
Finally, the site plan proposes no changes to the existing fencing, landscaping, signage or lighting. All such existing characteristics of the Property will continue as-is because those characteristics do not impact the proposed conditional use.



Criteria 8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

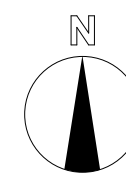
The Applicant has reviewed and responded to all comments from Adams County, the Tri-County Health Department, the Adams County Sheriff's Office, and the Bennett-Watkins Fire Department in order to ensure that the Property and proposed use comply with all health and safety requirements. The Property itself has been operating as a farm and residential property for decades and has existing access to sewer, water, storm water drainage, fire protection, police protection and roads that are adequate and available to serve both the residential, farming, and conditional use needs.

In order to provide the participants and guests with adequate sewer and water facilities in the riding arena area of the Property, the Applicant will contract with Empire Portable Potties to provide and regularly service a portable toilet and handwashing station. The portable toilet and handwashing station will be located in the riding arena area of the Property so that the participants and guests will not need to leave that area.



1 AREA MAP

SCALE: NTS

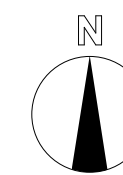


PLANS ARE ROTATED 90* COUNTER CLOCKWISE

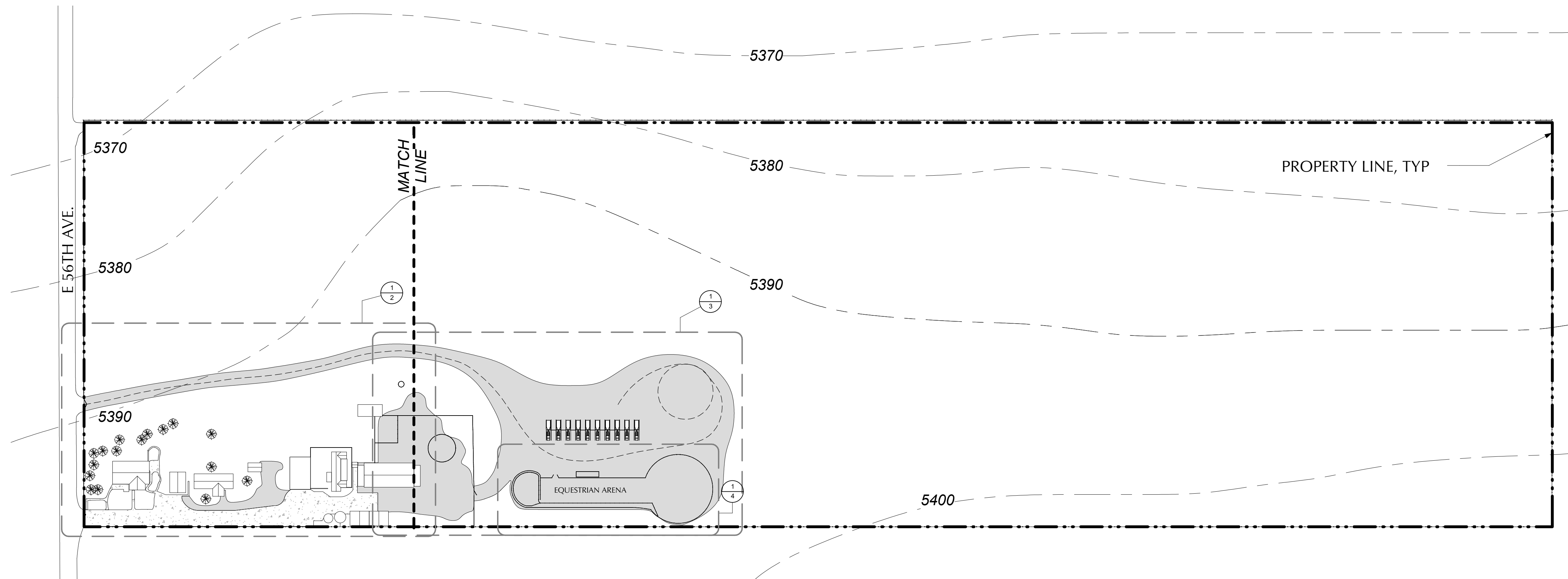


2 SITE MAP

SCALE: NTS



PLANS ARE ROTATED 90* COUNTER CLOCKWISE



3 ARCHITECTURAL SITE PLAN

SCALE: 1" = 100'-0"



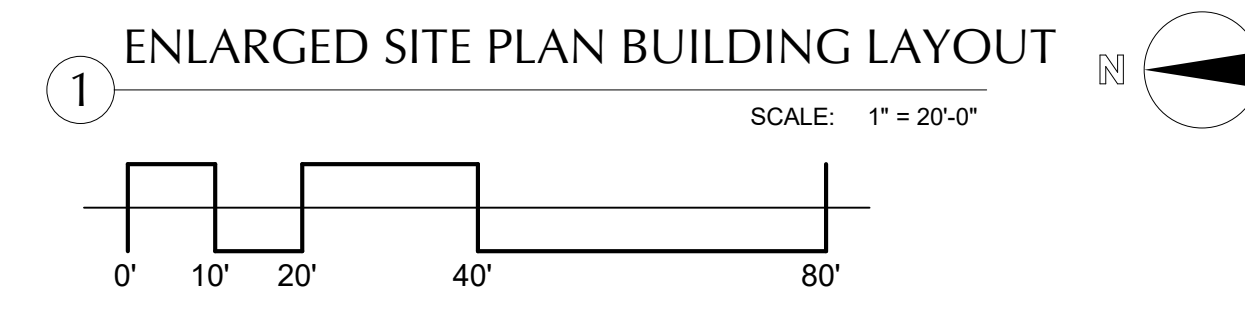
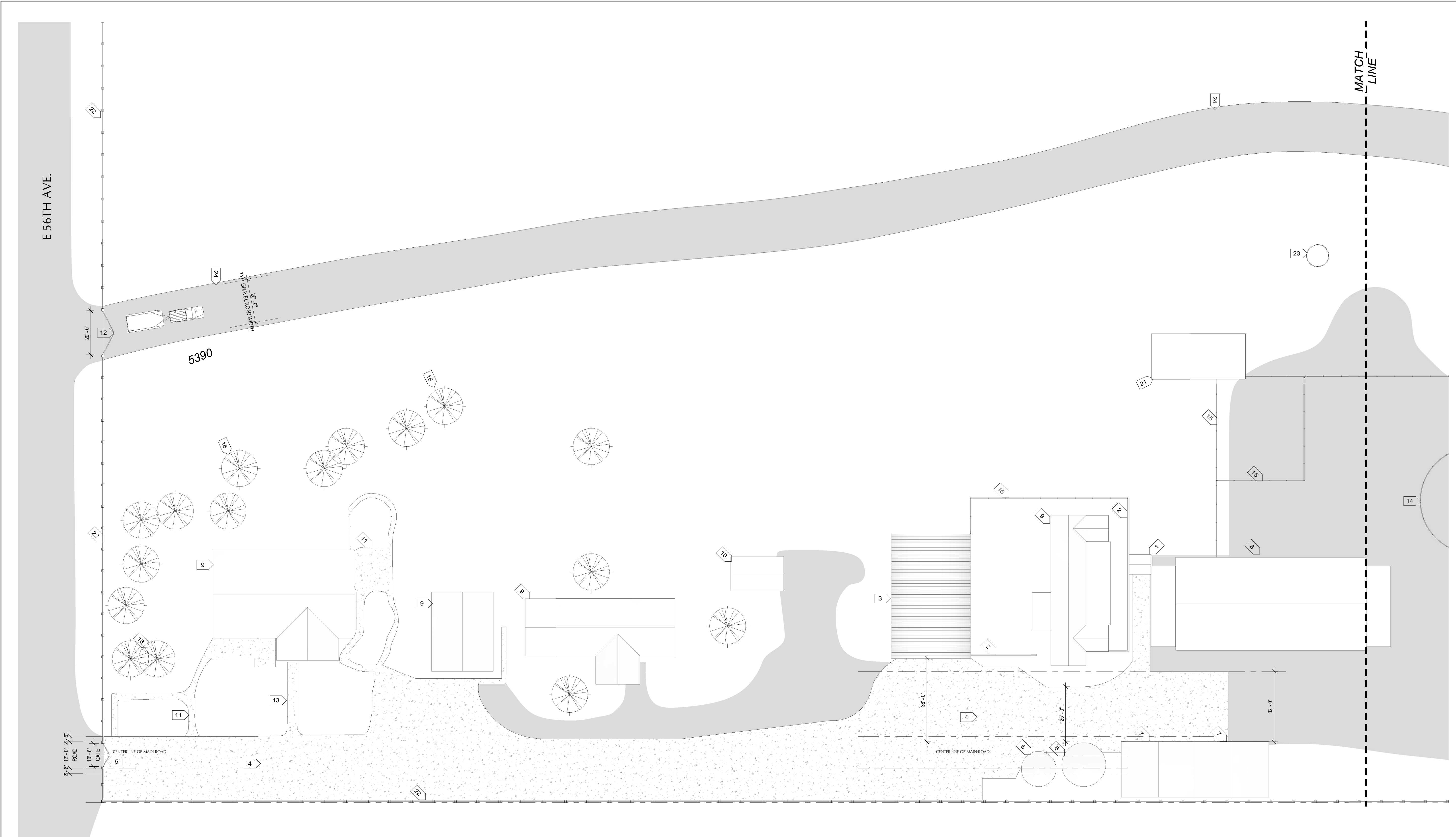
CARDENAS RESIDENCE
50000 E 56TH AVE
BENNETT CO

DATE:
01.13.2021
REVISIONS:

DRAWN BY:
JM
REVIEWED BY:
JM

DRAWING TITLE:
OVERALL SITE PLAN
SHEET #:

1 OF 4



SITE PLAN GRAPHIC LEGEND

	NATIVE VEGETATION
	GRAVEL
	CONCRETE

FLOOR PLAN KEYNOTES

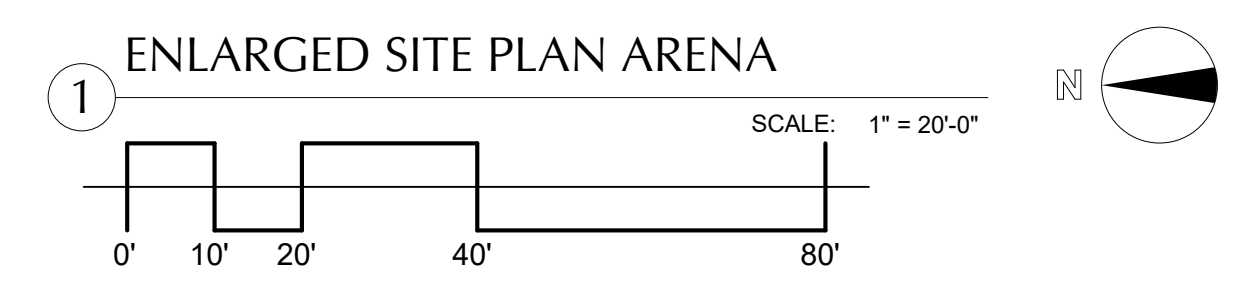
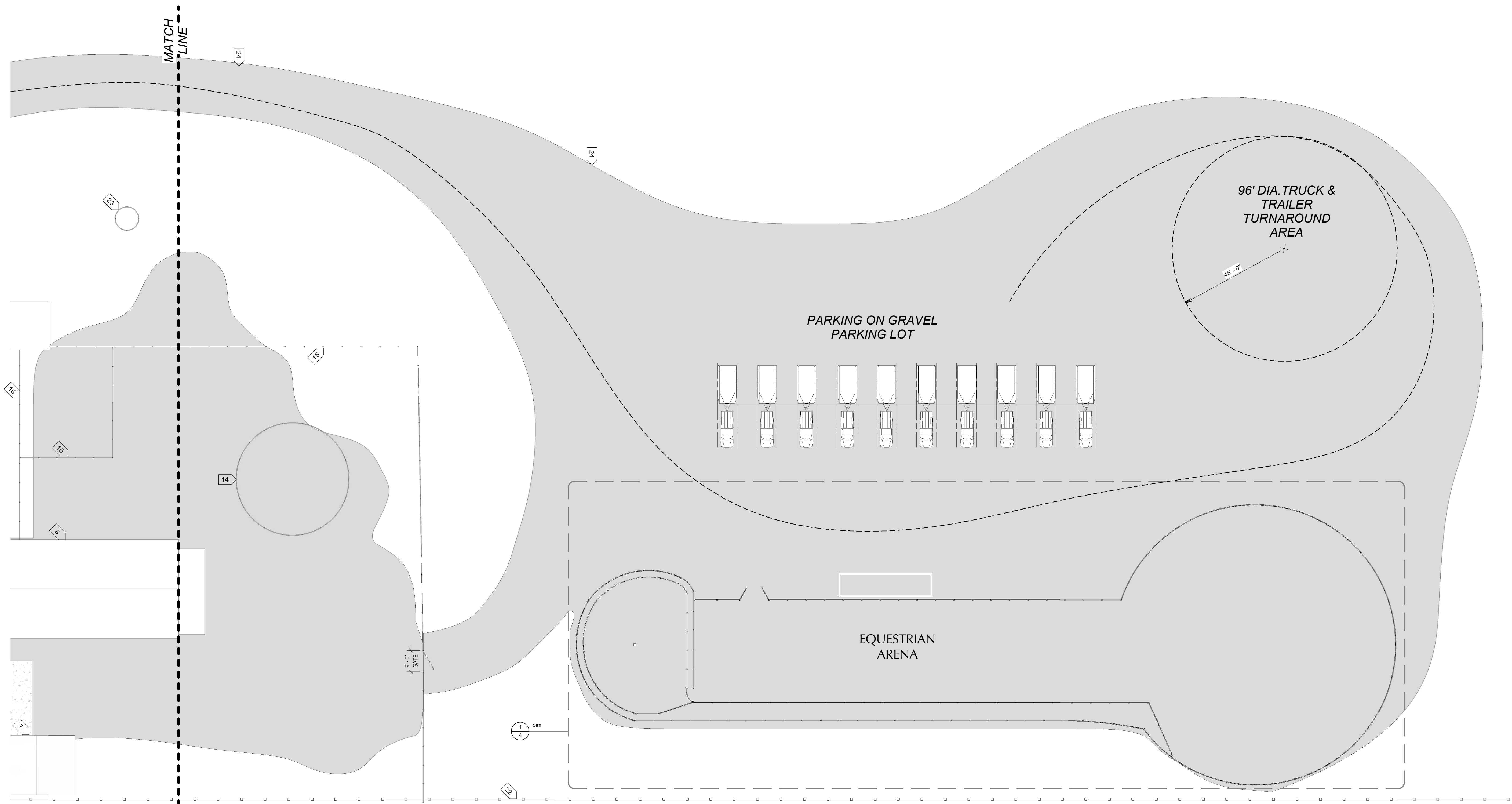
#	COMMENT
1	NEW 9'-0" X 7'-0" RESTROOM
2	4' CMU WALL
3	SEMI-CIRCULAR METAL STORAGE SHED
4	CONCRETE DRIVEWAY
5	MAIN ENTRY DRIVEWAY
6	METAL SILO BUILDING
7	GABLE ROOF METAL STORAGE SHED
8	GABLE ROOF METAL HORSE BARN
9	HOUSE ONE STORY WOOD STRUCTURE W/GABLE ROOF
10	GABLE ROOF WOOD SHED
11	GARDEN ENCLOSED BY CONC WALKWAY
12	NEW 20' ENTRY GATE
13	CONCRETE WALKWAY, TYP
14	CIRCULAR WOOD FENCE WITH GATE
15	WOOD FENCE
16	TREE(S), TYP
21	STEEL LEAN-TO STRUCTURE
22	PERIMETER FENCE
23	STEEL ENCLOSURE, FEEDER
24	6" CRUSHED GRAVEL DRIVEWAY @ 80% COMPACTION

CARDENAS RESIDENCE
 50000 E 56TH AVE
 BENNETT CO

DATE: 01.13.2021
 REVISIONS:

DRAWN BY: JM
 REVIEWED BY: JM

DRAWING TITLE: ENLARGED NORTH PLAN
 SHEET #:



SITE PLAN GRAPHIC LEGEND

	NATIVE VEGETATION
	GRAVEL
	CONCRETE

FLOOR PLAN KEYNOTES

#	COMMENT
1	NEW 9'-0" X 7'-0" RESTROOM
2	4' CMU WALL
3	SEMI-CIRCULAR METAL STORAGE SHED
4	CONCRETE DRIVEWAY
5	MAIN ENTRY DRIVEWAY
6	METAL SILO BUILDING
7	GABLE ROOF METAL STORAGE SHED
8	GABLE ROOF METAL HORSE BARN
9	HOUSE ONE STORY WOOD STRUCTURE W/GABLE ROOF
10	GABLE ROOF WOOD SHED
11	GARDEN ENCLOSED BY CONC WALKWAY
12	NEW 20' ENTRY GATE
13	CONCRETE WALKWAY, TYP
14	CIRCULAR WOOD FENCE WITH GATE
15	WOOD FENCE
18	TREE(S), TYP
21	STEEL LEAN-TO STRUCTURE
22	PERIMETER FENCE
23	STEEL ENCLOSURE, FEEDER
24	6" CRUSHED GRAVEL DRIVEWAY @ 80% COMPACTION

CARDENAS RESIDENCE
 50000 E 56TH AVE
 BENNETT CO

DATE: 01.13.2021
 REVISIONS:

DRAWN BY: JM
 REVIEWED BY: JM

DRAWING TITLE: ENLARGED SOUTH PLAN
 SHEET #:



(1) MAIN STEEL GATE



(2) 40" CONC. STRUCTURE



(3) TYP. WOOD FENCE POST



(4) SOUTH EAST STEEL GATE



(5) ADJACENCY TO PROPERTY LINE @ SOUTH END



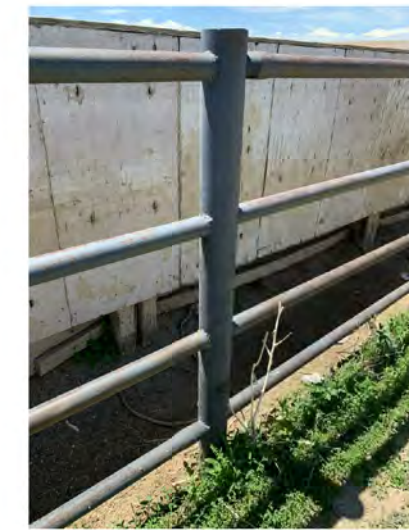
(6) ADJACENCY TO PROPERTY LINE @ NORTH END



(7) SOUTH WEST STEEL GATE



(8) NORTH WEST STEEL GATE



(9) TYP. STEEL PIPE RAIL @ NORTH END OF ARENA



(10) 12X12 POST @ CENTER OF NORTH ENCLOSURE



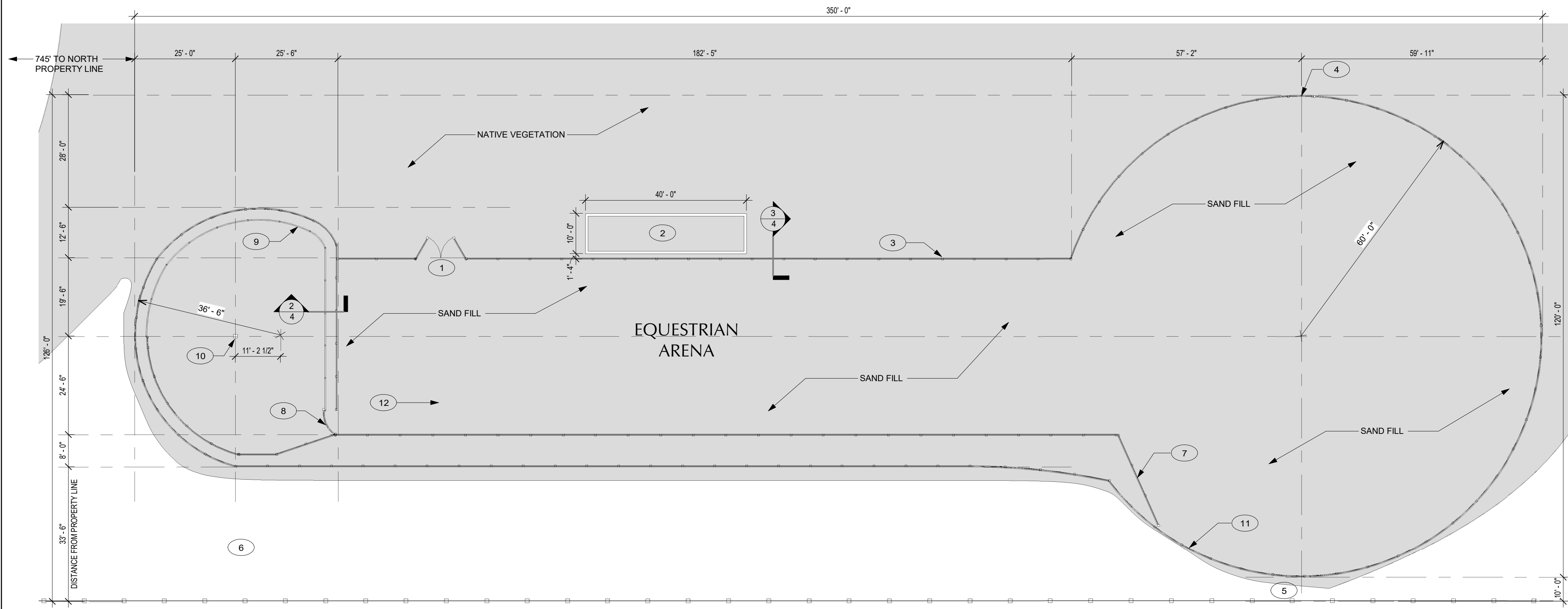
(11) TYP. FENCE PANEL FROM INTERIOR OF ARENA



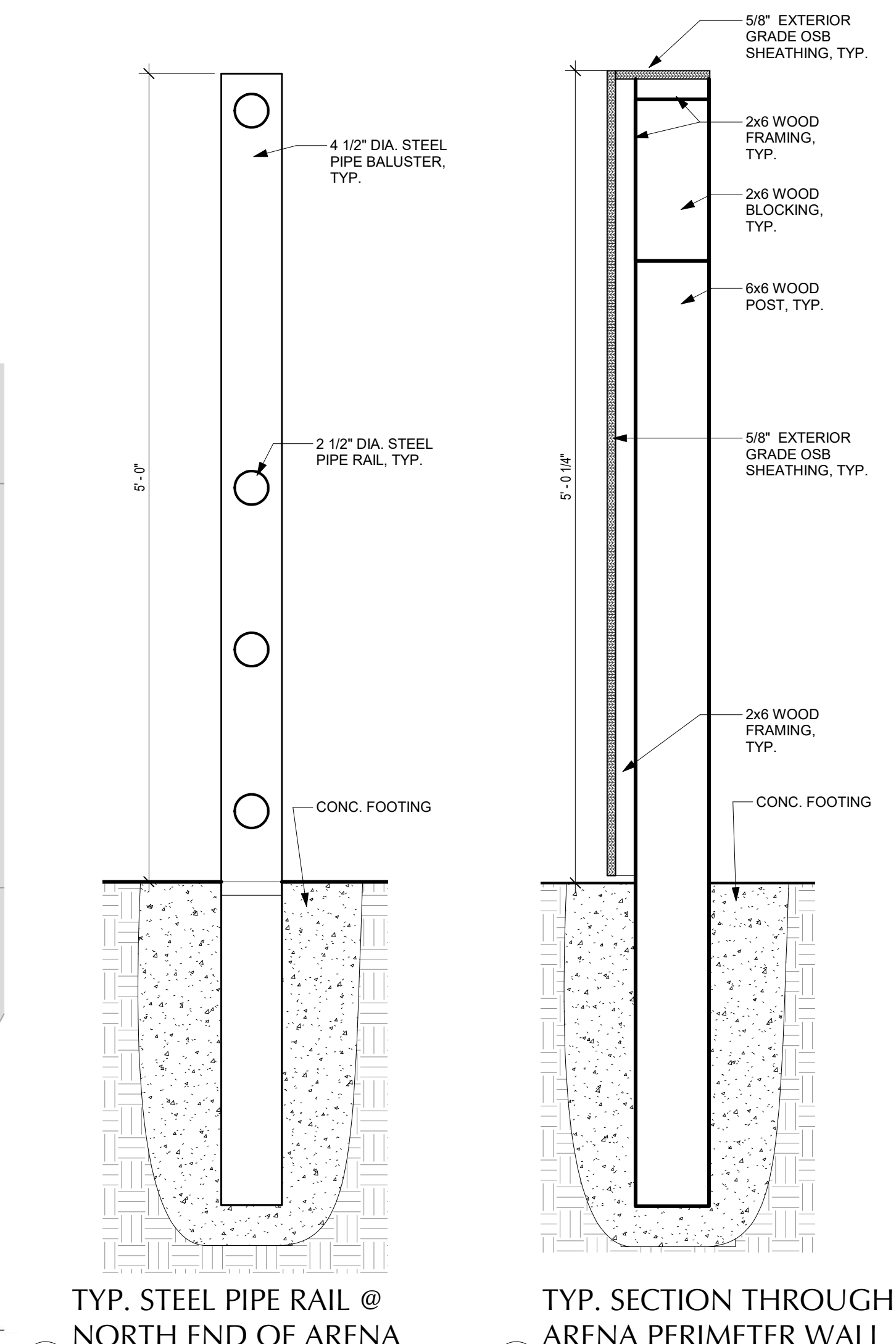
(12) INTERIOR VIEW LOOKING SOUTH

AS-BUILT KEYNOTES

#	COMMENT
1	STEEL ENTRY GATES
2	EARTH FILLED 40" CONC. STRUCTURE
3	TYP. WD FENCE ENCLOSURE, 5/8" TYPE 2 OSB W 6X6 WD POST @ 8' O.C.
4	SOUTH EAST STEEL GATE
5	ADJACENCY TO PROPERTY LINE @ SOUTH END, 10' - 0" MIN. CLEARANCE FROM PROPERTY LINE
6	ADJACENCY TO PROPERTY LINE @ NORTH END
7	SOUTH WEST STEEL GATE
8	NORTH WEST STEEL GATE
9	TYP. STEEL PIPE RAIL @ NORTH END OF ARENA
10	12X12 POST @ CENTER OF NORTH ENCLOSURE
11	TYP. FENCE PANEL FROM INTERIOR OF ARENA
12	INTERIOR VIEW LOOKING SOUTH



1 ENLARGED SITE PLAN ARENA
SCALE: 1/16" = 1'-0"



2 TYP. STEEL PIPE RAIL @ NORTH END OF ARENA
SCALE: 1 1/2" = 1'-0"

3 TYP. SECTION THROUGH ARENA PERIMETER WALL
SCALE: 1 1/2" = 1'-0"

CARDENAS RESIDENCE
50000 E 56TH AVE
BENNETT CO

DATE:
01.13.2021
REVISIONS:

DRAWN BY:
JM
REVIEWED BY:
JM

DRAWING TITLE:
AS-BUILT OF ARENA
SHEET #:



DEVELOPMENT APPLICATION FORM

Application Type:

<input type="checkbox"/> Conceptual Review	<input type="checkbox"/> Preliminary PUD	<input type="checkbox"/> Temporary Use
<input type="checkbox"/> Subdivision, Preliminary	<input type="checkbox"/> Final PUD	<input type="checkbox"/> Variance
<input type="checkbox"/> Subdivision, Final	<input type="checkbox"/> Rezone	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Plat Correction/ Vacation	<input type="checkbox"/> Special Use	<input type="checkbox"/> Other: _____

PROJECT NAME:

APPLICANT

Name(s): Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

OWNER

Name(s): Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name: Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

DESCRIPTION OF SITE

Address:

City, State, Zip:

Area (acres or square feet):

Tax Assessor Parcel Number

Existing Zoning:

Existing Land Use:

Proposed Land Use:

Have you attended a Conceptual Review? YES NO

If Yes, please list PRE#:

I hereby certify that I am making this application as owner of the above described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name:

Date:

Owner's Printed Name

Name:

Owner's Signature

Achieve Law Group

May 20, 2020

Jill Jennings Golich, Director
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Conditional Use Permit Application for an Equestrian Riding Stable and Academy to be located at 50000 E. 56th Ave., Bennett CO

Director Golich:

On behalf of Lino Cardenas, the owner of the real property and improvements located at 50000 E. 56th Avenue, Bennett, CO ("Property"), I am submitting this application for a conditional use permit for an equestrian riding stable and academy. Enclosed are the following documents:

Client authorization letter;

Application;

Copy of application fee payment: \$1,000.00 (which has been mailed);

Written explanation of the Project;

Site Plan showing the proposed land use;

Proof of ownership of Property;

Proof of Water and Sewer Services;

Proof of Utilities;

Legal description of the Property;

Certificate of taxes paid.

Certification of Notice to Mineral Estate Owners (to be mailed once the time and date of the initial public hearing is confirmed); and

Certificate of Surface Development (to be submitted prior to the initial public hearing).

I look forward to working with the Community and Economic Development Department on this application.

Sincerely,



Jerome A. DeHerrera, Esq.

Lino Cardenas
50000E. 56th Avenue
Bennett, CO 80204

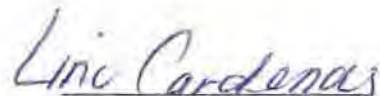
May 6, 2020

Adams County
Community & Economic Development Department
4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8201

To Whom it May Concern:

I am the owner of 50000 E. 56th Avenue, Bennett, CO and I hereby authorize my attorney, Jerome A. DeHerrera of Achieve Law Group LLC, to apply for a conditional use permit for a riding stable and academy on this property.

Please contact me if you have any questions.


Lino Cardenas

50000 E. 56th Avenue, Bennett CO

CERTIFICATION OF NOTICE TO MINERAL ESTATE OWNERS

Pursuant to CRS 24-65.5-103, undersigned counsel has reviewed the public records that have been recorded with the Adams County Clerk & Recorder showing any potential ownership or other right to minerals in the west half of the north east quarter of Section 14, Township 3, Range 63. Counsel is prepared to and will provide notice to each of the identified mineral interest owners once Adams County confirms the date and time of the initial public hearing. Because CRS 24-65.5-103 requires the notice provide the time and place of the initial public hearing, counsel will send the notices after those details are confirmed.

CERTIFICATION OF SURFACE DEVELOPMENT NOTICE TO MINERAL ESTATE OWNERS

Pursuant to CRS 24-65.5-103(1)(B), undersigned counsel will submit a certification concerning qualifying surface development once we know whether any mineral estate owners will enter their appearance or object to the application.

Attested to on May 18, 2020:



Jerome A. DeHerrera, Esq.

Achieve Law Group, LLC

Traffic Generation Analysis: C.U.P. for Riding Stable & Academy

Subject Property: 50000 E. 56th Avenue, Bennett, Adams County, CO (Assessor Parcel #0181514100004)

Size and Zoning of Subject Property: 40.7 acres, A-3.

Applicant & Property Owner: Lino Cardenas

Date: June 30, 2020

Purpose: This traffic generation analysis is being provided in support of the conditional use permit application for a riding stable and academy submitted on behalf of Lino Cardenas for the property located at 50000 E. 56th Avenue, Bennett, CO (“Subject Property”). For questions or comments, please contact Jerome A. DeHerrera, Esq.

Access to the Subject Property: Visitors to the Subject Property will travel along State Highway 79 (the “Kiowa Bennett Road”) and then turn east on 56th Avenue for approximately 0.6 miles to reach the entrance of the property on the south-side of 56th Avenue. The Kiowa Bennett Road is a state highway that is classified by the 2012 Adams County Master Transportation Plan as a “Regional Arterial” and a “Regional Strategic Corridor” that is designed to provide “high speed, unimpeded regional connections between multiple counties.” 56th Avenue is classified as a “rural arterial” road by the 2012 Adams County Master Transportation Plan.

Existing Traffic: 56th Avenue is a rural arterial public road that provides access to properties zoned A-3. Because of its location in the rural area north of Bennett, 56th Avenue experiences limited traffic that is primarily generated by the property owners adjacent to the road. Based on the most recent statistics provided by Adams County, 56th Avenue east of the Kiowa-Bennett Road experiences the following vehicle trips during a 24-hour period:

104 daily east-bound trips;

82 daily west-bound trips; and

186 daily all-direction trips.

The number of daily trips on 56th Avenue in all-directions is lower than the average daily trips for other rural area roads. SOURCE: Adams County Transportation 2011-2012 24 Hour Rural Area Traffic Counts (11/6/2012), available at: <http://www.adcogov.org/traffic-operations> .

Achieve Law Group, LLC

Proposed Development: A Riding Stable & Academy that will make use of existing facilities and improvements on the Subject Property. All activities and parking will take place within the Subject Property. The proposed developments will permit horse boarding as well as instructions and lessons for equestrian performances. Because the Applicant does not intend to board horses, this traffic generational analysis is limited to the increased traffic generated by the anticipated use of the Subject Property for instructions and lessons.

Anticipated Traffic Generation: The Applicant's proposed schedule anticipates up to three (3) riding instruction sessions per week during an eight-month season (March through October), for a total of up to 96 instruction sessions over the course of a year.

Anticipated participants during each instruction session could total up to 30 riders (up to 15 on the Charro team plus up to 15 on the Escaramuza team) plus three instructors. Because many of the team participants are in the same family, the applicant anticipates that riders will carpool to the property according to a ratio of three (3) participants to one (1) vehicle. Participants in the instruction sessions will likely be accompanied by one or both parents, who will be driving and riding in the same vehicle. Accordingly, applicant anticipates up to an additional ten (10) vehicle trips per session for riders, plus two (2) additional vehicle trips for instructors (one instructor lives on-site), for a total of twelve (12) additional vehicle trips per instruction session. Because all trips to the property will include both an arrival and departure trip, the anticipated twelve (12) additional trips are multiplied by two to reflect the round-trip nature of the additional trips to the property for each instruction session: $12 \times 2 = 24$ total anticipated trips per instruction session.

Multiplying the twenty-four (24) additional vehicle trips per instruction session by ninety-six (96) instruction sessions over the course of the year provides a total annual additional vehicle trips of 2,304. Dividing that number by 365 days of the year provides an anticipated additional 6.3 daily trips caused by the proposed development.

Projected Trip Totals Per Instruction Session: 24 (includes arrival and departure trips).

Projected Total Trips Per Year: 2,304 (based on an anticipated 96 instruction sessions).

Projected Average Monthly Trips: 192.

Projected Average Weekly Trips: 48.

Projected Average Daily Trips: 6.3.

Percentage Increase in Daily Trips: Based on the most recent vehicle trip data provided by Adams County, these projected additional trips would represent a three percent increase in daily trips on 56th Avenue: $186 + 6.3 = 192.3$ total average daily trips; which represents a three percent increase: $192.3 / 186 = 1.03$.

Achieve Law Group, LLC

It is important to note that the 6.3 additional daily vehicle trips causes a three percentage point increase because of the small denominator of existing total daily trips. Even with this three percent increase in vehicle trips, the total daily vehicle trips in all directions on 56th Avenue is still under 200.

Expected Future Developments: The Subject Property along with all surrounding properties on both sides of 56th Avenue are zoned A-3. “The purpose of the Agricultural-3 District is to provide land primarily in holdings of at least thirty-five (35) acres for dryland or irrigated farming, pasturage, or other related food production uses.” ADSR 3-10-01. According to the 2012 Imagine Adams County Comprehensive Plan, “[t]he areas that have been identified as agricultural are those that are not expected to develop, except for limited areas of very low density residential at densities of 1 dwelling per 35 acres, for the foreseeable future. These areas are typically characterized by a lack of urban services.” According to the current zoning and future anticipated use of the properties surrounding the Subject Property along 56th Avenue, the expected future development for this area is minimal.

Expected Traffic Growth: Due to the A-3 zoning and the foreseeable future uses of the properties on both sides of 56th Avenue, the expected traffic growth on this portion of 56th Avenue is minimal.

Parking: Applicant proposes that all parking associated with the development will be located within the Subject Property. The Subject Property is 40.7 acres and has sufficient space for the Applicant’s parking needs. The Applicant’s proposed site for parking is located approximately 0.16 miles from 56th Avenue and is generally obscured from view on 56th Avenue by the Applicant’s residence and other farm buildings.

#



THE CARDENAS FAMILY &

THE LIENZO CHARRO EL PARAÍSO NONPROFIT

June 20, 2020 Public Meeting
Bennett, Colorado

CONTACT INFO: JEROME DEHERRERA, ESQ.
(303) 465-1000 JDH@ACHIEVELAWGROUP.COM



THE CARDENAS FAMILY &

THE LIENZO CHARRO EL PARAÍSO NONPROFIT

TWO CONDITIONAL USE PERMITS:

- 1) HORSE BOARDING & LESSONS
- 2) HORSE ARENA

June 20, 2020 Public Meeting
Bennett, Colorado



HORSE STABLE & LESSONS: 50000 E.56TH AVE

FAMILY: LINO & ANDREA CARDENAS, 6 KIDS
OWN A CONCRETE CONSTRUCTION COMPANY
FAMILY LOVES AND RIDES HORSES
HAVE LIVED IN BENNETT FOR 12 YEARS
PROPERTY HAS 41 ACRES

PROPOSAL: USE EXISTING FACILITIES TO PROVIDE
LESSONS FOR CHARREADA & ESCARAMUZA TEAMS

HORSE STABLE & LESSONS: 50000 E.56TH AVE

CHARREADA LESSONS:

TEAMS OF 10 TO 15 RIDERS
HORSEMANSHIP SKILLS
ROPING & STEER WRESTLING

ESCARAMUZA LESSONS:

TEAMS OF 10 TO 15 WOMEN RIDERS
WOMEN'S SIDE SADDLE
CHOREOGRAPHED MANUVERSE



June 20, 2020 Public Meeting
Bennett, Colorado



HORSE STABLE & LESSONS: 50000 E.56TH AVE

HISTORY & SIGNIFICANCE OF CHARREADA & ESCARAMUZA

IMPORTANT CULTURAL TRADITION IN MEXICO & SOUTHWEST

HISTORICALLY IMPORTANT GROUP DURING COLONIAL PERIOD

TOUGH, EDUCATED, ARTISTIC, STEWARDSHIP & PROTECTION

HIGHLY TECHNICAL & ARTISTIC

COMPETITIVE, REGULATED & GROWING

UNESCO RECOGNITION: INTANGIBLE CULTURAL HERITAGE OF HUMANITY

Important Modern Sport for Families & Youth

Getting Kids off Devices & Out of the City!!!!

Teaches Kids Horses, Teamwork and Cultural Traditions

June 20, 2020 Public Meeting
Bennett, Colorado

56TH AVE RIDING STABLE & LESSONS

PERMIT REQUIRED BECAUSE MORE THAN 20 PEOPLE ON-SITE
SEEKING PERMISSION TO HAVE UP TO 20 PEOPLE IN ADDITION TO
PARTICIPANTS

PARENTS, BROTHERS, SISTERS, AND FRIENDS

SAME STANDARD USED WITH OTHER RECENT APPLICATIONS

NO PLANS FOR BOARDING AT THIS TIME



June 20, 2020 Public Meeting
Bennett, Colorado



56TH AVE RIDING STABLE & LESSONS

INSTRUCTORS:

LINO CARDENAS: 30+ YEARS EXPERIENCE, HORSE TRAINER & CHAMPION CHARRO,

JORGE MORENO RENDON: 40+ YEARS EXPERIENCE, M.D.

MARIANA VILLA: 20+ YEARS EXPERIENCE, M.D.

SCHEDULE: SOME EVENINGS & WEEKENDS

ABOUT 3 HRS LONG

SPRING, SUMMER & FALL – NO WINTER LESSONS

TEAM LESSONS – NO PUBLIC MARKETING

June 20, 2020 Public Meeting
Bennett, Colorado

56TH AVE RIDING STABLE & LESSONS



NO NEW BUILDINGS OR FACILITIES

ALL ACTIVITY AND PARKING IS ON-SITE

SOME NEW TRAFFIC

BUT INFREQUENT & NOT EXTENSIVE

MAP SHOWING LOCATION OF PROPERTY

SITE PLAN VIEW, ARENA PICTURES & DRAWING

June 20, 2020 Public Meeting
Bennett, Colorado



56TH AVE RIDING STABLE & LESSONS

QUESTIONS?

COMMENTS?

SUGGESTIONS?

TOUR THE ARENA?

WATCH A DEMONSTRATION?

CONTACT INFO:

JEROME DEHERRERA, ESQ.

(303) 465-1000

JDH@ACHIEVELAWGROUP.COM

146 W. 11TH AVENUE

DENVER, CO 80204

June 20, 2020 Public Meeting
Bennett, Colorado



72ND AVE & CONVERSE ROAD COMMERCIAL HORSE ARENA

54 ACRE RANCH

COMMERCIAL ARENA TO HOST COMPETITIONS &
PERFORMANCES

COMMUNITY HAS VERY FEW PERMITTED ARENAS

Will be Operated & Managed by a Nonprofit:

Lienzo Charro El Paraíso = The Paradise Mexican Rodero Arena

Board of Directors, a General Counsel, Families & Volunteers

...like a family, but not just one family....

Funding & Revenue to Ensure:

FULL REGULATORY COMPLIANCE, SAFE OPERATIONS, & acting like a GOOD NEIGHBOR

June 20, 2020 Public Meeting
Bennett, Colorado



72ND AVE & CONVERSE ROAD COMMERCIAL HORSE ARENA

NO NEW CONSTRUCTION

BUT LANDSCAPING, FENCING, PARKING LOT & NEW ENTRYWAY

OPERATIONS: FAMILY EVENTS

SECURITY & CLEAN-UP

FOOD & BEVERAGES: WORKING WITH THE COUNTY

IF PERMITTED, LIMITED & CONTROL BEER SALES

Non-Profit Revenue: Admission Fees, Fundraising, & Food & Beverages

Annual Public Tax Filing: Form 990

June 20, 2020 Public Meeting
Bennett, Colorado



72ND AVE & CONVERSE ROAD COMMERCIAL HORSE ARENA

4 TO 6 COMPETITION PERFORMANCES PER YEAR

SATURDAYS FROM ABOUT 11 TO 5

TRAINING PRACTICES: EVENINGS & SATURDAY

NO OTHER OPERATIONS IN THE ARENA

QUIET THE REST OF THE TIME

MORE TRAFFIC BUT ONLY 4 TO 6 TIMES A YEAR

Season is from April through September

Open to the public

Likely to get 100 to 200 guests (300 limit): Mainly Family & Friends & hopefully neighbors

June 20, 2020 Public Meeting
Bennett, Colorado

72ND AVE & CONVERSE ROAD COMMERCIAL HORSE ARENA

Site Plan Drawing

Map of the Location & Area



June 20, 2020 Public Meeting
Bennett, Colorado

72ND AVE & CONVERSE ROAD COMMERCIAL HORSE ARENA

Questions?

COMMENTS?

Landscaping Preferences?

Fence or Dirt Berm?

Tour of the Property?

Watch a demonstration?

We will be respectful and good neighbors.

We won't disturb our neighbors or the area.

We will do whatever it takes to get & keep your support.

June 20, 2020 Public Meeting
Bennett, Colorado



GRACIAS FOR YOUR TIME!!



PLEASE CONTACT US:

JEROME DEHERRERA, ESQ.

(303) 465-1000

JDH@ACHIEVELAWGROUP.COM

146 W. 11TH AVENUE

DENVER, CO 80204



June 20, 2020 Public Meeting
Bennett, Colorado

Lienzo Charro El Paraíso Application for a Riding Academy Permit



Riding Academy



- Use Existing Equestrian Facilities on a 41 Acre Farm (zoned A-3)
- Provide Charreada and Escaramuza Lessons and Team Practice Sessions
- Property is owned by Lino Cardenas
- Non-Profit will lease the equestrian arena for its programming

Escaramuza:
Choreographed Equestrian Performances by
Teams of Women Riding Side-Saddle



A Team of:

- **Nine Young Women**
- **Ages 17-24**
- **Passionate about Equestrian Performance**
- **Dedicated to the culture, tradition and artistry**
- **All love Horses!**



A Challenging Performance Sport:

- Traditional Dress
- Choreography
- Synchronization
- Side-Saddle Riding
- All done on Fast Moving Horses
- Set to Traditional Music





Culture, Tradition & Artistry



Synchronized High-Speed Equestrian Movements



Competitive Performances: State, National and International Competitions

Dedication Training



Caring for Horses



The Boys Charro Team



A Team of:

- **Nine Boys**
- **Ages 9-16**
- **Learning to Care for Horses**
- **Learning their Cultural Traditions**
- **Learning Teamwork and Competition**
- **Having Fun with Horses While Wearing Cowboy Boots and Sombreros!**





Boys Learning to Ride, Rope & Steers



Kids

Families

Horses

Culture

Tradition

DSR Section 11-02-480 Riding Stable or Academy

- “Any establishment where horses are boarded and cared for; where instruction in riding, jumping, and showing is offered; and/or where horses may be hired for riding. A riding stable or academy may also be an accessory use in the operation of a club, association, ranch, or similar establishment.”



Proposed Programming:

- Escaramuza Team Practices
- Boys Charro Team Practices
- 3 to 5 sessions per week
- Sessions last up to 3 hrs
- Weekday Evenings (4 to 7 p.m.)
- Weekend Mornings (8 to 11a.m.)
- Spring/Summer/Fall



CUP Review Criteria:

- Permitted in the zone District
- Consistent with Land Use Standards in Zone District
- Complies with all Performance Standards
- Compatible with the Neighborhood
- Addresses Off-Site Impacts
- Proposed Site is Suitable



Limited Participants:

- The maximum number of people attending activities at the site will not exceed twenty people at any time, in addition to the inhabitants of the property, volunteers, and participants.

Ample Parking:

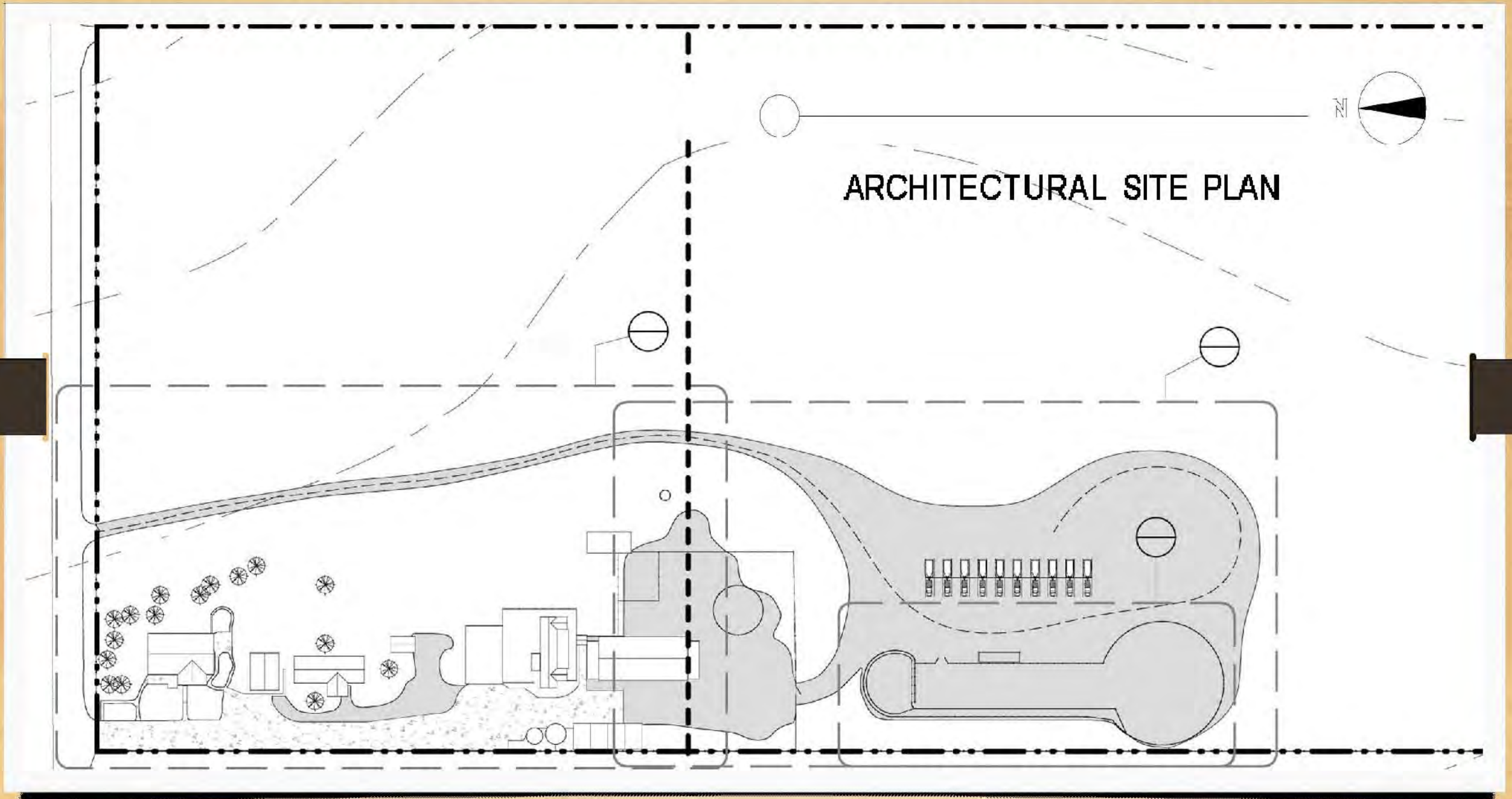
- The property has more than sufficient on-site parking

Low-Level Music:

- Only during Women's Escaramuza Practice Sessions
- Can't be heard from the road or the nearby houses

Minimal Traffic Impact:

- If 3 sessions per week, an increase of 48 trips per week on average
- If 5 sessions per week, an increase of 80 trips per week on average



ARCHITECTURAL SITE PLAN

Lienzo Charro

El Paraíso Non-Profit

Board of Directors:

Angelica Cardenas (Chair)

Soledad Cardenas (Vice Chair)

George Herrera (Secretary)

Marcos Diaz (Treasurer)

Jerome DeHerrera (General Counsel)

50000 E. 56th Avenue

Bennett, CO 80102

(720) 626-0021 or

(720) 606-1952

November 12, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Lienzo Charro El Paraiso Riding Academy in Bennett CO

Dear Alan:

My son Juan Aguirre is twelve years old and has been performing traditional Mexican Charrería with the Cardenas family. He wants to continue receiving instruction and training with the non-profit at the Cardenas ranch. Charrería and Escaramuza are beautiful cultural traditions in our community. The trainers are very experienced and they care about teaching kids how to perform at a competitive level. They also make sure the kids and horses are always safe. They focus not only on the competition, but they are also focused on teaching kids how to handle horses safely.

Riding horses and performing Charrería is an important part of my son's connection to our culture and his upbringing. My family fully supports the program and the permit application. Lino and his family are community leaders and we appreciate all the efforts they have made to create this opportunity for the kids in our community.

I ask that you please approve the permit application so that they can provide Charrería and Escaramuza lessons at the Cardenas ranch. Thank you and please let me know if you have any questions.

Sincerely,


49720 Oak Park Drive
Bennett, CO 80102

November 12, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Application for Riding Academy in Bennett CO

Dear Mr. Sielaff:

My Son Leonardo Noel Hernandez is twelve years and is learning Charrería with the non-profit Lienzo Charro el Paraiso. Horses and Charrería are important cultural traditions to me and my family and my community. My son and his friends love horses and they are serious about learning how to perform and compete in Charrería.

I am thankful that the Cardenas family created a nonprofit that will help the kids continue learning and performing Charrería. They keep the kids safe with the horses and they always try to keep it fun. My family and I fully support the permit application to provide lessons at the Cardenas farm in Bennett. I hope that Adams County approves the application.

Sincerely,



3540 Vanderhoof
Bennett, CO 80102

November 12, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Application for Riding Academy in Bennett CO

Dear Alan:

I'm writing to support the application for a riding academy at Lino Cardenas' farm in Bennett. My son Dasahel Valles is thirteen and he rides on the Charro team with the non-profit company that is applying for a permit. We fully support our son and hope that he can continue. Horse riding is a great activity for kids and it teaches them about our culture. Taking care of and riding horses teaches kids responsibility, safety, and the importance and value of horses. Because these are team activities, the kids also learn the value of teams and working together with teammates.

Lino and the trainers do a great job of teaching the kids Charrería and Escaramuza and they always keep the kids safe. I trust them to provide lessons to my kids. Please approve their application.

Sincerely,



14470 E. 13th Avenue, Lot
C31
Aurora, CO 80011

November 12, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

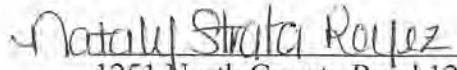
Re: Lienzo Charro El Paraiso Riding Academy in Bennett CO

Dear Alan:

My two sons, Saul and Arian Strata are fourteen and eleven years old. They are learning traditional Mexican Charrería with the Cardenas family and the nonprofit company. I want my kids to continue receiving instruction and training. My family fully supports our sons because we believe that Charrería and Escaramuza are beautiful cultural traditions. The trainers are really good with kids and they have a lot of experience. They also take care to make sure the kids and horses are always safe.

My family fully supports the application for the riding academy permit. Lino and his family are community leaders and we appreciate everything they do. We like the idea that they created a non-profit to support the kids. Thank you.

Sincerely,


1251 North County Road 125
Bennett, CO 80102

November 12, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

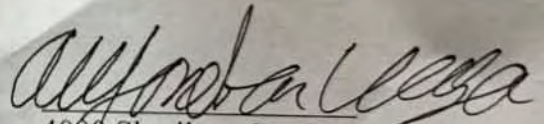
Re: Application for Riding Academy in Bennett CO

Dear Alan:

I'm writing to support the application for a riding academy at Lino Cardenas' farm in Bennett. My two sons, Jaime and David Telles are 15 and 12 years old and they have been riding on the Charro team with the Cardenas family. They love riding horses and performing Charrería. Me and my family support our sons and hope they can continue. Horse riding is a great activity for kids and it teaches them about our culture. Taking care of and riding horses teaches kids responsibility, safety, and the importance and value of horses. Because these are team activities, the kids also learn the value of teams and working together with teammates.

Lino and the trainers do a great job of teaching the kids Charrería and Escaramuza and they always keep the kids safe. I trust them to provide lessons to my kids. Please approve their application.

Sincerely,



4090 Sharilane Street
Strasburg, CO 80136

November 7, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Lienzo Charro El Paraiso Riding Academy in Bennett CO

Dear Alan:

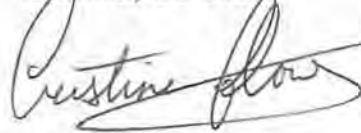
My name is Cristina Flores and I live in Thornton. My daughter, Dayonara, is 15 years old and has been performing traditional Mexican Escaramuza for a year and a half. My daughter has been riding with the Cardenas family and the non-profit team. She wants to continue receiving instruction and training with the non-profit at the Cardenas family farm. Charrería and Escaramuza is a beautiful cultural tradition. Training and instruction is important. The trainers are very experienced and they care deeply about teaching the kids how to perform at a competitive level. They also take care to make sure the kids and horses are always safe. They focus not only on the sport, but they are also focused on teaching kids how to handle horses safely.

Riding horses and performing Escaramuza is an important part of my daughters' growth and connection to our culture. My family fully supports the program and the permit application. Lino and his family are community leaders and we appreciate all the efforts they have done to create this opportunity for the kids in our community.

I ask that you please approve the permit application so that they can provide Charrería and Escaramuza lessons at the Cardenas property. Thank you and please let me know if you have any questions.

Sincerely,

Cristina Flores
2994 E.135th Lane
Thornton, CO 80241

A handwritten signature in black ink that reads "Cristina Flores". The signature is written in a cursive style and is positioned below the typed name and address.

November 10, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Application for Riding Academy in Bennett CO

Dear Alan:

I'm writing to support the application for a riding academy at Lino Cardenas' farm in Bennett. My daughter Yarixa has been riding on the Escaramuza team for four years. She loves riding horses and performing Escaramuza. We fully support our daughter and hope she can continue. Horse riding is a great activity for kids and it teaches them about our culture. Taking care of and riding horses teaches kids responsibility, safety, and the importance and value of horses. Because these are team activities, the kids also learn the value of teams and working together with teammates.

Lino and the trainers do a great job of teaching the kids Charrería and Escaramuza and they always keep the kids safe. I trust them to provide lessons to my kids. Please approve their application.

Sincerely,

Manuel Nunez
11471 Paris Court
Henderson, CO 80640

Manuel Nunez

November 7, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

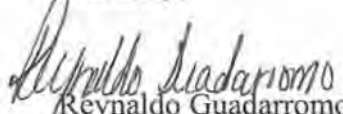
Re: Lienzo Charro El Paraiso Riding Academy in Bennett CO

Dear Alan:

My name is Reynaldo Guadarromo and I live in Bennett. My daughter, Cittalli, is 19 years old and she has been performing traditional Mexican Escaramuza for five years. She has been riding with the Cardenas family and she wants to continue receiving instruction and training through the non-profit company. My family fully supports our daughter because we believe that Charrería and Escaramuza is a beautiful cultural tradition. The trainers are really good with kids and they have a lot of experience. They also take care to make sure the kids and horses are always safe.

My family fully supports the application for the riding academy permit. Lino and his family are community leaders and we appreciate everything they do. We like the idea that they created a non-profit to support the kids and Escaramuza. Thank you.

Sincerely,


Reynaldo Guadarromo
50000 E. 56th Avenue
Bennett, CO 80102

November 7, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Lienzo Charro El Paraiso Riding Academy in Bennett CO

Dear Alan:

My name is Jose Meza and my family live in Erie. My daughter Karina is 19 years old and has been performing traditional Mexican Escaramuza for four years. My daughter has been riding with the Cardenas family and the non-profit team. She wants to continue receiving instruction and training with the non-profit at the Cardenas ranch. Charrería and Escaramuza are beautiful cultural traditions in our community. The trainers are very experienced and they care about teaching kids how to perform at a competitive level. They also make sure the kids and horses are always safe. They focus not only on the competition, but they are also focused on teaching kids how to handle horses safely.

Riding horses and performing Escaramuza is an important part of my daughters' connection to our culture and her upbringing. My family fully supports the program and the permit application. Lino and his family are community leaders and we appreciate all the efforts they have made to create this opportunity for the kids in our community.

I ask that you please approve the permit application so that they can provide Charrería and Escaramuza lessons at the Cardenas ranch. Thank you and please let me know if you have any questions.

Sincerely,

Jose M Meza
Jose Meza
4403 County Road 6
Erie, CO 80516

November 7, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Application for Riding Academy in Bennett CO

Dear Alan:

I'm writing to support the application for a riding academy at Lino Cardenas' farm in Bennett. My daughter Stephanie is 19 years old and has been riding on the Escaramuza team for three years. She loves riding horses and performing Escaramuza. Me and my family support our daughter and hope she can continue. Horse riding is a great activity for kids and it teaches them about our culture. Taking care of and riding horses teaches kids responsibility, safety, and the importance and value of horses. Because these are team activities, the kids also learn the value of teams and working together with teammates.

Lino and the trainers do a great job of teaching the kids Charrería and Escaramuza and they always keep the kids safe. I trust them to provide lessons to my kids. Please approve their application.

Sincerely,



Jose Garcia
944 S. Victor Way
Aurora, CO 80012
(720) 828-9199

November 10, 2020

Alan Sielaff
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Application for Riding Academy in Bennett CO

Dear Mr. Sielaff:

My name is Brisa Candela and I am 18 years old. I have been performing Escaramuza with the Cardenas family for three years. Escaramuza is an important cultural tradition to me and my family and my community. Me and the other girls on the team all love horses and we love learning how to perform and compete in our sport.

I am thankful that the Cardenas family created a nonprofit that will help us continue learning and performing Escaramuza. They keep us safe with the horses and they always try to keep it fun. My family and I fully support the permit application to provide lessons at the Cardenas farm in Bennett. I hope that Adams County approves the application.

Sincerely,

Brisa Candela
Brisa Candela
23345 E. Jewell Avenue
Aurora, CO 80018
(720) 380-3238

Mount Moriah Stables CUP

RCU2019-00025

1990 West 150th Avenue

April 28, 2020

Board of County Commissioners Public Hearing
Community and Economic Development Department

Case Manager: Holden Pederson

Request

Conditional Use Permit to allow a “Riding Stable and Academy” use within the Agriculture-1 (A-1) zone district.

Proposed Use

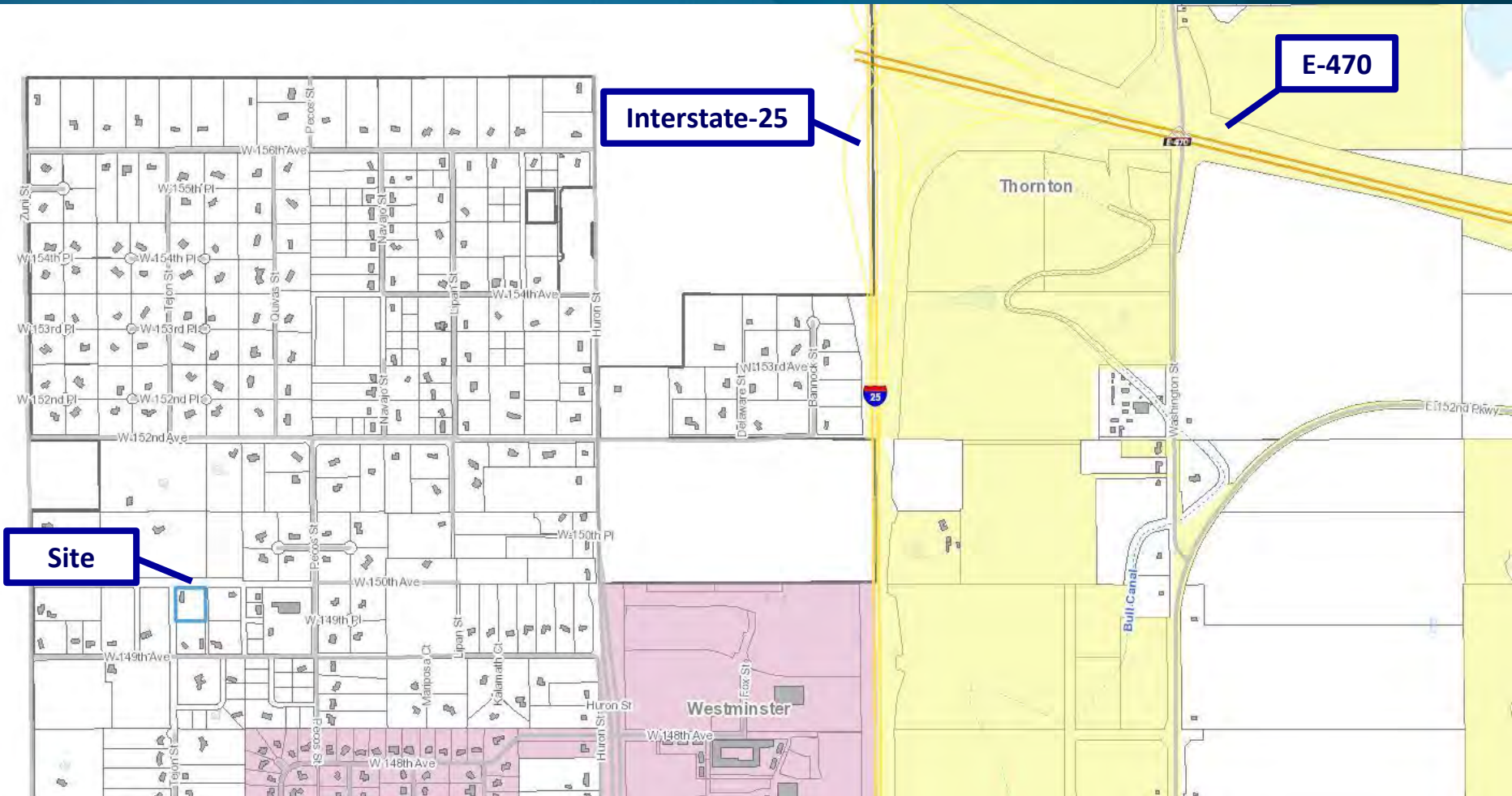
- Definition of Riding Stable and Academy:

Classified as any establishment where horses are boarded and cared for; where instruction in riding, jumping, and showing is offered; and/or where horses may be hired for riding. A Riding Stable or Academy may also be an accessory use in the operation of a club, association, ranch, or similar establishment.

- Proposed Use:

Therapeutic Riding Center and Horse Boarding Facility.

Services provided by the facility would include equine assisted psychotherapy, equine assisted learning, beginner riding instruction, and horse boarding.

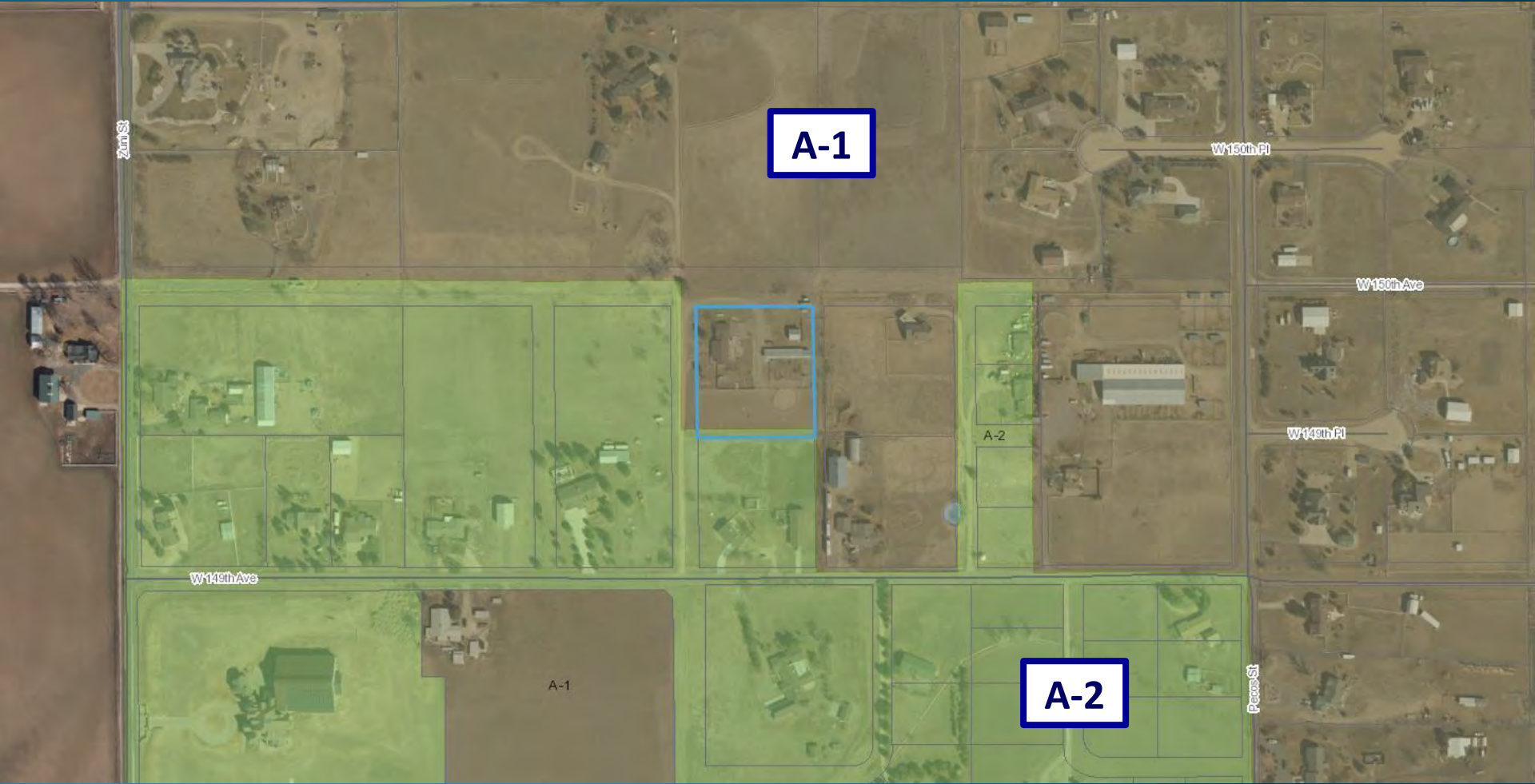


West 150th Avenue

Shoshone Street

Tejon Street





















LCEP Exhibit 3



LCEP Exhibit 3

Criteria for Conditional Use Permit

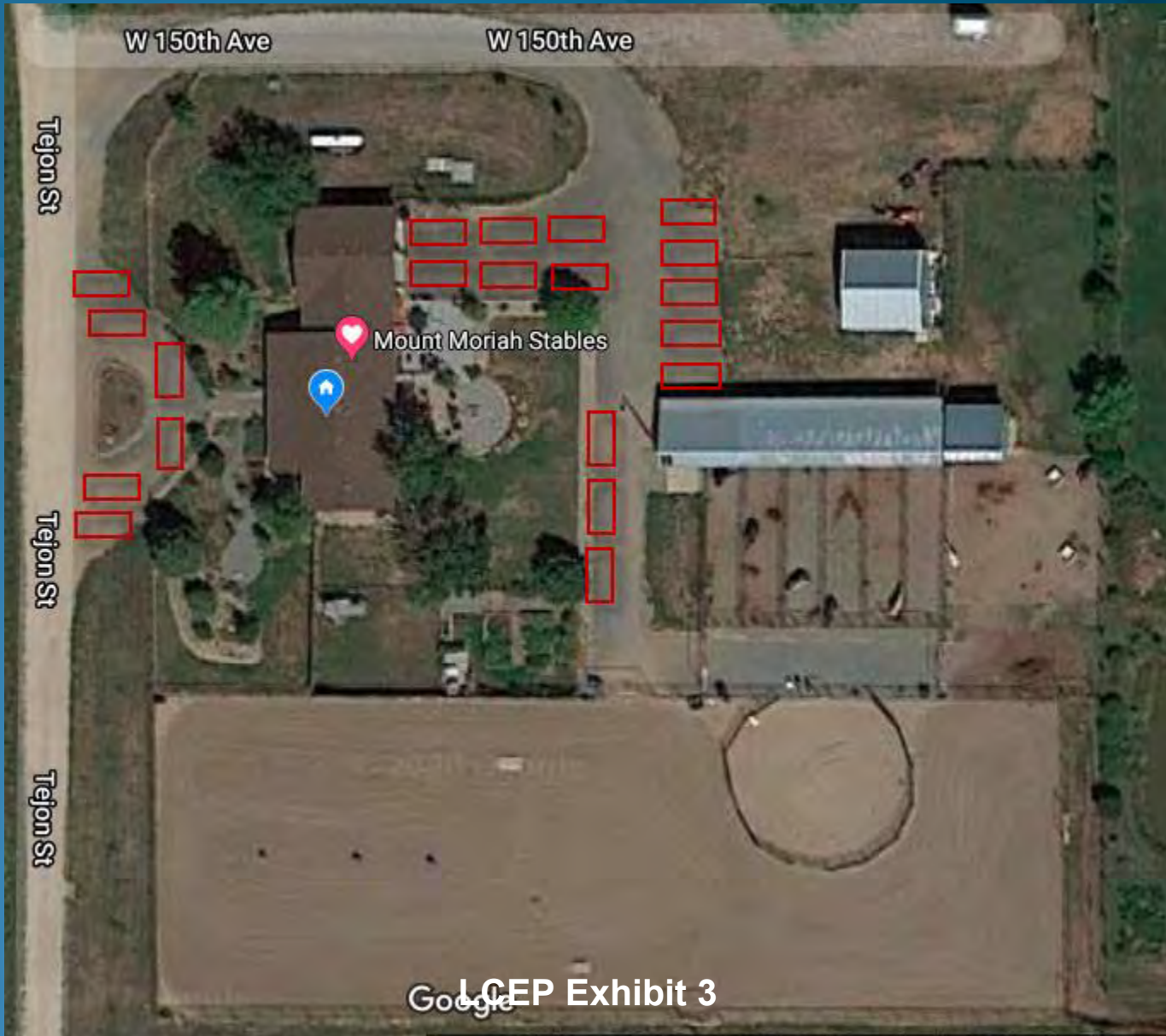
Section 2-02-08-06

1. Permitted in zone district
2. Consistent with regulations
3. Complies with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services

Applicable Performance Standards

- Personal Equestrian Arena (Section 4-06-02-01-05)
- Stables (Section 4-03-02-02-04)
- Non-Commercial Animal Feeding Operations (Section 4-22-06)
- Tabulation of Animal Unit Densities (Section 4-22-09)
- Landscaping (Section 4-16)
- Parking (Section 4-12)

Parking Plan



Compatibility with Surrounding Area

Applicant Materials - 2nd Submittal



Referral Comments

Notifications Sent*	# Comments Received
29	3

*Property owners and residents within 750 ft.

All public comments received were in support of the request.

External Referral Agencies Responding with Concerns:

- Tri-County Health Department (since resolved after working with applicant)

External Referral Agencies Responding without Concerns:

- North Metro Fire Rescue District
- Colorado Department of Transportation
- Xcel Energy

Tri-County Health Department

- Washdown Water
- Liquid Waste
- Fly and Mosquito Control
- Wastewater and Sewage Provisions
- Waste Management Plan

Criteria for Conditional Use Permit

Section 2-02-08-06

1. Permitted in zone district
2. Consistent with regulations
3. Complies with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services

Planning Commission Update

(RCU2019-00025; Mount Moriah Stables CUP)

- Recommended Approval (7-0) on April 9, 2020.
- PC inquired about Code Compliance violations on the property and parking requirements for the use.
- No members of the public spoke in support or opposition of the request during the hearing.

PC and Staff Recommendation

(RCU2019-00025; Mount Moriah Stables CUP)

APPROVAL of the subject request (RCU2019-00025) with 8 Findings-of-Fact, 9 Conditions of Approval, and 1 Note to the applicant.

Recommended Findings-of-Fact

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions

1. The applicant is required to complete an Encroachment Agreement with Adams County for existing structures located within the platted Shoshone Street right-of-way. Alternatively, the applicant can vacate the roadway in order to formally incorporate the existing structures that are currently located along their east property line into their site.
2. The applicant may keep a maximum of seven animal units (or seven horses) on the property. If the platted but undeveloped Shoshone Street public right-of-way is incorporated into the applicant's lot through approval of a Roadway Vacation application, then the applicant may keep a maximum of eight horses on the property. Vacating the roadway would increase the subject property's size to over two acres, allowing for a maximum of eight livestock units (or eight horses) on the property.
3. The maximum number of people attending activities at the site may not exceed twenty people at any time, in addition to the inhabitants of the property, volunteers, and participants.

4. Compensation and fees may be collected as part of the approved Riding Stable and Academy land use.
5. Food and alcohol may not be sold or bought on the premises. Livestock may not be brought to the site from a provider for the purpose of hosting a rodeo. No commercial competition or commercial entertainment (e.g. camps, birthday parties) other than riding lessons and therapeutic activities shall be permitted on site.
6. All applicable Tri-County Health Department requirements, as well as commitments made through the applicant's submitted Operations Plan, shall be followed for the duration of this Conditional Use Permit approval. These commitments include compliance with requirements that all manure shall be removed on a regular basis in order to prevent attracting flies, or other insects, or obnoxious odors on the property in accordance with the applicant's submitted Waste Management Plan; that all sheds or other shelters for horses shall be kept reasonably free of rodents and insects and be kept in good repair; and that all washdown waters must be discharged such that they do not create nuisance conditions or impact water quality.

7. All parking for clients shall be located on the subject property and not on the public right-of-way. All vehicle parking and drive lanes shall be on an approved surface, such as recycled gravel or asphalt.
8. Fugitive dust control mechanisms must be in place and functioning at all times, including weekends, within equine use areas.
9. The Conditional Use Permit shall expire on April 28th, 2030.

Recommended Note to the Applicant

1. All applicable building, zoning, health, fire, and engineering requirements and codes shall be adhered to with this request.

Applicant Materials - 2nd Submittal

Questionnaire Regarding
Horse Arena Permit for 47335 E. 72nd Ave &
Horse Boarding & Lessons for 50000 E. 56th Avenue

CARDENAS FAMILY & NON-PROFIT LIENZO CHARRO

We seek your Questions, Concerns, Comments and support for our applications:

CONTACT

Angelica Cardenas
Phone: (720)606-1952

Soledad Cardenas
residentialconcretework@yahoo.com
Phone: (720) 591-4286

Jerome DeHerrera:
jdh@achievelawgroup.com
Phone: (303) 725-2769

**47335 E 72ND AVENUE COMMERCIAL HORSE ARENA:
QUESTIONS, CONCERNS & FENCE/LANDSCAPING IDEAS:**

STATEMENT

- I SUPPORT THE PROPOSAL
- I NEED MORE INFORMATION
- I WON'T OPPOSE THE PROPOSAL
- I WOULD LIKE TO SEE CHANGES TO THE PROPOSAL
- I WOULD LIKE TO MEET IN PERSON TO DISCUSS

**50000 E. 56TH AVENUE HORSE BOARDING & LESSONS:
QUESTIONS, CONCERNS AND COMMENTS:**

The only concern you have is the mitigation of the prairie dogs so they would not spread

STATEMENT

- I SUPPORT THE PROPOSAL
- I NEED MORE INFORMATION
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- I WOULD LIKE TO SEE CHANGES TO THE PROPOSAL
- I WOULD LIKE TO MEET IN PERSON TO DISCUSS

Signature: *Maryland Delaney* Date: 6-13-20
Name: Maryland Delaney
Address: 5350 Howe Dr
Phone Number: 303-726-9767

Please return to: 50000 E. 56th Avenue, Bennett, CO 80102



*Cardenas Family
50000 E. 56th Avenue
Bennett, Co. 80102*



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Questionnaire Regarding
Horse Arena Permit for 47335 E. 72nd Ave &
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residentialconcretework@yahoo.com
Phone: (720) 591-4286

Jerome DeHerrera:
jdh@achievelawgrp.com
Phone: (303) 725-2769

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QUESTIONS, CONCERNS & FENCE/LANDSCAPING IDEAS:**

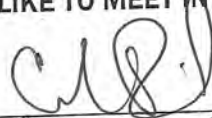
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QUESTIONS, CONCERNS AND COMMENTS:**

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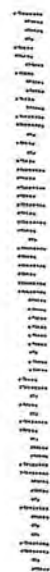
Signature:  Date: 06/17/2020
 Name: Carlos Prieto
 Address: 5150 HWY 79, Bennett, CO 80102
 Phone Number: 303-921-1878

Please return to: 50000 E. 56th Avenue, Bennett, CO 80102



SCOTT & BOWDEN, CO. STP
23 JUN 2008 PM 1 L

Angelic Condenas
5000 E. 56th Ave.
Brennet, CO 80102



80102-802499

Ms. Rebecca Head
3300 Meadow Vista Ct
Bakersfield, CA 93306

Applicant Materials - 2nd Submittal

Questionnaire Regarding
Horse Arena Permit for 47335 E. 72nd Ave &
Horse Boarding & Lessons for 50000 E. 56th Avenue

CARDENAS FAMILY & NON-PROFIT LIENZO CHARRO

We seek your Questions, Concerns, Comments and support for our applications:

CONTACT

Angelica Cardenas
Phone: (720)606-1952

Soledad Cardenas
residentialconcretework@yahoo.com
Phone: (720) 591-4286

Jerome DeHerrera:
jdh@achievelawgroup.com
Phone: (303) 725-2769

**47335 E 72ND AVENUE COMMERCIAL HORSE ARENA:
QUESTIONS, CONCERNS & FENCE/LANDSCAPING IDEAS:**

STATEMENT

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**50000 E. 56TH AVENUE HORSE BOARDING & LESSONS:
QUESTIONS, CONCERNS AND COMMENTS:**

STATEMENT

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- I NEED MORE INFORMATION
- I WON'T OPPOSE THE PROPOSAL
- I WOULD LIKE TO SEE CHANGES TO THE PROPOSAL
- I WOULD LIKE TO MEET IN PERSON TO DISCUSS

Signature: R. Head Date: 6/23/2020
Name: Rebecca Head
Address: 3300 Meadow Vista St.
Phone Number: (661) 872-4245
Bakersfield, CA 93306

Please return to: 50000 E. 56th Avenue, Bennett, CO 80102

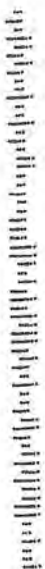
M. Chero Chak
49811 E 48th Ave
Bennett CO 80102

Angelica Cardenas
50000 E. 56th Ave
Bennett CO 80102

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19 JUN 2020 11:44 A



80102-502455



**Questionnaire Regarding
Horse Arena Permit for 47335 E. 72nd Ave &
Horse Boarding & Lessons for 50000 E. 56th Avenue**

**CARDENAS FAMILY & NON-
PROFIT LIENZO CHARRO**

We seek your Questions,
Concerns, Comments and
support for our applications:

CONTACT

Angelica Cardenas
Phone: (720)606-1952

Soledad Cardenas
residentialconcretework@yah
oo.com
Phone: (720) 591-4286

Jerome DeHerrera:
jdh@achievelawgrp.com
Phone: (303) 725-2769

**47335 E 72ND AVENUE COMMERCIAL HORSE ARENA:
QUESTIONS, CONCERNS & FENCE/LANDSCAPING IDEAS:**

STATEMENT

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**50000 E. 56TH AVENUE HORSE BOARDING & LESSONS:
QUESTIONS, CONCERNS AND COMMENTS:**

Reference Summary of Proposal 3rd paragraph 1st sentence "...his current intent...". What is the future intent? 2nd sentence "...at this time...". When does he intend to board horses? 4th paragraph "...and livestock will not... for purposes of a rodeo...". For what purposes will livestock be brought onto the property? ...
Additionally, the Neighbor Letter concerning the 72nd Ave property states there is a rodeo arena to host trainings and performances. It seems the 72nd Ave property needs the addition of a riding stable and all activity could be contained and consolidated in one location. I do NOT support the proposal.

STATEMENT

- I SUPPORT THE PROPOSAL
- I NEED MORE INFORMATION
- I WON'T OPPOSE THE PROPOSAL
- I WOULD LIKE TO SEE CHANGES TO THE PROPOSAL
- I WOULD LIKE TO MEET IN PERSON TO DISCUSS

Signature: Michael Cherochak Date: 18 JUN 20
Name: Michael Cherochak
Address: 49811 E 48th Ave Bennett CO 80102
Phone Number: 720 470 9312

Please return to: 50000 E. 56th Avenue, Bennett, CO 80102



Jerome DeHerrera <jdh@achievelawgroup.com>

RE: Conditional Use Permit Application for Equestrian Riding Academy at 50000 E. 56th Avenue, Bennett, CO

1 message

Caleb J. Connor <CalebConnor@bennettfirerescue.org>

Thu, Nov 12, 2020 at 12:30 PM

To: jdh@achievelawgroup.com

Cc: Victoria Flamini <VictoriaFlamini@bennettfirerescue.org>, residentialconcretework@yahoo.com, solvillaben@yahoo.com, Alan Sielaff <ASielaff@adcogov.org>

Mr. DeHerrera,

Thank you for reaching out. I can certainly assist you with this project. Thank you for providing additional information and dimensions for the site. It sounds like the use of the facility will not consist of larger crowds, spectators, or participants. Many of our concerns with the use of residential properties for events is related to the traffic, access congestion, and large number of people on property and roads that weren't designed for that type use.

I think based on the information you have provided, the use and site could be modified to comply with the applicable fire code requirements. I have made some redlined notes on the property drawing for your reference. Additionally I have attached IFC Appendix D which has some of the requirements needed for you to reference. The biggest change to the site would be the widening of the gate and access road, and possibly some modification to the cul-de-sac area next to the arena to comply with the IFC fire apparatus access requirements.

Please take some time and review these comments and requirements and please let me know if you have any other questions or concerns.

**Caleb J. Connor****Battalion Chief - Fire Marshal****Life Safety Division****Bennett-Watkins Fire Rescue****303-644-3572 - Headquarters / 720-893-7672 - Direct**www.BennettFireRescue.org

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From: Jerome DeHerrera <jdh@achievelawgroup.com>**Sent:** Monday, November 2, 2020 8:42 AM**To:** Submittals@bennettfirerescue.org; Alan Sielaff <ASielaff@adcogov.org>**Cc:** Lino Cardenas <residentialconcretework@yahoo.com>; Soledad Villalobos <solvillaben@yahoo.com>**Subject:** Conditional Use Permit Application for Equestrian Riding Academy at 50000 E. 56th Avenue, Bennett, CO

Dear Battalion Chief Connor:

I represent the non-profit corporation Lienzo Charro El Paraiso (The Paradise Mexican Rodeo Arena). The non-profit is preparing to re-submit an application for a conditional use permit to operate a riding academy at 50000 E. 56th Avenue. The non-profit will operate pursuant to a lease with Lino Cardenas, the owner of the property. The riding academy will provide horse-riding team lessons and instructions between 3 to 5 times per week, during Spring, Summer and Fall. All of the proposed activities will take place in the existing, outdoor equestrian arena located to the south of the residence and other farm buildings on the property.

You reviewed the application and provided the attached comments to our case manager in the Adams County Planning & Development Department, Alan Sielaff. In the initial submission by Mr. Cardenas, the site plan did not provide measurements for the entrances into the property or the internal roads. Attached is a revised site plan that we hope will provide you with enough details and measurements for your review.

In summary, participants will gain access to the equestrian arena primarily through the eastern gate into the property which is a 12' wide, manual open, unlocked gate. Through this eastern gate, the participants will travel an un-paved dirt road that is approximately 12' wide. As an alternative entrance, participants may also enter the property through the main, western gate into the property. The main gate is 10.5' wide, opens manually and is unlocked. This gate leads to an internal, concrete-paved road that is 12' wide with 2' concrete shoulders on both sides. The internal road becomes wider near towards the middle of the property around the barn and other outbuildings.

Because the participants of the proposed activities will access the equestrian arena using the existing entrances and internal roads, we don't believe any of those existing access dimensions or internal roadways on the property are out of compliance.

Please let me know if you need any further information or if you have any concerns about the conditional use permit based on your review of the revised site plan.

Thanks,

Jerome A. DeHerrera, Esq.

Achieve Law Group, LLC

[146 W. 11th Ave.](#)

[Denver, CO 80204](#)

Cell Phone: (303)725-2769

Fax Number: (303) 484-7678

Email Address: jdh@achievelawgroup.com

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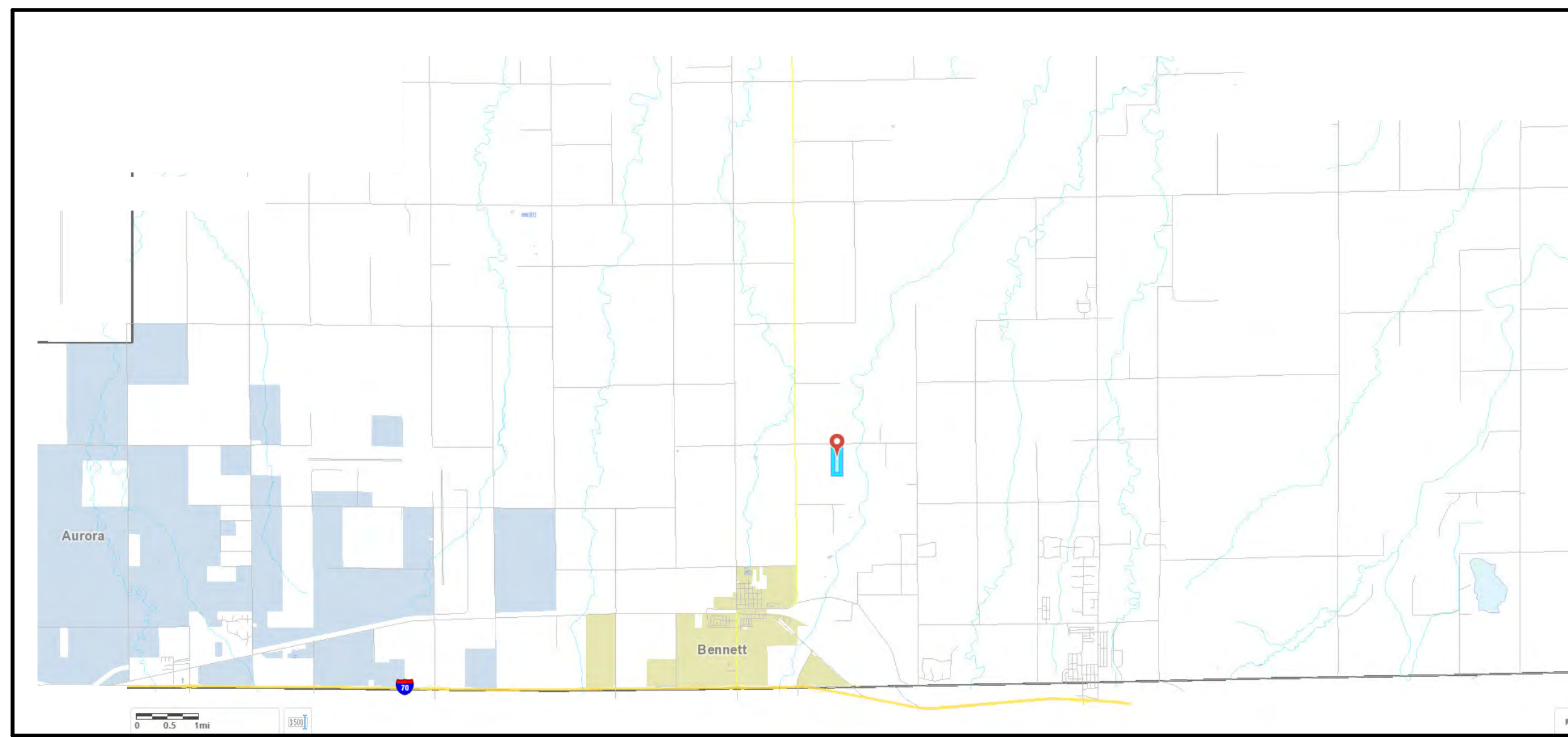
SECURITY & PRIVACY: Please don't include identifying information like account numbers, birth dates and social security numbers in emails to us. Call us instead for secure email options or send the information by fax or regular US mail

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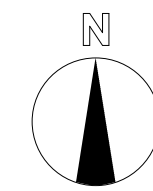


 **56th ave property drawing Oct 2020 - FD Comments.pdf**
9102K



1 AREA MAP

SCALE: NTS

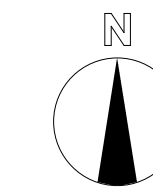


PLANS ARE ROTATED 90° COUNTER CLOCKWISE

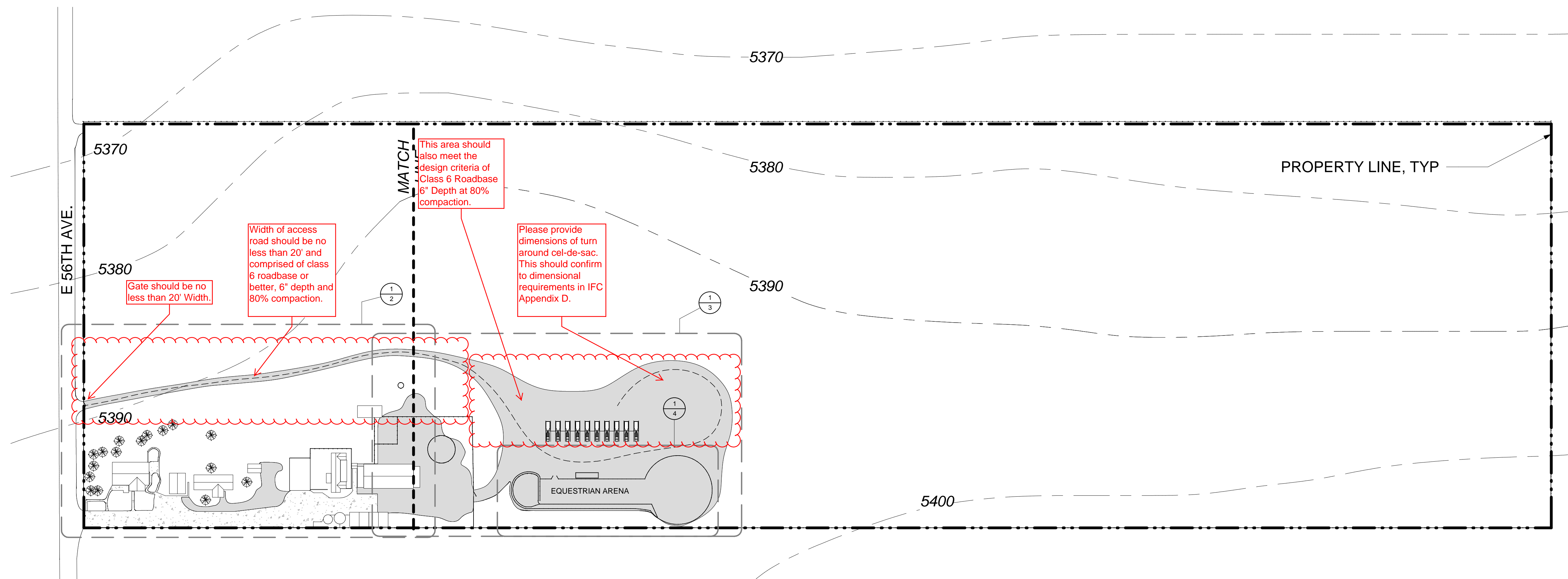


2 SITE MAP

SCALE: NTS



PLANS ARE ROTATED 90° COUNTER CLOCKWISE



3 ARCHITECTURAL SITE PLAN

SCALE: 1" = 100'-0"



CARDENAS RESIDENCE

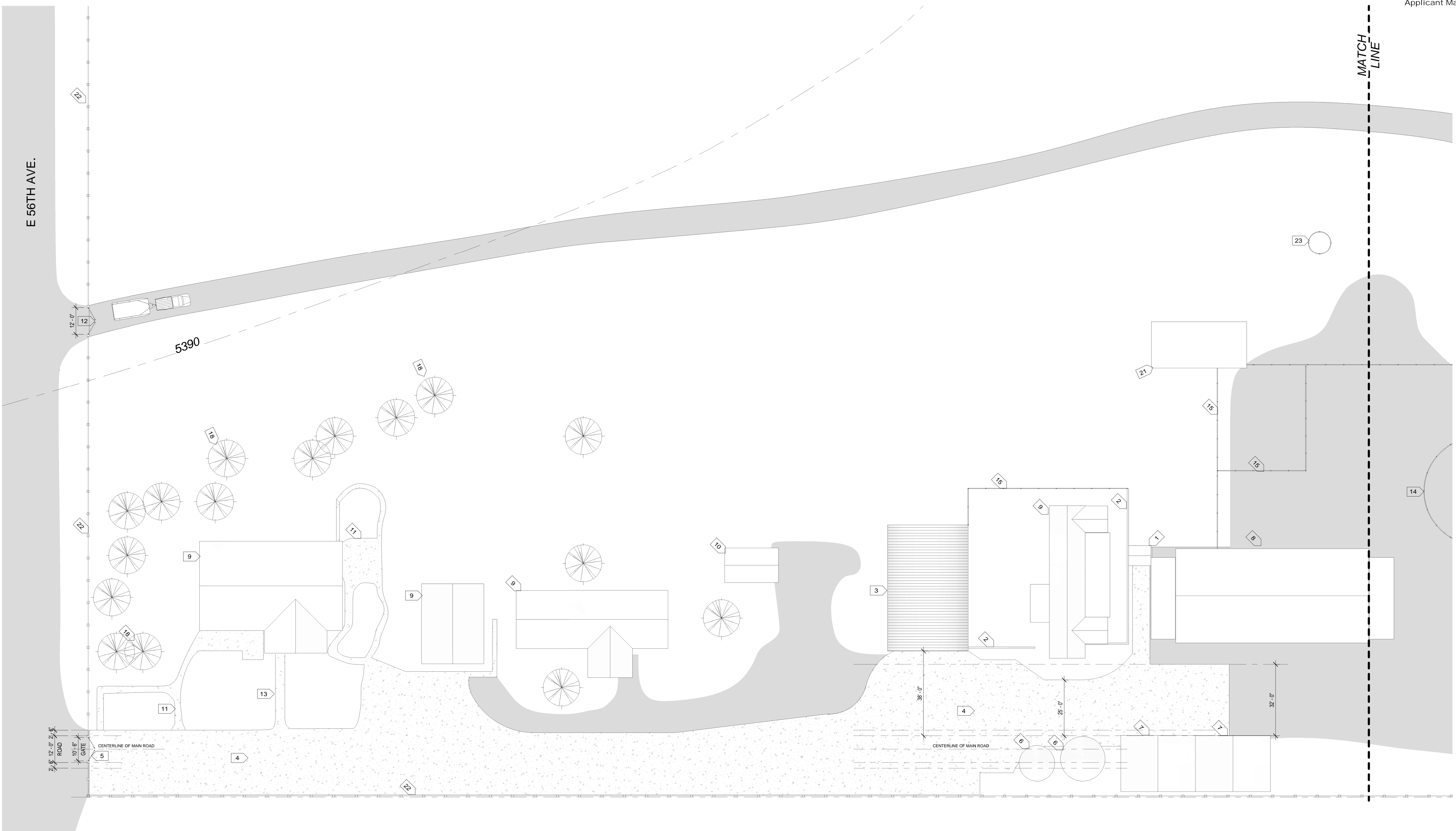
50000 E 56TH AVE
BENNETT CO

DATE:
09.13.2020
REVISIONS:

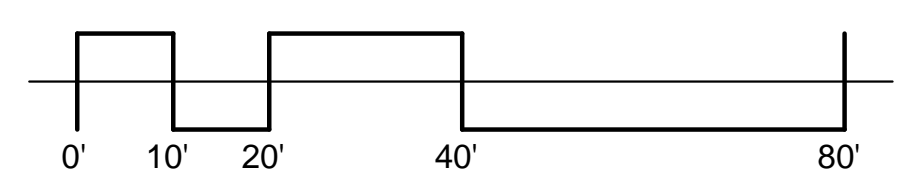
DRAWN BY:
JM
REVIEWED BY:
JM

DRAWING TITLE:
OVERALL SITE PLAN
SHEET #:

1 OF 4



1 ENLARGED SITE PLAN BUILDING LAYOUT
SCALE: 1" = 20'-0"



SITE PLAN GRAPHIC LEGEND	
	NATIVE VEGETATION
	GRAVEL
	CONCRETE

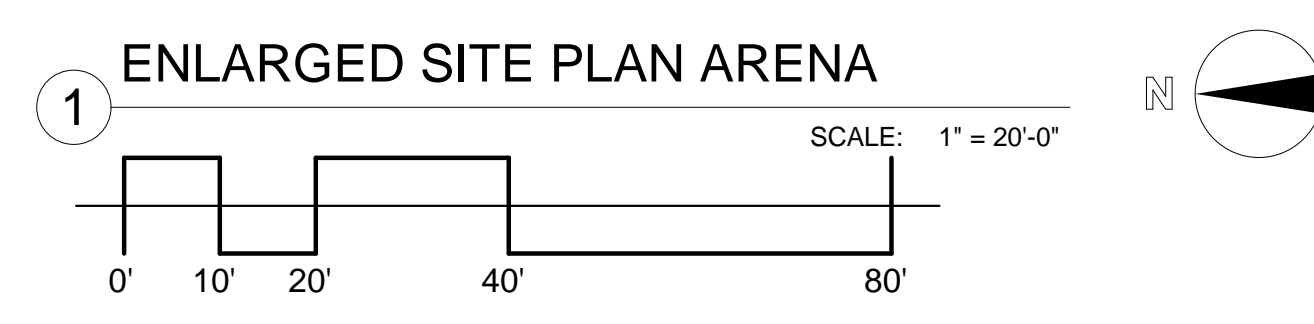
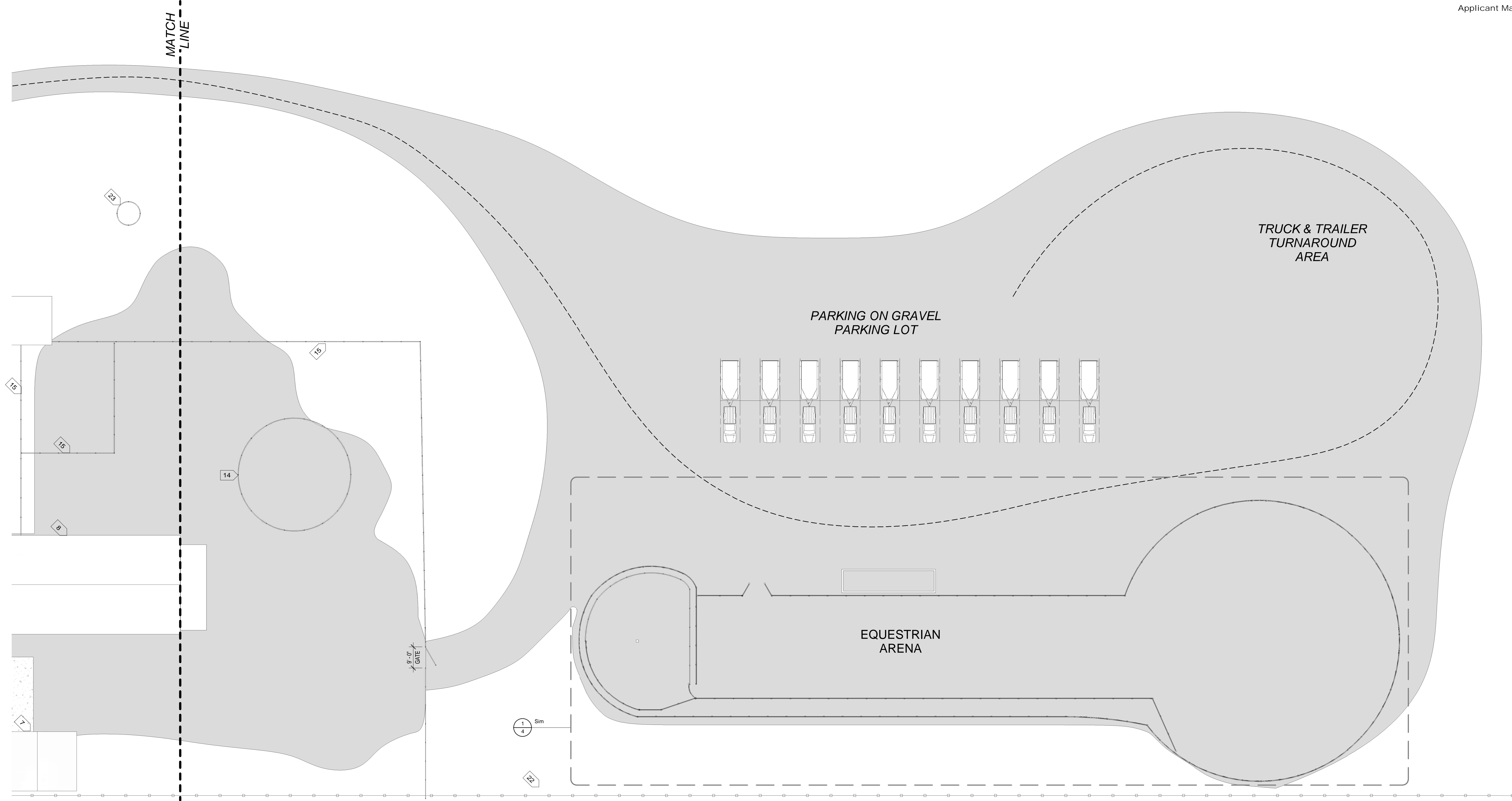
#	COMMENT
1	NEW 9'-0" X 7'-0" RESTROOM
2	4' CMU WALL
3	SEMI-CIRCULAR METAL STORAGE SHED
4	CONCRETE DRIVEWAY
5	MAIN ENTRY DRIVEWAY
6	METAL SILO BUILDING
7	GABLE ROOF METAL STORAGE SHED
8	GABLE ROOF METAL HORSE BARN
9	HOUSE ONE STORY WOOD STRUCTURE W/GABLE ROOF
10	GABLE ROOF WOOD SHED
11	GARDEN ENCLOSED BY CONC WALKWAY
12	EXISTING GRAVEL ENTRY
13	CONCRETE WALKWAY, TYP
14	CIRCULAR WOOD FENCE WITH GATE
15	WOOD FENCE
18	TREE(S), TYP
21	STEEL LEAN-TO STRUCTURE
22	PERIMETER FENCE
23	STEEL ENCLOSURE, FEEDER

CARDENAS RESIDENCE
50000 E 56TH AVE
BENNETT CO

DATE: 09.13.2020
REVISIONS:

DRAWN BY: JM
REVIEWED BY: JM

DRAWING TITLE: ENLARGED NORTH PLAN
SHEET #:



SITE PLAN GRAPHIC LEGEND	
	NATIVE VEGETATION
	GRAVEL
	CONCRETE

#	COMMENT
1	NEW 9'-0" X 7'-0" RESTROOM
2	4' CMU WALL
3	SEMI-CIRCULAR METAL STORAGE SHED
4	CONCRETE DRIVEWAY
5	MAIN ENTRY DRIVEWAY
6	METAL SILO BUILDING
7	GABLE ROOF METAL STORAGE SHED
8	GABLE ROOF METAL HOARSE BARN
9	HOUSE ONE STORY WOOD STRUCTURE W/GABLE ROOF
10	GABLE ROOF WOOD SHED
11	GARDEN ENCLOSED BY CONC WALKWAY
12	EXISTING GRAVEL ENTRY
13	CONCRETE WALKWAY, TYP
14	CIRCULAR WOOD FENCE WITH GATE
15	WOOD FENCE
18	TREE(S), TYP
21	STEEL LEAN-TO STRUCTURE
22	PERIMETER FENCE
23	STEEL ENCLOSURE, FEEDER

CARDENAS RESIDENCE
 50000 E 56TH AVE
 BENNETT CO

DATE:
09.13.2020
 REVISIONS:

DRAWN BY:
JM
 REVIEWED BY:
JM

DRAWING TITLE:
 ENLARGED SOUTH PLAN
 SHEET #:

3 OF 4



(1) MAIN STEEL GATE



(2) 40" CONC. STRUCTURE



(3) TYP. WOOD FENCE POST



(4) SOUTH EAST STEEL GATE



(5) ADJACENCY TO PROPERTY LINE @ SOUTH END



(6) ADJACENCY TO PROPERTY LINE @ NORTH END



(7) SOUTH WEST STEEL GATE



(8) NORTH WEST STEEL GATE



(9) TYP. STEEL PIPE RAIL @ NORTH END OF ARENA



(10) 12X12 POST @ CENTER OF NORTH ENCLOSURE

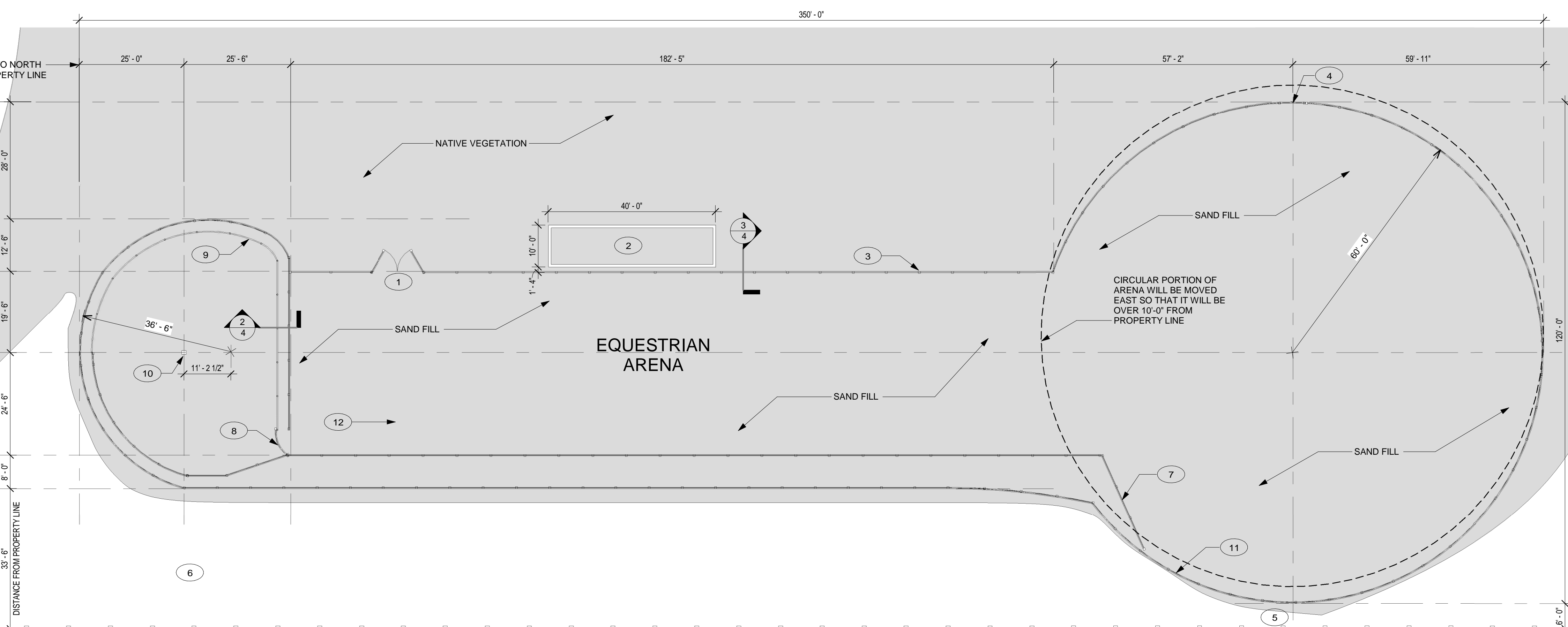


(11) TYP. FENCE PANEL FROM INTERIOR OF ARENA

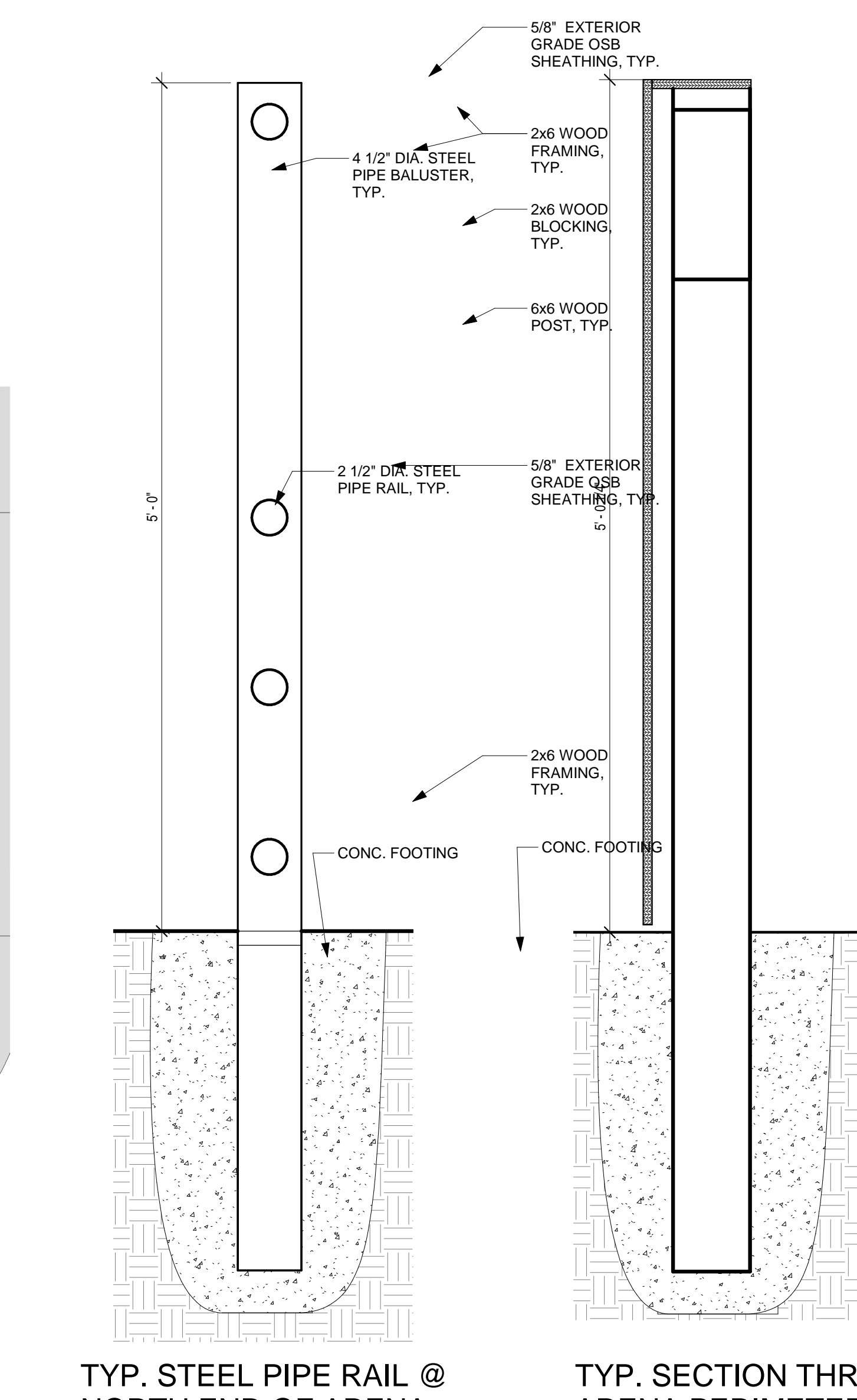


(12) INTERIOR VIEW LOOKING SOUTH

#	COMMENT
1	STEEL ENTRY GATES
2	EARTH FILLED 40" CONC. STRUCTURE
3	TYP. WD FENCE ENCLOSURE, 5/8" TYPE 2 OSB W 6X6 WD POST @ 8' O.C.
4	SOUTH EAST STEEL GATE
5	ADJACENCY TO PROPERTY LINE @ SOUTH END
6	ADJACENCY TO PROPERTY LINE @ NORTH END
7	SOUTH WEST STEEL GATE
8	NORTH WEST STEEL GATE
9	TYP. STEEL PIPE RAIL @ NORTH END OF ARENA
10	12X12 POST @ CENTER OF NORTH ENCLOSURE
11	TYP. FENCE PANEL FROM INTERIOR OF ARENA
12	INTERIOR VIEW LOOKING SOUTH



1 ENLARGED SITE PLAN ARENA
SCALE: 1/16" = 1'-0"



2 TYP. STEEL PIPE RAIL @ NORTH END OF ARENA
SCALE: 1 1/2" = 1'-0"

3 TYP. SECTION THROUGH ARENA PERIMETER WALL
SCALE: 1 1/2" = 1'-0"

CARDENAS RESIDENCE
50000 E 56TH AVE
BENNETT CO

DATE: 09.13.2020
REVISIONS:

DRAWN BY: JM
REVIEWED BY: JM

DRAWING TITLE: AS-BUILT OF ARENA
SHEET #:



Development Review Team Comments

Date: July 31, 2020

Project Number: RCU2020-00009

Project Name: Cardenas Equestrian Riding Stable and Academy

Due to the ongoing COVID-19 pandemic, all land use applications and resubmittals are to be delivered electronically to epermitcenter@adcogov.org. For additional information on department operations, please visit <http://www.adcogov.org/CED>.

Please note where "Section" or "DSR" is referenced, please refer to the appropriate section of the Adams County Development Standards and Regulations. These can be viewed online here: <http://www.adcogov.org/development-standards-regulations>.

Land Use and Development Applications can be accessed here: <http://www.adcogov.org/current-planning-application-packets>

Commenting Division: Planning Review

Name of Reviewer: Alan Sielaff, Planner II

Email: ASielaff@adcogov.org / 720-523-6817

Review Status: Resubmittal Required

PLN01: Request Summary - Conditional Use Permit (CUP) to allow use of an existing personal equestrian arena as part of a private riding academy for Charrerla and Escaramuza lessons on at the applicant's residence on a 40.7 acre, A-3 zoned property located at 50000 E. 56th Ave. The applicant intends to hold training sessions on evenings and weekends, up to three times per week, from spring to fall. Anticipated attendance is up to 30 participants at a time, three trainers, and family members who drive students to the lessons. Horses will be brought to the site by students and not boarded overnight. Low-level music will be utilized for the horses to become accustomed to during training and performances.

PLN02: Zoning and Land Use –

1. Current Zoning – A-3 Agriculture (Section 3-10)
 - a. Conditional Uses are permitted in an Agriculture A-3 district, subject to review and approval from the Planning Commission (PC) and the Board of County Commissioners (BoCC) (Section 3-10-04).
 - b. There are no specific Conditional Use performance standards for Riding stables or academy. Staff will review based on applicable standards for A-3 districts (Section 3-10), General Performance Standards for Agricultural Uses (4-06), and any other applicable performance standards in Chapter 4 Design Requirements and Performance Standards

such as Accessory Uses (Section 4-03), Parking (Section 4-12), Operational Standards (4-13), Landscaping (Section 4-16), and Animal Keeping (Section 4-22).

2. Future Land Use – Agriculture (Adams County Comprehensive Plan, Ch. 5)
 - a. The areas that have been identified as agricultural are those that are not expected to develop, except for limited areas of very low density residential at densities of 1 dwelling per 35 acres, for the foreseeable future. These areas are typically characterized by a lack of urban services.

PLN03: Site/Development Application History –

1. A Conceptual Review Meeting was held on Feb. 3, 2020 (PRE2020-00001) to discuss requirements for a commercial equestrian arena. This conceptual review was considered in conjunction with another conceptual review by the applicant for an equestrian arena at 47335 E. 72nd Ave. (PRE2019-00112). Following both meetings, staff advised the applicant to focus the commercial elements of the proposal, which staff determined to qualify as an Event Center use, at the 72nd Ave. location as that was site was intended for larger events by the applicant, and reduce the scope at this location to fit within the allowances of a Personal Equestrian Arena as required in Section 4-06-02-01-05.
2. There were code violations originally issued to the property in 2014 related to illegal use of an unpermitted equestrian arena (VIO2014-00607), and use of the property for a commercial concrete business (VIO2014-00606).
3. Building permits have been obtained for accessory structures on site in 2014 and 2015. Applicant has applied for a permit for the equestrian arena, which is on hold pending the outcome of this request.

PLN04: Conditional Use Permits (CUP) Process –

1. CUPs have discretionary expiration dates. Depending on the approved time period by the BoCC, the applicant will be required to apply to renew the CUP prior to its expiration in order to continue the use.
2. Applicant should be aware that renewal of the CUP is not guaranteed and is dependent on a new land use application subject to the same review and public hearing process as this application.
3. If the CUP is approved, a building permit must be issued for the use within one year or the approval will expire.

PLN05: Riding Academy Review –

1. Riding Academy use proposes to utilize existing personal equestrian arena structure. Will riding lessons be confined to the arena, or will any elements of lessons also be conducted outside of the structure elsewhere on the property?
2. Please provide an estimate of the maximum total number of people that may be on-site during a training session. This is to include residents, students, trainers, and family of students.
3. Please include additional detail of operations, including use and volume of music and explanation of anticipated participants and visitors (referenced in #2 above) in operational narrative for the proposal. Additional information was included in the traffic generation letter and in the neighborhood meeting summary that was useful to understand the full scope of the proposed use.
4. Please refine operations narrative to include definite limitations to use and operations. Uncertainty in terms of frequency of use, level of music, and number of participants has been identified in referral comments.
5. Will any lighting be utilized for evening activities?

6. Provided site plan does not label setback distances from the equestrian arena to the adjacent property line. Accessory structures in the A-3 zone require a 10 ft. setback from the side property line, or 1 ft. for every 10 ft. in height, whichever is greater (Section 3-10-08-04-02). If unable or unwilling to meet standard, proposal will fail to meet approval criteria related to conformance with standards and regulations.
7. Application states proposed use will meet all accessory use requirements of the performance standards in Section 4-06-02-01-05 EQUESTRIAN ARENA, PERSONAL, except for utilization for a commercial purpose, which is the equestrian training academy, and more than 20 participants. Performance standards allow these with a Conditional Use Permit.
 - a. Significant public comment and referral agency comment has expressed concerns related to past use of the arena, concerns that generally can be characterized as not adhering to performance standard #6, No Offensive Impacts. Responses to these comments is needed to explain how proposal is different from previous use on property and how the proposed use avoids these impacts.
8. Stables must meet performance standards in Section 4-03-02-02-04. Please include all necessary measurements of the standards included below on a revised site plan to ensure conformance to the stable on the property, #8 on the site plan keynotes.

4-03-02-02-04 STABLES

 1. *Setback from Residence on Property:* All stables shall be set back twenty-five (25) feet from any residence on the property.
 2. *Setback from Adjacent Property:* All stables shall be set back one hundred (100) feet from any dwelling or pool on an adjacent property.
 3. *Maintenance:* All animal and food waste shall be handled and disposed of in a sanitary manner as approved by Tri-County Health Department. When in use, stables shall be cleaned weekly.
 4. *Pest Control:* Environmental and/or chemical and scientific controls shall be provided for pest control.
 5. *Drainage:* Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution. Stables shall be well drained and dry, and shall not be located within or cross drainages whether intermittent or perennial.
 6. *Care of Animals:* All animals shall be cared for in a humane and sanitary manner as approved by Adams County Animal Control.
9. Parking Standards, Section 4-12, do not require paved asphalt or concrete for agricultural uses. Proposed parking is shown to be provided on gravel area for up to 50 vehicles. Please provide anticipated number of vehicles and truck/trailers that would utilize site for proposed use. Traffic generation letter discusses anticipated that only 12 vehicles would be needed. Parking area on site plan should be reduced to minimal size to reflect only needed parking spaces for the proposed use. Crushed gravel or recycled asphalt specifically is recommended and should be labeled on the site plan accordingly.
10. Operational Standards, Section 4-13, apply to all zone districts and uses. Noise/music has been identified as an ongoing issue at the property. Specific limitations are included in Section 4-13-03 and monitoring by the applicant may be required if future complaints are received.
11. Landscaping Standards, Section 4-16, staff recommends that the applicant provide a landscape bufferyard along the west property line immediately adjacent to the equestrian arena, and along the east side of the parking area. Bufferyards are applied between more intense and less intense land uses. Type A bufferyards are applied between residential and agricultural uses and include a 5 ft. wide landscaped area with 1 tree per 80 linear feet of lot line. See Section 4-16-06

for full code requirements. Inclusion would help address potential offsite visual impacts. If the applicant is unable or unwilling to include landscaping improvements, please provide a response stating why landscaping is not feasible and describe other means to reduce impact on neighboring properties.

12. Animal Keeping Standards, Section 4-22, detail operational requirements for non-commercial livestock keeping in residential and agricultural settings. While standards do not apply to horses kept for recreational purposes, operational standards are provided as follows for recommended guidance (Section 4-22-06):

On those properties where livestock and poultry, except chickens, are allowed, the following standards shall be observed:

1. *Manure*: All manure shall be removed periodically or incorporated into the soil on a regular basis so the manure does not draw flies, or other insects, or cause obnoxious odors.
2. *Drainage*: Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property. Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
3. *Feed*: Spillage and left-overs from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors.
4. *Pens*: Any new shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be set back twenty-five (25) feet from the side lot line and fifty (50) feet from the front lot line.
5. *Insects and Rodents*: All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
6. *Fenced*: In subdivided areas, all livestock shall be kept within a fenced area.
7. *Colorado Rules*: Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission.

PLN06: Conditional Use Permit Approval Criteria Review –

1. Application included applicant analysis of approval criteria and how proposal meets standards. Several elements of the proposal at this point do not sufficiently prove adherence to the approval criteria. Review of this criteria considers public and referral agency comment received. All comments are included following the staff comment letter.
2. Of the criteria listed below, staff review and public comment identifies that criteria 3, 4, 5, and 8 thus far have not been sufficiently demonstrated or addressed with this application. Please provide additional information as identified in the above review comments, requested by referral agencies, and noted in public comments with a resubmittal.
3. 2-02-09-06 CRITERIA FOR APPROVAL - The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a conditional use permit, shall find:
 1. The conditional use is permitted in the applicable zone district.
 2. The conditional use is consistent with the purposes of these standards and regulations.
 3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
 4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future

development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.

5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Commenting Division: Development Engineering Review

Name of Review: Greg Labrie, Senior Civil Engineer

Email: GLabrie@adcogov.org / 720-523-6824

Review Status: **Complete**

ENG01: The trip generation analysis submitted by the applicant shows the existing road network is capable of handling the additional vehicles generated by the proposed riding stable and academy. A new trip generation analysis will be required if the applicant decides to host rodeo events in the future. Consequently, the current proposed use of having a riding stable and academy will not have a adverse impact on the existing roadways.

Commenting Division: Environmental Analyst Review

Name of Review: Katie Keefe, Environmental Programs Manager

Email: KKeefe@adcogov.org / 720-523-6986

Review Status: **Complete**

ENV01. For the proposed conditional use in an A-3 zone district, noise levels shall not exceed 75 dBA between the hours of 10PM to 7AM or 80 dBA between the hours of 7AM to 10PM.

ENV02. The applicant shall notify the Community and Economic Development Department within 24-hours of receiving a noise complaint from neighbors and/or nearby residents in response to activities associated with the proposed rodeo academy.

ENV03. Lighting facilities shall be arranged and positioned so no direct light or reflection creates a nuisance or hazard on any adjacent property or right-of-way.

ENV04. The applicant shall control fugitive dust emissions generated from activities associated with academy and rodeo lessons at the equestrian arena so as to prevent off-site nuisance impacts. The blowing of dirt, sand, or debris from one property to an adjacent, or surrounding property, or right-of-way is not permitted.

ENV05. The applicant shall properly handle and dispose of animal waste in a sanitary manner that mitigates off-site nuisance impacts.

ENV06. The applicant shall utilize an integrated pest management (IPM) approach for controlling pests associated with the proposed stables per DSR Section 4-03-02-02-04.4. IPM is an approach that utilizes a blend of environmental, biological and chemical based control strategies for pest management.

Commenting Division: Building Safety Review

Name of Reviewer: Justin Blair, Chief Building Official

Email and Phone Number: JBlair@adcogov.org / 720-523-6843

Review Status: Complete

BSD1 - Building permits would be required. Engineered plans will be required to obtain permits

BSD2 - Applicant should refer to commercial and industrial submittal requirements

BSD3 - Current adopted codes are the 2018 International Building Codes and the 2017 National Electrical Code

BSD4 - Applicant should contact Fire Department for their requirements

Commenting Division: Neighborhood Services Review

Name of Reviewer: Gail Moon, Code Compliance Officer II

Contact: GMoon@adcogov.org / 720-523-6833

Review Status: Complete

NS01: I have concerns with this application request. Mr. Cardenas has received violation notices for violating the personal equestrian arena regulations on numerous occasions. The County has received numerous complaints about rodeo events occurring at this location in the past. The County had to request a court ordered injunction against this owner/property for continuously violating the regulations in regards to the USE of the personal equestrian arena at this property. The injunction was GRANTED by the County Courts. I am concerned that Mr. Cardenas, or any of the stable/academy operators, will NOT follow the conditions that would be placed on this permit. Mr. Cardenas has proven that he doesn't have much regard for the County regulations. I feel this USE constitutes a commercial equestrian arena USE, NOT a personal equestrian arena USE.

Commenting Division: Parks and Open Space Review

Name of Reviewer: Aaron Clark, Natural Resource Specialist

Contact: AClark@adcogov.org / 720-523-8005

Review Status: Complete

No comment.

Commenting Division: Addressing and Right-of-Way Review

Name of Reviewer: Mark Alessi, Right-of-Way Agent

Email: MAlessi@adcogov.org / 720-523-6825

Review Status: Complete

No comment.

Commenting Division: External Agencies

Review Status: Resubmittal Required

EA1: The following external agencies responded with a separate comment letter or email which will be provided in the following pages: ACSO, BWFR, CDPHE, CPW, TCHD, and Xcel Energy. The following are requesting additional information as part of a resubmittal: Bennett-Watkins Fire Rescue, Tri-County Health Dept.

Commenting Division: Public Comment

Review Status: Resubmittal Required

PC1: As of the date of this comment letter, six public comments have been received and are provided in the following pages. Public Comment will continue to be accepted up until any public hearing is held, and those who have provided comment will be informed when any public hearing is scheduled. Please provide responses to comments as part of a resubmittal to address concerns.



Development Review Team Comments

Date: Jan. 6, 2021

Project Number: RCU2020-00009

**Project Name: Cardenas Equestrian Riding Stable and Academy
2nd Submittal Review**

Due to the ongoing COVID-19 pandemic, all land use applications and resubmittals are to be delivered electronically to epermitcenter@adcogov.org. For additional information on department operations, please visit <http://www.adcogov.org/CED>.

Please note where “Section” or “DSR” is referenced, please refer to the appropriate section of the Adams County Development Standards and Regulations. These can be viewed online here: <http://www.adcogov.org/development-standards-regulations>.

Land Use and Development Applications can be accessed here: <http://www.adcogov.org/current-planning-application-packets>

Commenting Division: Planning Review
Name of Reviewer: Alan Sielaff, Planner II
Email: ASielaff@adcogov.org / 720-523-6817
Review Status: Resubmittal Required

Please note, original comment numbering preserved for reference, comments may be reduced for brevity to focus on any remaining issues. Any new comments will follow.

PLN05: Riding Academy Review –

2. Original comment: Please provide an estimate of the maximum total number of people that may be on-site during a training session. This is to include residents, students, trainers, and family of students.
 - Applicant response: The maximum total number of people that may be on-site during the training session is twenty people in addition to the people participating in the riding lessons and the inhabitants who live on the property. A detailed response is provided in the submission beginning on page 4.
 - Staff Review: Page 4 appears to describe conformance with the use-specific performance standards in Section 4-06-02-01-05, but specific data on the total number of people on-site under a maximum scenario for the use has not been provided as requested. Referral comments from Tri-County Health, Bennett-Watkins Fire, Adams County Sherriff’s Office, and Adams County Neighborhood Services have reiterated the need to understand total site capacity for

various reasoning. While this is not a requirement of the zoning regulations, a Conditional Use Permit is able to apply additional requirements to address anticipated impacts. Staff is recommending a resubmittal to include this additional information, as it is likely any staff recommendation of approval would cite a number these referral agencies have been provided and are able to confirm does not present issues due to the nature of the referral responses received thus far. Staff is not seeking to limit the number of total people on site beyond the proposed use, only that the operations are limited to the performance standards, and a total site capacity is documented for reference to ensure proper health and safety considerations can be accommodated.

Tri-County and Bennett-Watkins Fire have provided specific information related to the need to document on-site capacity, and their being able to affirm proper safety and services can be provided will be used to prove the application meets approval criteria #8 - Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

6. Original comment: ... Accessory structures in the A-3 zone require a 10 ft. setback from the side property line, or 1 ft. for every 10 ft. in height, whichever is greater (Section 3-10-08-04-02)...
 - Applicant response: The Revised Site Plan provides setback distances from the equestrian arena to the adjacent western property line. The Applicant and property owner agree that the most western point of the circular portion at the southern part of the equestrian arena will be moved to the east (by 4 feet) so that it meets the County's 10-foot setback requirement for accessory structures in the A-3 zone.
 - Staff Review: Site plan has been updated and reviewed. Existing 6 ft. setback documented, but please make minor revision to show/label proposed 10 ft. setback as the final placement on "enlarged site plan arena" (1) on site plan sheet 4 of 4. This will be the site plan of record with this application should the Conditional Use Permit be approved. Staff will recommend the arena fencing be brought into conformance with setback as a condition of approval to be accomplished at time of Building Permit should this request be approved.

7. Original comment: ... Significant public comment and referral agency comment has expressed concerns related to past use of the arena, concerns that generally can be characterized as not adhering to performance standard #6, No Offensive Impacts. Responses to these comments is needed to explain how proposal is different from previous use on property and how the proposed use avoids these impacts.
 - Applicant response: ... The Applicant will be prepared to address any questions, concerns, or complaints. The Applicant will also provide a record of any complaints to the County's enforcement office on a quarterly basis.
 - Staff Review: Proposed quarterly report is a positive gesture and will help ensure the use remains in good standing should it be approved. Staff will recommend this report be included as a condition of approval.

9. Original comment: Parking Standards, Section 4-12, do not require paved asphalt or concrete for agricultural uses... Crushed gravel or recycled asphalt specifically is recommended and should be labeled on the site plan accordingly.

- Applicant response: ... the Applicant and Property Owner agreed to the recommendations of the Bennett-Watkins Fire Department to widen the entry gate and access road and place crushed gravel on the road and parking area.
 - Staff Review: Bennett-Watkins Fire has provided a review letter requesting a resubmittal with additional site plan detail to address minimum fire district requirements. Please see review letter and provide requested information.
11. Original comment: Landscaping Standards, Section 4-16, staff recommends that the applicant provide a landscape bufferyard along the west property line immediately adjacent to the equestrian arena, and along the east side of the parking area ... If the applicant is unable or unwilling to include landscaping improvements, please provide a response stating why landscaping is not feasible and describe other means to reduce impact on neighboring properties.
- Applicant response: The Applicant and property owner will agree to provide a landscape bufferyard along the western property line adjacent to the equestrian arena that meets the requirements of “Bufferyard A: Five (5) foot minimum bufferyard width with one (1) tree per eighty (80 linear feet of lot line).” With regard to a bufferyard along the east side of the parking area, the Applicant will take the County’s recommendation under consideration and will revisit the recommendation with the hope that it has the resources to install such a bufferyard at a future date.
 - Staff Review: It is recommended to discuss distance and any topography between parking area and adjacent residence to the east. Additionally, with no night-time activities, vehicle lighting will need to be mitigated. If Conditional Use Permit is approved, future renewals may request site improvement if off-site impacts are experienced.

PLN06: Conditional Use Permit Approval Criteria Review –

2. (New) Original comment PLN06 #2 revised as follows to reflect remaining criteria #8 identified as not sufficiently demonstrated. Please provide additional information as requested by referral agencies.
3. Original comment: 2-02-09-06 CRITERIA FOR APPROVAL - The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a conditional use permit, shall find...: (8) Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Commenting Division: External Agencies

Review Status: Resubmittal Required

EA1: The following external agencies responded with a separate comment letter or email which will be provided in the following pages: ACNS, ACSO, BWFR, TCHD. The following are requesting additional information as part of a resubmittal: Bennett-Watkins Fire Rescue, Tri-County Health Dept.

Commenting Division: Public Comment

Review Status: Complete

PC1: As of the date of this comment letter, no additional public comments have been received. Public Comment will continue to be accepted up until any public hearing is held, and those who have provided comment will be informed when any public hearing is scheduled.

From: [Gail Moon](#)
To: [Alan Sielaff](#); [Kathleen Boyer](#); [Caleb J. Connor](#)
Cc: [Land Use](#); [Karl Smalley](#); [Katie Keefe](#); [Greg Labrie](#)
Subject: RE: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy
Date: Monday, December 21, 2020 11:50:51 AM

Hi Alan,

I am not able to enter my comment in this case, however I still have some concerns about the number of people that will be in attendance during the training classes at this location. The response on their application resubmittal says:

“Limited Participants:

- The maximum number of people attending activities at the site will not exceed twenty people at any time, **in addition to the inhabitants of the property, volunteers, and participants.”**

I feel there needs to be a set number of participants at the location during these practices **(INCLUDING** inhabitants of the property, volunteers, and participants). This explanation leaves too much room for interpretation of who is a VOLUNTEER and/or PARTICIPANT. Can we please put a **TOTAL** number of allowed persons attending/participating in these practices?

Thanks,
Gail

Gail Moon

Code Compliance Supervisor, *Neighborhood Services*
Community Safety and Well-Being

ADAMS COUNTY, COLORADO

4430 S. Adams County Pkwy, Suite W2000B

Brighton, CO 80601

o: 720.523.6833 |

gmoon@adcogov.org | www.adcogov.org

From: Alan Sielaff <ASielaff@adcogov.org>

Sent: Friday, December 18, 2020 2:36 PM

To: Kathleen Boyer <kboyer@tchd.org>; Caleb J. Connor <CalebConnor@BennettFireRescue.org>

Cc: Land Use <LandUse@tchd.org>; Gail Moon <GMoon@adcogov.org>; Karl Smalley <KSmalley@adcogov.org>; Katie Keefe <KKeefe@adcogov.org>; Greg Labrie <GLabrie@adcogov.org>

Subject: FW: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy

From: [Gail Moon](#)
To: [Karl Smalley](#); [Alan Sielaff](#)
Cc: [Land Use](#); [Caleb J. Connor](#); [Kathleen Boyer](#); [Katie Keefe](#); [Greg Labrie](#)
Subject: RE: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy - 3rd Review
Date: Thursday, January 21, 2021 7:35:47 AM

Hi Alan,

I agree it is VERY difficult to enforce the number of FAMILY members. But, doesn't it concern you that he states he has that many occupants/family living on the property? Has he applied for any ADU permits? I am still very concerned that this property will continue to be a problem property for Code Compliance and the Sheriff's Department. I am of the same opinion of Commander Smalley, that there just may not be much more I can say.....but approving this CUP as requested and applied for, will make enforcement very difficult. I understand your tough roll in this process.

Thanks,
Gail

Gail Moon

Code Compliance Supervisor, *Neighborhood Services*

Community Safety and Well-Being

ADAMS COUNTY, COLORADO

4430 S. Adams County Pkwy, Suite W2000B

Brighton, CO 80601

o: 720.523.6833 |

gmoon@adcogov.org | www.adcogov.org

Please note: Adams County has transitioned to a four-day operational schedule with county buildings being closed on Mondays.

Code Compliance hours of operations are: M-F 8:00 a.m. – 4:30 P.M.

For information regarding our department and services please [visit us online](#) or email us at CSWB@adcogov.org

To report a pet-animal complaint please contact the Adams County Communications Center (ADCOM) at 303.288.1535

To report a code compliance issues please report your concern [online through SeeClickFix](#), by contacting Code Compliance at 720-523-6800 or by sending an email to CSWB@adcogov.org

From: Karl Smalley <KSmalley@adcogov.org>

Sent: Wednesday, January 20, 2021 5:58 PM

To: Alan Sielaff <ASielaff@adcogov.org>

Cc: Land Use <LandUse@tchd.org>; Caleb J. Connor <CalebConnor@BennettFireRescue.org>;

Kathleen Boyer <kboyer@tchd.org>; Gail Moon <GMoon@adcogov.org>; Katie Keefe

<KKeefe@adcogov.org>; Greg Labrie <GLabrie@adcogov.org>

Subject: RE: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy - 3rd Review

Thank you for your reply. I guess there isn't much we can do on that.

From: [Karl Smalley](#)
To: [Alan Sielaff](#)
Cc: [Gail Moon](#)
Subject: Case Name: Cardenas Equestrian Riding Stable and Academy: Case Number RCU2020-00009
Date: Monday, July 27, 2020 9:52:17 AM
Attachments: [image001.wmz](#)
[image002.png](#)

Good morning Mr. Sielaff,

I would like to provide the following comments regarding this case for a Conditional Use Permit at 50000 E. 56th Avenue. I have received several complaints from residents in the area regarding this property over the years. Since 2015 the Adams County Sheriff's Office has received 52 calls for service at this address which include noise complaints from rodeos, medical calls, disturbances, domestic violence, trespassing, brush fires, suspicious activities, fraud/forgery and traffic accidents.

The scope of this request appears to be for a commercial operation in which the road system is not adequate for such an operation as these are gravel county roads not suitable for the amount of traffic traveling to this address. The architectural site plan appears to be for a rodeo operation and given the past history at this address, this same conduct would continue.

Thank you for your consideration.

Karl Smalley
Commander I Patrol Division Plains Section
Adams County Sheriff's Office
2550 Strasburg Road, Strasburg, CO 80136
303-622-9797 | ksmalley@adcogov.org

Character • Integrity • Transparency

From: [Karl Smalley](#)
To: [Alan Sielaff](#); [Kathleen Boyer](#); [Caleb J. Connor](#)
Cc: [Gail Moon](#)
Subject: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy
Date: Monday, December 21, 2020 4:44:37 PM
Attachments: [image001.wmz](#)
[image003.png](#)

Hi Alan,

The Sheriff's Office is concerned about the vagueness of the number of people at the location during events and activities. We would request a specific cap be placed on the number of participants, residents, volunteers and visitors.

Karl Smalley
Commander I Patrol Division Plains Section
Adams County Sheriff's Office
2550 Strasburg Road, Strasburg, CO 80136
303-622-9797 | ksmalley@adcogov.org

Character • Integrity • Transparency

From: [Karl Smalley](#)
To: [Alan Sielaff](#); [Kathleen Boyer](#); [Caleb J. Connor](#)
Cc: [Land Use](#); [Gail Moon](#); [Katie Keefe](#); [Greg Labrie](#)
Subject: RE: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy - 3rd Review
Date: Friday, January 15, 2021 5:43:23 PM

Hi Alan,

Thank you for sending this information. This seems like a lot of people which includes Tri County Health's concerns about waste water from all the people. Can a single property house this many residents as well? This still seems like a lot of people for events.

Karl Smalley, Commander
Adams County Sheriff's Office
2550 Strasburg Road
Strasburg, Co 80136
303-622-9797

From: Alan Sielaff
Sent: Friday, January 15, 2021 3:24 PM
To: Kathleen Boyer <kboyer@tchd.org>; Caleb J. Connor <CalebConnor@BennettFireRescue.org>
Cc: Land Use <LandUse@tchd.org>; Gail Moon <GMoon@adcogov.org>; Karl Smalley <KSmalley@adcogov.org>; Katie Keefe <KKeefe@adcogov.org>; Greg Labrie <GLabrie@adcogov.org>
Subject: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy - 3rd Review

Hello everyone,

I had returned review comments to the applicant last week, and they've already provided a response. See attached for our previous review comments and the applicant resubmittal. They have clarified that there may be up to 39 total number people on-site in a maximum scenario, 24 associated with the training lessons, and 15 inhabitants of the property. They're also now proposing to bring a portable toilet on site rather than have guests use existing facilities, and have also addressed the fire district's comments.

Again I'll ask for a review response from Tri-County and Bennett Fire on the proposed changes, and if anyone else has additional review comments you are welcome to send them to me. Full case materials are available online here: <https://www.adcogov.org/planning/currentcases>

Thank you,

Alan Sielaff, AICP
Planner II, *Community & Economic Development Department*
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601
P: 720.523.6817 | Department: 720.523.6800



Bennett-Watkins Fire Rescue

District Office: 303-644-3572 Fax: 303-644-3401

355 4th Street, Bennett, CO 80102

Email: LifeSafety@BennettFireRescue.org

"Striving to Preserve Life and Property"

July 27th, 2020

Alan Sielaff
Adams County Planning & Development
4430 South Adams County Parkway
1st Floor - Suite W2000A
Brighton, CO 80601-8216

Re: RCU2020-00009 Cardenas Equestrian Riding Stable & Academy

Manager Sielaff,

In regards to the case RCU2020-00009 Cardenas Equestrian Riding Stable & Academy, Bennett –Watkins Fire Rescue (BWFR) is providing this letter of comments for Adams County as follows:

- Bennett Fire Protection District has concerns pertaining to the proposed use and activity at this site.
- It has been the experience of the fire district that similar uses held on residential properties within our jurisdiction have created calls for service, primarily emergency medical emergencies. Typically these properties are not designed with access or service area consistent with the needs of this type of facility.
- The site diagram provided by the applicant does not provide sufficient information to address fire district requirements including but not limited to:
 - Roadway Dimensions
 - Roadbase Content and Quality
 - Emergency Access
 - Gate Access, Power or Manual
 - Other Potential Fire Code Issues

If you have any other questions or concerns, please feel free to contact me. Thanks!

Thank You

Caleb J. Connor
Battalion Chief - Fire Marshal
Life Safety Division
Bennett-Watkins Fire Rescue
303-644-3572 - Headquarters / 720-893-7672 - Direct
www.BennettFireRescue.org



Bennett-Watkins Fire Rescue

District Office: 303-644-3572 Fax: 303-644-3401

355 4th Street, Bennett, CO 80102

Email: LifeSafety@BennettFireRescue.org

"Striving to Preserve Life and Property"

January 5th, 2021

Alan Sielaff

Adams County Planning & Development

4430 South Adams County Parkway

1st Floor - Suite W2000A

Brighton, CO 80601-8216

Re: RCU2020-00009 Cardenas Equestrian Riding Stable & Academy

Manager Sielaff,

In regards to the case RCU2020-00009 Cardenas Equestrian Riding Stable & Academy, Bennett –Watkins Fire Rescue (BWFR) is providing this letter of comments for Adams County as follows:

- The site diagram provided by the applicant must be modified to address the minimum fire district requirements and redlines provided to the applicant on 11/12/2020 (Pages 108-111 In Referral Packet) including but not limited to:
 - Roadway Dimensions
 - Roadbase Content and Quality
 - Emergency Access
 - KNOX Fire Department Hardware Gate Access, Power or Manual
 - 20' or Larger Gate Width
- The applicant will need to submit a revised site plan demonstrating compliance with these requirements directly to the Fire District for review and approval. The applicant shall be responsible for all applicable associated review/permit fees. We recommend requiring a site plan approval from the Fire District as a condition of approval for the proposed CUP.
- The response on their application resubmittal says: "Limited Participants: The maximum number of people attending activities at the site will not exceed twenty people at any time, in addition to the inhabitants of the property, volunteers, and participants."

As mentioned in our fire round of comment responses, the Fire District is concerned with events that may bring a large amount of people to a property which is not designed for such uses. We are requesting that the County identify a set total number of participants at the location during these practices including inhabitants of the property, volunteers, and participants. As written, the current application leaves ambiguous room for interpretation of who is a volunteer and/or participant which may lead to a circumstance where a large number of people end up on site, impacting emergency response.

- Any addition of new structures for non-residential private purposes may require the addition of an approved fire department water supply as required under the International Fire Code (IFC) Section 507.1, which is currently adopted under Adams County Ordinance 4. A recognized water supply must be below grade, engineered, compliant with applicable National Fire Protection Association standards, reviewed, and approved by the Fire District.

If you have any other questions or concerns, please feel free to contact me. Thanks!

Thank You

A handwritten signature in black ink, appearing to read 'Caleb J. Connor', with a long horizontal flourish extending to the right.

Caleb J. Connor
Battalion Chief - Fire Marshal
Life Safety Division
Bennett-Watkins Fire Rescue
303-644-3572 - Headquarters / 720-893-7672 - Direct
www.BennettFireRescue.org

From: [Caleb J. Connor](#)
To: [Alan Sielaff](#)
Cc: [Victoria Flamini](#); [Karl Smalley](#); [Gail Moon](#)
Subject: RE: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy - 3rd Review
Date: Tuesday, February 2, 2021 10:06:00 AM

Please be cautious: This email was sent from outside Adams County

Alan,

It appears that the applicant's site plan does take into account most of the fire code design requirements in their revisions. Unless I missed it however, I do not see an acknowledgement of the KNOX access hardware requirement for the driveway gate and an acknowledgement of the water supply requirement for new buildings. I would at least like the applicant to confirm receipt and understanding of those two requirements should they install a gate or construct new buildings even if they do not plan to construct either as part of this application.

Caleb J. Connor
Battalion Chief - Fire Marshal
Life Safety Division
Bennett-Watkins Fire Rescue
303-644-3572 - Headquarters / 720-893-7672 - Direct
www.BennettFireRescue.org

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From: Alan Sielaff <ASielaff@adcogov.org>
Sent: Monday, February 1, 2021 9:19 AM
To: Caleb J. Connor <CalebConnor@BennettFireRescue.org>
Subject: FW: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy - 3rd Review

Hello Caleb, I wanted to check in if you've had a chance to review this most recent resubmittal or had an estimate when you would be able to.

Thank you,

Alan Sielaff, AICP
Planner II, *Community & Economic Development Department*
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601
P: 720.523.6817 | Department: 720.523.6800
asielaff@adcogov.org | www.adcogov.org

Department operating are hours Tuesday through Friday, 7 a.m. to 5:30 p.m. [more information is available on our website.](#) [Access Adams Online](#) to take care of many services remotely, and find other [department schedules and information here.](#)

From: [Localreferral - CDPHE, CDPHE](#)
To: [Alan Sielaff](#)
Subject: Re: RCU2020-00009 Request for Comments - Cardenas Equestrian Riding Stable & Academy
Date: Thursday, July 2, 2020 3:37:05 PM

Please be cautious: This email was sent from outside Adams County

Thank you for contacting the Colorado Department of Public Health and Environment (CDPHE). CDPHE's general comments are available [here](#). We will continue to review this referral to determine whether additional comments are necessary. If additional comments are necessary, we will submit them by the referral deadline.

--



cdphe_localreferral@state.co.us | colorado.gov/cdphe

Thank you for contacting the Colorado Department of Public Health and Environment (CDPHE). Please note that the following requirements and recommendations apply to many but not all projects referred by local governments. Also, they are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations. CDPHE's failure to respond to a referral should not be construed as a favorable response.

Hazardous and Solid Waste

The applicant must comply with all applicable hazardous and solid waste rules and regulations.

Hazardous waste regulations are available here:

<https://www.colorado.gov/pacific/cdphe/hwregs>.

Solid waste regulations are available here:

<https://www.colorado.gov/pacific/cdphe/swregs>.

Applicable requirements may include, but are not limited to, properly characterizing all wastes generated from this project and ensuring they are properly managed and disposed of in accordance with Colorado's solid and hazardous waste regulations.

If this proposed project processes, reclaims, sorts, or recycles recyclable materials generated from industrial operations (including, but not limited to construction and demolition debris and other recyclable materials), then it must register as an industrial recycling facility in accordance with Section 8 of the Colorado Solid Waste Regulations. The industrial recycling registration form is available here:

<https://www.colorado.gov/pacific/cdphe/sw-recycling-forms-apps>.

If you have any questions regarding hazardous and/or solid waste, please contact CDPHE's Hazardous Materials and Waste Management Division (HMWMD) by emailing comments.hmwm@state.co.us or calling 303-692-3320.

Water Quality

The applicant must comply with all applicable water quality rules and regulations.

The Water Quality Control Division (WQCD) administers regulatory programs that are generally designed to help protect both Colorado's natural water bodies (the clean water program) and built drinking water systems. Applicants must comply with all applicable water quality rules and regulations relating to both clean water and drinking water. All water quality regulations are available here:

<https://www.colorado.gov/pacific/cdphe/water-quality-control-commission-regulations>.



Clean Water Requirements

Applicable clean water requirements may include, but are not limited to, obtaining a stormwater discharge permit if construction activities disturb one acre or more of land or if they are part of a larger common plan of development that will disturb one or more acres of land. In determining the area of construction disturbance, WQCD looks at the entire plan, including disturbances associated with utilities, pipelines or roads constructed to serve the facility.

Please use the Colorado Environmental Online Services (CEOS) to apply for new construction stormwater discharge permits, modify or terminate existing permits and change permit contacts.

For CEOS support please see the following WQCD website:

<https://www.colorado.gov/pacific/cdphe/cor400000-stormwater-discharge>

or contact:

[Email: cdphe_ceos_support@state.co.us](mailto:cdphe_ceos_support@state.co.us) or cdphe_wqcd_permits@state.co.us

[CEOS Phone: 303-691-7919](tel:303-691-7919)

[Permits Phone: 303-692-3517](tel:303-692-3517)

Drinking Water Requirements

Some projects may also need to address drinking water regulations if the proposed project meets the definition of a “Public Water System” per the Colorado Primary Drinking Water Regulations (Regulation 11):

A Public Water System means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. Such term does not include any special irrigation district. Such term includes:

(a) Any collection, treatment, storage, and distribution facilities under control of the supplier of such system and used primarily in connection with such system.

(b) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

If applicable, the project would need to meet all applicable requirements of Regulation 11 including, but not limited to, design review and approval; technical, managerial and financial review and approval; having a certified operator; and routine monitoring and reporting. For questions regarding drinking water regulation applicability or other assistance and resources, visit this website:

<https://www.colorado.gov/pacific/cdphe/tools-drinking-water-facilities-managers>



If you have any other questions regarding either clean or drinking water quality, please contact CDPHE's WQCD by emailing cdphe.commentswqcd@state.co.us or calling 303-692-3500.

Air Quality

The applicant must comply with all relevant state and federal air quality rules and regulations. Air quality regulations are available here: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.

Air Pollutant Emissions Notices (APENs) and Permits

Applicable requirements may include, but are not limited to, reporting emissions to the Air Pollution Control Division (APCD) by completing an APEN. An APEN is a two in one form for reporting air emissions and obtaining an air permit, if a permit will be required. While only businesses that exceed the Air Quality Control Commission (AQCC) reporting thresholds are required to report their emissions, all businesses - regardless of emission amount - must always comply with applicable AQCC regulations.

In general, an APEN is required when uncontrolled actual emissions for an emission point or group of emission points exceed the following defined emission thresholds:

Pollutant Category	UNCONTROLLED ACTUAL EMISSIONS	
	Attainment Area	Non-attainment Area
Criteria Pollutant	2 tons per year	1 ton per year
Lead	100 pounds per year	100 pounds per year
Non-Criteria Pollutant	250 pounds per year	250 pounds per year

Uncontrolled actual emissions do not take into account any pollution control equipment that may exist. A map of the Denver Metropolitan Ozone Non-attainment area can be found on the following website: http://www.colorado.gov/airquality/ss_map_wm.aspx.

In addition to these reporting thresholds, a Land Development APEN (Form APCD-223) may be required for land development. Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulation by APCD. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to APCD.



It is important to note that even if a permit is not required, fugitive dust control measures included the Land Development APEN Form APCD-223 must be followed at the site. Fugitive dust control techniques commonly included in the plan are included in the table below.

Control Options for Unpaved Roadways	
Watering	Use of chemical stabilizer
Paving	Controlling vehicle speed
Graveling	
Control Options for Mud and Dirt Carry-Out Onto Paved Surfaces	
Gravel entry ways	Washing vehicle wheels
Covering the load	Not overfilling trucks
Control Options for Disturbed Areas	
Watering	Application of a chemical stabilizer
Revegetation	Controlling vehicle speed
Compaction	Furrowing the soil
Wind Breaks	Minimizing the areas of disturbance
	Synthetic or Natural Cover for Slopes

Additional information on APENs and air permits can be found on the following website: <https://www.colorado.gov/pacific/cdphe/air/do-you-need-an-apen>. This site explains the process to obtain APENs and air quality permits, as well as information on calculating emissions, exemptions, and additional requirements. You may also view AQCC Regulation Number 3 at <https://www.colorado.gov/pacific/cdphe/aqcc-regs> for the complete regulatory language.

If you have any questions regarding Colorado’s APEN or air permitting requirements or are unsure whether your business operations emit air pollutants, please call the Small Business Assistance Program (SBAP) at 303- 692-3175 or 303-692-3148.

Asbestos and Lead-Based Paint

In Colorado there are regulations regarding the appropriate removal and handling of asbestos and lead-based paint as part of a demolition, renovation, or remodeling project. These regulations are presented in AQCC Number 8 (asbestos) and Number 19 (lead-based paint) which can be found on the following website: <https://www.colorado.gov/cdphe/aqcc-regs>.

These regulations may require the use of, or inspection by, companies or individuals that are certified to inspect or remove these hazards **prior to renovation or demolition**. APCD must also be notified of abatement or demolition activities prior to beginning any work in the case of asbestos. For additional guidance on these regulations and lists of certified companies and individuals please visit the following website for asbestos:

<https://www.colorado.gov/cdphe/categories/services-and-information/environment/asbestos>

and the following website for lead-based paint: <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/lead>.



If you have any questions about Colorado's asbestos and lead-based paint regulations or are unsure whether you are subject to them please call the Indoor Environment Program at 303-692-3100.

If you have more general questions about air quality, please contact CDPHE's APCD by emailing cdphe.commentsapcd@state.co.us or calling 303-692-3100.

Health Equity and Environmental Justice

CDPHE notes that certain projects have potential to impact vulnerable minority and low-income communities. It is our strong recommendation that your organization consider the potential for disproportionate environmental and health impacts on specific communities within the project scope and if so, take action to mitigate and minimize those impacts. This includes interfacing directly with the communities in the project area to better understand community perspectives on the project and receive feedback on how it may impact them during development and construction as well as after completion. We have included some general resources for your reference.

Additional Resources:

[CDPHE's Health Equity Resources](#)

[CDPHE's Checking Assumptions to Advance Equity](#)

[EPA's Environmental Justice and NEPA Resources](#)





COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Regional Office

6060 Broadway

Denver, CO 80216

P 303.291.7227

July 16, 2020

Alan Sielaff
Adams County Planner II
Community and Economic Development Department
4430 S. Adams County Parkway
Suite W2000A
Brighton, CO 80601-8216
ASielaff@adcogov.org

RE: CPW's Comments on the conditional use permit request for an equestrian riding stable and academy.

Dear Mr. Sielaff:

Thank you for the opportunity to comment on the proposed conditional use permit for the Cardenas Equestrian Riding Stable and Academy. The proposed 41-acres project will be located at 50000 East 56th Avenue, Adams County, Colorado.

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

District Wildlife Manager Serena Rocksund recently analyzed the proposed project site. CPW would expect a variety of wildlife species to utilize this site on a regular basis, most notably, small to mid-sized mammals, songbirds, and raptors. The potential also exists for larger mammals such as deer to visit the site.

Raptors and other migratory birds are protected from take, harassment, and nest disruption at both the state and federal levels. If an active nest is discovered within the development area, CPW recommends that buffer zones around the nest site be implemented during any period of activity that may interfere with the nesting season. This will prevent the intentional or unintentional destruction of an active nest.



If a prairie dog colony is discovered within the project area, the potential may also exist for the presence of burrowing owls. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs, badgers, and foxes. These raptors are classified as a state threatened species and are protected by both state and federal laws, including the Migratory Bird Treaty Act. These laws prohibit the killing of burrowing owls or disturbance of their nests. Therefore, if any earth-moving will begin between March 15th and August 31st, a burrowing owl survey should be performed. Current information and guidelines for performing a burrowing owl survey, minimizing impact, and recommendations is available from your local District Wildlife Manger.

If prairie dog colonies are present, CPW would recommend they either be captured alive and moved to another location or humanely euthanized before any earth-moving occurs. The possibility of live-trapping and donation to a raptor rehabilitation facility or the black-footed ferret recovery program may also exist. If interested, please contact the local District Wildlife Manager. Be aware that a permit from CPW and approval from the Adams County Commissioners may be required for live relocation of prairie dogs.

Thank you again for the opportunity to comment of the proposed Cardenas Equestrian Riding Stable and Academy in Adams County. Please do not hesitate to contact us again about ways to continue managing the property in order to maximize wildlife value while minimizing potential conflicts. If you have any further questions, please contact District Wildlife Manager Serena Rocksund at (303) 291-7132 or serena.rocksund@state.co.us .

Sincerely,



Matt Martinez
Area Wildlife Manager

Cc: M. Leslie, K. Cannon, S. Rocksund



July 23, 2020

Alan Sielaff
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Cardenas Equestrian Riding Stable and Academy, RCU2020-00009
TCHD Case No. 6362

Dear Mr. Sielaff,

Thank you for the opportunity to review and comment on Conditional Use Permit for an equestrian riding stable and academy located at 50000 E. 56th Avenue. The case referral materials indicate that no horse boarding is proposed, students will bring their own horses, and no rodeos are proposed. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Water Supply and Wastewater (Toilets) for Guests – Additional Information Required

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment.

Drinking water contaminated with pathogens can cause a variety of illnesses in humans. It is important to protect source water from contamination, and to treat drinking water to eliminate pathogens before it is provided for human consumption. Drinking water must be obtained from an approved source and provided in a manner that is protective of water quality.

In order to evaluate water supply and wastewater solutions for the project, more information is required. The case referral materials indicate that the number of guests will not exceed 20, excluding participants in the lessons and people living on the property. It is unclear what the total number of persons on the property will be at one time, and how often. The applicant shall clarify how many students and guests will be onsite, for how long, and how often; and the proposal for provision of drinking water and wastewater disposal for students and guests.

Sun Safety

Skin cancer is the most common cancer in the United States. Colorado has the 5th highest death rate from melanoma, the deadliest form of skin cancer. A leading risk

Cardenas Equestrian
July 23, 2020
Page 2 of 2

factor for skin cancer is exposure to ultraviolet rays (UV) from the sun. Seeking shade when outside is one of the best ways to prevent overexposure to UV rays. TCHD recommends shade be provided through trees or physical shade structures, allowing event attendees to shield themselves from the sun and reduce their risk of skin cancer. TCHD recommends the applicant provide shade in areas where attendees will gather.

Horse Waste

According to the case referral materials, horses will not be boarded on site. However, waste will be produced from the horses brought by students. TCHD recommends that the applicant develop a Waste Management Plan indicating how animal waste will be managed in daily operations. The applicant should make arrangements with a manure hauling company for disposal of animal wastes.

Fugitive Dust on Unpaved Parking Lots and Roads

Unpaved roads and parking lots in traffic and parking areas may contribute to increased fugitive dust emissions which can have negative impacts on health. The applicant should develop a plan for fugitive dust control including the application of water on unpaved areas when needed based on dry conditions. Control measures or procedures that may be employed include, but are not limited to, watering, chemical stabilization, carpeting roads with aggregate, paving, suggested speed restrictions or other techniques. Non-potable water used for dust suppression or any other non-potable uses should be labeled appropriately

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions about TCHD's comments.

Sincerely,



Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Dylan Garrison, TCHD



December 30, 2020

Alan Sielaff
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Cardenas Equestrian Riding Stable and Academy, RCU2020-00009
Re-submittal
TCHD Case No. 6682

Dear Mr. Sielaff,

Thank you for the opportunity to review and comment on the resubmittal of a conditional use permit application for an equestrian riding stable and academy located at 50000 E. 56th Avenue. The case referral materials indicate that no horse boarding is proposed, students will bring their own horses, and no rodeos are proposed. Tri-County Health Department (TCHD) staff previously reviewed the application and, in a letter dated July 23, 2020 responded with comments. After reviewing the resubmittal, TCHD has the following comments.

Water Supply and Wastewater (Toilets) for Guests – Additional Information Required

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment.

Drinking water contaminated with pathogens can cause a variety of illnesses in humans. It is important to protect source water from contamination, and to treat drinking water to eliminate pathogens before it is provided for human consumption. Drinking water must be obtained from an approved source and provided in a manner that is protective of water quality.

In TCHD's July 23, 2020 letter, additional information was requested. In response to our initial comments, the resubmittal includes the following information:

1. On page 6, Under Health and Environmental Efforts: "LCEP Participants have access to on-site bathroom that is near the arena."
2. There will be a maximum of 20 people plus those participating in lessons plus site residents.
3. There will be 5 training sessions/week, 3 hours each, evenings and weekends
4. Training sessions will occur from April-November.

The case referral materials indicate that the number of guests will not exceed 20, excluding participants in the lessons and people living on the property. It is unclear what the total number of persons on the property will be at one time, as the number of employees was not specified, and the number of participants could vary.

TCHD will require additional information in order to assess the adequacy of the wastewater and water facilities.

Wastewater

The subject property is served by On-Site Wastewater Treatment Systems (OWTS). TCHD does not have any records for the OWTS serving the property. TCHD requires that all OWTS have a Use Permit. In order to bring the OWTS into compliance, the applicant will need to obtain a Use Permit. Information regarding the Use Permit requirements are available on our website at: <https://www.tchd.org/Faq.aspx?QID=366>.

If the bathroom that will be used by the participants is plumbed into the existing OWTS, TCHD will need to assess if the OWTS is adequate for the proposed use. The applicant will need to provide the following information:

1. Size of the septic tank(s)
2. Size of the soil treatment area
3. Design capacity of the OWTS
4. Maximum number of users/day of the restroom
5. Estimated gallons/day/user discharged into the OWTS

Items 1-3 can be determined during the inspection that is required to obtain a Use Permit. Items 4 and 5 can be determined by the applicant and estimates available in Table 3 of TCHD OWTS Regulation No. O-17.

Upon receipt of the above information, TCHD will assess the information and determine whether the OWTS is adequate for the intended use.

Water System

The case referral materials indicate that participants will be expected to bring their own drinking water. However, participants using the restroom will be using water supplied by the on-site well. The number of users may cause the water system to be classified as a Public Water System. Specifically, a public water system is one serving 25 or more persons on average, a minimum of 60 days per year. Public water systems are subject to regulation by the Colorado Department of Public Health and Environment (CDPHE) as a non-community drinking water system. The current water system may already be approved by CDPHE and have a Public Water Supply Identification (PWSID) with CDPHE. If this is the case, no additional action should be required, unless the system will need to be expanded. If the water system is not approved by CDPHE, or if it will need to be expanded, the applicant shall contact the CDPHE Drinking Water Section at

(303) 692-3500 or <https://www.colorado.gov/pacific/cdphe/drinking-water> to determine requirements for the drinking water system.

Sun Safety

Skin cancer is the most common cancer in the United States. Colorado has the 5th highest death rate from melanoma, the deadliest form of skin cancer. A leading risk factor for skin cancer is exposure to ultraviolet rays (UV) from the sun. Seeking shade when outside is one of the best ways to prevent overexposure to UV rays. TCHD recommends shade be provided through trees or physical shade structures, allowing event attendees to shield themselves from the sun and reduce their risk of skin cancer. TCHD recommends the applicant provide shade in areas where attendees will gather.

Horse Waste

According to the case referral materials, horses will not be boarded on site. However, waste will be produced from the horses brought by students. TCHD recommends that the applicant develop a Waste Management Plan indicating how animal waste will be managed in daily operations. The applicant should make arrangements with a manure hauling company for disposal of animal wastes.

The applicant has responded to this comment.

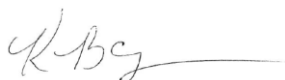
Fugitive Dust on Unpaved Parking Lots and Roads

Unpaved roads and parking lots in traffic and parking areas may contribute to increased fugitive dust emissions which can have negative impacts on health. The applicant should develop a plan for fugitive dust control including the application of water on unpaved areas when needed based on dry conditions. Control measures or procedures that may be employed include, but are not limited to, watering, chemical stabilization, carpeting roads with aggregate, paving, suggested speed restrictions or other techniques. Non-potable water used for dust suppression or any other non-potable uses should be labeled appropriately

The applicant has responded to this comment.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions about TCHD's comments.

Sincerely,



Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Dylan Garrison, TCHD



January 25, 2021

Alan Sielaff
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Cardenas Equestrian Riding Stable and Academy, RCU2020-00009
TCHD Case No. 6721

Dear Mr. Sielaff,

Thank you for the opportunity to review and comment on the resubmittal of a conditional use permit application for an equestrian riding stable and academy located at 50000 E. 56th Avenue. The case referral materials indicate that no horse boarding is proposed, students will bring their own horses, and no rodeos are proposed. Tri-County Health Department (TCHD) staff previously reviewed the application and, in letters dated July 23, 2020 and December 30, 2020 responded with comments. After reviewing the resubmittal, TCHD has the following comments.

On-Site Wastewater Treatment System (OWTS) – Use Permit

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. Tri-County Health Department Regulation Number O-17, Section 4.2 requires a Use Permit be obtained when the use of a property changes. Case referral materials have indicated that a restroom is present near the riding arena. The most recent resubmittal indicates that 14 people will be living on the property in the main residence, an accessory dwelling unit, and in the farm employee dwelling. TCHD does not have record of any OWTS on the subject property. TCHD will require Use Permits be obtained for all OWTS on the property.

To obtain a Use Permit, the OWTS will need to be inspected by a National Association of Wastewater Technicians (NAWT) Certified Use Permit Inspector. A list of Certified Inspectors is available here <http://www.nawt.org/search.html>. If it is determined by the inspector that the system has deficiencies that require repair, these repairs must be completed prior to TCHD issuing a Use Permit.

In order to obtain a Use Permit, the applicant may contact the TCHD Aurora East Office, 15400 E. 14th Place - Suite 115, Aurora, CO 80011, 303-341-9370. More information is available at <http://www.tchd.org/269/Septic-Systems> under the Use Permit tab.

Wastewater – Portable Toilets for Guests

Sewage has the potential to carry illness-causing organisms and must be handled properly to avoid spreading disease. The applicant is proposing to use a portable restroom and hand sink for equestrian students and guests, typically 25 people for 3 hours, up to 5 times per week. TCHD has no objection to the use of a portable toilet, provided the unit is properly cleaned and maintained.

Water Supply – Bottled water

Contaminated water is a potential source of illness for patrons and employees. Therefore, drinking water must be obtained from an approved source and provided in a manner that is protective of water quality. The case referral materials dated January 14, 2021 indicate that guests will be expected to bring their own water to the site. TCHD has no objection to this proposal.

Sun Safety

Skin cancer is the most common cancer in the United States. Colorado has the 5th highest death rate from melanoma, the deadliest form of skin cancer. A leading risk factor for skin cancer is exposure to ultraviolet rays (UV) from the sun. Seeking shade when outside is one of the best ways to prevent overexposure to UV rays. TCHD recommends shade be provided through trees or physical shade structures, allowing event attendees to shield themselves from the sun and reduce their risk of skin cancer. TCHD recommends the applicant provide shade in areas where attendees will gather.

Horse Waste

According to the case referral materials, horses will not be boarded on site. However, waste will be produced from the horses brought by students. TCHD recommends that the applicant develop a Waste Management Plan indicating how animal waste will be managed in daily operations. The applicant should make arrangements with a manure hauling company for disposal of animal wastes.

The applicant has responded to this comment.

Fugitive Dust on Unpaved Parking Lots and Roads

Unpaved roads and parking lots in traffic and parking areas may contribute to increased fugitive dust emissions which can have negative impacts on health. The applicant should develop a plan for fugitive dust control including the application of water on unpaved areas when needed based on dry conditions. Control measures or procedures that may be employed include, but are not limited to, watering, chemical stabilization, carpeting roads with aggregate, paving, suggested speed restrictions or other techniques. Non-potable water used for dust suppression or any other non-potable uses should be labeled appropriately

The applicant has responded to this comment.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions about TCHD's comments.

Sincerely,



Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Dylan Garrison, Brian Mead, TCHD



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
donna.l.george@xcelenergy.com

July 24, 2020

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Alan Sielaff

Re: Cardenas Equestrian Riding Stable and Academy, Case # RCU2020-00009

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the conditional use permit plans for **Cardenas Equestrian Riding Stable and Academy** and has **no conflict**.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

From: [Debra Merkle](#)
To: [Alan Sielaff](#)
Subject: RCU2020-00009
Date: Thursday, July 30, 2020 4:09:44 PM

Please be cautious: This email was sent from outside Adams County

Good afternoon Mr. Sielaff,

We are neighbors of 50000 E 56th Ave where they have requested a Conditional Use Permit for an equestrian riding stable and academy. We were one of two neighbors that attended the neighborhood zoom meeting on June 20, 2020.

We object to the request for the following reasons:

I was open and more than willing to attend one of their practices to see what they were proposing and learn more about the events, but approximately 2-3 hours after the neighborhood zoom meeting ended, a party commenced on another parcel he owns (0181510400001) just north of 56th Ave that went on into the night. I could hear the noise (loud music & something that sounded like fireworks or gun fire) inside my house, windows closed and see the dust and lights from a mile or more away.

With our experiences in past years, Mr Cardenas' has shown no consideration of his neighbors when holding his Charro events.

If the commissioners do decide to approve Mr. Cardenas' request, we would ask you to consider the following:

The lessons provided during the week are limited to Friday nights no later than dusk.
The weekend events are limited to no more than 2 per month and preferably not on a holiday weekend and not every weekend.

The weekend events comply with their neighborhood letter that states the events start at 11 a.m. and end around 5 p.m. with no more than 200 guests.

The music and noise kept at a minimum to not disturb the neighbors.

Dust control mitigation should be utilized for the arena and roads

If any lessons include steer tailing and horse tripping, a common event at Charro Rodeos, a veterinarian needs to be on site for any injuries to the animals.

We would also ask, if approved and if compliance is not followed, what actions do the neighbors have? Call the sheriff? Call the zoning dept? What are the consequences?

These statements are of our own opinions and experiences.

Feel free to contact me at 720-951-4355 if you would like to have further discussion.

Thank you,

Deb Merkle
Alan Merkle
49950 E. 48th Ave

Wednesday, July 22, 2020

Case Name: Cardenas Equestrian Riding Stable & Academy

Case# RCU2020-00009

To the Community & Economic Development Dept,

We have received the request for comments for the above case name & Number. We own property that is within a few miles of the proposed Equestrian riding stable and academy. Our concerns are listed below.

1. County road 56 is a dirt road. It already is damaged, bumpy and the county has a hard time maintaining it with the current traffic. We are concerned that with additional traffic that road will continue to degrade until it is undrivable.
2. Noise control. In the last 5 years or so that we have owned property there has been more times that I can count on music blaring way past 10pm or sometimes past midnight. It goes on almost every weekend in the summertime. If they can't keep from disturbing us now, I can imagine it will only get worse.
3. Trespassing. We have problems with people driving up and down county Rd 56 on 4 wheelers not to mention they have gone into the creek beds and rode through others private property. They seem to not respect others property.
3. Safety. Gun shots can be heard late in the evening when they are having a gathering now. It has gone on way past dark and I can't imagine they know where those bullets are landing? Again, they are not following the law nor pay no mind to the neighbors as it is, what will it be like once they have the Use Permit?
4. With having many friends and acquaintances within the Adams County Sheriffs office I have heard of many times that they have been dispatched to this location. I have not been a part of any of the complaints but again where is the concern of the neighbors.

In summary our problem is mostly the fact that they stated that making sure not to disturb the neighbors is a high priority and doesn't seem to me that that is true. They haven't in the past, they have had large rodeos or functions where county Rd 56 was impassable and the noise / music was extremely loud. None of us moved to the country to be disturbed by people who do not care if they disturb others or not. We all want to live peacefully and quietly. If I wanted all this I would have stayed in Denver.

Concerned neighbors,

Thank you

From: [Cindy Ray](#)
To: [Alan Sielaff](#)
Subject: Case Number RCU2020-0009
Date: Friday, July 10, 2020 3:17:08 PM

Please be cautious: This email was sent from outside Adams County

We just wanted to state that we do not mind having the equestrian riding stable and academy at 50000 E 56th Ave, Bennett Co. As long as they do not ride open range onto our property and are closed down by at the latest 10 p.m. nightly.

We are at 5250 Highway 79 so this would be on the back edge of our property so riding onto our property would be our only concern.

We think it's great that they will be teaching equestrian!

Stan and Cindy Ray

From: willowtreeinn@tds.net
To: [Alan Sielaff](#)
Subject: Comments Regarding Conditional Use Permit for Equestrian Riding Stable & Academy
Date: Wednesday, July 29, 2020 11:42:31 AM

Please be cautious: This email was sent from outside Adams County

Dear Mr. Sielaff,

We are writing with regards to the request for a "Conditional Use Permit for an equestrian stable and academy" at 50000 E. 56th Ave. It is case Number: RCU2020-00009.

My husband and I strongly oppose the request for several reasons. They stated in their neighbor letter they,...."want to make sure that our horse and Mexican Rodeo activities are done in a way that doesn't disturb you or any other neighbor." Well, they are already a disturbance to the neighborhood in a number of ways. They play their music so loud we can hear it inside our home with the widows an doors closed. But, their letter stated, "The non-profit will ensure that the music from the bands who play during performances will not disturb you and you families, and the music will be below the county's standard for noise."

They also stated, "The Cardenas family has established a non-profit corporation that will operate the equestrian arena and make sure that they comply with all laws and regulations, and make sure that the performances do not disturb any neighbors." They don't comply with laws and regulations now; we followed them one day traveling down Highway 79 when they threw a full large black trash out the window of their vehicle before turning onto 56th and then onto their property. About two weeks ago they had more than 20 trucks with trailers traveling down Highway 79 to their property. They stated in their "SUMMARY OF PROPOSAL"...."there will be no sales of food or alcohol: the number of guests will not exceed 20 people" They seem to be doing whatever they want without any permit. We don't trust these people they are very dishonest. After assuring us they won't be selling alcohol, they are seeking a liquor license...."and will be using paid servers who are trained". So that means we will be having a lot more traffic and many of them will be drunk. DUI isn't complying with laws and regulations.

They have stated under their section titled "CONDITIONAL USE PERMIT CRITERIA Criteria Four:The proposal is.....not detrimental to the health, safety or welfare of the inhabitants of the areas and the county. The proposed riding stable and academy will not result in excessive traffic generation, noise, etc." They are already causing excessive traffic and noise. These people are selfish and most inconsiderate of the neighbors.

In summary the Cardenas family have simply proven that they cannot be trusted.

Sincerely,

Gerald R. and Deborah Toczek

From: [Copeland](#)
To: [Alan Sielaff](#)
Subject: Fwd: Cardenas Equestrian Riding Stable & Academy
Date: Wednesday, July 22, 2020 7:07:15 AM

Please be cautious: This email was sent from outside Adams County

Sent from my iPhone

Begin forwarded message:

From: Copeland <copelandjg@gmail.com>
Date: July 20, 2020 at 2:38:48 PM MDT
To: ASielaff@adcogov.com
Subject: Cardenas Equestrian Riding Stable & Academy

Dear Mr Sielaff,
RE: case #RUC2020-00009

We have a couple of concerns regarding this application. The applicants have a very poor track record with regards to courtesy to neighbors, namely very loud music over the past few years on a regular basis. Our home is approximately 1 mile away and we could hear their music inside our house on a number of occasions. The sheriff could only make them turn it down after 10:00pm.

Our second concern is the traffic in the area.

We are opposed to this and feel that it would not be an asset to our community.

Sincerely,
Gary and Janie Copeland
303-619-5609

Sent from my iPhone

July 17, 2020

Ref: Case Name: Cardenas Equestrian Riding Stable & Academy

Case Number: RCU2020-00009

SUBJECT: Comments on Above Referenced Case

Mr. Sielaff,

The Request for Comments concerning the above referenced case number is similar to the Summary of Proposal and related documents sent to area homeowners on or about June 8, 2020.

On June 18, 2020 I replied to Mr. Cardenas expressing my concerns for his proposed Equestrian Riding Stable & Academy. My reply was in writing using the form enclosed in the Summary of Proposal and sent to his house address as required.

Now that you have some background, I would like to comment on this proposed riding stable and academy.

In reading the Introduction and Background sheet in your correspondence, I find open-ended phrases that leave to much wiggle-room for future growth and/or change. Examples are found in the third and fourth paragraphs where is written "...his current intent...", "...at this time...", and "...livestock will not...for purposes of a rodeo.".

Phrases such as these raise warning flags because it does not address his future intent, nor does it address when he intends to board horses, nor does it address for what purpose livestock will be brought onto the property. I would like to see these loopholes addressed so we, his neighbors, fully understand what he proposes.

Furthermore, a document that was not included, but which gives a broader picture of his overall plans, is the Neighbor Letter, June 8, 2020, in which is revealed his ownership of 54 acres at the north-east corner of 72nd Avenue and Converse Road where he already has a "...Mexican rodeo arena on this property to host Charro and Escaramuza trainings and performances.".

So it seems that property is already well suited for a riding stable and academy and all it needs is a stable and all activity could be contained and consolidated in one location.

Furthermore, I do not support the proposal for the riding stable and academy because of the high volume of noise emanating from the rodeo events he has hosted in previous years at the 56th Avenue location. I am about one-half mile South from his 56th Avenue property and can plainly hear the music at these events. It's quite annoying.

A more recent example of the high noise volume was the rodeo conducted on or about June 27, 2020 on a property he owns off Hwy 79 and North of 56th Avenue. This event is more than a half-mile from my residence but the music was clearly heard by me as well as my neighbors.

So, based on Mr. Cardenas' past record, I have my doubts as to his willingness to conduct these events in a more subdued manner. Louder doesn't mean better, it just means louder.

For the reasons identified above, I do not support the proposed riding stable and academy.

I now have a comment about the mailings concerning this proposal. I received three mailings concerning this matter. One to my wife and me, one to my wife, me, and current resident, and one to current resident. I sincerely hope when you are tabulating responses verses mailings my response will count as one out of one not one out three.

Sincerely,

Michael Cherochak

49811 E 48th Ave

Bennett CO 80102

720-470-9312



Achieve Law Group, LLC
146 West 11th Avenue
Denver, CO 80204
P: (303) 465-1000
F: (303) 484-7678
Achievelawgroup.com

Jerome A. DeHerrera
(303) 725-2769
JDH@achielawgroup.com

**Summary of Modifications to the
C.U.P. Application:**

**LIENZO CHARRO EL PARAÍSO
EQUESTRIAN RIDING ACADEMY
50000 E. 56th AVENUE, BENNETT, CO**

In response to Adams County's comments to the initial submission and comments from neighbors, the application has been modified in significant ways. The most significant modification is that the applicant for the permit is now the non-profit corporation, Lienzo Charro El Paraíso, Inc. ("LCEP" or "Applicant"), instead of the property owner, Lino Cardenas. After discussing the continued concerns from a few neighbors and the County's enforcement division, Mr. Cardenas and the Board of Directors of LCEP agreed that the non-profit corporation would be a better applicant and operator for the riding academy. This switch also makes sense from an operations perspective because the non-profit corporation is coordinating and overseeing the riding lessons for the two youth teams who are currently participating. We believe the non-profit corporation will provide greater oversight and controls to ensure that the program meets all the applicable regulations and commitments in the conditional use application.

In addition, the application has been revised to address all of the specific comments raised by Adams County, the referral agencies, and the neighbors who provided comments. The resubmission also clarifies program details that were not explained in the original submission. These clarifications include the commitment that there will be no horse board on the property, music will only be played during Escaramuza practices (no music will be played during the boys' charro team practices), and the music will be played at a level that doesn't impact neighbors. The resubmission also clarifies that the team practices will vary between three to five sessions per week.

Finally, the applicant is also submitting a visual presentation that summarizes the conditional use application, as well as a copy of the presentation that was provided during the public meeting for neighbors. The applicant is also providing letters of support from participants and their family members.



Responses to Comments: (describing revision and page of response):

PLN05: Riding Academy Review

1. Riding Academy use proposes to utilize existing personal equestrian arena structure. Will riding lessons be confined to the arena, or will any elements of lessons also be conducted outside of the structure elsewhere on the property?

All riding academy activities will take place in the arena and the parking area adjacent to the arena. The response to this question is incorporated into the submission at page five.

2. Please provide an estimate of the maximum total number of people that may be on-site during a training session. This is to include residents, students, trainers, and family of students.

The maximum total number of people that may be on-site during the training session is twenty people in addition to the people participating in the riding lessons and the inhabitants who live on the property. A detailed response is provided in the submission beginning on page 4.

3. Please include additional detail of operations, including use and volume of music and explanation of anticipated participants and visitors (referenced in #2 above) in operational narrative for the proposal. Additional information was included in the traffic generation letter and in the neighborhood meeting summary that was useful to understand the full scope of the proposed use.

Additional details of operations are provided beginning on page 4 as well as in the power-point presentation that supports the resubmission. As explained in the revised submission, music is only used during Escaramuza practices and it is not used during boys charro training sessions. Music during Escaramuza training will not exceed the permissible level of 80 decibels as measured at the nearest right-of-way (56th Avenue at the northern property line). Indeed, based on the Applicant's measurements, the music will never come close to level. During two occasions, the Applicant measured the level of proposed music and it could not be heard at 56th Avenue.

4. Please refine operations narrative to include definite limitations to use and operations. Uncertainty in terms of frequency of use, level of music, and number of participants has been identified in referral comments.



The operations narrative has been revised to include definitive limitations as to use and operations. For example, the resubmission makes clear that there will be no boarding of horses as part of the conditional use permit. In addition, the training sessions will not go past 7:30 p.m. in the weekday evenings and during the weekends the practices will not begin before 8:00 a.m. Definitive limitations to use and operations are provided beginning on page 4.

5. Will any lighting be utilized for evening activities?

No lighting will be used during any of the training activities.

6. Provided site plan does not label setback distances from the equestrian arena to the adjacent property line. Accessory structures in the A-3 zone require a 10 ft. setback from the side property line, or 1 ft. for every 10 ft. in height, whichever is greater (Section 3-10-08-04-02). If unable or unwilling to meet standard, proposal will fail to meet approval criteria related to conformance with standards and regulations.

The Revised Site Plan provides setback distances from the equestrian arena to the adjacent western property line. The Applicant and property owner agree that the most western point of the circular portion at the southern part of the equestrian arena will be moved to the east (by 4 feet) so that it meets the County's 10-foot setback requirement for accessory structures in the A-3 zone.

7. Application states proposed use will meet all accessory use requirements of the performance standards in Section 4-06-02-01-05 EQUESTRIAN ARENA, PERSONAL, except for utilization for a commercial purpose, which is the equestrian training academy, and more than 20 participants. Performance standards allow these with a Conditional Use Permit.

a. Significant public comment and referral agency comment has expressed concerns related to past use of the arena, concerns that generally can be characterized as not adhering to performance standard #6, No Offensive Impacts. Responses to these comments is needed to explain how proposal is different from previous use on property and how the proposed use avoids these impacts.

As explained in the revised submission, the proposed activities in this conditional use application are significantly different than the previous unpermitted uses. The Cardenas family along with the other families who participate in the Escaramuza and Charro performances have created a non-profit corporation to conduct the riding academy operations. Accordingly, the Board of



Directors of the non-profit will be responsible for ensuring compliance with the terms of the conditional use permit and all applicable legal requirements.

In addition, as stated in the application, the proposed use of the equestrian arena for a riding academy is very different than the prior uses that were the subject of neighborhood complaints. The application seeks permission to conduct training sessions for the two youth teams who are participating – these activities are far different than the large performances that caused complaints from neighbors. Practice sessions are not open to the public and will be limited to a maximum of twenty people in addition to the participants (similar to another recently approved riding academy and stable approved by Adams County). The size, nature, and impacts of the proposed activities are much different than those prior events that caused complaints.

Additionally, in an effort to accommodate neighbors and ensure that permissible noise levels will not be exceeded, the Applicant will send a flyer to the neighbors with a description of the riding academy program along with two contract numbers for questions, concerns, and to report complaints. The Applicant will be prepared to address any questions, concerns, or complaints. The Applicant will also provide a record of any complaints to the County's enforcement office on a quarterly basis.

8. Stables must meet performance standards in Section 4-03-02-02-04. Please include all necessary measurements of the standards included below on a revised site plan to ensure conformance to the stable on the property, #8 on the site plan keynotes.

The Applicant will not board horses as part of the proposed conditional use permit. Thus, the conditional use application does not propose any use of the existing stable and barn on the property. Accordingly, the performance standards in Section 4-03-02-02-04 for stables do not apply to this application.

9. Parking Standards, Section 4-12, do not require paved asphalt or concrete for agricultural uses. Proposed parking is shown to be provided on gravel area for up to 50 vehicles. Please provide anticipated number of vehicles and truck/trailers that would utilize site for proposed use. Traffic generation letter discusses anticipated that only 12 vehicles would be needed. Parking area on site plan should be reduced to minimal size to reflect only needed parking spaces for the proposed use. Crushed gravel or recycled asphalt specifically is recommended and should be labeled on the site plan accordingly.



The Applicant's site plan has been modified to show the proposed parking area with space for ten truck and trailer combinations. Applicant believes this size of a parking area will be sufficient for the likely number of truck and trailer combinations and passenger cars that will be on-site during training sessions. The Applicant will use crushed gravel for the surface of the parking area. A revised discussion of parking is provided on page 14 of the submission. In the discussion, the Applicant and Property Owner agreed to the recommendations of the Bennett Watkins Fire Department to widen the entry gate and access road and place crushed gravel on the road and parking area.

10. Operational Standards, Section 4-13, apply to all zone districts and uses. Noise/music has been identified as an ongoing issue at the property. Specific limitations are included in Section 4-13-03 and monitoring by the applicant may be required if future complaints are received.

Applicant is familiar with the noise/music performance standards provided in Section 4-13-03 and is confident that none of the proposed activities will exceed those standards. As stated above, music is only used during Escaramuza practices and such music is provided using a non-professional sound system that can be easily controlled to ensure that the noise level does not exceed the permissible standard. The sound level has been measured on two occasions and it could not be heard from the public right-of-way at 56th Avenue.

11. Landscaping Standards, Section 4-16, staff recommends that the applicant provide a landscape buffer yard along the west property line immediately adjacent to the equestrian arena, and along the east side of the parking area. Bufferyards are applied between more intense and less intense land uses. Type A buffer yards are applied between residential and agricultural uses and include a 5 ft. wide landscaped area with 1 tree per 80 linear feet of lot line. See Section 4-16-06 for full code requirements. Inclusion would help address potential offsite visual impacts. If the applicant is unable or unwilling to include landscaping improvements, please provide a response stating why landscaping is not feasible and describe other means to reduce impact on neighboring properties.

The Applicant and property owner will agree to provide a landscape bufferyard along the western property line adjacent to the equestrian arena that meets the requirements of "Bufferyard A: Five (5) foot minimum bufferyard width with one (1) tree per eighty (80 linear feet of lot line)." With regard to a bufferyard along the east side of the parking area, the Applicant will take the County's recommendation under consideration and will revisit the recommendation with the hope that it has the resources to install such a bufferyard at a future date.

12. Animal Keeping Standards, Section 4-22, detail operational requirements for non-commercial livestock keeping in residential and agricultural settings. While standards do not apply to horses kept for recreational purposes, operational standards are provided as follows for recommended guidance (Section 4-22-06):

On those properties where livestock and poultry, except chickens, are allowed, the following standards shall be observed:

1. *Manure*: All manure shall be removed periodically or incorporated into the soil on a regular basis so the manure does not draw flies, or other insects, or cause obnoxious odors.
2. *Drainage*: Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property. Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
3. *Feed*: Spillage and left-overs from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors.
4. *Pens*: Any new shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be set back twenty-five (25) feet from the side lot line and fifty (50) feet from the front lot line.
5. *Insects and Rodents*: All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
6. *Fenced*: In subdivided areas, all livestock shall be kept within a fenced area.
7. *Colorado Rules*: Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission.

RESPONSE: Applicant is aware of and understands the operational requirements for non-commercial livestock keeping in residential and agricultural settings. Applicant agrees that these standards do not apply to the proposed activities that are the subject of the conditional use application. Nevertheless, the Applicant and property owner will implement the best practices provided in the operational requirements. This will include removal and incorporation of manure into the soil on a regular basis. The property owner and Applicant will also implement other operational measures consistent with the requirements for non-commercial livestock keeping, including keeping the area free of rodents and insects. The Applicant points out that the proposed activities do not involve feeding operations nor the construction of any new sheds, shelters, pens or other enclosures for livestock. Additionally, the proposed activities will have no impact drainage impacts on adjoining properties and there are no adjacent rivers, streams, or other bodies of water that are subject to pollution from the proposed activities.

Criteria: “staff review and public comment identifies ...thus far have not been sufficiently demonstrated or addressed with this application.”



3: “The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.”

4: “The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.

5: The conditional use permit has addressed all off-site impacts.

8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

RESPONSE Criteria 3: The Applicant has made significant revisions to the application in order to better ensure that it will meet all requirements of these standards and regulations including, but not limited to, all applicable performance standards. As proposed, the Applicant believes that its operations will meet all applicable requirements and standards. The Applicant has committed to meeting all the requirements and standards raised by Adams County, and it has agreed to adopt nearly all additional discretionary recommendations.

RESPONSE Criteria 4: The Applicant firmly believes that the proposed activities are compatible and harmonious with the surrounding area and will not be detrimental to the health, safety, or welfare of the neighbors. The Applicant has thoughtfully responded to the concerns raised by a few of the neighbors. In addition to making commitments that will prevent and mitigate the concerns raised, the Applicant proactively reached out to the commenting neighbors in order to listen to their concerns and engage in a dialogue to satisfy those concerns. In some cases, the neighbors were willing to discuss their concerns, and in other cases, the neighbors would not engage in a dialogue. The Applicant also reached out and communicated with both the sheriff’s office and the fire department and made modifications and commitments to address those concerns.

RESPONSE Criteria 5: The Applicant believes that it has addressed the concerns raised about off-site impacts from music that will be played during Escaramuza practices. The potential off-site impact from the generation of additional vehicle trips to and from the property are not significant, as shown in the traffic generation analysis and the reply comments from Adams County. The Applicant does not believe the proposed activities will cause other off-site impacts that are not already addressed.



RESPONSE Criteria 8: The Applicant has communicated directly with both the Sheriff's Department and the Bennett Watkins Fire Department. The Applicant has addressed the concerns raised by both agencies and has agreed to implement all the recommendations from the fire department. These are discussed in the submission beginning on page 12.

Revised Plans/Renderings:

Enclosed as Exhibit 4 in the re-submission.

List of Additional Changes Made to Submission:

Described above in the responses to the specific comments.



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**Summary of Modifications to the
the Conditional Use Permit Application 2nd Resubmission:**

**LIENZO CHARRO EL PARAÍSO
EQUESTRIAN RIDING ACADEMY
50000 E. 56th AVENUE, BENNETT, CO**

LCEP provides this Summary of Modifications in response to Adams County's comments to the resubmission of the Conditional Use Permit Application that was submitted on December 16, 2020:

Responses to Comments: (describing revision and page of response):

PLN05: Riding Academy Review

2. Original Comment: Please provide an estimate of the maximum total number of people that may be on-site during a training session. This is to include residents, students, trainers, and family of students.

Original Response: “The maximum total number of people that may be on-site during the training session is twenty people in addition to the people participating in the riding lessons and the inhabitants who live on the property. A detailed response is provided in the submission beginning on page 4.”

Excerpts from the detailed response on page 4 of the re-submission: “As far as the number of people on-site, the typical [Charro] practice has one trainer, nine participants, around seven or eight parents and several siblings who the parents watch during the practice sessions.”
“Typically [during an Escaramuza practice] there are only about 5 to 10 other people (parents, siblings, friends) on site in addition to the trainer and nine participants.”

Supplemental Response (added to page 5 of the application): “The estimated maximum number of people on-site during a practice session is thirty-nine people. This estimate is based on the 25 people who typically attend a Charro team practice (1 trainer, 9 riders, and approximately 15 parents/siblings/guests) plus the 14 inhabitants living on the property (two adults and four



children living in the Cardenas personal residence; two adults and one child living in the accessory dwelling unit; and two adults and three children living in the farm employee dwelling).”

6. Original Comment: Provided site plan does not label setback distances from the equestrian arena to the adjacent property line. Accessory structures in the A-3 zone require a 10 ft. setback from the side property line, or 1 ft. for every 10 ft. in height, whichever is greater (Section 3-10-08-04-02). If unable or unwilling to meet standard, proposal will fail to meet approval criteria related to conformance with standards and regulations.

Supplemental Response: Enclosed is an updated site plan drawing that shows the proposed final location of the most western point of the riding arena as meeting the 0-foot setback requirement. See **Exhibit 4A**.

7. Original Comment: ...Significant public comment and referral agency comment has expressed concerns related to past use of the arena, concerns that generally can be characterized as not adhering to performance standard #6, No Offensive Impacts. Responses to these comments is needed to explain how proposal is different from previous use on property and how the proposed use avoids these impacts.

Supplemental Response. The Applicant appreciates the County’s recognition that the Applicant is committed to ensuring that the proposed use remains in good standing should it be approved. The Applicant will agree to the proposed condition of quarterly reports as proposed in the application.

9. Original Comment: Parking Standards, Section 4-12, do not require paved asphalt or concrete for agricultural uses... Crushed gravel or recycled asphalt specifically is recommended and should be labeled on the site plan accordingly.

Supplemental Response. Enclosed is a modified site-plan drawing that shows adoption of the following recommendations from the Bennet Watkins Fire Department: expansion of the access gate to a width of 20 feet; expansion of the access road to a width of 20 feet; placement of crushed gravel six inches deep and with 80% compaction on the access road and parking area; and confirmation that the parking area will include a turn-around area with a diameter of at least 96 feet. See **Exhibit 4A**.



11. Original Comment: Landscaping Standards, Section 4-16, staff recommends that the applicant provide a landscape buffer yard along the west property line immediately adjacent to the equestrian arena, and along the east side of the parking area.... If the applicant is unable or unwilling to include landscaping improvements, please provide a response stating why landscaping is not feasible and describe other means to reduce impact on neighboring properties.

Supplemental Response (inserted at the bottom of page 7): “At this time the Applicant does not believe a landscape buffer on the eastern edge of the parking area is needed because there should be little to no impact on the adjacent property owner to the east. The eastern neighbor’s property line is approximately 500 feet from the parking area, and the adjacent property is downhill from the parking area. The neighbor’s property line where their house is located is approximately 600 feet from the parking area. Because the proposed riding academy use will not include night-time activities, there should be little to no headlight impacts from trucks in the parking area. Overall, the parking area should have little to no impact on the eastern neighbor because of the distance and the fact that there will no night-time activities.”

PLN06: Conditional Use Permit Approval Criteria Review –

2. (New) Original comment PLN06#2 revised as follows to reflect remaining criteria #8 identified as not sufficiently demonstrated. Please provide additional information as requested by referral agencies.

EA1: The following external agencies responded with a separate comment letter or email which will be provided....The following are requesting additional information as part of a resubmittal: Bennett-Watkins Fire Rescue, Tri-County Health Department.

Supplemental Responses (added to pages 7 and 13):

“In response to the comments provided by the Tri-County Health Department, the Applicant has decided that it will provide a portable toilet and hand-washing station for use by the participants and guests of the riding academy program. The Applicant will locate the portable toilet and hand-washing station in the riding arena area so that the participants and guests can remain in the that area of the property. By providing a portable toilet and hand-washing station, the participants and guests will not be using the on-site bathrooms. Applicant will be contracting with Empire Portable Potties to provide, and regularly service, the portable toilet and hand-washing station.”

“Applicant is submitting a revised site-plan drawing, attached as **Exhibit 4A**, showing the adoption of all of the recommendations from the Bennett-Watkins Fire Rescue.”



Revised Plans/Renderings:

Enclosed as Exhibit 4A in the Second Re-Submission.

List of Additional Changes Made to Submission:

No other changes except for a few typographical errors that were fixed.



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February 9, 2021

Alan Sielaff, Planner II
Adams County, Community & Economic Development
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601

Re: Conditional Use Permit Application for Lienzo Charro El Paraíso Equestrian Riding Academy, 50000 E. 56th Avenue, Bennett, CO

Dear Alan:

It was nice speaking with you last week regarding the status of the application for the conditional use permit. The applicant would like to proceed to the public hearing with the Planning Commission. The applicant provides the following responses to the comments from the Bennett Watkins Fire Rescue Department and the Tri-County Health Department:

Bennett Watkins Fire Rescue Department: The applicant acknowledges and agrees that it will install a Knox Box on both of the two gates used to enter the property (the driveway gate and the eastern entrance gate). The applicant will ensure that each of the Knox Boxes meets all the requirements of Bennett Watkins Fire Rescue Department.

The applicant also acknowledges that certain water supply requirements may apply to the construction of any new buildings. The applicant understands that any addition of new structures for non-residential private purposes may require the addition of an approved fire department water supply as required under the International Fire Code Section 507.1. A recognized water supply must be below grade, engineered compliant with applicable National Fire Protection Association standards, and reviewed and approved by the fire department. Neither the applicant nor the property owner are proposing construction of any new buildings.

Tri-County Health Department: The applicant acknowledges that Tri-County has stated that it will require use permits for all onsite wastewater treatment systems. Tri-County has also recommended that the applicant provide shade in areas where attendees will gather. The applicant and property owner will be contacting Tri-County forthwith to ensure that property meets all health department requirements with regard to onsite wastewater treatment systems and shade from the sun.



Letter to Alan Sielaff, Adams County
50000 E. 56th Ave., Bennett, CO
Lienzo Charro El Paraíso
January 15, 2021
Page 2 of 2

Please let me know if you have any questions or need anything further in support of the application at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerome A. DeHerrera", with a stylized flourish extending to the right.

Jerome A. DeHerrera

NOTICE OF PUBLIC MEETING

Lino Cardenas and his family live at 50000 E. 56th Avenue and they have applied for a permit from Adams County to board horses and provide horse riding lessons on their property. The Cardenas family also owns land at the corner of 72nd Avenue and Converse Road (47335 E. 72nd Avenue) and they have applied for a permit to operate a commercial equestrian arena at that location in order to host Mexican Charreada and Escaramuza performance competitions. The Cardenas family has established a non-profit corporation that will operate the equestrian arena and make sure that they comply with all laws and regulations, and make sure that the performances do not disturb any neighbors. Enclosed for your information are descriptions of the two applications and maps of the properties.

The Cardenas family invites you to a public meeting to discuss these proposals:

Date: June 20, 2020

Time: 1:00 p.m.

Location: Zoom Meeting:

Zoom Meeting ID: 959 2684 5953

Zoon Meeting Password: horses

Or participate by phone: (346) 248-7799

Meeting ID: 959 2684 5953

Password: 371380

For more information, or to schedule an in-person meeting or tour of the sites, please call:

Angelica Cardenas: (720) 606-1952, or

Soledad Cardenas: (720) 591-4286, or

Jerome DeHerrera (attorney for the nonprofit and Cardenas family): (303) 725-2769 or email:

jdh@achivelawgroup.com

Heritage of Humanity. See <https://ich.unesco.org/en/RL/charrería-equestrian-tradition-in-mexico-01108>.

The history of Charrería dates back to the time when Mexico and the Southwestern United States were part of the Spanish Empire. During the colonial time, wealthy Spanish landowners hired, trained and outfitted groups of Charros to manage their large ranches and herds of cattle and sheep. The Charros were highly trained, well educated, and outfitted with elaborate clothing, saddles, and equipment. Modern Charrería follows in those traditions and is best described as a mix of rodeo skills and dressage, with riders showing traditional competitive roping and ranch skills while training their horses to perform exquisite movements. Escaramuza is the artistic sport practiced by women who train and ride their horses in choreographed and synchronized maneuvers. The women ride side-saddle and wear traditional Mexican consumes and accessories.

THE PROPOSED USE IS APPROPRIATE AND CONSISTENT WITH THE SIZE OF THE PROPERTY AND THE SURROUNDING AREA:

The site is large enough and is appropriate for the proposed riding stable and academy. The proposed use is compatible with the surrounding area and is harmonious with the character of the neighborhood. The property is surrounded by other agriculture properties that are of a similar size, similar land-use, and with the same A-3 zoning. The property is adjacent to two property owners who have small farms with horse and livestock facilities on their properties. Accordingly, the proposed land use will not significantly impact the adjoining land uses.

Parking:

The Cardenas Family has designated a parking area that will accommodate participants and their horse trailers on a gravel road-base surface. Participants may enter the Property either through the western (main) or eastern access gate. As shown on the site map, the parking area provides a large circular driveway that will facilitate easy entry and exit for trucks with horse trailers. As shown on the site plan, the parking area is spacious and could hold more parking spots than will be needed for the riding stable and academy operations. As drawn on the site plan, there is ample on-site parking for both cars and truck and trailer combinations.

LINO CARDENAS HORSE RIDING STABLE AND ACADEMY

50000 E. 56TH AVE. BENNETT, CO

SUMMARY OF PROPOSAL:

Lino Cardenas purchased the property at 50000 East 56th Avenue, Bennet, CO 80102 (“Property”) in 2008. The Property is approximately 41 acres and is zoned A-3. The Property contains the family dwelling as well as farm buildings, barns and chicken coops.

Mr. Cardenas intends to use existing facilities to provide lessons and instruction for equestrian riding and showing in traditional Mexican Charrería and Escaramuza. The lessons will be provided during weekends and evenings during the week. The lessons and instructions will be provided by Mr. Cardenas as well two trainers, Jorge Moreno Rendon and Mariana Villa, who are affiliated with the non-profit corporation: Lienzo Charro El Paraíso, Inc.¹ Mr. Cardenas is a champion Charro who has been performing traditional Charro events for more than thirty-years. He is recognized as one of Colorado’s leading Charros. He has been instrumental in supporting the National Western Stock Show’s Mexican Rodeo Extravaganza and he has performed in the rodeo several times. Mr. Rendon is a medical doctor who has been providing instruction and training in Charreada for eleven years. Ms. Villa is also a medical doctor and she has been providing instruction and training in Escaramuza for nine years.

Although Mr. Cardenas seeks a permit for both a riding stable and academy, his current intent is to only provide lessons and instruction at his facility. He does not intend to board horses on his property at this time. Students who will receive lessons and instruction will be responsible for bringing their own horses on-site. Lessons will be provided in the Mexican Rodeo arena that has already been constructed on his property. Mr. Cardenas is in the process of obtaining the required building permits for the arena for purposes of personal equestrian use.

Mr. Cardenas will comply with the personal equestrian arena standards as follows: there will be no commercial activities (other than the charreada and escaramuza lessons); there will be no sales of food or alcohol; the number of guests will not exceed 20 people (excluding participants in the lessons and the people living on the property); and livestock will not be brought onto the Property for purposes of a rodeo.

CHARRERÍA & ESCARAMUZA:

Charrería and Escaramuza are highly technical and artistic equestrian sports. They are one of the most important cultural traditions in the Southwestern United States and Mexico. In 2016, UNESCO recognized Charrería on the Representative List of the Intangible Cultural

¹ Lienzo Charro El Paraíso, Inc. is a non-profit corporation that rents from Mr. Cardenas the Charreada arena located at 47335 East 72nd Avenue, Bennett, CO. El Paraíso will be submitting an application for a conditional use permit for a commercial equestrian arena on that property.

**Questionnaire Regarding
Horse Arena Permit for 47335 E. 72nd Ave &
Horse Boarding & Lessons for 50000 E. 56th Avenue**

CARDENAS FAMILY & NON-PROFIT LIENZO CHARRO

We seek your Questions, Concerns, Comments and support for our applications:

CONTACT

Angelica Cardenas
Phone: (720)606-1952

Soledad Cardenas
residentialconcretework@yahoo.com
Phone: (720) 591-4286

Jerome DeHerrera:
jdh@achievelawgrop.com
Phone: (303) 725-2769

**47335 E 72ND AVENUE COMMERCIAL HORSE ARENA:
QUESTIONS, CONCERNS & FENCE/LANDSCAPING IDEAS:**

STATEMENT

- I SUPPORT THE PROPOSAL
- I NEED MORE INFORMATION
- I WON'T OPPOSE THE PROPOSAL
- I WOULD LIKE TO SEE CHANGES TO THE PROPOSAL
- I WOULD LIKE TO MEET IN PERSON TO DISCUSS

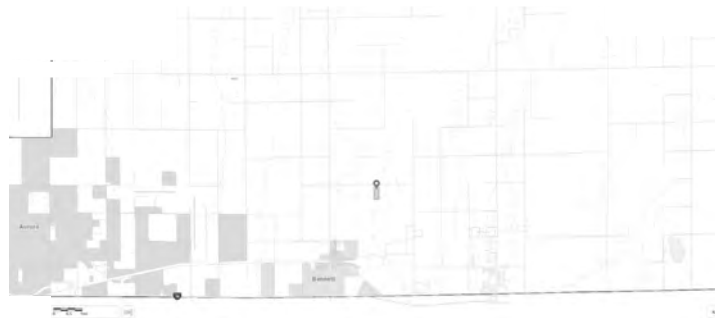
**50000 E. 56TH AVENUE HORSE BOARDING & LESSONS:
QUESTIONS, CONCERNS AND COMMENTS:**

STATEMENT

- I SUPPORT THE PROPOSAL
- I NEED MORE INFORMATION
- I WON'T OPPOSE THE PROPOSAL
- I WOULD LIKE TO SEE CHANGES TO THE PROPOSAL
- I WOULD LIKE TO MEET IN PERSON TO DISCUSS

Signature: _____ Date: _____
Name: _____
Address: _____
Phone Number: _____

Please return to: 50000 E. 56th Avenue, Bennett, CO 80102



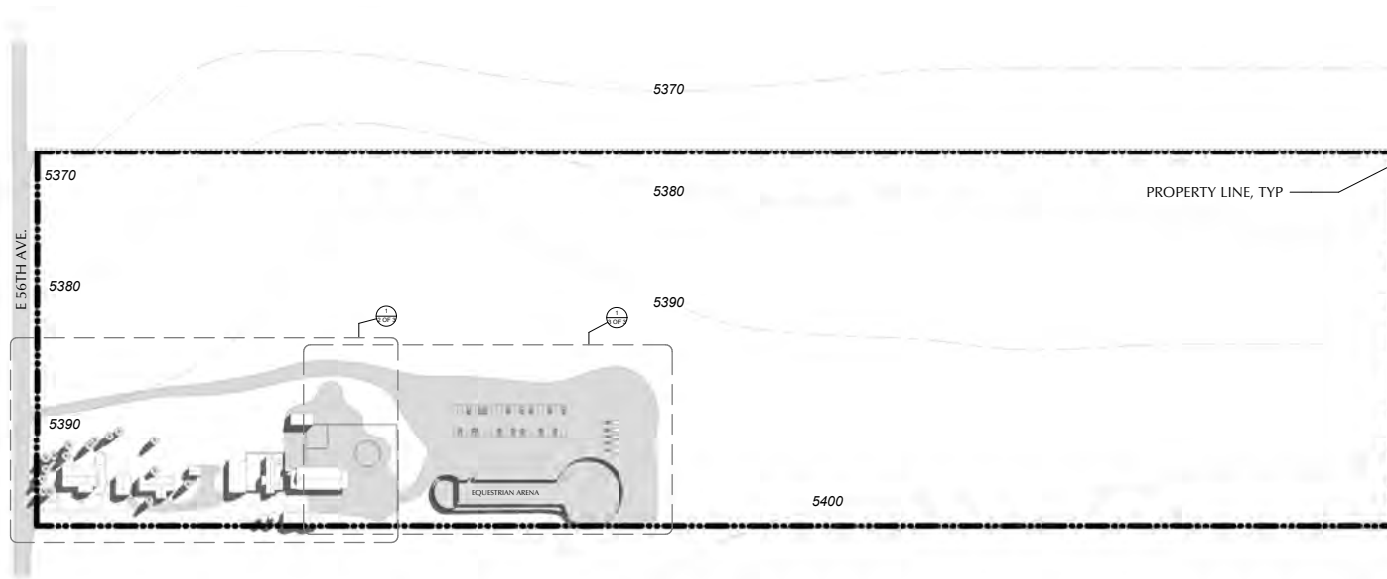
① AREA MAP
SCALE: NTS

PLANS ARE ROTATED 90° COUNTER CLOCKWISE



② SITE MAP
SCALE: NTS

PLANS ARE ROTATED 90° COUNTER CLOCKWISE



③ ARCHITECTURAL SITE PLAN
SCALE: 1" = 100'-0"

CARDENAS RESIDENCE
50000 E 56TH AVE
BENNETT CO

DATE: 12.11.19
REVISIONS:

DRAWN BY: JM
REVIEWED BY: JM

DRAWING TITLE: ARCH SITE PLAN
SHEET #:

Achieve Law Group, LLC

Summary of Public Meeting for Conditional Use Permit Applications for Lino Cardenas and Lienzo Charro El Paraiso Nonprofit

The joint public meeting regarding the conditional use permit applications by Lino Cardenas for a Riding Stable and Academy at 50000 E. 56th Avenue (“Riding Academy Permit”) and a Commercial Equestrian Arena at 47335 E. 72nd Avenue (“Performance Arena Permit”) was held on June 20th, 2020 at 1 pm. Notice of the meeting, along with the following application materials: (1) meeting notice and participation information; (2) application summary, site plan and surrounding map for the Riding Academy Permit; (3) application summary, site plan, and surrounding map for the Performance Arena Permit; and (4) a combined questionnaire requesting feedback, was sent by mail on June 16, 2020. The notice and information was mailed to approximately 100 residents/property owners who live or own property within one-mile of either 50000 E. 56th Avenue or 47335 E. 72nd Avenue, Bennett, CO. The notice and information was sent to the names and addresses provided by the Adams County Planning department as living or owning property within one-mile of the two properties.

The public meeting was conducted electronically and by telephone through zoom. Two members of the invited public attended the meeting: Deb Merkle, 49950 E. 48th Avenue, Bennett, CO 80102, and “JR”. Ms. Merkle lives south of the property on 56th avenue. The other member of the public declined to identify himself or his address. The other four attendees at the meeting were the applicants and their attorney. The public meeting lasted approximately one hour and ended just before 2 p.m.

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The applicants' attorney Jerome DeHerrera led the presentation and delivered the enclosed Power-Point presentation and used google maps and the site plan for each property as visual aids. Angelica Cardenas, one of the applications also presented information during the meeting. Mr. DeHerrera discussed the legal and technical information of both permit applications while Ms. Cardenas explained the function and operations for the events that would occur on the properties. The information was well received by the members of the public. The presenters did have some technical difficulties during the meeting but were able to overcome those difficulties by using chat and telephone capabilities.

Both members of the public asked questions during the meeting. Deb Merkle asked the following questions with regard to the property on 56th Avenue: "How many participants [will be at the arena] daily," "Would there be loud music during the training," and "If the music is too loud, what are the remedies?" Ms. Cardenas responded by explaining that, at most, there would only be three instruction sessions per week during the spring/summer and fall season and each session could have between 15 to 30 riders plus family members (i.e., parents who drove their kids), plus up to three instructors. Ms. Cardenas explained that during some of the instruction sessions there would be music at a low-level so that the horses can become accustomed to performing with music. Ms. Cardenas and Mr. DeHerrera explained that they would work with the neighbors to ensure the music was at a comfortable level and if the music is too loud, the remedy would be to lower the volume or turn the music off.

With regard to the property on 72nd Avenue, JR asked about the dirt berm that could be used for landscaping and he said that was his preferred landscaping design rather than fencing.

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Achieve Law Group, LLC

He also asked “Where are the quests going to view the arena?” Mr. DeHerrera answered this question by explaining that visitors would view the performances from the south side of the arena and he used the site plan drawing to provide a visual response.

The meeting ended on a high note and both members of the public were appreciative for the information and thanked the Applicants for the presentation and for answering their questions. Both members of the public were asked if they had any further questions or concerns and they replied no. Both members of the public were invited to contact the applicants directly for more information and to schedule a tour of the properties and/or a demonstration of the proposed activities. Both members of the public said that they were interested in a tour and possible demonstration and would contact the Applicants.



Request for Comments

Case Name: Cardenas Equestrian Riding Stable & Academy
Case Number: RCU2020-00009

July 2, 2020

The Adams County Planning Commission is requesting comments on the following application: **Conditional Use Permit Request for an equestrian riding stable and academy.** This request is located at 50000 E 56th Ave. The Assessor's Parcel Number is 0181514100004.

Applicant Information: JEROME DEHERRERA
146 W. 11TH AVENUE
DENVER, CO 80204

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 07/30/2020 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to ASielaff@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Alan Sielaff, AICP
Case Manager
Planner II



Legend

- Highways (10,000 - 20,000)
 - Interstate
 - Highway
 - Tollway
- Building
- County Parks and Open Space
- Cities
 - Arvada
 - Aurora
 - Bennett
 - Brighton
 - Commerce City
 - Federal Heights
 - Lochbuie
 - Northglenn
 - Thornton
 - Westminster
- Small Lakes
- Major Lakes
- Rivers
 - Canal
 - Ditch
 - Primary Creek
 - River
 - Secondary Creek
 - Stream
- Irrigation Ditches
- Parcels
- County Boundary

1: 13,700



0.4 0 0.22 0.4 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Achieve Law Group

May 20, 2020

Jill Jennings Golich, Director
Adams Community & Economic Development Department
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Conditional Use Permit Application for an Equestrian Riding Stable and Academy to be located at 50000 E. 56th Ave., Bennett CO

Director Golich:

On behalf of Lino Cardenas, the owner of the real property and improvements located at 50000 E. 56th Avenue, Bennett, CO ("Property"), I am submitting this application for a conditional use permit for an equestrian riding stable and academy. Enclosed are the following documents:

Client authorization letter;

Application;

Copy of application fee payment: \$1,000.00 (which has been mailed);

Written explanation of the Project;

Site Plan showing the proposed land use;

Proof of ownership of Property;

Proof of Water and Sewer Services;

Proof of Utilities;

Legal description of the Property;

Certificate of taxes paid.

Certification of Notice to Mineral Estate Owners (to be mailed once the time and date of the initial public hearing is confirmed); and

Certificate of Surface Development (to be submitted prior to the initial public hearing).

I look forward to working with the Community and Economic Development Department on this application.

Sincerely,



Jerome A. DeHerrera, Esq.

146 W. 11th Avenue, Denver CO 80204
JDH@achivelawgroup.com
(303) 725-2769

Achieve Law Group, LLC

LINO CARDENAS CONDITIONAL USE PERMIT APPLICATION

FOR AN EQUESTRIAN RIDING STABLE AND ACADEMY

INTRODUCTION AND BACKGROUND:

Lino Cardenas purchased the real property and improvements located at 50000 East 56th Avenue, Bennet, CO 80102 (“Property”) in 2008. The Property is approximately 41 acres and is zoned A-3. The Property contains the family dwelling for the Cardenas family, a farm employee dwelling, and an additional accessory dwelling unit. The Property also includes a detached garage, two grain silos, a pole barn, and additional farm utility buildings (a storage building, a Quonset metal storage building, a lean-to barn, and chicken coops).

Mr. Cardenas intends to use existing facilities to provide lessons and instruction for equestrian riding and showing in traditional Mexican Charrería and Escaramuza. The lessons will be provided during weekends and evenings during the week. The lessons and instructions will be provided by Mr. Cardenas as well two trainers, Jorge Moreno Rendon and Mariana Villa, who are affiliated with the non-profit corporation: Lienzo Charro El Paraíso, Inc.¹ Mr. Cardenas is a champion Charro who has been performing traditional Charro events for more than thirty-years. He is recognized as one of Colorado’s leading Charros. He has been instrumental in supporting the National Western Stock Show’s Mexican Rodeo Extravaganza and he has performed in the rodeo several times. Mr. Rendon is a medical doctor who has been providing instruction and training in Charreada for eleven years. Ms. Villa is also a medical doctor and she has been providing instruction and training in Escaramuza for nine years. Attached below are pictures showing Charrería and Escaramuza lessons and trainings.

Although Mr. Cardenas seeks a permit for both a riding stable and academy, his current intent is to only provide lessons and instruction at his facility. He does not intend to board horses on his property at this time. Students who will receive lessons and instruction will be responsible for bringing their own horses on-site. Lessons will be provided in the Mexican Rodeo arena that has already been constructed on his property. Mr. Cardenas is in the process of obtaining the required building permits for the arena for purposes of personal equestrian use.

At this time, Mr. Cardenas is not pursuing a commercial equestrian permit for his property. He will not host competitions at his property and his use of the arena will comply with the requirements for a riding stable and academy, as well as the performance standards for a personal equestrian arena. Mr. Cardenas will comply with the personal equestrian arena standards as follows: there will be no commercial activities (other than the charreada and escaramuza lessons); there will be no sales of food or alcohol; the number of guests will not exceed 20 people (excluding participants in the lessons and the people living on the property); and livestock will not be brought onto the Property for purposes of a rodeo.

¹ Lienzo Charro El Paraíso, Inc. is a non-profit corporation that rents from Mr. Cardenas the Charreada arena located at 47335 East 72nd Avenue, Bennett, CO. El Paraíso will be submitting an application for a conditional use permit for a commercial equestrian arena on that property.

CHARRERÍA & ESCARAMUZA:

Charrería and Escaramuza are highly technical and artistic equestrian sports. They are one of the most important cultural traditions in the Southwestern United States and Mexico. In 2016, UNESCO recognized Charrería on the Representative List of the Intangible Cultural Heritage of Humanity. See <https://ich.unesco.org/en/RL/charrerria-equestrian-tradition-in-mexico-01108>.

The history of Charrería dates back to the time when Mexico and the Southwestern United States were part of the Spanish Empire. During the colonial time, wealthy Spanish landowners hired, trained and outfitted groups of Charros to manage their large ranches and herds of cattle and sheep. The Charros were highly trained, well educated, and outfitted with elaborate clothing, saddles, and equipment. Modern Charrería follows in those traditions and is best described as a mix of rodeo skills and dressage, with riders showing traditional competitive roping and ranch skills while training their horses to perform exquisite movements. Escaramuza is the artistic sport practiced by women who train and ride their horses in choreographed and synchronized maneuvers. The women ride side-saddle and wear traditional Mexican consumes and accessories.

CONDITIONAL USE PERMIT CRITERIA:

Criteria One: The conditional use is permitted within in the applicable zone district because the property is zoned A-3 and a “riding stable and academy” is identified as a permissible conditional use in the zone district. See Zone District Regulations Use Chart and Dimension Requirements.

Criteria Two: The conditional use is consistent with the purposes of these standards and regulations governing land uses in the A-3 zone district. As an identified permissible conditional use, the proposed riding stable academy is presumptively compatible with other land uses authorized or permitted in the zone district. The location, design, and configuration of the proposed land use is consistent and compatible with existing adjacent uses and the surrounding natural environment. For example, the property is located within the rural area of Bennett and is surrounded by agricultural properties. Both adjacent properties (to the east and west) are lots of a similar size to the Property, are also Zoned A-3, and have similar equestrian facilities and uses.

Criteria Three: The conditional use will comply with the requirements of the County’s development standards and regulations including, but not limited to, all applicable performance standards. There are no variance requests in the application.

Criteria Four: The proposal is “compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. The proposed riding stable and academy will not result

in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.”

The proposed use is compatible with the surrounding area and is harmonious with the character of the neighborhood. The property is surrounded by other agriculture properties that are of a similar size, similar land-use, and with the same A-3 zoning. The property is adjacent to two property owners. The adjacent property owners each have small farms with horse and livestock facilities on their properties. Accordingly, the proposed land use will not significantly impact the adjoining land uses. Prior discussions with the adjacent property owners confirm that they don't believe the use of the property for a riding stable and academy will significantly impact their use and enjoyment of their properties.

Criteria Five: The conditional use permit has addressed all off-site impacts.

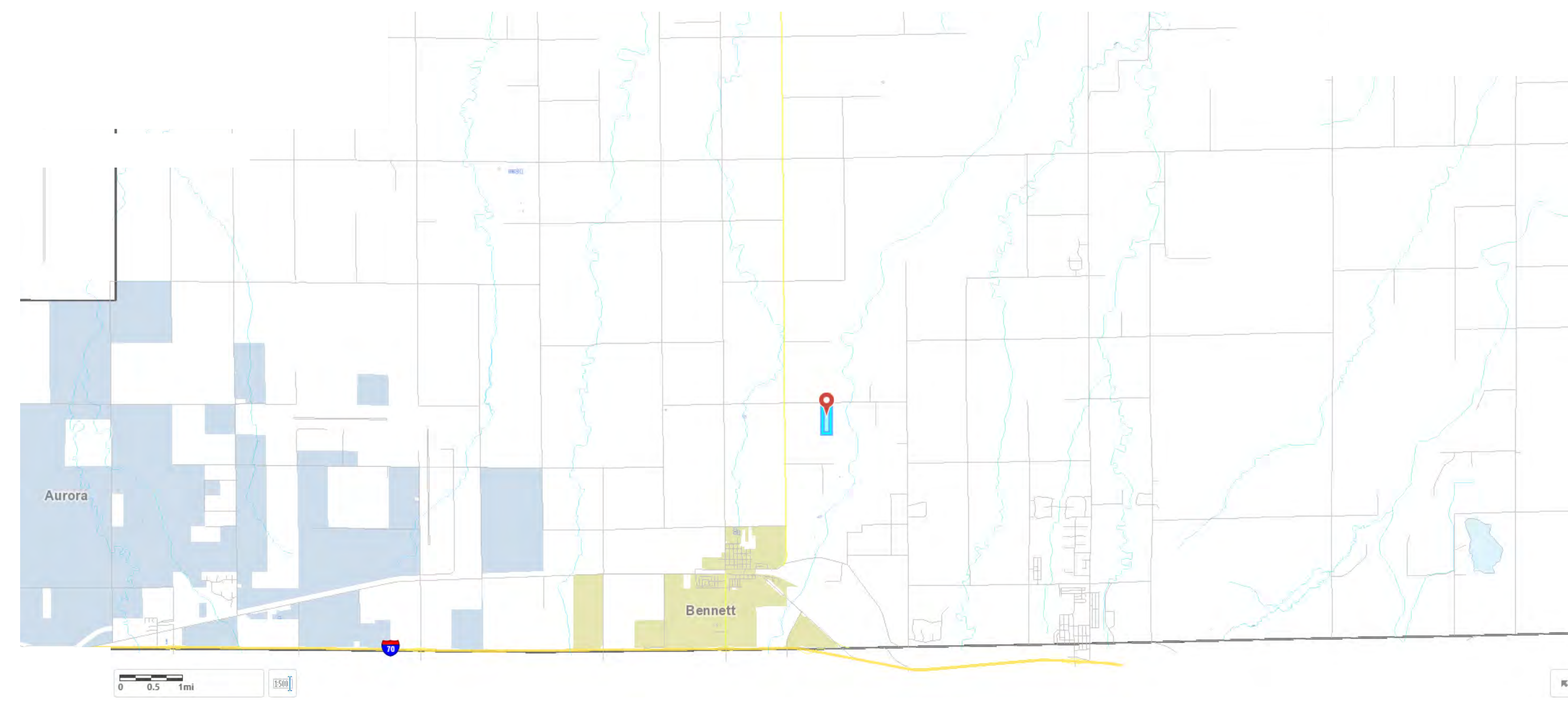
The Cardenas Family will address and mitigate all off-site impacts identified by Adams County.

Criteria Six: The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.

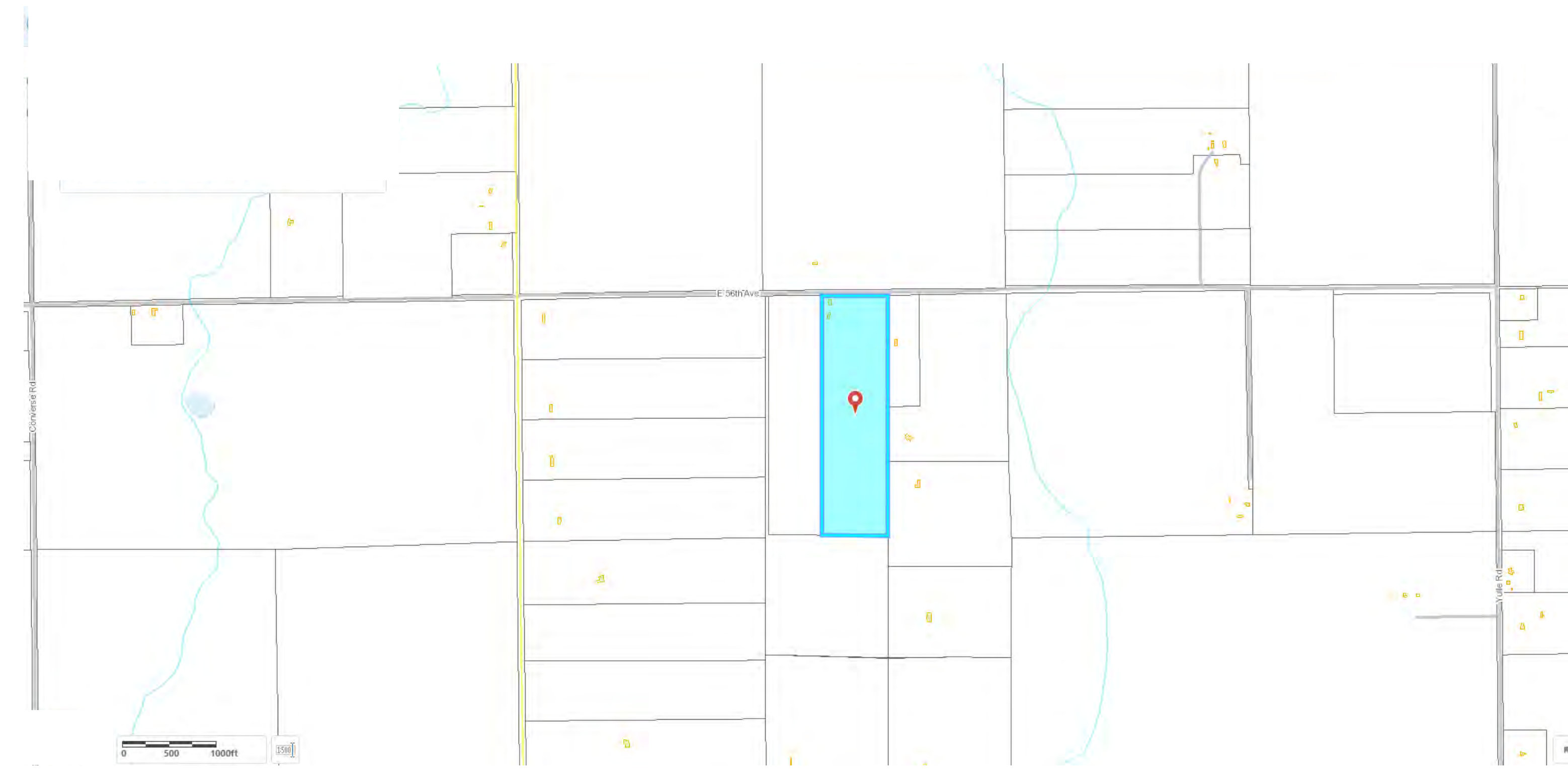
The site is large enough and is appropriate for the proposed riding stable and academy. As shown on the attached site plan, the property contains abundant land to comfortably accommodate the anticipated parking needs for participants in the academy. The property also has sufficient access from 56th Avenue. Finally, the property is appropriate because there are no known environmental constraints.

Parking:

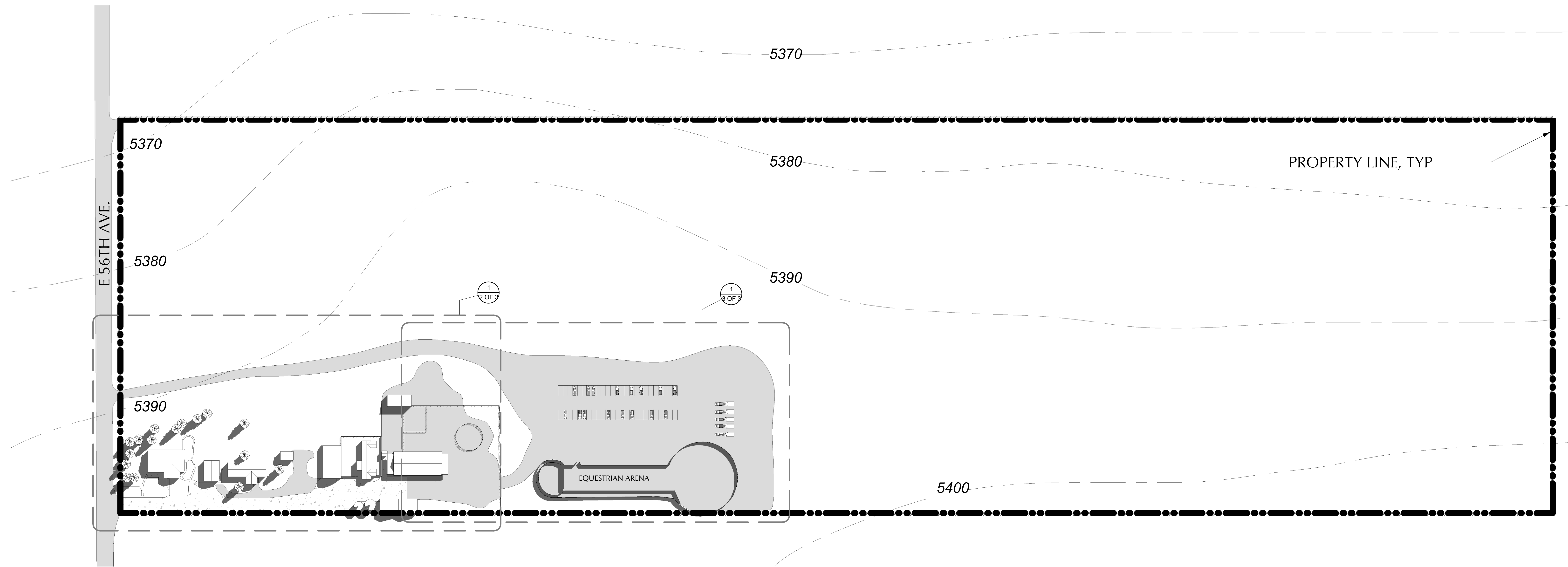
The Cardenas Family has designated a parking area that will accommodate participants and their horse trailers on a gravel road-base surface. Participants may enter the Property either through the western (main) or eastern access gate. As shown on the site map, the parking area provides a large circular driveway that will facilitate easy entry and exit for trucks with horse trailers. As shown on the site plan, the parking area is spacious and could hold more parking spots than will be needed for the riding stable and academy operations. As drawn on the site plan, there is ample on-site parking for both cars and truck and trailer combinations.



1 AREA MAP SCALE: NTS PLANS ARE ROTATED 90* COUNTER CLOCKWISE



2 SITE MAP SCALE: NTS PLANS ARE ROTATED 90* COUNTER CLOCKWISE

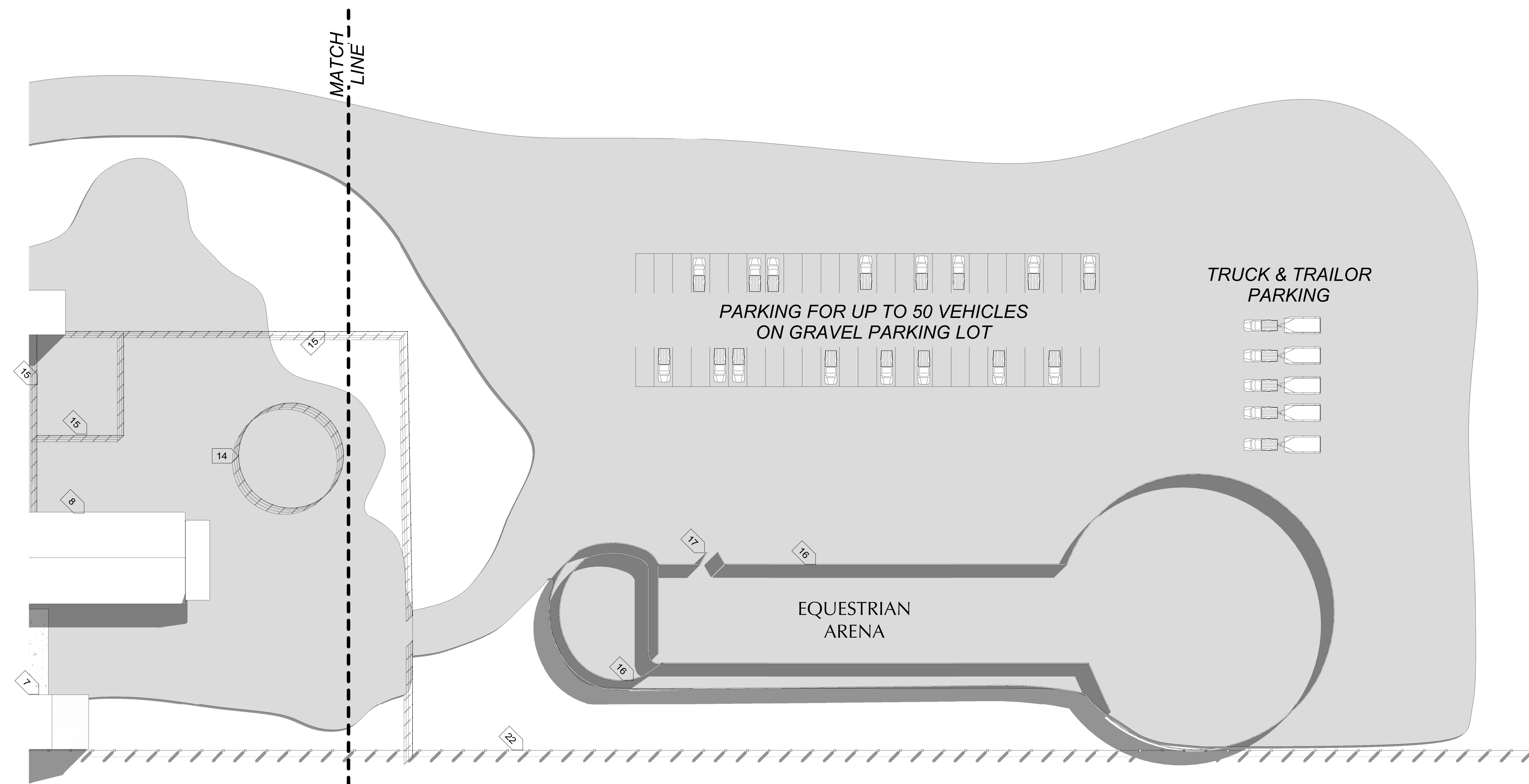


3 ARCHITECTURAL SITE PLAN SCALE: 1" = 100'-0"

CARDENAS RESIDENCE
50000 E 56TH AVE
BENNETT CO

DATE: 12.11.19
REVISIONS:

DRAWN BY: JM
REVIEWED BY: JM
DRAWING TITLE: ARCH SITE PLAN
SHEET #:



1 ENLARGED SITE PLAN ARENA
SCALE: 1/32" = 1'-0"

SITE PLAN GRAPHIC LEGEND	
	NATIVE VEGETATION
	GRAVEL
	CONCRETE

#	COMMENT
1	NEW RESTROOM
2	4' CMU WALL
3	SEMI-CIRCULAR METAL STORAGE SHED
4	CONCRETE DRIVEWAY
5	MAIN ENTRY DRIVEWAY
6	METAL SILO BUILDING
7	GABLE ROOF METAL STORAGE SHED
8	GABLE ROOF METAL HORSE BARN
9	HOUSE ONE STORY WOOD STRUCTURE W/GABLE ROOF
10	GABLE ROOF WOOD SHED
11	GARDEN ENCLOSED BY CONC WALKWAY
12	EXISTING GRAVEL ENTRY
13	CONCRETE WALKWAY, TYP
14	CIRCULAR WOOD FENCE WITH GATE
15	WOOD FENCE
16	EQUESTRIAN ARENA W/WOOD FENCE PERIMETER
17	WOOD GATE
18	TREE(S), TYP
21	STEEL LEAN-TO STRUCTURE
22	PERIMETER FENCE

CARDENAS RESIDENCE
50000 E 56TH AVE
BENNETT CO

DATE:
12.11.19
REVISIONS:

DRAWN BY:
JM
REVIEWED BY:
JM

DRAWING TITLE: 3 OF 3
SHEET #:

3 OF 3



Public Hearing Notification

Case Name:	Lienzo Charro El Paraíso Equestrian Riding Academy
Case Number:	RCU2020-00009
Planning Commission Hearing Date:	03/11/2021 at 6:00 p.m.
Board of County Commissioners Hearing Date:	03/30/2021 at 9:30 a.m.

February 19, 2021

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request:

Conditional Use Permit for an equestrian riding academy use to provide instruction and training in Charrería and Escaramuza in association with Lienzo Charro El Paraíso, a local non-profit.

This request is located at 50000 E. 56th Avenue. The Assessor's Parcel Number is 0181514100004.

Applicant Information: Jerome DeHerrera
146 W. 11th Avenue
Denver, CO 80204

The Planning Commission meeting will be held virtually using the Zoom video conferencing software and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. For instructions on how to access the public hearing via telephone or internet, or to submit comment, please visit <http://www.adcogov.org/planning-commission> for up to date information.

The Board of County Commissioners meeting is broadcast live on the Adams County YouTube channel and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting. For instructions on how to access the public hearing and submit comments, please visit <http://www.adcogov.org/bocc> for up to date information.

These will be public hearings and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. The full text of the proposed request and

additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

A handwritten signature in blue ink that reads "Alan Sielaff". The signature is written in a cursive style with a large, stylized initial "A".

Alan Sielaff, Planner II
asielaff@adcogov.org
720-523-6817

PUBLICATION REQUEST

Case Name: Lienzo Charro El Paraíso Equestrian Riding Academy

Case Number: RCU2020-00009

Planning Commission Hearing Date: 03/11/2021 at 6:00 p.m.

Board of County Commissioners Hearing Date: 03/30/2021 at 9:30 a.m.

Case Manager: Alan Sielaff, Planner II, asielaff@adcogov.org, 720-523-6817

Request: Conditional Use Permit for an equestrian riding academy use to provide instruction and training in Charrería and Escaramuza in association with Lienzo Charro El Paraíso, a local non-profit.

Parcel Number: 0181514100004

Address of the Request: 50000 E. 56th Avenue

Applicant: Jerome DeHerrera

Legal Description: SECT,TWN,RNG:14-3-63 DESC: PARCEL A PT OF THE W2 NE4 OF SEC 14 DESC AS FOLS BEG AT THE N4 COR SD SEC 14 TH S 30 FT TH E 635/12 FT TO THE POB TH CONT E 685/48 FT TH S 1274/44 FT TH S 1321/52 FT TH W 682/31 FT TH N 2586/17 FT TO THE POB 40/716A

Virtual Meeting and Public Comment Information:

These meetings will be held virtually. Please visit <http://www.adcogov.org/planning-commission> and <http://www.adcogov.org/bocc> for up to date information on accessing the public hearings and submitting comment prior to the hearings. The full text of the proposed request and additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.

Legal #2460

Published in the Eastern Colorado News Friday, February 26, 2021.



Referral Listing
Case Number RCU2020-00009
Cardenas Equestrian Riding Stable & Academy

Agency

Contact Information

Adams County Attorney's Office

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4430 S Adams County Pkwy
Brighton CO 80601
720-523-6352

Adams County CEDD Development Services Engineer

Devt. Services Engineering
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Brighton CO 80601
720-523-6800

Adams County CEDD Environmental Services Division

Katie Keefe
4430 S Adams County Pkwy
Brighton CO 80601
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kkeefe@adcogov.org

Adams County CEDD Right-of-Way

Marissa Hillje
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Brighton CO 80601
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Adams County Community Safety & Wellbeing, Neighborhood Services

Gail Moon

gmoon@adcogov.org
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Brighton CO 80601
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Adams County Development Services - Building

Justin Blair
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Brighton CO 80601
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JBlair@adcogov.org

Adams County Parks and Open Space Department

Aaron Clark
(303) 637-8005
aclark@adcogov.org

Adams County Parks and Open Space Department

Marc Pedrucci
303-637-8014
mpedrucci@adcogov.org

Adams County Sheriff's Office: SO-HQ

Rick Reigenborn
(303) 654-1850
rreigenborn@adcogov.org

Agency

Contact Information

Adams County Sheriff's Office: SO-SUB

--
303-655-3283
CommunityConnections@adcogov.org

BENNETT FIRE DISTRICT #7

Captain Caleb J Connor
825 SHARIS CT
BENNETT CO 80102
303-532-7733 303-644-3572
CalebConnor@BennettFireRescue.org

BENNETT FIRE DISTRICT #7

CHIEF EARL CUMELY
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303-644-5041
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BENNETT SCHOOL DISTRICT 29J

Robin Purdy
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CDPHE

Sean Hackett
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CDPHE

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CDPHE - AIR QUALITY

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CDPHE - WATER QUALITY PROTECTION SECT

Patrick Pfaltzgraff
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WQCD-B2
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CDPHE SOLID WASTE UNIT

Andy Todd
4300 CHERRY CREEK DR SOUTH
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303.691.4049
Andrew.Todd@state.co.us

Agency

Contact Information

Century Link, Inc

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5325 Zuni St, Rm 728
Denver CO 80221
720-578-3724 720-245-0029
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COLORADO DIVISION OF WILDLIFE

Matt Martinez
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COLORADO DIVISION OF WILDLIFE

Serena Rocksund
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IREA

Brooks Kaufman
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Sedalia CO 80135
303-688-3100 x105
bkaufman@intermountain-rea.com

NS - Code Compliance

Gail Moon
gmoon@adcogov.org
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gmoon@adcogov.org

TRI-COUNTY HEALTH DEPARTMENT

Sheila Lynch
6162 S WILLOW DR, SUITE 100
GREENWOOD VILLAGE CO 80111
720-200-1571
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TRI-COUNTY HEALTH DEPARTMENT

MONTE DEATRICH
4201 E. 72ND AVENUE SUITE D
COMMERCE CITY CO 80022
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Tri-County Health: Mail CHECK to Sheila Lynch

Tri-County Health
landuse@tchd.org
.

Xcel Energy

Donna George
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DENVER CO 80223
303-571-3306
Donna.L.George@xcelenergy.com

ATTEBERRY MERLYN C AND
ATTEBERRY CORINNE A
4320 HIWAY 79
BENNETT CO 80102

GRUBISH THOMAS C AND
GRUBISH JANET P
8709 MONTICELLO MEWS
NORTH RICHLAND HILLS TX 76180-1400

CAMP B 3 LAND COMPANY LLC
7300 YULLE RD
STRASBURG CO 80136-8136

HEAD REBECCA ANN
3300 MEADOW VISTA CT
BAKERSFIELD CA 93306-1834

CARDENAS LINO
CARDENAS ANDREA
50000 E 56TH AVE
BENNETT CO 80102-9024

HENDERSON AGGREGATE LTD
7321 E 88TH AVE STE 100
HENDERSON CO 80640-8137

CARDENAS LINO
56330 E 41ST AVE
STRASBURG CO 80136-8095

HER SHER
13420 IVY ST
THORNTON CO 80602-9223

CARDENAS LINO AND
CARDENAS ANDREA
56380 E 41ST AVE
STRASBURG CO 80136-8095

JONES MERRY A TRUST THE
5000 S COUNTY ROAD 149
STRASBURG CO 80136-9524

CARDENAS LINO AND
CARDENAS ANDREA
50000 E 56TH AVE
BENNETT CO 80102-9024

KING DAVID
PO BOX 367
BENNETT CO 80102-0367

CARDENAS LINO AND CARDENAS JUAN MANUEL AND
CARDENAS ANDREA
6073 HIGHWAY 79
BENNETT CO 80102-9023

KUCHENBROD KAREN L AND
KUCHENBROD JOHN M
PO BOX 449
BENNETT CO 80102-0449

CHEROCHAK MICHAEL J AND
CHEROCHAK MARY L
49811 E 48TH AVE
BENNETT CO 80102

LANCASTER LEE E AND
LANCASTER THERESA L
4000 HIWAY 79
BENNETT CO 80102

COX TRUDY WYNNE
7665 SAINT MARLO COUNTRY CLUB PKWY
DULUTH GA 30097-1632

LEBSACK KENT AND
LEBSACK TERESA
4707 YULLE ROAD
BENNETT CO 80102

GREAR MICHAL AND
GREAR ROBERTA
51315 E 56TH AVE
BENNETT CO 80102-9040

MAYEAUX RODNEY P AND MAYEAUX RANDALL P
C/O RANDY MAYEAUX
KREMMLING CO 80459-1311

RAY STANLEY A
5250 HIWAY 79
BENNETT CO 80102

WAKEHAM JOHN W AND
WAKEHAM LISA M
4545 YULLE ROAD
BENNETT CO 80102

SMIALEK DENNIS EDWARD AND
SMIALEK BETH ANN
47770 E 56TH AVE
BENNETT CO 80102-9106

WARD DALE R AND WARD MARY L
5350 HWY 79
BENNETT CO 80102

SMITH BRANDON J AND
SMITH CARISSA L
51315 E 56TH AVE
BENNETT CO 80102-9040

WILLIAMS DAVID R AND
WILLIAMS CAROL C
5670 U S HIWAY 79
BENNETT CO 80102

SMITH DUSTIN DAVID
51315 E 56TH AVE
BENNETT CO 80102-9040

WITT-THOMPSON STEPHEN J AND
WITT-THOMPSON ANGELINA M
PO BOX 350
BENNETT CO 80102-0350

STATE OF COLORADO
1525 SHERMAN ST 2ND FLOOR
DENVER CO 80203-1714

BRITTEN RICK L AND
BRITTEN REA L
OR CURRENT RESIDENT
50005 E 48TH AVE
BENNETT CO 80102

STEFFEN BETTY J TRUST THE
PO BOX 215
BENNETT CO 80102-0215

CARDENAS JORGE
OR CURRENT RESIDENT
49850 E 48TH AVE
BENNETT CO 80102

THE LOSTAK FAMILY TRUST
PO BOX 611027
ROSEMARY BEACH FL 32461-1000

CHEROCHAK MICHAEL J AND
CHEROCHAK MARY L
OR CURRENT RESIDENT
49811 E 48TH AVE
BENNETT CO 80102

THOMPSON LAND AND CATTLE CO
PO BOX 350
BENNETT CO 80102-0350

COPELAND GARY R AND
COPELAND JANIE L
OR CURRENT RESIDENT
49990 E 64TH AVE
BENNETT CO 80102-9008

THORNBURG FAMILY LIMITED
PARTNERSHIP LTD
50747 E 38TH AVE
BENNETT CO 80102-8914

COPELAND ROBERT/ALETHEA
REVOCABLE LIVING TRUST THE
OR CURRENT RESIDENT
50180 E 64TH AVE
BENNETT CO 80102-8955

TOFT LARRY C AND
TOFT HELEN F
51300 E 56TH AVE
BENNETT CO 80102-9040

DANIEL DAVID ERNEST AND
INMAN BETH NICHOLE DANIEL
OR CURRENT RESIDENT
6221 KIOWA BENNETT RD
BENNETT CO 80102

EBSSEN HEIDI
OR CURRENT RESIDENT
5755 HIGHWAY 79
BENNETT CO 80102-9020

MILLER TODD AND
MILLER SHARON
OR CURRENT RESIDENT
48155 E 56TH AVE
BENNETT CO 80102-9109

FIRE HOUSE YOUTH CENTER INC
OR CURRENT RESIDENT
49990 E 64TH AVE
BENNETT CO 80102-9008

MOYER JOHN R AND
MOYER LYNNE M
OR CURRENT RESIDENT
6200 HIGHWAY 79
BENNETT CO 80102

FLOYD DEBORAH A
OR CURRENT RESIDENT
48910 E 48TH AVE
BENNETT CO 80102-9007

POHL STEVE J AND POHL SONJA J
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50025 E 48TH AVE
BENNETT CO 80102

GLICKMAN LAURA JO
OR CURRENT RESIDENT
51051 E 56TH AVE
BENNETT CO 80102

PRIETO ENRIQUEZ CARLOS AND
PRIETO VIOLETA
OR CURRENT RESIDENT
5150 HIGHWAY 79
BENNETT CO 80102-8947

GREAR MICHAL AND
GREAR ROBERTA
OR CURRENT RESIDENT
51315 E 56TH AVE
BENNETT CO 80102-9040

ROBLES PETRONILLO
OR CURRENT RESIDENT
50430 E 56TH AVE
BENNETT CO 80102

HANEY JOSEPH
OR CURRENT RESIDENT
50015 E 48TH AVE
BENNETT CO 80102-9014

SANDVIK CARL D AND
SANDVIK CONNIE P
OR CURRENT RESIDENT
49000 E 56TH AVE
BENNETT CO 80102

MALONE JOSEPH ALLEN
OR CURRENT RESIDENT
6020 HIGHWAY 79
BENNETT CO 80102-9020

SEIBERT FAMILY TRUST
OR CURRENT RESIDENT
50100 E 48TH AVE
BENNETT CO 80102-9014

MERKLE ALAN B AND
MERKLE DEBRA P
OR CURRENT RESIDENT
49950 E 48TH AVE
BENNETT CO 80102

THE GERALD R AND DEBORAH A TOCZEK REVOCABLE
TRUST
OR CURRENT RESIDENT
49200 E 64TH AVE
BENNETT CO 80102-9008

MERTENS MAURICE A
OR CURRENT RESIDENT
49720 E 56TH AVE
BENNETT CO 80102-9022

TOFT LARRY C AND
TOFT HELEN F
OR CURRENT RESIDENT
51300 E 56TH AVE
BENNETT CO 80102-9040

MIER ROSA M AND MIER MANUEL R AND
MIER EDUARDO
OR CURRENT RESIDENT
49191 E 48TH AVE
BENNETT CO 80102-9007

ZUBIA JOSE AND ZUBIA MARIA
ZUBIA RANDY J AND ZUBIA RUBY A
OR CURRENT RESIDENT
49860 E 56TH AVE
BENNETT CO 80102-9022

CURRENT RESIDENT
5450 N KIOWA BENNETT RD
BENNETT CO 80102-8907

CURRENT RESIDENT
49811 E 48TH AVE UNIT B
BENNETT CO 80102-9017

CURRENT RESIDENT
4545 YULLE RD
BENNETT CO 80102-8915

CURRENT RESIDENT
50000 E 56TH AVE UNIT A
BENNETT CO 80102-9024

CURRENT RESIDENT
4707 YULLE RD
BENNETT CO 80102-8915

CURRENT RESIDENT
50000 E 56TH AVE UNIT B
BENNETT CO 80102-9024

CURRENT RESIDENT
5250 HIGHWAY 79
BENNETT CO 80102-8937

CURRENT RESIDENT
5049 YULLE RD
BENNETT CO 80102-9027

CURRENT RESIDENT
51300 E 56TH AVE UNIT A
BENNETT CO 80102-8939

CURRENT RESIDENT
51325 E 56TH AVE
BENNETT CO 80102-9040

CURRENT RESIDENT
51300 E 56TH AVE UNIT B
BENNETT CO 80102-8939

CURRENT RESIDENT
51335 E 56TH AVE
BENNETT CO 80102-9040

CURRENT RESIDENT
50111 E 56TH AVE
BENNETT CO 80102-9001

CURRENT RESIDENT
5549 YULLE RD
BENNETT CO 80102-9010

CURRENT RESIDENT
49900 E 48TH AVE
BENNETT CO 80102-9013

CURRENT RESIDENT
49811 E 48TH AVE UNIT A
BENNETT CO 80102-9017

CERTIFICATE OF POSTING



I, Alan Sielaff, do hereby certify that I had the property posted at

50000 E. 56th Avenue, Bennett, CO 80102

on February 24, 2021

in accordance with the requirements of the Adams County Development Standards and Regulations

Alan Sielaff, Planner II

Lienzo Charro El Paraíso

Equestrian Riding Academy

RCU2020-00009
50000 E. 56th Avenue

March 30, 2021

Board of County Commissioners Public Hearing

Community and Economic Development Department

Case Manager: Alan Sielaff



Request

- Conditional Use Permit (CUP) for an equestrian riding academy use to provide instruction and training in Charrería and Escaramuza in association with Lienzo Charro El Paraíso (LCEP), a local non-profit.

Background

- Charrería and Escaramuza:
 - Highly technical and artistic equestrian sport
 - An Important cultural tradition in the Southwestern United States and Mexico
 - Charrería showcases roping and ranch skills
 - Escaramuza characterized as an artistic sport training horses in choreographed and synchronized maneuvers

Vicinity Map

HW 79

E. 56th Ave.

SITE

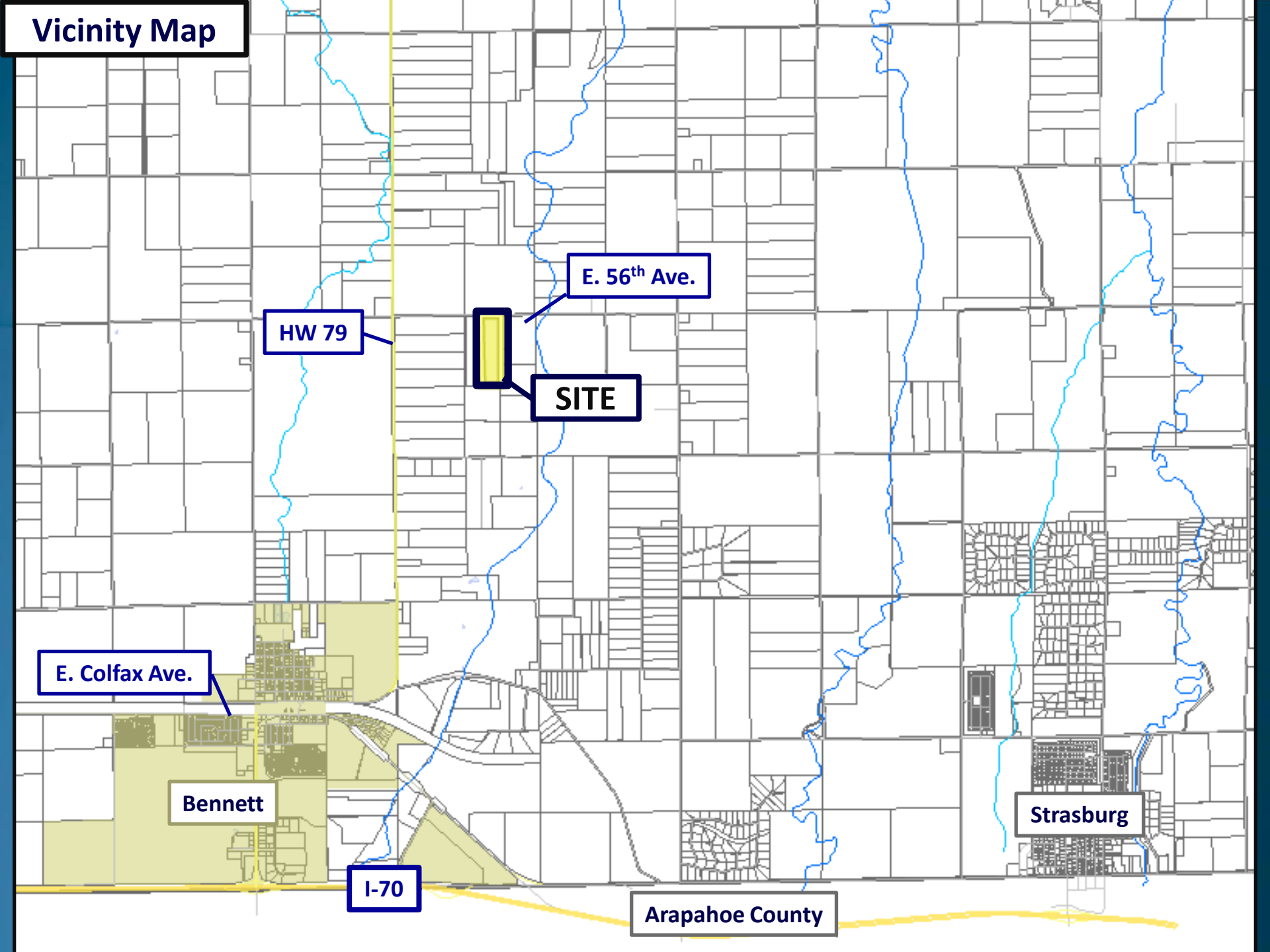
E. Colfax Ave.

Bennett

I-70

Arapahoe County

Strasburg



Aerial Map

HW 79

E. 56th Ave.

SITE

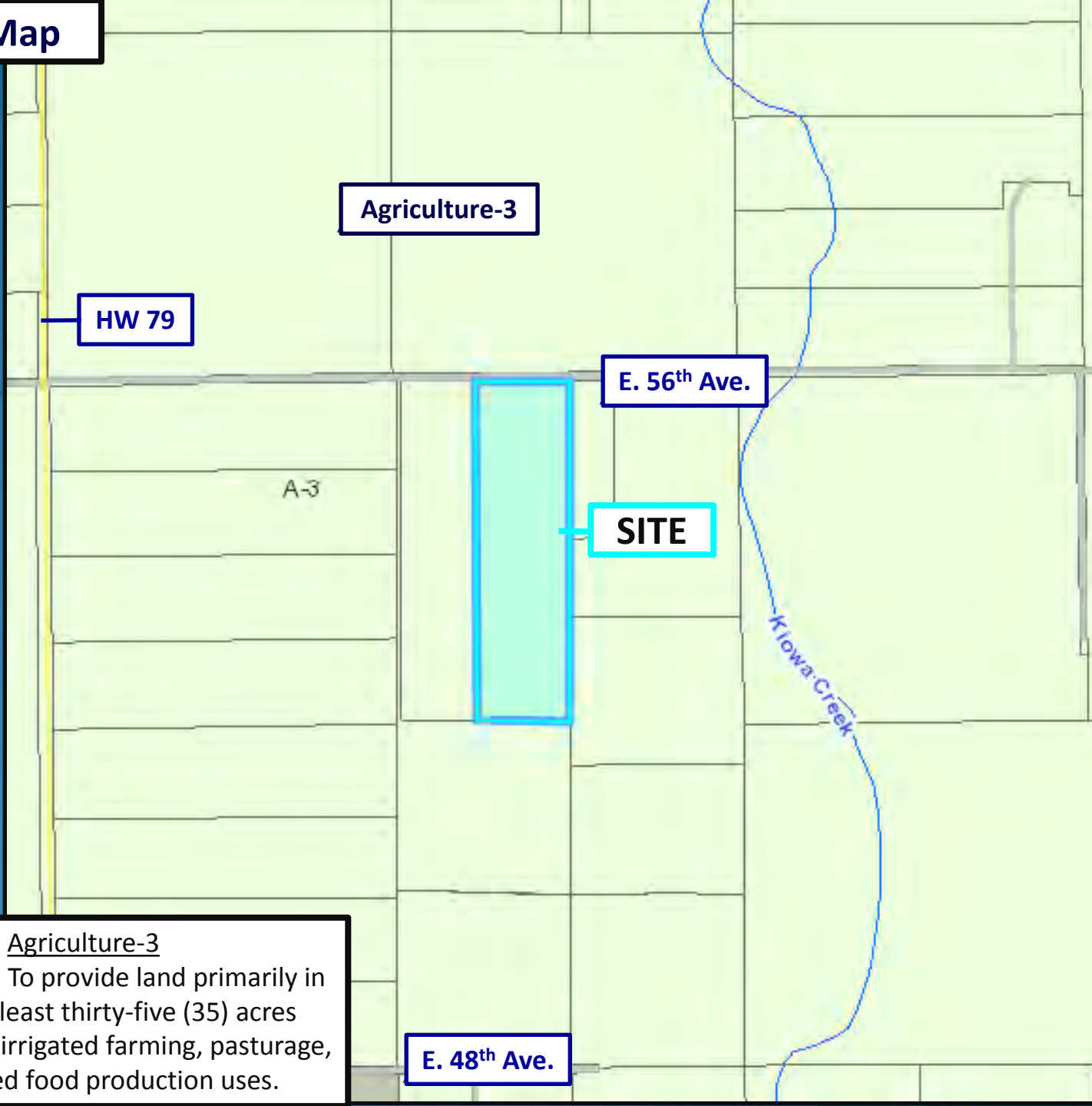
Kiowa Creek

E. 48th Ave.

Kiowa Creek



Zoning Map



Agriculture-3

HW 79

E. 56th Ave.

A-3

SITE

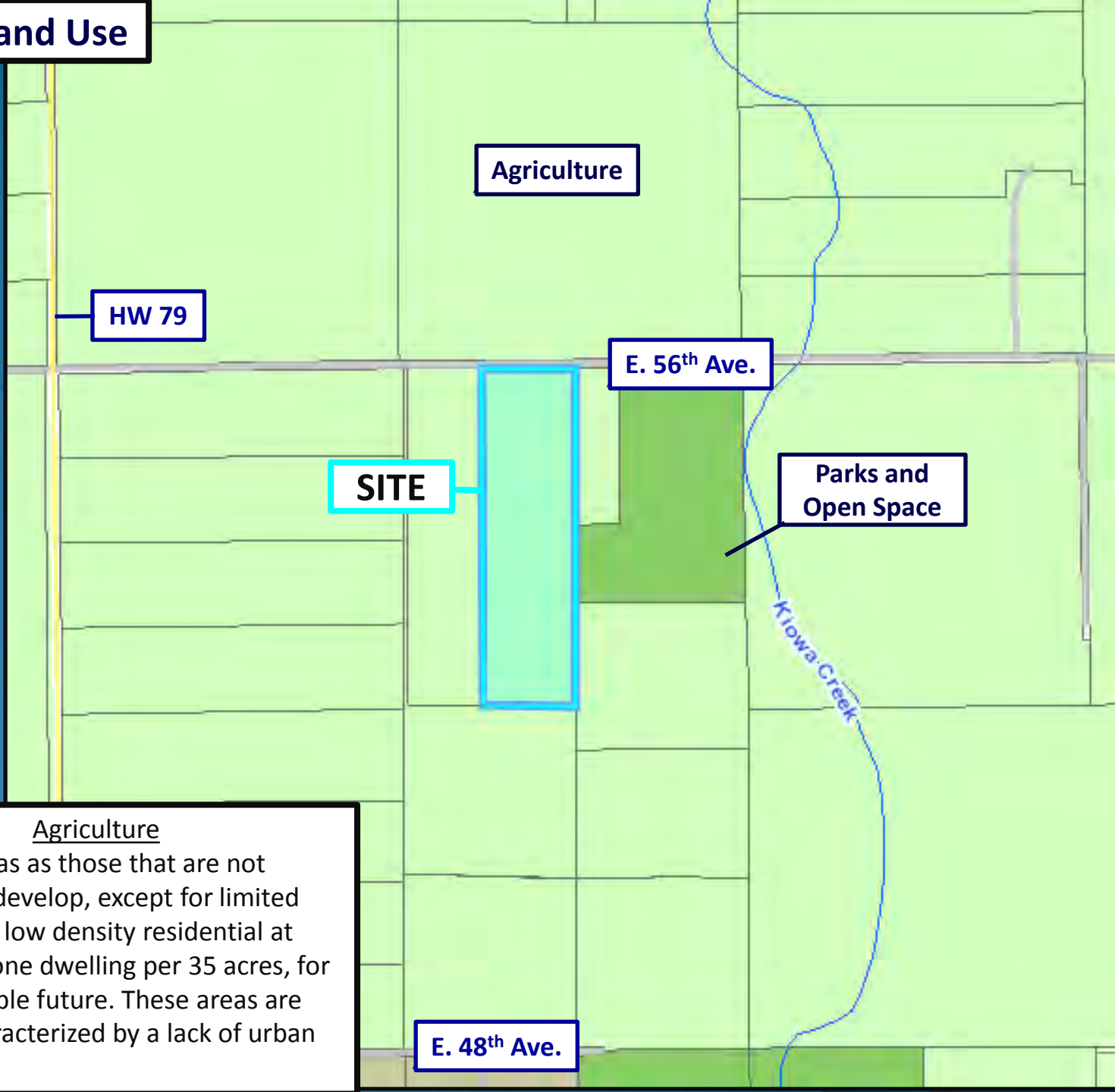
Klowa Creek

E. 48th Ave.

Agriculture-3

Purpose (A-3): To provide land primarily in holdings of at least thirty-five (35) acres for dryland or irrigated farming, pasturage, or other related food production uses.

Future Land Use



Agriculture

Purpose: areas as those that are not expected to develop, except for limited areas of very low density residential at densities of one dwelling per 35 acres, for the foreseeable future. These areas are typically characterized by a lack of urban services.

E. 48th Ave.







DEVELOPMENT PROPOSAL

C

CONDITIONAL USE PERMIT

ISSUED DATE & TIME
OF: MAR 4 78 2021
BY: MARCH 20 2021

ADAMS COUNTY DEPARTMENT OF CLERK
110 S. 10TH STREET, SUITE 100
DENVER, CO 80202
(303) 733-1234

VIRTUAL HEARING

RCU 2020-00009



720.523.6800

adcogov.org



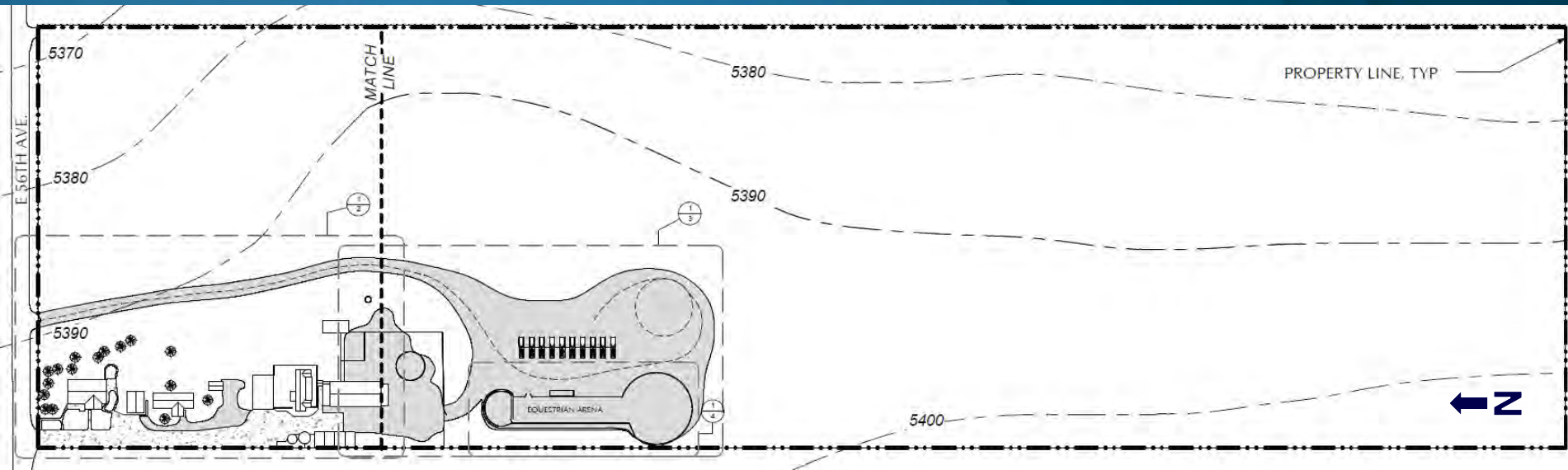
ADAMS COUNTY

Criteria for Conditional Use Permit

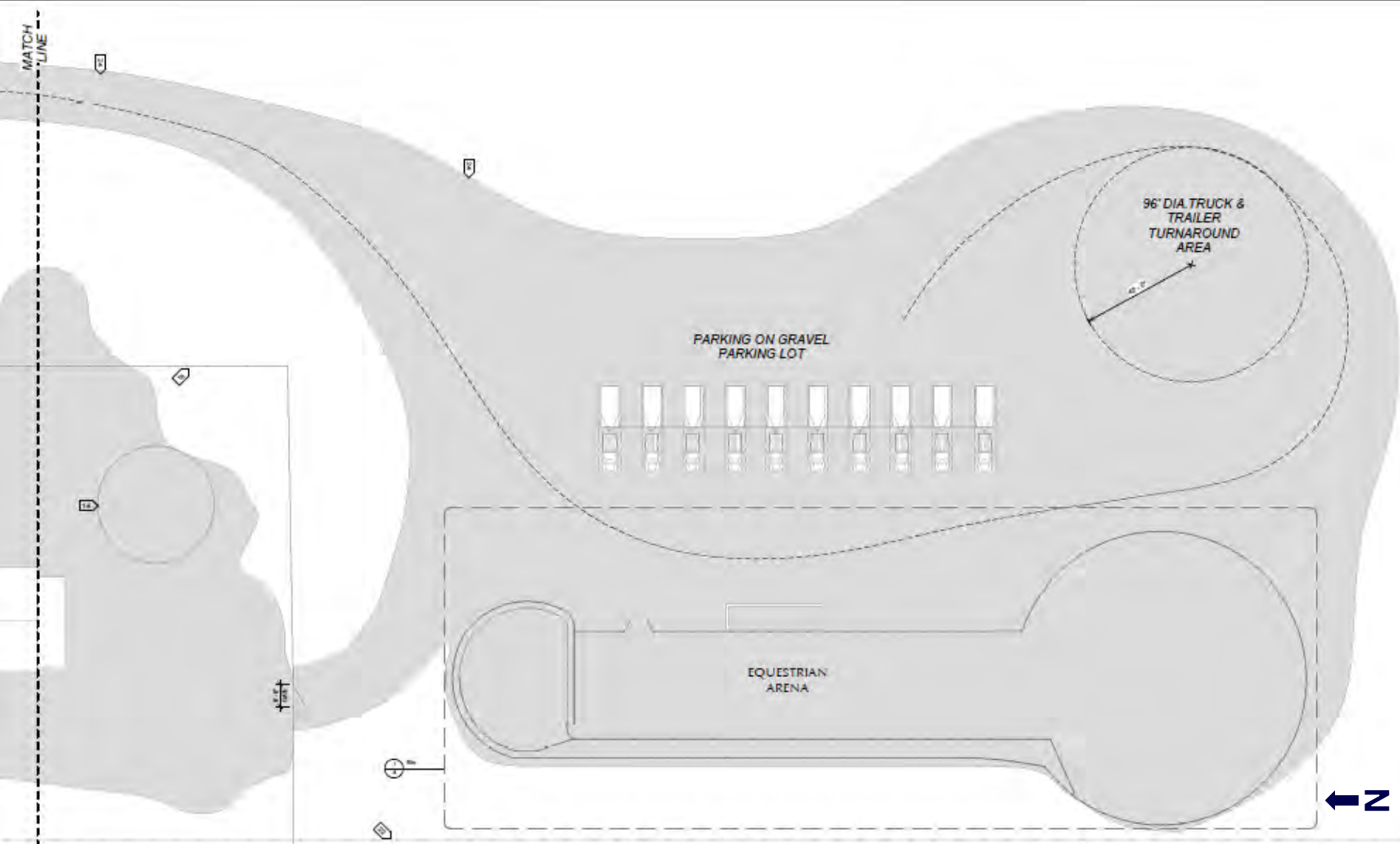
Section 2-02-09-06

1. The use is permitted in zone district
2. Request is consistent with purpose of regulations
3. Request will comply with performance standards
4. The use is harmonious & compatible with the surrounding area
5. Application has addressed all off-site impacts
6. The site suitable for the proposed use
7. The site plan is adequate for the proposed use
8. Sufficient services are available to serve the proposed use

Conditional Use Request – Site Plan



Conditional Use Request – Site Plan



Conditional Use Request – Operations

- Training sessions generally take place April through November
- Three (3) hour sessions, up to five (5) sessions per week
- Take place evenings and weekends; begin no earlier than 8 a.m. and end no later than 8 p.m.
- Occur within existing equestrian arena
- Adjacent parking area will be used to unload horses and prepare for riding sessions
- Escaramuza practice includes music; volume is kept lower than performance competitions
- Charro practice will not include music

Conditional Use Request – Operations

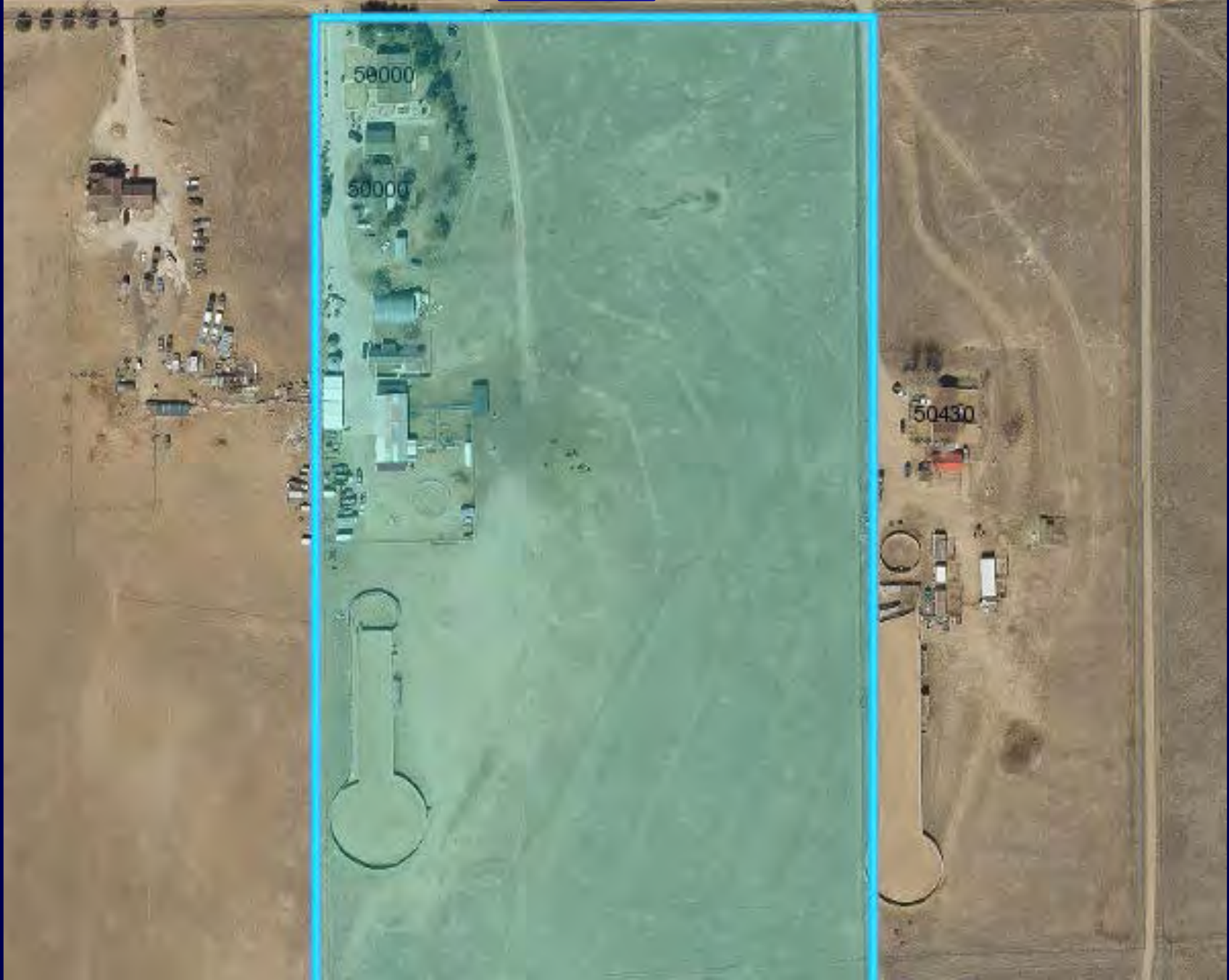
- Maximum of 25 participants and guests in addition to on-site residents
- Horse boarding not included
- Site access and vehicle parking on fire dept. approved crushed gravel parking area with emergency turnaround
- Participants to bring their own water, horses to be provided water in a trough near the arena
- Portable toilet and hand-washing station to be provided
- Applicant will perform dust mitigation as appropriate
- Sound monitoring will occur to ensure volume does not exceed 80 decibels at property line

Zoning and Development Standards

- Riding academy an allowed conditional use in the A-3 zone
- Riding academy to utilize existing equestrian arena; allowed accessory agricultural use
- Must adhere to performance standards for personal equestrian arena, with exceptions permitted with a CUP
 - accessory to the primary use of the property
 - limitations to the number of participants unless a CUP is granted
 - prohibits commercial activities unless a CUP is granted
 - off-site impacts are mitigated
- Required to meet accessory structure setbacks
 - Building permit required to relocate arena approximately 5 ft. to the east to meet 10 ft. side setback for accessory structures in the A-3 zone
- Landscaping not required; applicant to plant trees to buffer property line adjacent to arena

Context Map

E. 56th Ave.



Referral Comments

Notifications Sent*	Comments Received
76	6

*Property owners and occupants within 1 mile

Public Comment:

- Five comments in opposition, one in support
- Concerns with past nuisance violations, impacts of proposed use (noise, traffic, frequency and extent of use)

Referral Agency Comment:

- Responding with comments or concerns:
 - CSWB, ACSO, BWFD, CPW, TCHD
- Responding without Concerns:
 - CDPHE, Xcel
- Additional referrals provided no response

Planning Commission Update

- The Planning Commission considered this case on March 11, 2021 and voted (7-0) to recommend approval of the request.
- The applicant presented additional background and detail on the proposed use.
- One (1) member of the public spoke regarding concerns with past music volume but was not in opposition to the use.
- Planning Commission discussed past nuisance violations, volume of music, if there were any fund-raising efforts by the non-profit.
- Many members voiced support for use and stressed importance for the applicant to respect requirements of the conditional use.

Staff Recommendation

(RCU2020-00009;

Lienzo Charro El Paraíso Equestrian Riding Academy)

Staff recommends **approval** of the proposed Conditional Use Permit (RCU2020-00009) with 8 findings-of-fact, 4 conditions precedent, 12 conditions and 4 notes.

Recommended Findings-of-Fact

Conditional Use Permit (see Section 2-02-09-06):

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions Precedent

1. The applicant shall obtain a Use Permit from the Tri-County Health Department for all On-Site Wastewater Treatment (OWTS) needs for the existing property.
2. The existing equestrian arena must be relocated to meet the 10 ft. side setback requirement for accessory structures and uses in the Agriculture-3 zone district. A building permit is required prior to construction activities.
3. A landscape buffer of at least one tree every 80 ft. shall be installed along the western property boundary adjacent to the equestrian arena to reduce visual impacts.
4. The applicant shall receive a “Notice to Proceed” from the Department of Community and Economic Development. Written proof that all of the conditions precedent have been satisfied shall be required prior to receiving this notice.

Recommended Conditions

1. The Conditional Use Permit shall expire on March 30, 2024 (three years).
2. The applicant shall comply with all the requirements of the Tri-County Health Department provided in their letter dated January 25, 2021.
3. The applicant shall comply with all the requirements of the Bennett-Watkins Fire District provided in their letter dated January 5, 2021.
4. The applicant shall comply with all the requirements of the Colorado Department of Parks and Wildlife provided in their letter dated July 16, 2020.
5. Training sessions are to be conducted in accordance with the provided Riding Academy Operations Plan, which includes a maximum of five trainings sessions per week. Each session can begin no earlier than 8 a.m. in the morning and must end no later than 8 p.m. in the evening.
6. The maximum number of participants, volunteers, and visitors to the site may not exceed twenty-five (25) people at any time, in addition to the inhabitants of the property.
7. The applicant shall establish a notification procedure for property owners and residents within one half-mile of the facility.

* 8 – 12 continued on next slide

Recommended Conditions

8. The applicant shall provide a quarterly report to the Code Compliance Supervisor that includes all citizen concerns and complaints. The reports shall begin once the Notice to Proceed has been issued by dates set by the Code Compliance Supervisor. In that report, the applicant shall provide responses to the complaints and how these issues were remedied. The applicant shall also provide written responses to any complaints received and forwarded to the applicant by Code Compliance.
9. All parking for participants shall be located on the subject property. All vehicle parking and drive lanes shall be on an approved surface, such as recycled gravel or asphalt.
10. Sound monitoring is required during training sessions to ensure music volume does not exceed 80 decibels at property lines or public right-of-way.
11. Fugitive dust control mechanisms must be in place and functioning prior and during training sessions as conditions warrant.
12. Compensation and fees may be collected as part of the approved Riding Academy land use, however, food and alcohol may not be sold or bought on the premises. Livestock may not be brought to the site from a provider for the purpose of hosting a rodeo. No commercial competition or commercial entertainment (e.g. camps, birthday parties) other than riding lessons shall be permitted on site.

Recommended Notes to the Applicant

1. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations during the development of the subject site.
2. The conditional use permit approval shall lapse one year (March 30, 2022) following this approval if a building permit for the relocated equestrian arena has not been issued.
3. Deviation from the site plan and stated or approved operations provided with this application will require an amendment to the conditional use permit.
4. Renewal of a conditional use permit requires a full application process and approval at public hearings prior to expiration for continuation of the riding academy use.



COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT

CASE NO.: RCU2020-00012

CASE NAME: StreetMedia 70th Avenue Billboard

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- 3.1 Applicant Written Explanation
- 3.2 Applicant Site Plan

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- 4.2 Referral Comments (Adams County Fire and Rescue)
- 4.3 Referral Comments (CDPHE)
- 4.4 Referral Comments (CDOT)
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- 4.6 Referral Comments (RTD)
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No Public Comment

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**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Board of County Commissioners

March 30, 2021

CASE No.: RCU2020-00012 CASE NAME: StreetMedia 70th Avenue Billboard	
Owner's Name:	Washington Commerce Center, LLC
Applicant's Name:	Gary Young, Street Media Group, LLC
Applicant's Address:	161 Saturn Drive Unit 5A Fort Collins, CO 80525
Location of Request:	605 E. 70 th Ave, Denver, Colorado 80229
Nature of Request:	Conditional Use Permit to construct a billboard in the I-1 zone district.
Zone District:	Industrial-1 (I-1)
Future Land Use:	Mixed Use Employment
Site Size:	0.46 Acres (20,037.6 square feet)
Proposed Use:	Industrial/ Electronic Billboard
Existing Use:	Vacant / Industrial
Hearing Date(s):	PC: March 11, 2021 / 6:00 pm BoCC: March 30, 2021 / 9:30 am
Report Date:	March 12, 2021
Case Manager:	Thomas Dimperio
PC Recommendation:	PC recommends APPROVAL of the subject request WITH the applicants request for a variation in the setback, with 8 Findings-of-Fact, 7 Conditions, and 3 Notes to the applicant.

SUMMARY OF APPLICATION

Background:

The applicant, Gary Young of Street Media Group, is requesting a conditional use permit to allow for an off-premise electronic sign (billboard) in the Industrial-1 (I-1) zone district. The property is currently undeveloped but does have a liquid storage tank for the building on the adjacent lot to the east.

Site Characteristics:

The subject property is zoned as Industrial-1 (I-1) and is 0.46 acres. The parcel is part of a larger industrial subdivision with frontages along E. 70th Avenue / Highway 224 and Washington Street. Currently the site is undeveloped, and the parcel is visible from Interstate 25, the offramp

from US 36/Interstate 270 eastbound to Interstate 25 northbound, and the offramp from Interstate 25 northbound to US 36 westbound. The billboard is proposed to be located in the northeast corner of the parcel, roughly 57 feet from the western property line, 10 feet from the eastern property line, and 40 feet from the northern property line. All setbacks listed above are measured from the leading edge of the sign pole. Sign face setbacks are as follows: 44 feet from the western property line and 19 feet from the northern property line.

Development Standards and Regulations:

The property is zoned Industrial-1 (I-1). Per Section 3-24-01 of the County's Development Standards and Regulations, the purpose of the Industrial-1 District is to provide a general commercial and limited industrial district designed to provide for a variety of compatible business, warehouse, wholesale, offices and very limited industrial uses. Off-premise advertising devices are permitted with an approved Conditional Use Permit in the I-1 zone district.

Section 4-16 of the County's Development Standards and Regulations outlines the required design and performance standards for billboards, which includes standards for electronic signs. These standards ensure outdoor advertising devices are properly located to minimize visual and physical impacts to surrounding properties. Required design standards include: maximum height, maximum sign area, number of billboards allowed per lot, minimum setbacks from property lines, and minimum spacing from other off-premise signs.

The applicant has submitted a site plan and elevation drawings with the subject request. The proposed billboard is 35 feet in height. Per Section 4-16-05, the height shall be determined as the distance from the grade of the right-of-way on which the sign fronts to the top of the sign including all projections.

The proposed sign has two advertising faces, with each being three hundred (300) square feet per sign face. The proposed height and size of the billboard conforms to the County's required maximum height of 40 feet and maximum sign area of 300 square feet for each single sign face. The sign faces are shown to be back-to-back and not arranged in a V-shape configuration.

Section 4-16-07 of the County's Development Standards and Regulations outlines other limitations for off-premise signs. The minimum right-of-way and property line setback requirements shall be equal to the height of the billboard, as measured from the leading edge of the sign face. Variations in the setback requirement may be granted with the issuance of a Conditional Use Permit. The proposed billboard is 35 feet in height, so all setbacks would be required to be a minimum of 35 feet. The applicant is requesting a variation in the setback of the subject off-premise sign to allow for a 10-foot setback from the eastern property line.

Previous billboard applications have been granted the setback variation with the condition that the proposed billboard be built to Category 3 Building Code. Staff feels that the extra safety requirements added with the Category 3 Building Code requirements effectively address any safety concerns of the billboard falling over or causing harm to nearby property owners and residents. The same requirement will be added to this case as a condition of approval.

Per Section 4-16-03 of the County's Development Standards and Regulations, only one off-premise sign is permitted per lot. In addition, all off-premise signs located on the same side of a road or highway shall be separated by a minimum of 2,000 linear feet. The proposed billboard will be the only billboard permitted on the property and the applicant has provided documentation demonstrating that no billboards are within 2,000 linear feet of the subject site.

Per Section 4-16-06-02 of the County's Development Standards and Regulations, an electronic sign is permitted as part of a billboard. Performance standards for electronic signs include duration of message, transition of message, prohibited electronic devices, and maximum brightness. According to the Development Standards and Regulations, each message displayed shall remain static for a minimum of four seconds, with 10 seconds being optimal, and must transition immediately to the next message displayed. All such signs shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion. In accordance with Section 4-16-06-02 of the County's Development Standards and Regulations, electronic devices shall not display animated images or graphics, scrolling messages, videos, or emit audible sounds. In addition, each sign shall be equipped with light monitors and controls that automatically adjust to environmental/outside conditions. According to the applicant, the proposed billboard will conform to all electronic sign performance standards, including the minimum duration of message of four (4) seconds. The sign will display only static messages and shall not exceed the maximum brightness of 0.3 footcandles during nighttime hours from sunset to sunrise.

In addition to the Adams County Development Standards and Regulations, the proposed billboard must show compliance with all the requirements of the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. Seq. and the Colorado rules and regulations promulgated thereunder by the Colorado Department of Transportation.

Future Land Use Designation/Comprehensive Plan:

The future land use designation on the property is Mixed Use Employment. Per Chapter 5 of the Adams County Comprehensive Plan, the purpose of Mixed Use Employment areas is to allow a mixture of employment uses, including offices, retail, and clean, indoor manufacturing, distribution, warehousing, and airport and technology uses. New Mixed Use Employment areas are designated in locations that will have excellent transportation access and visibility, but are not suitable for residential uses. The proposed billboard would be an accessory use on the property, if developed. Therefore, it is unlikely that this request has any impact on the future goals of the County in this area.

The recommendation of approval for the subject billboard is based strictly on the criteria of approval for a Conditional Use Permit; however, it is important to discuss the project's compliance with the applicable subarea plans. The Comprehensive Plan and its adopted subarea plans are intended to provide guidance for future development within the County. The subject parcel is located within the Southwest Area Framework Plan. The Southwest Area Framework Plan is an adopted plan in the Comprehensive plan. The plan includes a Policy 14.7 to *Enhance the area's role as an important County Gateway*. Strategies in completing the goals include:

1. 14.7.a. *Entryway Image* – Initiate landscaping, streetscaping, and buffering programs to improve the entryway image of the County as viewed from I-70, I-25, and I-76 and key highway exits into the County;
2. 14.7.b. *Screening and Buffering* – Require improved buffering for new development along the I-70, I-25, and I-76 corridors, and require screening for new outdoor storage and activities visible from I-70, I-25, and I-76; and
3. 14.7.c *Signs* – Review and update the sign regulation provisions, including control of off-premise signs, applicable to private lands visible from I-70, I-25, and I-76 and key highway exits into the County.

Strategy 14.7.c suggests that the County should update the sign code to potentially control the number of off-premise signs permitted along gateways into Adams County. The plan also suggests that setbacks and buffers from I-25 and I-76 should be greater than in other areas of the County.

Surrounding Zoning Designations and Existing Use Activity:

Northwest Interstate-270/25 Interchange	North Interstate-270/25 Interchange	Northeast Interstate-270/25 Interchange
West Interstate 25	Subject Property Industrial-1 Vacant	East Industrial-1 Industrial Flex
Southwest E. 70th Ave / Highway 224	South E. 70th Ave / Highway 224	Southeast Industrial-1 Industrial Flex

Compatibility with the Surrounding Area:

The surrounding properties are all zoned as Industrial-1 and are used as commercial or industrial flex spaces. There are two properties to the east along Washington Street that are not zoned Industrial-1: the northernmost of the two is zoned Residential-1-C and is currently developed with a single-family home, and the parcel to the south is zoned Commercial-3 and is being used for commercial purposes. To the north of the subject parcel is the offramp from Interstate 270 eastbound to Interstate 25 northbound, and to the west is the offramp from Interstate 76 eastbound to Interstate 25 northbound, which runs parallel to Interstate 25.

Planning Commission Update:

The Planning Commission (PC) considered the case on March 11, 2021 and voted (7-0) to recommend approval of the subject request with the applicants request for a variation in the setback, with 8 Findings-of-Fact, 7 Conditions, and 3 Notes to the applicant. The applicant spoke at the meeting and had no concerns with the staff report of the presentation. There was no one from the public to speak in favor or in opposition to this request. The Planning Commission had several questions in regard to the setbacks for the billboard structure and the nonconformity with the current regulations regarding billboard setbacks.

Staff Recommendation:

Based upon the application, the criteria for approval of a Conditional Use Permit, Staff recommends APPROVAL of the subject request WITH the applicant’s request for a variation in the setback, with 8 Findings-of-Fact, 7 Conditions, and 3 Notes to the applicant.

RECOMMENDED FINDINGS-OF-FACT

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions of Approval:

1. The applicant must show compliance with all the requirements of the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. Seq. and the Colorado rules and regulations promulgated thereunder by the Colorado Department of Transportation.
2. The applicant shall obtain an Outdoor Advertising Permit from the Colorado Department of Transportation.
3. The applicant shall obtain a building permit from Adams County for the billboard, including all required building permit inspections.
4. Each message displayed on the billboard shall remain static for a minimum of four (4) seconds and must transition immediately to the next message displayed.
5. The approval of the off-premise sign shall expire March 30, 2031 unless renewed.
6. The Applicant shall build the billboard to a Category Three Building Code standard, which will be reviewed at the time of Building Permit application.
7. The electric board shall maintain a minimum distance of five (5) feet from the service line as mentioned in the letter from Denver Water dated June 30, 2020.

Recommended Notes to the Applicant:

1. All applicable building, zoning, health, fire, and engineering requirements and codes shall be adhered to with this request. The applicant may submit an alternative design that can be approved through a Minor Amendment to this Conditional Use Permit by staff, as long as the design complies with the Adams County Development Standards and Regulations at the time of building permit application.

2. The conditional use permit shall expire on March 30, 2022 if sign permits are not obtained from Adams County.
3. Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sounds, employs stereopticon, or includes motion picture projection is prohibited.

CITIZEN COMMENTS

Notifications Sent	Comments Received
211	0

All property owners and occupants within 1,000 feet of the subject property were notified of the request. As of writing this report, staff has not received any public comment regarding this case.

REFERRAL AGENCY COMMENTS

Staff notified several Referral Agencies throughout this process and no concerns were identified.

Responding with Concerns:

N/A

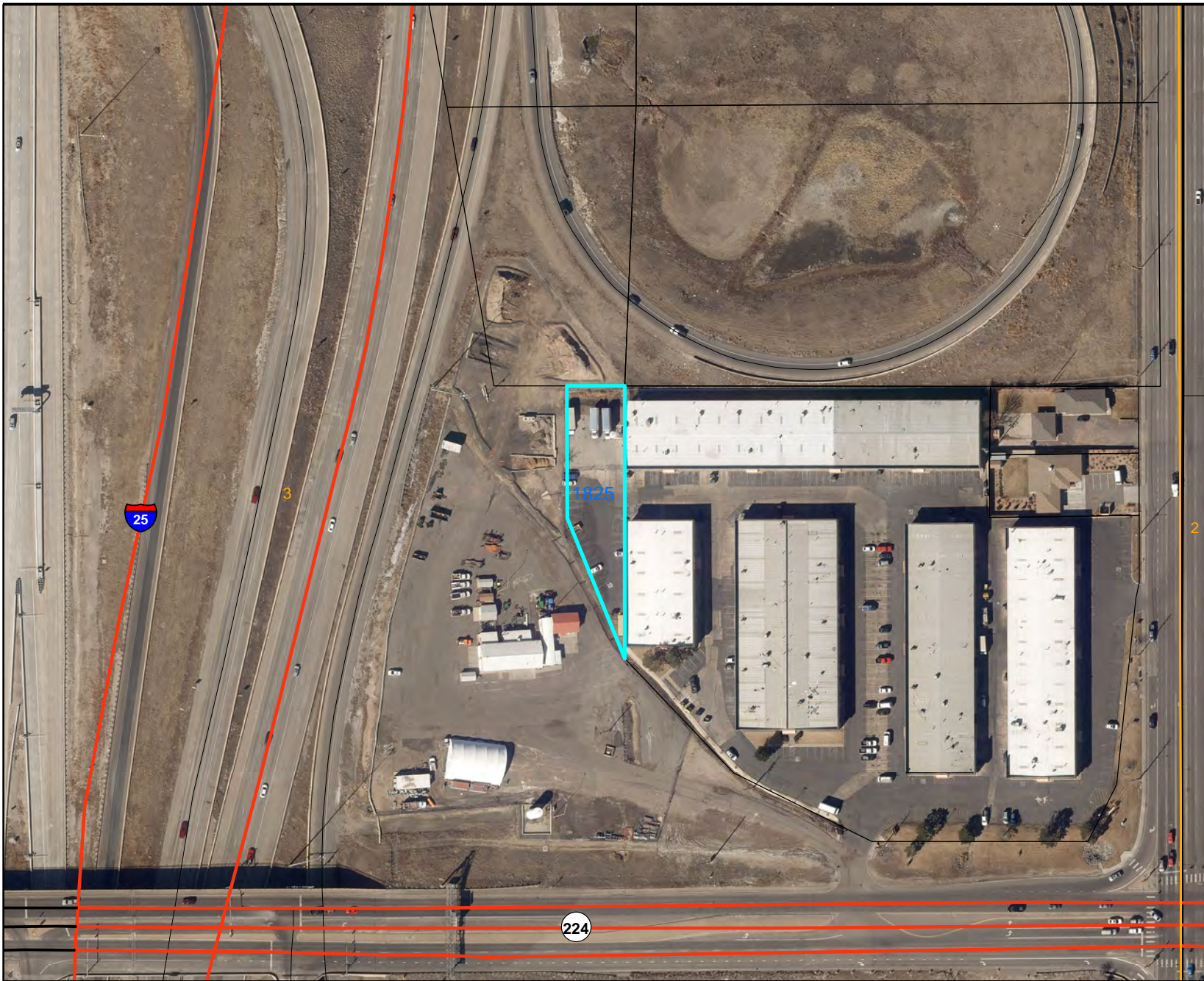
Responding without Concerns:

Adams County Fire Rescue
 Colorado Department of Public Health and Environment (CDPHE)
 Colorado Department of Transportation
 Denver Water
 RTD
 Thornton Fire Department
 Tri-County Health Department (TCHD)
 Xcel Energy

Notified but not Responding / Considered a Favorable Response:

Adams 12 Five Star Schools
 Adams County Sheriff
 Adams County Treasurer
 Adams County School District 14
 Berkeley Water
 Century Link, Inc.
 City of Commerce City
 City of Federal Heights
 City of Thornton
 City of Westminster
 Colorado Division of Wildlife
 Comcast
 Crestview Water and Sanitation District
 Federal Heights Fire Department

Goat Hill
Mapleton School District #1
Metro Wastewater Reclamation
North Lincoln Water and Sanitation District
North Pecos Water and Sanitation District
North Washington Street Water and Sanitation District
Perl Mack Neighborhood Group
South Adams County Water and Sanitation District
Union Pacific Railroad
Welby Citizen Group
Westminster Fire Department
Westminster School District #50



Legend

- +— Railroad
- Major Water
- - - Zoning Line
- ▭ Sections

Case Name: 70th Avenue Billboard

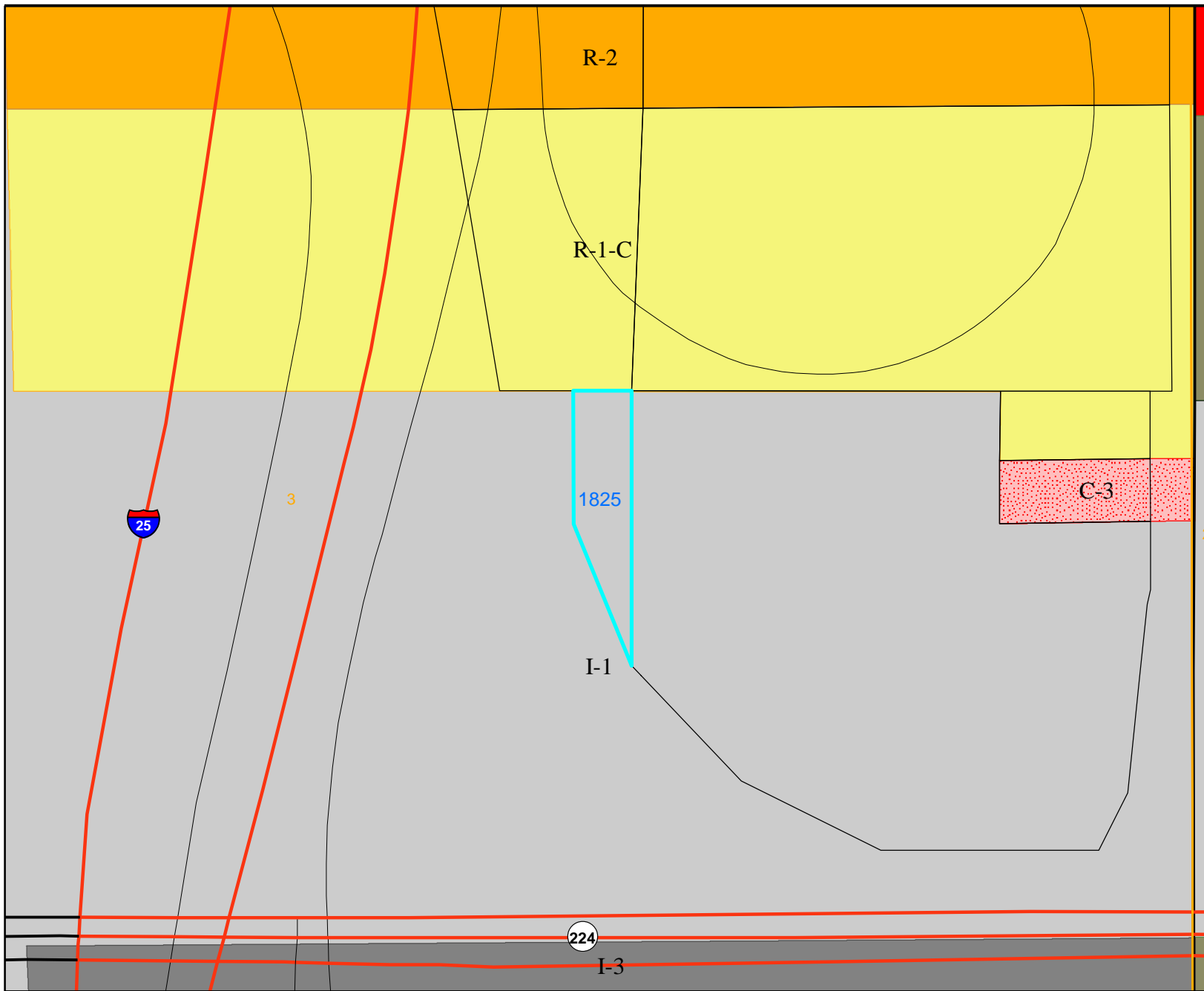
Case Number: RCU2020-00012



For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy



Legend

- Railroad
- Major Water
- Zoning Line
- Sections

Zoning Districts

- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)

Case Name: 70th Avenue Billboard

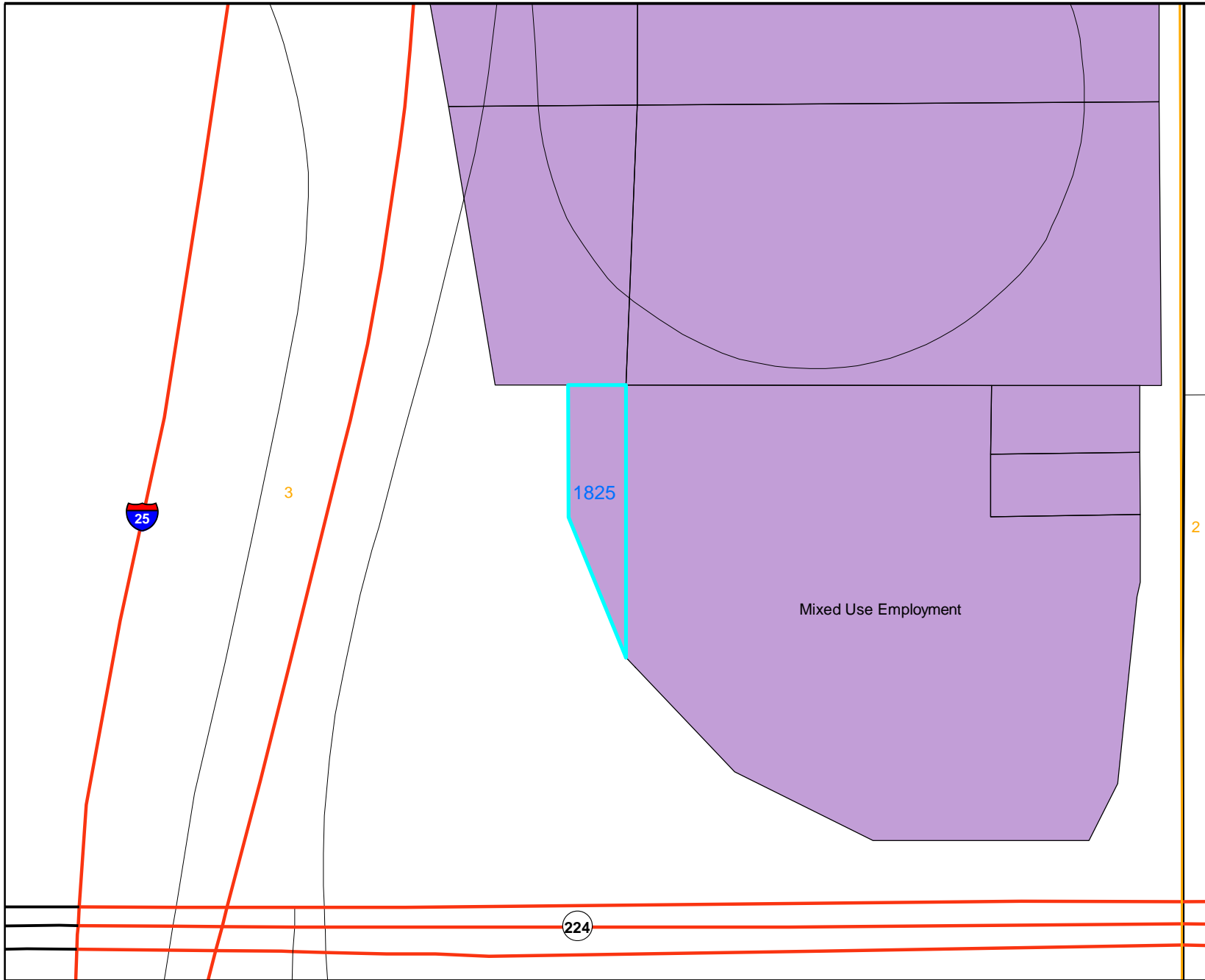
Case Number: RCU2020-00012







For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy



Legend

-  Railroad
-  Major Water
-  Zoning Line
-  Sections

Case Name: 70th Avenue Billboard

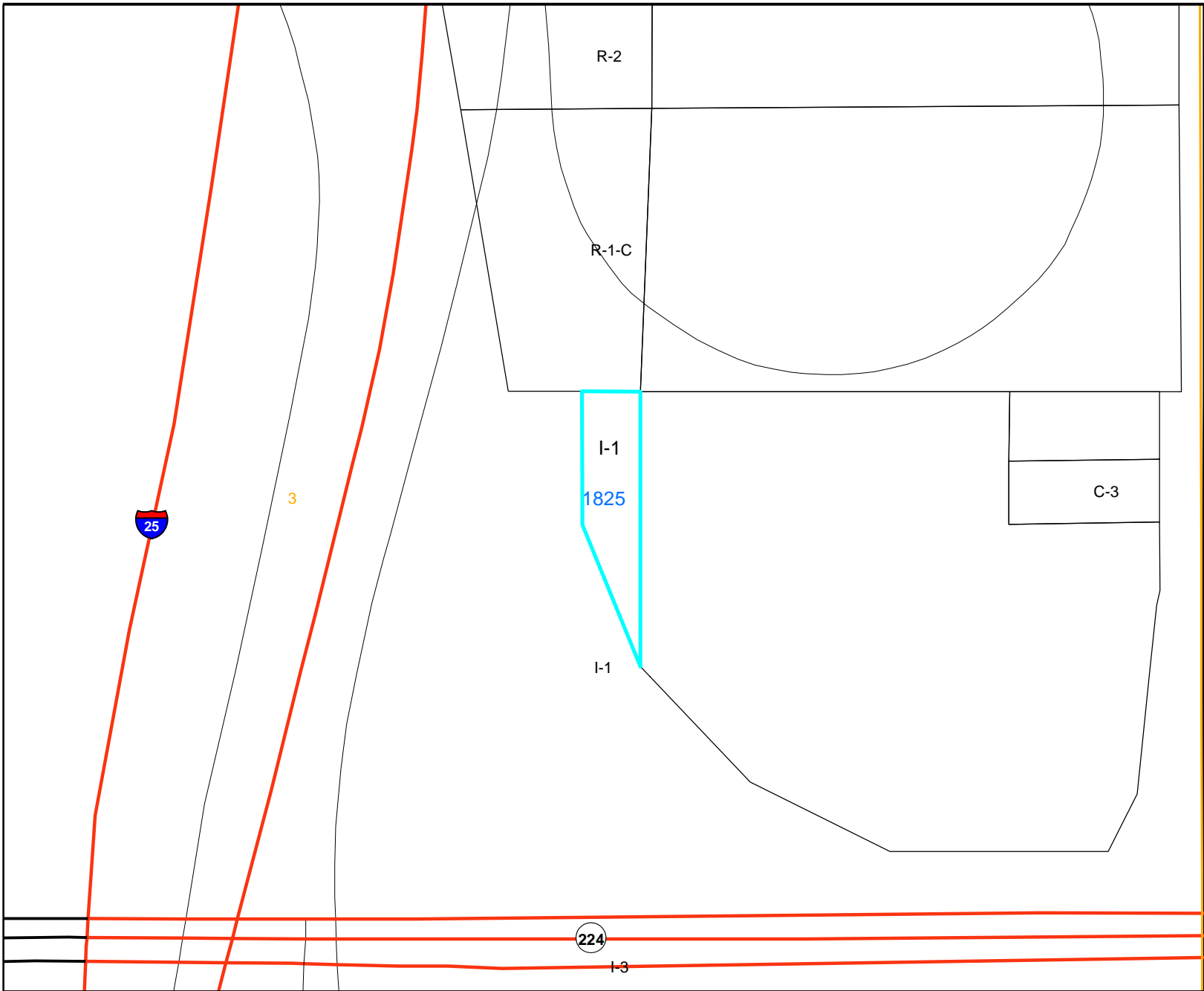
Case Number: RCU2020-00012







For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy



Legend

-  Railroad
-  Major Water
-  Zoning Line
-  Sections

Case Name: 70th Avenue Billboard
Case Number: RCU2020-00012



For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy

APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL
FOR OFF-PREMISE ADVERTISING DEVICE (BILLBOARD)

Applicant: StreetMedia Group, LLC
Location: Approximately 605 East 70th Avenue

WRITTEN EXPLANATION OF THE PROJECT

StreetMedia Group proposes to conduct an off-premise advertising device (billboard) at the east side of I-25 and north side of East 70th Avenue (“SUBJECT PROPERTY”) (PIN 0171934100005) in the location shown on the enclosed site plan. The Subject Property is 0.887 acres in area and is zoned I-1 (“DISTRICT”). The existing use of the Subject Property is principally parking for multiple tenants in the adjacent property (655 East 70th Avenue), a permitted use in the District.

The subject property (PIN 0182503101011) is commonly owned with the larger adjacent property to the east (PIN 0182503101010), which includes 655 East 70th Avenue. The two parcels are a fully integrated light industrial development. Because of the property line between the two parcels, a setback variation is needed as a technical matter. It is requested as part of this application. The setback variation affects only commonly owned property.

Billboards are allowed in the District with an approved Conditional Use Permit (“CUP”). CUPs are subject to the approval criteria set out in Section 2-02-09-06, Adams County Development Standards and Regulations (“ADCO STANDARDS”). Billboard performance standards are set out in ADCO Standards § 4-15. No other ADCO Standards apply during the conditional use permit process.

The proposed billboard complies with all applicable CUP and performance standards, as follows:

CUP STANDARD #1. THE CONDITIONAL USE IS PERMITTED IN THE APPLICABLE ZONE DISTRICT.
Billboards are allowed as a conditional use in the District.

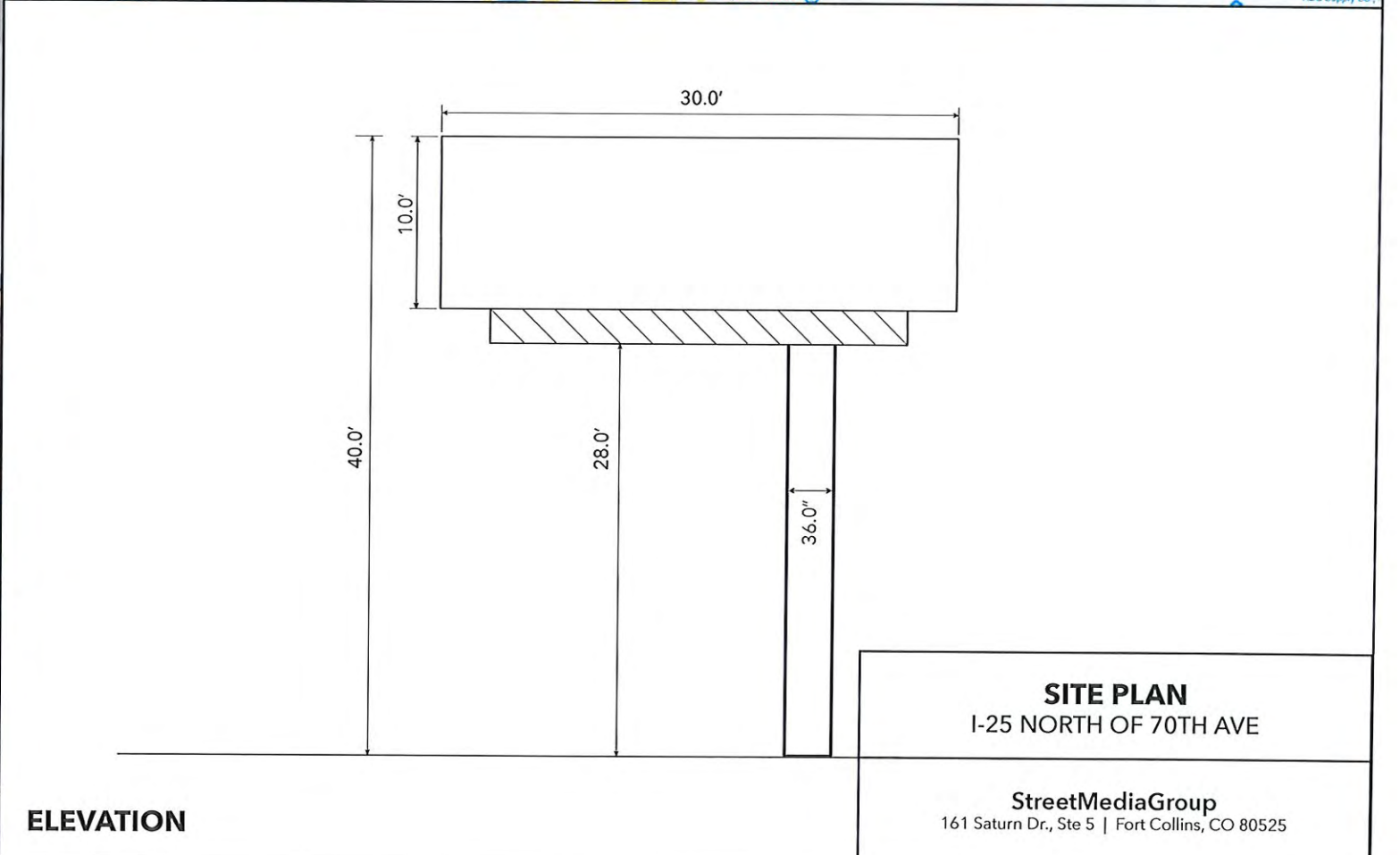
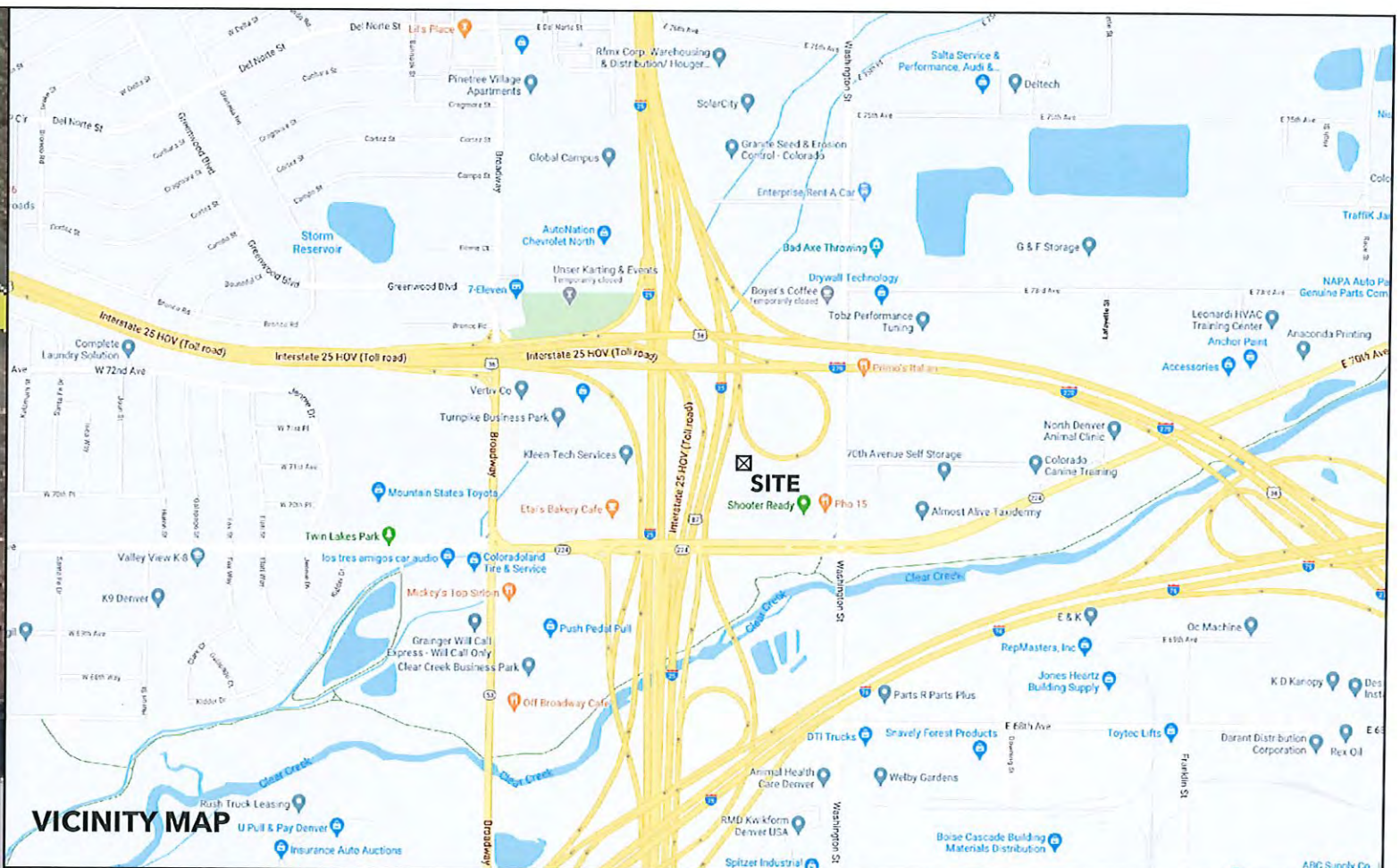
CUP STANDARD #2. THE CONDITIONAL USE IS CONSISTENT WITH THE PURPOSES OF [THE ADCO STANDARDS].

The proposed billboard is allowed as a conditional use in the District. The proposed billboard meets all applicable performance standards. As such, it is consistent with the purposes of the ADCO Standards.

CUP STANDARD #3. THE CONDITIONAL USE WILL COMPLY WITH THE REQUIREMENTS OF [THE ADCO STANDARDS], INCLUDING, BUT NOT LIMITED TO, ALL APPLICABLE PERFORMANCE STANDARDS.

The proposed billboard complies with the requirements of ADCO Standards § 4-15, which set out the performance standards for billboards, as follows:

STANDARD	COMPLIANCE STATEMENT
4-15-03	The Subject Property will contain only one billboard with not more than two faces.
4-15-04	The area of each sign face will not exceed 300 square feet.



ELEVATION

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Development Review Team Comments

Date: 10/16/2020

Project Number: RCU2020-00012

Project Name: StreetMedia 70th Avenue Billboard

Commenting Division: Plan Coordination 2nd Review

Name of Reviewer: Thomas Dimperio

Date: 10/16/2020

Email:

Resubmittal Required

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

Commenting Division: Development Engineering Review 2nd Review

Name of Reviewer: Matthew Emmens

Date: 10/16/2020

Email: memmens@adcogov.org

Resubmittal Required

ENG1: The pole must be located in such a way that if it falls over, no part of the sign will fall outside the property (i.e. the property line setback distance should be the same as the height of the pole). The proposed pole is 40-feet tall and the setback to the northern property line is shown as 39-feet. A variance will be needed to allow the setback to be reduced.

Applicant Response: Per our first round comments conference with County Staff on July 24, 2020, this comment is disregarded.1

County Response: This comment cannot be disregarded as it is a County Regulation. The only way to allow this regulation to be waived is if a formal waiver application is submitted and approved.

ENG2: The property owner to the north is the Colorado Department of Transportation (CDOT). If a waiver is going to be sought to reduce the northern setback, CDOT should agree to the variance.

Applicant Response: Per our first round comments conference with County Staff on July 24, 2020, this comment is disregarded.2

County Response: A permit from CDOT will have to be obtained regardless. Comment closed.

Commenting Division: Planner Review 2nd Review

Name of Reviewer: Thomas Dimperio

Date: 10/16/2020

Email:

Resubmittal Required

PLN01: Applicant must still provide the Certificate of Notice to Mineral Estate Owners/Lessees, as well as the Certificate of Surface Development prior to staff scheduling this request for public hearings.

PLN02: Applicant must revise the site plan in order to demonstrate that the required setbacks from all property lines will be met through this proposal. Revised site plan shows a setback distance of only ten (10) feet where a minimum of thirty-five (35) feet is required. If the applicant is requesting a "variation" from the setback requirement as part of this conditional use permit request, they must provide a detailed explanation in order to justify why the required setbacks cannot be met, and to describe any existing conditions on the site that have necessitated the placement of the proposed billboard in the chosen location.

Commenting Division: Application Intake 2nd Review

Name of Reviewer: Erin McMorries

Date: 09/24/2020

Email:

Complete

Commenting Division: Development Engineering Review

Name of Reviewer: Matthew Emmens

Date: 07/17/2020

Email: memmens@adcogov.org

Resubmittal Required

ENG1: The pole must be located in such a way that if it falls over, no part of the sign will fall outside the property (i.e. the property line setback distance should be the same as the height of the pole). The proposed pole is 40-feet tall and the setback to the northern property line is shown as 39-feet. A variance will be needed to allow the setback to be reduced.

ENG2: The property owner to the north is the Colorado Department of Transportation (CDOT). If a variance is going to be sought to reduce the northern setback, CDOT should agree to the variance.

Commenting Division: Planner Review

Name of Reviewer: Thomas Dimperio

Date: 07/16/2020

Email:

Resubmittal Required

PLN01: Electronic billboard would be visible from I-25 and from the onramp from I-270 to I-25. The property is currently vacant and being used as additional parking for the industrial flex malls and storage warehouse on the directly adjacent property to the east. Off-premise advertising devices are permitted with an approved Conditional Use Permit in the I-1 zone district.

PLN02: The subject request meets the following performance standards for off-premise advertising devices (billboards):

- The property would contain only 1 two-faced off-premise advertising device (Section 4-15-03).
- The maximum size of the billboard face would not exceed 300 square feet (Section 4-15-04).
- The maximum height of the billboard would not exceed 40 feet and the lowest point of the sign face would be at least 8 feet above the ground (Section 4-15-06).
- All electronic sign restrictions have been confirmed and acknowledged by the applicant (Section 4-15-06-02).
- The billboard would be separated by a minimum of 2,000 linear feet from the nearest off-premise sign on the same side of the road or highway (Section 4-15-07).
- The billboard is proposed to be set back from property lines and right-of-way a distance less than the height of the billboard as measured from the leading edge of the base of the sign pole (Section 4-15-07). Applicant is proposing a setback of 39' from the north property line and a 0' setback from the east property line. A variation from this requirement is being requested as part of this application.
- The two faces of the billboard would be back to back and would not be greater than 3.5 feet from one another (Section 4-15-07).

PLN03: Applicant has requested that the following note be added to the Conditional Use Permit if the application is approved by the Board of County Commissioners in order to address future code amendments that may allow a "V-shaped" configuration of sign-faces: "All applicable building, zoning, health, fire, and engineering requirements and codes shall be adhered to with this request. The applicant may submit an alternative design that can be approved through a Minor Amendment to this Conditional Use Permit by staff, as long as the design complies with the Adams County Development Standards and Regulations at the time of building permit application."

PLN04: Applicant must provide a site plan that shows the setback of the proposed billboard to the exact location of the property line. A higher quality site plan is required than the current aerial photo that was provided in the application submittal and must clearly show all property lines and setback distances. Applicant must also confirm whether the setbacks are measured from the leading edge of the sign pole and not the center of the pole or the leading edge of the sign face.

PLN05: Applicant must provide Certificate of Notice to Mineral Estate Owners/and Lessees, as well as Certificate of Surface Development as part of the resubmittal. These documents are required 30 days before the initial public hearing is held. They are listed as items #10 and 11 within the Conditional Use Permit

application checklist and are included on pages 6 through 9 on the application.

PLN06: Please provide a response to the comment letter from Denver Water regarding the presence of a service line on the property.

Commenting Division: ROW Review

Name of Reviewer: Mark Alessi

Date: 07/09/2020

Email:

Resubmittal Required

ROW1: Submit a title commitment which should be used to depict the applicable recordings on the plat. Send Adams County a copy of the title commitment with your application dated no later than 30 days to review in order to ensure that any other party's interests are not encroached upon.

ROW2: Please resubmit site plan with clear set backs.

Commenting Division: Neighborhood Services Review

Name of Reviewer: Gail Moon

Date: 06/24/2020

Email: gmoon@adcogov.org

Comment

Please make sure that the allowed lighting of the digital display is VERY specific and enforceable by Code Compliance if needed.

Thomas Dimperio

From: Whitney Even <weven@acfpd.org>
Sent: Wednesday, July 1, 2020 7:37 AM
To: Thomas Dimperio
Subject: FW: For review: StreetMedia 70th Avenue Billboard (RCU2020-00012)
Attachments: 6.1 RFC 6-23-20.pdf

Please be cautious: This email was sent from outside Adams County

Good morning,

We do not have any comments on RCU2020-00012. Thank you!



Whitney Even
Adams County Fire Rescue
7980 Elmwood Lane
Denver, CO 80221
O: 303-539-6802
C: 720-505-7146

From: Jerry Means <jmeans@acfpd.org>
Date: Tuesday, June 23, 2020 at 3:06 PM
To: Whitney Even <weven@acfpd.org>
Subject: FW: For review: StreetMedia 70th Avenue Billboard (RCU2020-00012)

From: Thomas Dimperio <TDimperio@adcogov.org>
Date: Tuesday, June 23, 2020 at 3:04 PM
Subject: For review: StreetMedia 70th Avenue Billboard (RCU2020-00012)

Case Name: StreetMedia 70th Avenue Billboard
Case Number: RCU2020-00012

The Adams County Planning Commission is requesting comments on the following application:

Conditional Use Permit to construct an electronic billboard in the I-1 zone district near I-25 and E. 70th Ave/State Highway 224.

This request is located at 605 E 70TH AVE 1. The Assessor's Parcel Number is 0182503101011.

Applicant Information:
GARY YOUNG
161 SATURN DRIVE UNIT 5A
FT. COLLINS, CO 80525
STREET MEDIA GROUP LLC

Thank you for contacting the Colorado Department of Public Health and Environment (CDPHE). Please note that the following requirements and recommendations apply to many but not all projects referred by local governments. Also, they are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations. CDPHE's failure to respond to a referral should not be construed as a favorable response.

Hazardous and Solid Waste

The applicant must comply with all applicable hazardous and solid waste rules and regulations.

Hazardous waste regulations are available here:
<https://www.colorado.gov/pacific/cdphe/hwregs>.

Solid waste regulations are available here:
<https://www.colorado.gov/pacific/cdphe/swregs>.

Applicable requirements may include, but are not limited to, properly characterizing all wastes generated from this project and ensuring they are properly managed and disposed of in accordance with Colorado's solid and hazardous waste regulations.

If this proposed project processes, reclaims, sorts, or recycles recyclable materials generated from industrial operations (including, but not limited to construction and demolition debris and other recyclable materials), then it must register as an industrial recycling facility in accordance with Section 8 of the Colorado Solid Waste Regulations. The industrial recycling registration form is available here:
<https://www.colorado.gov/pacific/cdphe/sw-recycling-forms-apps>.

If you have any questions regarding hazardous and/or solid waste, please contact CDPHE's Hazardous Materials and Waste Management Division (HMWMD) by emailing comments.hmwm@state.co.us or calling 303-692-3320.

Water Quality

The applicant must comply with all applicable water quality rules and regulations. The Water Quality Control Division (WQCD) administers regulatory programs that are generally designed to help protect both Colorado's natural water bodies (the clean water program) and built drinking water systems. Applicants must comply with all applicable water quality rules and regulations relating to both clean water and drinking water. All water quality regulations are available here:
<https://www.colorado.gov/pacific/cdphe/water-quality-control-commission-regulations>.



Clean Water Requirements

Applicable clean water requirements may include, but are not limited to, obtaining a stormwater discharge permit if construction activities disturb one acre or more of land or if they are part of a larger common plan of development that will disturb one or more acres of land. In determining the area of construction disturbance, WQCD looks at the entire plan, including disturbances associated with utilities, pipelines or roads constructed to serve the facility.

Please use the Colorado Environmental Online Services (CEOS) to apply for new construction stormwater discharge permits, modify or terminate existing permits and change permit contacts.

For CEOS support please see the following WQCD website:

<https://www.colorado.gov/pacific/cdphe/cor400000-stormwater-discharge>

or contact:

[Email: cdphe_ceos_support@state.co.us](mailto:cdphe_ceos_support@state.co.us) or cdphe_wqcd_permits@state.co.us

[CEOS Phone: 303-691-7919](tel:303-691-7919)

[Permits Phone: 303-692-3517](tel:303-692-3517)

Drinking Water Requirements

Some projects may also need to address drinking water regulations if the proposed project meets the definition of a “Public Water System” per the Colorado Primary Drinking Water Regulations (Regulation 11):

A Public Water System means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. Such term does not include any special irrigation district. Such term includes:

(a) Any collection, treatment, storage, and distribution facilities under control of the supplier of such system and used primarily in connection with such system.

(b) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

If applicable, the project would need to meet all applicable requirements of Regulation 11 including, but not limited to, design review and approval; technical, managerial and financial review and approval; having a certified operator; and routine monitoring and reporting. For questions regarding drinking water regulation applicability or other assistance and resources, visit this website:

<https://www.colorado.gov/pacific/cdphe/tools-drinking-water-facilities-managers>



If you have any other questions regarding either clean or drinking water quality, please contact CDPHE's WQCD by emailing cdphe.commentswqcd@state.co.us or calling 303-692-3500.

Air Quality

The applicant must comply with all relevant state and federal air quality rules and regulations. Air quality regulations are available here: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.

Air Pollutant Emissions Notices (APENs) and Permits

Applicable requirements may include, but are not limited to, reporting emissions to the Air Pollution Control Division (APCD) by completing an APEN. An APEN is a two in one form for reporting air emissions and obtaining an air permit, if a permit will be required. While only businesses that exceed the Air Quality Control Commission (AQCC) reporting thresholds are required to report their emissions, all businesses - regardless of emission amount - must always comply with applicable AQCC regulations.

In general, an APEN is required when uncontrolled actual emissions for an emission point or group of emission points exceed the following defined emission thresholds:

Pollutant Category	UNCONTROLLED ACTUAL EMISSIONS	
	Attainment Area	Non-attainment Area
Criteria Pollutant	2 tons per year	1 ton per year
Lead	100 pounds per year	100 pounds per year
Non-Criteria Pollutant	250 pounds per year	250 pounds per year

Uncontrolled actual emissions do not take into account any pollution control equipment that may exist. A map of the Denver Metropolitan Ozone Non-attainment area can be found on the following website: http://www.colorado.gov/airquality/ss_map_wm.aspx.

In addition to these reporting thresholds, a Land Development APEN (Form APCD-223) may be required for land development. Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulation by APCD. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to APCD.



It is important to note that even if a permit is not required, fugitive dust control measures included the Land Development APEN Form APCD-223 must be followed at the site. Fugitive dust control techniques commonly included in the plan are included in the table below.

Control Options for Unpaved Roadways	
Watering	Use of chemical stabilizer
Paving	Controlling vehicle speed
Graveling	
Control Options for Mud and Dirt Carry-Out Onto Paved Surfaces	
Gravel entry ways	Washing vehicle wheels
Covering the load	Not overfilling trucks
Control Options for Disturbed Areas	
Watering	Application of a chemical stabilizer
Revegetation	Controlling vehicle speed
Compaction	Furrowing the soil
Wind Breaks	Minimizing the areas of disturbance
	Synthetic or Natural Cover for Slopes

Additional information on APENs and air permits can be found on the following website: <https://www.colorado.gov/pacific/cdphe/air/do-you-need-an-apen>. This site explains the process to obtain APENs and air quality permits, as well as information on calculating emissions, exemptions, and additional requirements. You may also view AQCC Regulation Number 3 at <https://www.colorado.gov/pacific/cdphe/aqcc-regs> for the complete regulatory language.

If you have any questions regarding Colorado’s APEN or air permitting requirements or are unsure whether your business operations emit air pollutants, please call the Small Business Assistance Program (SBAP) at 303- 692-3175 or 303-692-3148.

Asbestos and Lead-Based Paint

In Colorado there are regulations regarding the appropriate removal and handling of asbestos and lead-based paint as part of a demolition, renovation, or remodeling project. These regulations are presented in AQCC Number 8 (asbestos) and Number 19 (lead-based paint) which can be found on the following website: <https://www.colorado.gov/cdphe/aqcc-regs>.

These regulations may require the use of, or inspection by, companies or individuals that are certified to inspect or remove these hazards **prior to renovation or demolition**. APCD must also be notified of abatement or demolition activities prior to beginning any work in the case of asbestos. For additional guidance on these regulations and lists of certified companies and individuals please visit the following website for asbestos:

<https://www.colorado.gov/cdphe/categories/services-and-information/environment/asbestos>

and the following website for lead-based paint: <https://www.colorado.gov/pacific/cdphe/categories/services-and-information/lead>.



If you have any questions about Colorado's asbestos and lead-based paint regulations or are unsure whether you are subject to them please call the Indoor Environment Program at 303-692-3100.

If you have more general questions about air quality, please contact CDPHE's APCD by emailing cdphe.commentsapcd@state.co.us or calling 303-692-3100.

Health Equity and Environmental Justice

CDPHE notes that certain projects have potential to impact vulnerable minority and low-income communities. It is our strong recommendation that your organization consider the potential for disproportionate environmental and health impacts on specific communities within the project scope and if so, take action to mitigate and minimize those impacts. This includes interfacing directly with the communities in the project area to better understand community perspectives on the project and receive feedback on how it may impact them during development and construction as well as after completion. We have included some general resources for your reference.

Additional Resources:

[CDPHE's Health Equity Resources](#)

[CDPHE's Checking Assumptions to Advance Equity](#)

[EPA's Environmental Justice and NEPA Resources](#)





COLORADO
Department of
Transportation

Region «Region» Traffic Section
2829 West Howard Place
«City», Colorado 80204
Phone (303) 512-4272 Fax (303) 757-9886

July 14, 2020

Thomas Dimperio
Planner I
Community and Economic Development Department
4430 South Adams County Parkway, Suite W200A
Brighton, CO 80601-8216

RE: Case Name: Street Media 70th Avenue Billboard
Case Number: RCU2020-00012

Dear Mr. Dimperio:

I have reviewed the referral for the CUP to allow an electronic billboard in the I-1 zone district, near I-25 and E. 70th Avenue and SH 224, located at 605 E. 70th Ave., and have the following comments:

- This proposed digital billboard sign, which will advertise to Interstate 25 and SH 224, will require an Outdoor Advertising Permit from CDOT.
- This proposed sign must meet all Applicable rules governing outdoor advertising in Colorado per 2 CCR 601-3.
- Application packet, when completed, should be sent to Jacquelyn Jobe at 2829 W. Howard Place, 2nd Floor, Denver, CO 80204.

Thank you for the opportunity to review this referral.

Please feel free to contact me at the office listed above if I can of any further assistance in this or any other matter.

Sincerely,

Jacquelyn Jobe
Region 1 Outdoor Advertising Representative
(303) 512-4272



Thomas Dimperio

From: Naso, Kela A. <Kela.Naso@denverwater.org>
Sent: Tuesday, June 30, 2020 1:41 PM
To: Thomas Dimperio
Subject: RE: For review: StreetMedia 70th Avenue Billboard (RCU2020-00012)

Please be cautious: This email was sent from outside Adams County

Good Afternoon Thomas,

There is a service line that crosses this location and the electric board should maintain a minimum of 5' distance from that service. Please let me know if the applicant has any questions or concerns.

Thank you,
Kela

From: Thomas Dimperio <TDimperio@adcogov.org>
Sent: Tuesday, June 23, 2020 3:04 PM
Subject: For review: StreetMedia 70th Avenue Billboard (RCU2020-00012)

Case Name: StreetMedia 70th Avenue Billboard
Case Number: RCU2020-00012

The Adams County Planning Commission is requesting comments on the following application:

Conditional Use Permit to construct an electronic billboard in the I-1 zone district near I-25 and E. 70th Ave/State Highway 224.

This request is located at 605 E 70TH AVE 1. The Assessor's Parcel Number is 0182503101011.

Applicant Information:
GARY YOUNG
161 SATURN DRIVE UNIT 5A
FT. COLLINS, CO 80525
STREET MEDIA GROUP LLC

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 07/16/2020 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to TDimperio@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Thomas Dimperio

From: Woodruff, Clayton <Clayton.Woodruff@RTD-Denver.com>
Sent: Tuesday, June 30, 2020 8:13 AM
To: Thomas Dimperio
Subject: RE - StreetMedia 70th Ave Billboard and 76th Ave Billboard

Please be cautious: This email was sent from outside Adams County

The RTD has no comment on this project



C. Scott Woodruff

Engineer III

Regional Transportation District
1560 Broadway, Suite 700, FAS-73 | Denver, CO 80202

o 303.299.2943 | m 303-720-2025

clayton.woodruff@rtd-denver.com

From: [Dan Biro](#)
To: [Thomas Dimperio](#)
Subject: RE: For review: StreetMedia 70th Avenue Billboard (RCU2020-00012)
Date: Wednesday, June 24, 2020 11:07:21 AM
Attachments: [image001.png](#)
[image003.png](#)
[image013.png](#)
[image014.png](#)

Please be cautious: This email was sent from outside Adams County

No comments on this review.



Dan Biro, P.E.
DEPUTY FIRE MARSHAL
Thornton Fire Department
Main: 303-538-7602
Office: 303-538-7663
Fax: 303-538-7660
dan.biro@ThorntonCO.gov
gocot.net/fire



From: Laurie Davidson <Laurie.Davidson@thorntonco.gov>
Sent: Tuesday, June 23, 2020 3:10 PM
To: Stephanie Harpring <Stephanie.Harpring@thorntonco.gov>; Dan Biro <Dan.Biro@thorntonco.gov>
Subject: FW: For review: StreetMedia 70th Avenue Billboard (RCU2020-00012)

From: Thomas Dimperio <TDimperio@adcogov.org>
Sent: Tuesday, June 23, 2020 3:04 PM
Subject: [EXTERNAL] For review: StreetMedia 70th Avenue Billboard (RCU2020-00012)

Case Name: StreetMedia 70th Avenue Billboard
Case Number: RCU2020-00012

The Adams County Planning Commission is requesting comments on the following application:

Conditional Use Permit to construct an electronic billboard in the I-1 zone district near I-25 and E. 70th Ave/State Highway 224.

This request is located at 605 E 70TH AVE 1. The Assessor's Parcel Number is 0182503101011.



July 1, 2020

Thomas Dimperio
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: StreetMedia 70th Avenue Billboard, RCU2020-00012
TCHD Case No. 6348

Dear Mr. Dimperio,

Thank you for the opportunity to review and comment on the Conditional Use Permit for an electronic billboard in the Industrial-1 (I-1) zone district located at 605 E 70th Avenue. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has no comments.

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "AHF".

Annemarie Heinrich Fortune, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Monte Deatrich, TCHD



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
donna.l.george@xcelenergy.com

July 16, 2020

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Thomas Dimperio

Re: StreetMedia 70th Avenue Billboard, Case # RCU2020-00012

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the documentation for **StreetMedia 70th Avenue Billboard** and has **no apparent conflict**.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



Request for Comments

Case Name: StreetMedia 70th Avenue Billboard
Case Number: RCU2020-00012

June 23, 2020

The Adams County Planning Commission is requesting comments on the following application: **Conditional Use Permit to construct an electronic billboard in the I-1 zone district near I-25 and E. 70th Ave/State Highway 224.** This request is located at 605 E 70TH AVE 1. The Assessor's Parcel Number is 0182503101011.

Applicant Information: STREET MEDIA GROUP LLC
GARY YOUNG
161 SATURN DRIVE
UNIT 5A
FT. COLLINS, CO 80525

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 07/16/2020 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to TDimperio@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Thomas Dimperio
Planner I

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL
FOR OFF-PREMISE ADVERTISING DEVICE (BILLBOARD)

Applicant: StreetMedia Group, LLC
Location: Approximately 605 East 70th Avenue

WRITTEN EXPLANATION OF THE PROJECT

StreetMedia Group proposes to conduct an off-premise advertising device (billboard) at the east side of I-25 and north side of East 70th Avenue (“SUBJECT PROPERTY”) (PIN 0171934100005) in the location shown on the enclosed site plan. The Subject Property is 0.887 acres in area and is zoned I-1 (“DISTRICT”). The existing use of the Subject Property is principally parking for multiple tenants in the adjacent property (655 East 70th Avenue), a permitted use in the District.

The subject property (PIN 0182503101011) is commonly owned with the larger adjacent property to the east (PIN 0182503101010), which includes 655 East 70th Avenue. The two parcels are a fully integrated light industrial development. Because of the property line between the two parcels, a setback variation is needed as a technical matter. It is requested as part of this application. The setback variation affects only commonly owned property.

Billboards are allowed in the District with an approved Conditional Use Permit (“CUP”). CUPs are subject to the approval criteria set out in Section 2-02-09-06, Adams County Development Standards and Regulations (“ADCO STANDARDS”). Billboard performance standards are set out in ADCO Standards § 4-15. No other ADCO Standards apply during the conditional use permit process.

The proposed billboard complies with all applicable CUP and performance standards, as follows:

CUP STANDARD #1. THE CONDITIONAL USE IS PERMITTED IN THE APPLICABLE ZONE DISTRICT. Billboards are allowed as a conditional use in the District.

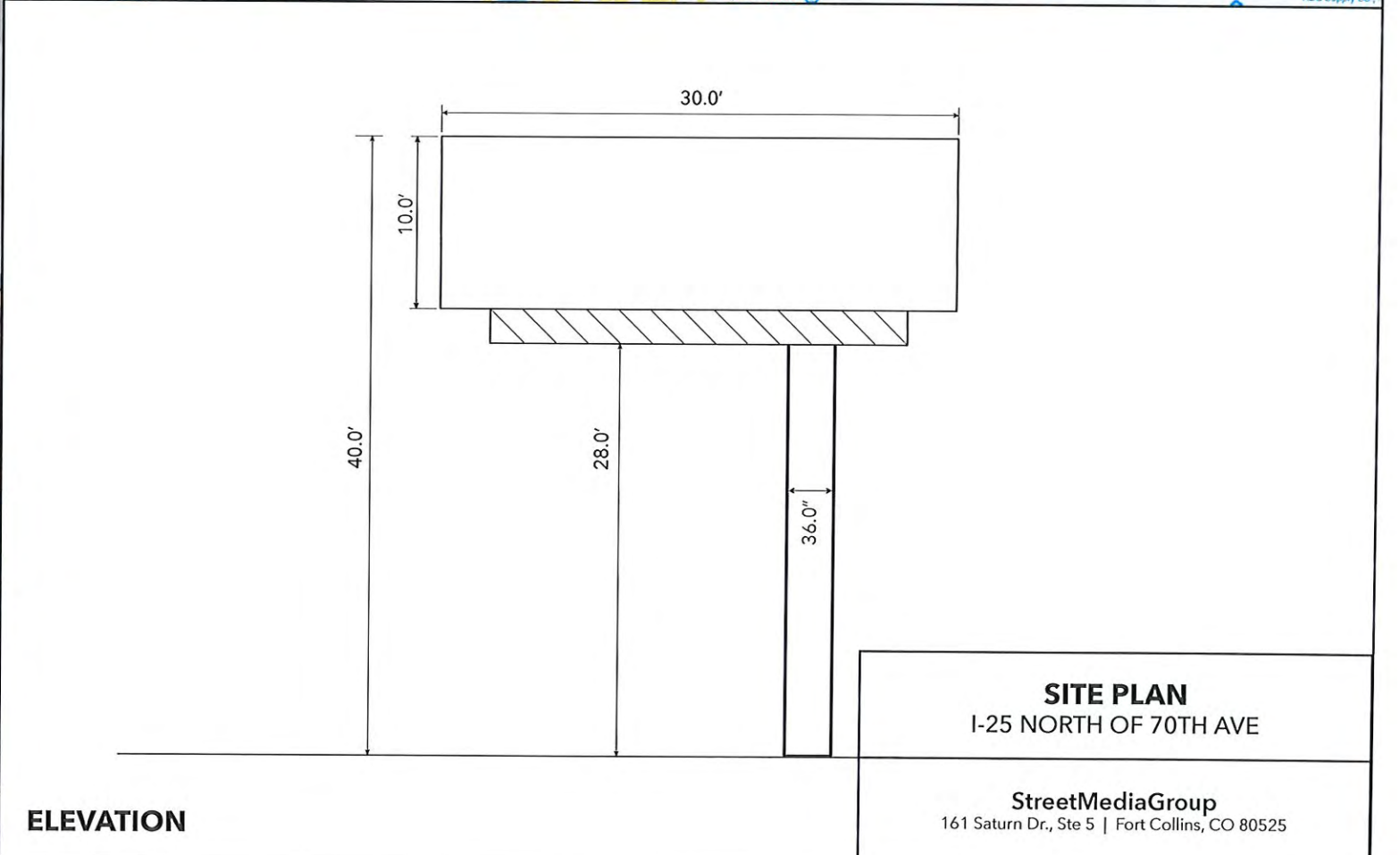
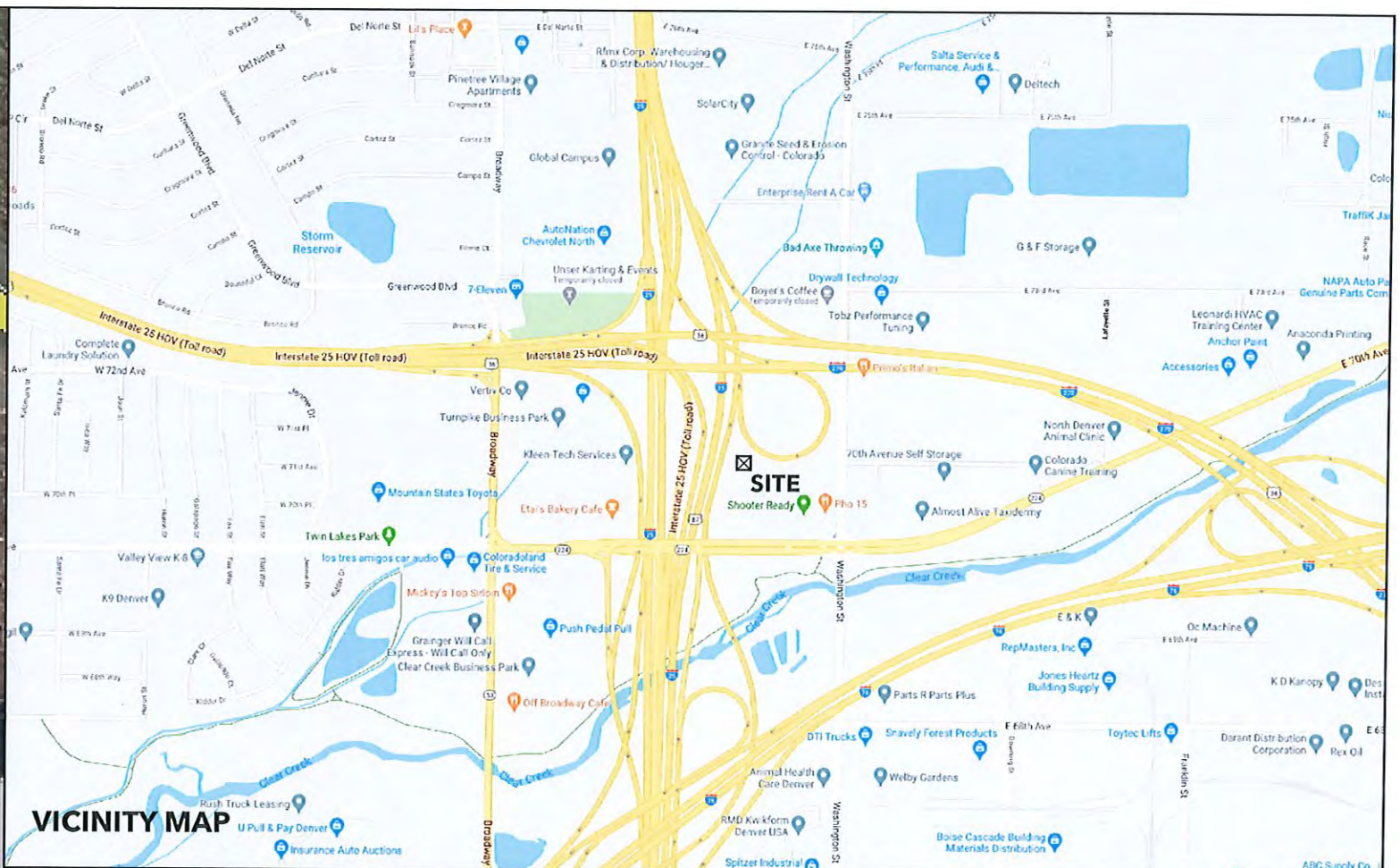
CUP STANDARD #2. THE CONDITIONAL USE IS CONSISTENT WITH THE PURPOSES OF [THE ADCO STANDARDS].

The proposed billboard is allowed as a conditional use in the District. The proposed billboard meets all applicable performance standards. As such, it is consistent with the purposes of the ADCO Standards.

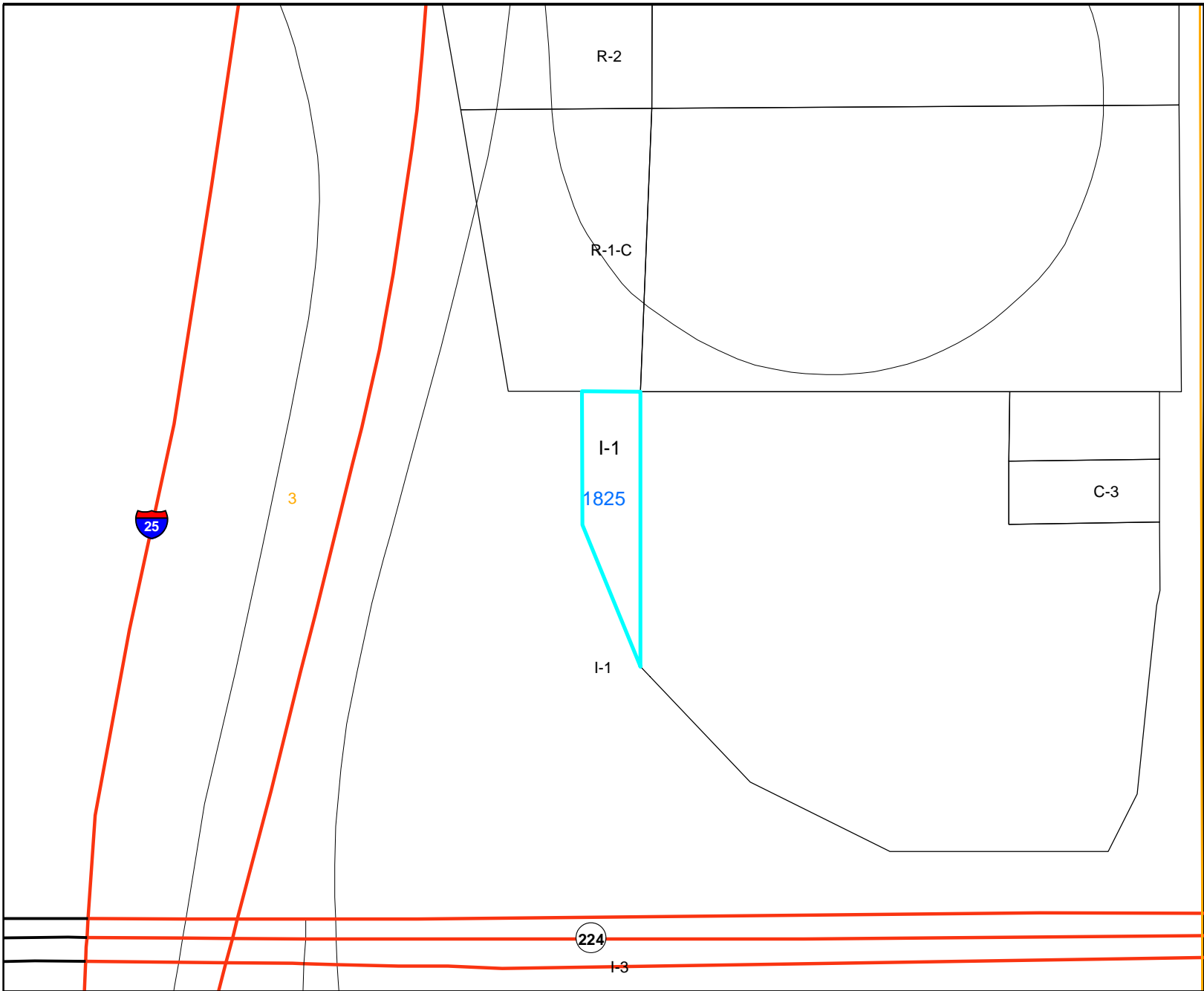
CUP STANDARD #3. THE CONDITIONAL USE WILL COMPLY WITH THE REQUIREMENTS OF [THE ADCO STANDARDS], INCLUDING, BUT NOT LIMITED TO, ALL APPLICABLE PERFORMANCE STANDARDS.

The proposed billboard complies with the requirements of ADCO Standards § 4-15, which set out the performance standards for billboards, as follows:





STANDARD	COMPLIANCE STATEMENT
4-15-03	The Subject Property will contain only one billboard with not more than two faces.
4-15-04	The area of each sign face will not exceed 300 square feet.



ELEVATION



Legend

-  Railroad
-  Major Water
-  Zoning Line
-  Sections

Case Name: 70th Avenue Billboard
Case Number: RCU2020-00012



For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy



Public Hearing Notification

Case Name:	StreetMedia 70th Avenue Billboard
Case Number:	RCU2020-00012
Planning Commission Hearing Date:	03/11/2021 at 6:00 p.m.
Board of County Commissioners Hearing Date:	03/30/2021 at 9:30 a.m.

February 23, 2021

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request:

Conditional Use Permit to construct an electronic billboard in the I-1 zone district.

The proposed use will be Industrial. This request is located at 605 E 70TH AVE 1 on undetermined parcel size.

The Assessor's Parcel Number(s) 0182503101011

Applicant Information: STREET MEDIA GROUP LLC
GARY YOUNG
161 SATURN DRIVE
UNIT 5A
FT. COLLINS, CO 80525

The Planning Commission meeting will be held virtually using the Zoom video conferencing software and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. For instructions on how to access the public hearing via telephone or internet, or to submit comment, please visit <http://www.adcogov.org/planning-commission> for up to date information.

The Board of County Commissioners meeting is broadcast live on the Adams County YouTube channel and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting. For instructions on how to access the public hearing and submit comments, please visit <http://www.adcogov.org/bocc> for up to date information.

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Doriso
DISTRICT 4

Lynn Baca
DISTRICT 5

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 3/11/2021 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to TDimperio@adcogov.org.

For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed.

A handwritten signature in black ink, appearing to read 'Thomas Dimperio', with a long horizontal flourish extending to the right.

Thomas Dimperio
Planner I

PUBLICATION REQUEST

Case Name: StreetMedia 70th Avenue Billboard

Case Number: RCU2020-00012

Planning Commission Hearing Date: 3/11/2021 at 6:00 p.m.

Board of County Commissioners Hearing Date: 3/30/2021 at 9:30 a.m.

Case Manager: Thomas Dimperio, tdimperio@adcogov.org, (720) 523-6896

Request: Conditional Use Permit for an electronic billboard in the Industrial-1 zone

Parcel Number: 0182503101011

Address of the Request: 605 E. 70th Ave

Applicant: STREET MEDIA GROUP

161 SATURN DR

#5A

FT COLLINS CO 80525

Legal Description: SUB:WATERVLEIT DESC: TRACT OF LAND IN LOT 7 DESC AS FOLS BEG AT THE NE COR OF LOT 7 TH W 81 FT TH S 172/7 FT TO THE ELY ROW LN OF I-25 TH S 28D 00M E 170/9 FT TH N 323/5 FT M/L TO THE POB LOT 7

Virtual Meeting and Public Comment Information:

These meetings will be held virtually. Please visit <http://www.adcogov.org/planning-commission> and <http://www.adcogov.org/bocc> for up-to-date information on accessing the public hearings and submitting comment prior to the hearings. The full text of the proposed request and additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.



Referral Listing
Case Number RCU2020-00012
StreetMedia 70th Avenue Billboard

Agency

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Agency

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Agency

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CITY OF THORNTON

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Agency

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Agency

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Agency

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C/O COMPTON DANDO, INC
DENVER CO 80239-3454

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TRANSPORTATION
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DENVER CO 80222-4818

FERN LLC
C/O UDI BARON
OR CURRENT RESIDENT
101 E 70TH AVE
DENVER CO 80221

DEPARTMENT OF TRANSPORTATION
2829 W HOWARD PL
DENVER CO 80204-2305

CURRENT RESIDENT
7100 BROADWAY STE 7A
DENVER CO 80221-2900

HALEIGH S HOPE INC
6525 GUNPARK DR STE 370-236
BOULDER CO 80301-3346

CURRENT RESIDENT
7100 BROADWAY STE 7B
DENVER CO 80221-2900

KRIEGER ELIZABETH ANN AND JIULIANO
ELIZABETH ANN AND JIULIANO JOSEPH NICK J
7095 N WASHINGTON ST
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CURRENT RESIDENT
7100 BROADWAY STE 7C
DENVER CO 80221-2900

NLT LLC
891 E 71ST AVE
DENVER CO 80229-6806

CURRENT RESIDENT
7100 BROADWAY STE 7D
DENVER CO 80221-2900

OIA CAPITAL SERVICES LLC
47 LIMESTONE RD
ARMONK NY 10504-2306

CURRENT RESIDENT
7100 BROADWAY STE 7E
DENVER CO 80221-2900

PETERSON DONALD O
12055 WELD CO RD NO. 2
BRIGHTON CO 80601

CURRENT RESIDENT
7100 BROADWAY STE 7F
DENVER CO 80221-2900

CURRENT RESIDENT
7100 BROADWAY STE 7G
DENVER CO 80221-2900

CURRENT RESIDENT
7100 BROADWAY STE 1C
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 7I
DENVER CO 80221-2900

CURRENT RESIDENT
7100 BROADWAY STE 1D
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 7J
DENVER CO 80221-2900

CURRENT RESIDENT
7100 BROADWAY STE 1E
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 7K
DENVER CO 80221-2900

CURRENT RESIDENT
7100 BROADWAY STE 1F
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 8A
DENVER CO 80221-2911

CURRENT RESIDENT
7100 BROADWAY STE 1G
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 8B
DENVER CO 80221-2911

CURRENT RESIDENT
7100 BROADWAY STE 1H
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 8C
DENVER CO 80221-2911

CURRENT RESIDENT
7100 BROADWAY STE 1I
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 3APH
DENVER CO 80221-2915

CURRENT RESIDENT
7100 BROADWAY STE 1J
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 1A
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 1K
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 1B
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 1M
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 1N
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 2G
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 1O
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 2H
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 1P
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 2I
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 1Q
DENVER CO 80221-2917

CURRENT RESIDENT
7100 BROADWAY STE 2J
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2A
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2K
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2B
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2L
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2C
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2N
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2D
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2O
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2E
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2P
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2F
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2Q
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 2R
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 3D
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 2T
DENVER CO 80221-2918

CURRENT RESIDENT
7100 BROADWAY STE 3E
DENVER CO 80221-2920

CURRENT RESIDENT
7010 BROADWAY STE 100
DENVER CO 80221-2919

CURRENT RESIDENT
7100 BROADWAY STE 3F
DENVER CO 80221-2920

CURRENT RESIDENT
7010 BROADWAY STE 101
DENVER CO 80221-2919

CURRENT RESIDENT
7100 BROADWAY STE 3G
DENVER CO 80221-2920

CURRENT RESIDENT
7010 BROADWAY STE 102
DENVER CO 80221-2919

CURRENT RESIDENT
7100 BROADWAY STE 3H
DENVER CO 80221-2920

CURRENT RESIDENT
7010 BROADWAY STE 106
DENVER CO 80221-2919

CURRENT RESIDENT
7100 BROADWAY STE 3I
DENVER CO 80221-2920

CURRENT RESIDENT
7010 BROADWAY STE 107
DENVER CO 80221-2919

CURRENT RESIDENT
7100 BROADWAY STE 3J
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 3A
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 3K
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 3B
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 3L
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 3C
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 3M
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 3N
DENVER CO 80221-2920

CURRENT RESIDENT
7100 BROADWAY STE 5C
DENVER CO 80221-2923

CURRENT RESIDENT
7010 BROADWAY STE 200
DENVER CO 80221-2921

CURRENT RESIDENT
7100 BROADWAY STE 5E
DENVER CO 80221-2923

CURRENT RESIDENT
7010 BROADWAY STE 201
DENVER CO 80221-2921

CURRENT RESIDENT
7100 BROADWAY STE 5F
DENVER CO 80221-2923

CURRENT RESIDENT
7010 BROADWAY STE 203
DENVER CO 80221-2921

CURRENT RESIDENT
7100 BROADWAY STE 5G
DENVER CO 80221-2923

CURRENT RESIDENT
7010 BROADWAY STE 204
DENVER CO 80221-2921

CURRENT RESIDENT
7100 BROADWAY STE 5H
DENVER CO 80221-2923

CURRENT RESIDENT
7010 BROADWAY STE 205
DENVER CO 80221-2921

CURRENT RESIDENT
7100 BROADWAY STE 5J
DENVER CO 80221-2923

CURRENT RESIDENT
7010 BROADWAY STE 210
DENVER CO 80221-2921

CURRENT RESIDENT
7100 BROADWAY STE 5K
DENVER CO 80221-2923

CURRENT RESIDENT
7010 BROADWAY STE 215
DENVER CO 80221-2921

CURRENT RESIDENT
7100 BROADWAY STE 5L
DENVER CO 80221-2923

CURRENT RESIDENT
7010 BROADWAY STE 220
DENVER CO 80221-2921

CURRENT RESIDENT
7100 BROADWAY STE 5N
DENVER CO 80221-2923

CURRENT RESIDENT
7100 BROADWAY STE 3BPH
DENVER CO 80221-2922

CURRENT RESIDENT
7100 BROADWAY STE 5O
DENVER CO 80221-2923

CURRENT RESIDENT
7100 BROADWAY STE 5P
DENVER CO 80221-2923

CURRENT RESIDENT
7100 BROADWAY STE 6B
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 5Q
DENVER CO 80221-2923

CURRENT RESIDENT
7100 BROADWAY STE 6C
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 5R
DENVER CO 80221-2923

CURRENT RESIDENT
7100 BROADWAY STE 6D
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 5S
DENVER CO 80221-2923

CURRENT RESIDENT
7100 BROADWAY STE 6E
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 5T
DENVER CO 80221-2923

CURRENT RESIDENT
7100 BROADWAY STE 6F
DENVER CO 80221-2925

CURRENT RESIDENT
7010 BROADWAY STE 300
DENVER CO 80221-2924

CURRENT RESIDENT
7100 BROADWAY STE 6G
DENVER CO 80221-2925

CURRENT RESIDENT
7010 BROADWAY STE 310
DENVER CO 80221-2924

CURRENT RESIDENT
7100 BROADWAY STE 6H
DENVER CO 80221-2925

CURRENT RESIDENT
7010 BROADWAY STE 315
DENVER CO 80221-2924

CURRENT RESIDENT
7100 BROADWAY STE 6I
DENVER CO 80221-2925

CURRENT RESIDENT
7010 BROADWAY STE 320
DENVER CO 80221-2924

CURRENT RESIDENT
7100 BROADWAY STE 6J
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 6A
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 6K
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 6L
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 1CPH
DENVER CO 80221-2931

CURRENT RESIDENT
7100 BROADWAY STE 6O
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 2APH
DENVER CO 80221-2932

CURRENT RESIDENT
7100 BROADWAY STE 6Q
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 2BPH
DENVER CO 80221-2933

CURRENT RESIDENT
7100 BROADWAY STE 6R
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 2CPH
DENVER CO 80221-2934

CURRENT RESIDENT
7100 BROADWAY STE 6S
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 2DPH
DENVER CO 80221-2935

CURRENT RESIDENT
7100 BROADWAY STE 6T
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 2EPH
DENVER CO 80221-2936

CURRENT RESIDENT
7100 BROADWAY STE 6U
DENVER CO 80221-2925

CURRENT RESIDENT
7100 BROADWAY STE 2FPH
DENVER CO 80221-2937

CURRENT RESIDENT
7100 BROADWAY STE 3CPH
DENVER CO 80221-2928

CURRENT RESIDENT
7100 BROADWAY STE 2LPH
DENVER CO 80221-2938

CURRENT RESIDENT
7100 BROADWAY STE 3DPH
DENVER CO 80221-2929

CURRENT RESIDENT
7100 BROADWAY STE 2NPH
DENVER CO 80221-2939

CURRENT RESIDENT
7100 BROADWAY STE 3EPH
DENVER CO 80221-2930

CURRENT RESIDENT
7100 BROADWAY STE 2OPH
DENVER CO 80221-2940

CURRENT RESIDENT
7100 BROADWAY STE 2PPH
DENVER CO 80221-2941

CURRENT RESIDENT
7100 BROADWAY STE 1APH
DENVER CO 80221-2951

CURRENT RESIDENT
7100 BROADWAY STE 6NPH
DENVER CO 80221-2942

CURRENT RESIDENT
7010 BROADWAY STE 400
DENVER CO 80221-2952

CURRENT RESIDENT
7100 BROADWAY STE 6OPH
DENVER CO 80221-2943

CURRENT RESIDENT
7010 BROADWAY STE 405
DENVER CO 80221-2952

CURRENT RESIDENT
7100 BROADWAY STE 6PPH
DENVER CO 80221-2944

CURRENT RESIDENT
7010 BROADWAY STE 350
DENVER CO 80221-2953

CURRENT RESIDENT
7100 BROADWAY STE 6QPH
DENVER CO 80221-2945

CURRENT RESIDENT
7010 BROADWAY STE 360
DENVER CO 80221-2953

CURRENT RESIDENT
7010 BROADWAY STE 430
DENVER CO 80221-2946

CURRENT RESIDENT
6911 WASHINGTON ST
DENVER CO 80229-6702

CURRENT RESIDENT
7010 BROADWAY STE 450
DENVER CO 80221-2946

CURRENT RESIDENT
7091 WASHINGTON ST
DENVER CO 80229-6703

CURRENT RESIDENT
7100 BROADWAY STE 6SPH
DENVER CO 80221-2948

CURRENT RESIDENT
7095 WASHINGTON ST
DENVER CO 80229-6703

CURRENT RESIDENT
7100 BROADWAY STE 1DPH
DENVER CO 80221-2949

CURRENT RESIDENT
7150 WASHINGTON ST
DENVER CO 80229-6706

CURRENT RESIDENT
7100 BROADWAY STE 1BPH
DENVER CO 80221-2950

CURRENT RESIDENT
7154 WASHINGTON ST
DENVER CO 80229-6706

CURRENT RESIDENT
525 E 70TH AVE UNIT 1E
DENVER CO 80229-6712

CURRENT RESIDENT
565 E 70TH AVE UNIT 3E
DENVER CO 80229-6713

CURRENT RESIDENT
525 E 70TH AVE UNIT 1W
DENVER CO 80229-6712

CURRENT RESIDENT
565 E 70TH AVE UNIT 3W
DENVER CO 80229-6713

CURRENT RESIDENT
525 E 70TH AVE UNIT 2E
DENVER CO 80229-6712

CURRENT RESIDENT
565 E 70TH AVE UNIT 4E
DENVER CO 80229-6713

CURRENT RESIDENT
525 E 70TH AVE UNIT 2W
DENVER CO 80229-6712

CURRENT RESIDENT
565 E 70TH AVE UNIT 4W
DENVER CO 80229-6713

CURRENT RESIDENT
525 E 70TH AVE UNIT 3E
DENVER CO 80229-6712

CURRENT RESIDENT
565 E 70TH AVE UNIT 5E
DENVER CO 80229-6713

CURRENT RESIDENT
525 E 70TH AVE UNIT 3W
DENVER CO 80229-6712

CURRENT RESIDENT
565 E 70TH AVE UNIT 5W
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 1E
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 6E
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 1W
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 6W
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 2E
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 7E
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 2W
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 7W
DENVER CO 80229-6713

CURRENT RESIDENT
565 E 70TH AVE UNIT 8E
DENVER CO 80229-6713

CURRENT RESIDENT
625 E 70TH AVE UNIT 1
DENVER CO 80229-6726

CURRENT RESIDENT
565 E 70TH AVE UNIT 8W
DENVER CO 80229-6713

CURRENT RESIDENT
625 E 70TH AVE UNIT 2
DENVER CO 80229-6726

CURRENT RESIDENT
605 E 70TH AVE UNIT 1
DENVER CO 80229-6714

CURRENT RESIDENT
625 E 70TH AVE UNIT 3
DENVER CO 80229-6726

CURRENT RESIDENT
605 E 70TH AVE UNIT 2
DENVER CO 80229-6714

CURRENT RESIDENT
625 E 70TH AVE UNIT 4
DENVER CO 80229-6726

CURRENT RESIDENT
605 E 70TH AVE UNIT 3
DENVER CO 80229-6714

CURRENT RESIDENT
625 E 70TH AVE UNIT 5
DENVER CO 80229-6726

CURRENT RESIDENT
605 E 70TH AVE UNIT 4
DENVER CO 80229-6714

CURRENT RESIDENT
625 E 70TH AVE UNIT 6
DENVER CO 80229-6726

CURRENT RESIDENT
605 E 70TH AVE UNIT 5
DENVER CO 80229-6714

CURRENT RESIDENT
665 E 70TH AVE UNIT 1
DENVER CO 80229-6727

CURRENT RESIDENT
605 E 70TH AVE UNIT 6
DENVER CO 80229-6714

CURRENT RESIDENT
665 E 70TH AVE UNIT 2
DENVER CO 80229-6727

CURRENT RESIDENT
605 E 70TH AVE UNIT 7
DENVER CO 80229-6714

CURRENT RESIDENT
665 E 70TH AVE UNIT 2B
DENVER CO 80229-6727

CURRENT RESIDENT
605 E 70TH AVE UNIT 8
DENVER CO 80229-6714

CURRENT RESIDENT
665 E 70TH AVE UNIT 3
DENVER CO 80229-6727

CURRENT RESIDENT
665 E 70TH AVE UNIT 4
DENVER CO 80229-6727

CURRENT RESIDENT
750 E 71ST AVE UNIT E
DENVER CO 80229-6800

CURRENT RESIDENT
665 E 70TH AVE UNIT 5
DENVER CO 80229-6727

CURRENT RESIDENT
665 E 70TH AVE UNIT 6
DENVER CO 80229-6727

CURRENT RESIDENT
7174 WASHINGTON ST STE A
DENVER CO 80229-6731

CURRENT RESIDENT
7174 WASHINGTON ST STE B
DENVER CO 80229-6731

CURRENT RESIDENT
7174 WASHINGTON ST STE C
DENVER CO 80229-6731

CURRENT RESIDENT
750 E 71ST AVE UNIT A
DENVER CO 80229-6800

CURRENT RESIDENT
750 E 71ST AVE UNIT B
DENVER CO 80229-6800

CURRENT RESIDENT
750 E 71ST AVE UNIT C
DENVER CO 80229-6800

CURRENT RESIDENT
750 E 71ST AVE UNIT D
DENVER CO 80229-6800

CERTIFICATE OF POSTING



I, Thomas Dimperio do hereby certify that I posted the subject property on February 24, 2021 in accordance with the requirements of the Adams County Development Standards and Regulations.

Thomas Dimperio


StreetMedia 70th Avenue Billboard

RCU2020-00012

605 E. 70th Avenue

March 30, 2021

Board of County Commissioners Public Hearing
Community and Economic Development Department
Case Manager: Thomas Dimperio



Request

Conditional Use Permit to construct an off-premise electronic sign (billboard) in the Industrial-1 (I-1) zone district.

Aerial View



US 36 /
Interstate 270

Interstate 25

E. 70th Avenue /
CO 224

Interstate 76

Site

Washington Street

Colorado Agricultural Canal

Lower Clear Creek Canal

Lower Clear Creek Canal

Clear Creek

W 73rd Ave

Bronco Rd

36

25

270

E 71st Ave

76

Downing St

Aerial View



Interstate 25



Approximate Location for the Billboard

Site

525

665

625

665

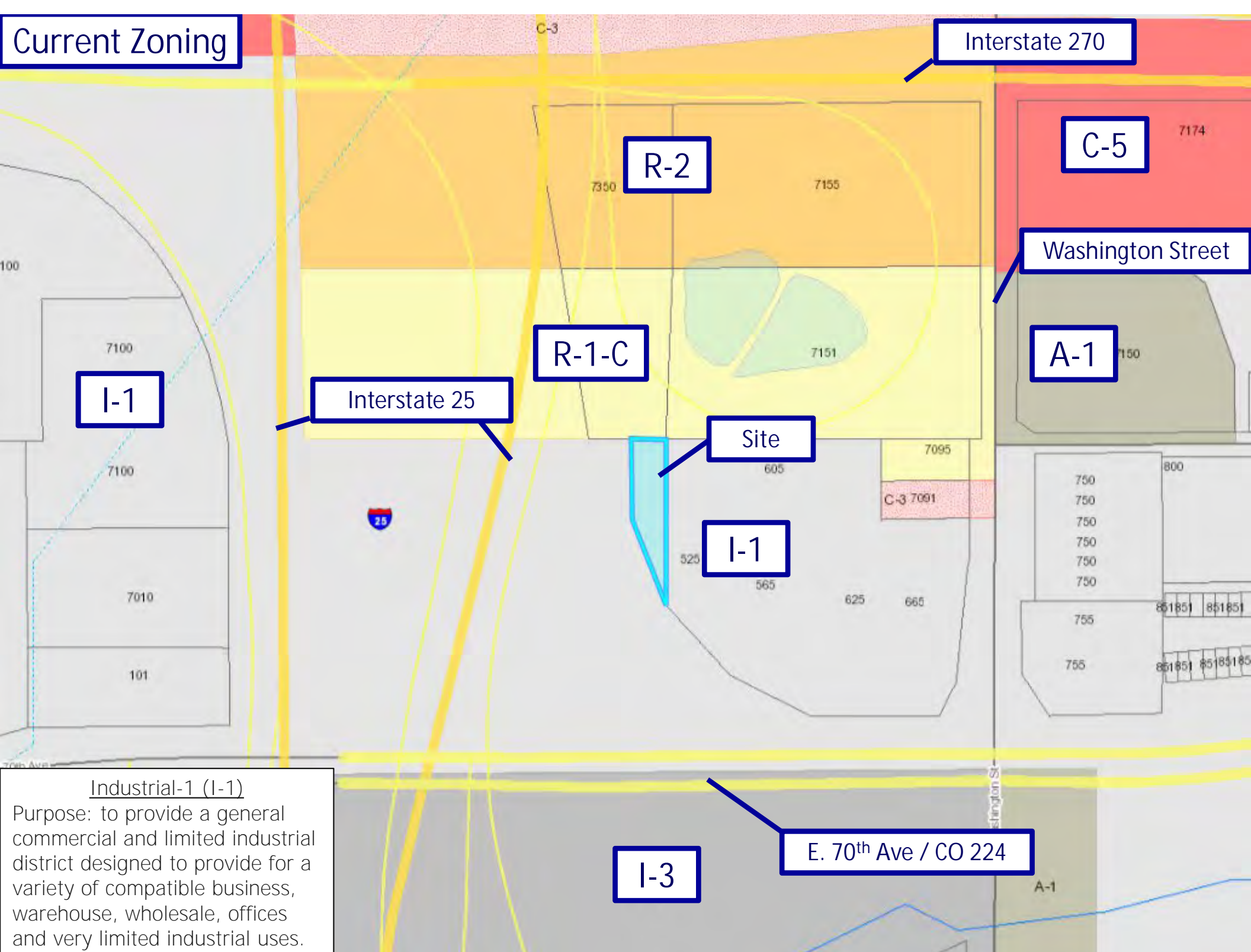
7095

7095

7151



Current Zoning



Interstate 270

C-5

Washington Street

A-1

R-2

R-1-C

Interstate 25

Site

I-1

I-1

E. 70th Ave / CO 224

I-3

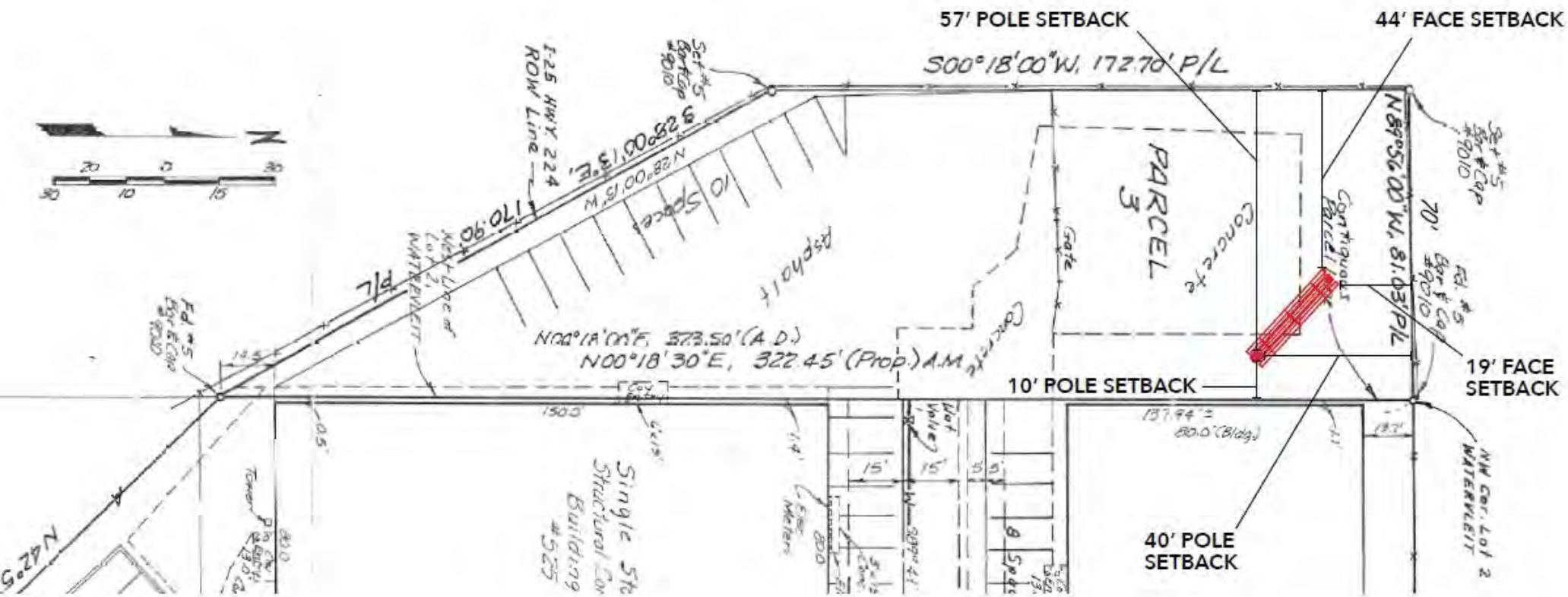
Industrial-1 (I-1)
Purpose: to provide a general commercial and limited industrial district designed to provide for a variety of compatible business, warehouse, wholesale, offices and very limited industrial uses.

Criteria for Conditional Use

Section 2-02-09-06

1. Permitted in zone district
2. Consistent with regulations
3. Complies with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services

Applicant Site Plan



SITE PLAN
605 E. 70TH AVE.

StreetMediaGroup
161 Setum Dr., Ste 5 | Fort Collins, CO 80525

Variation in Setback

Applicant is requesting a variation in setback.

- 35 feet required
- Requested setbacks:
 - Eastern Setback: 10 feet (internal lot line)

Recommended Condition of Approval:

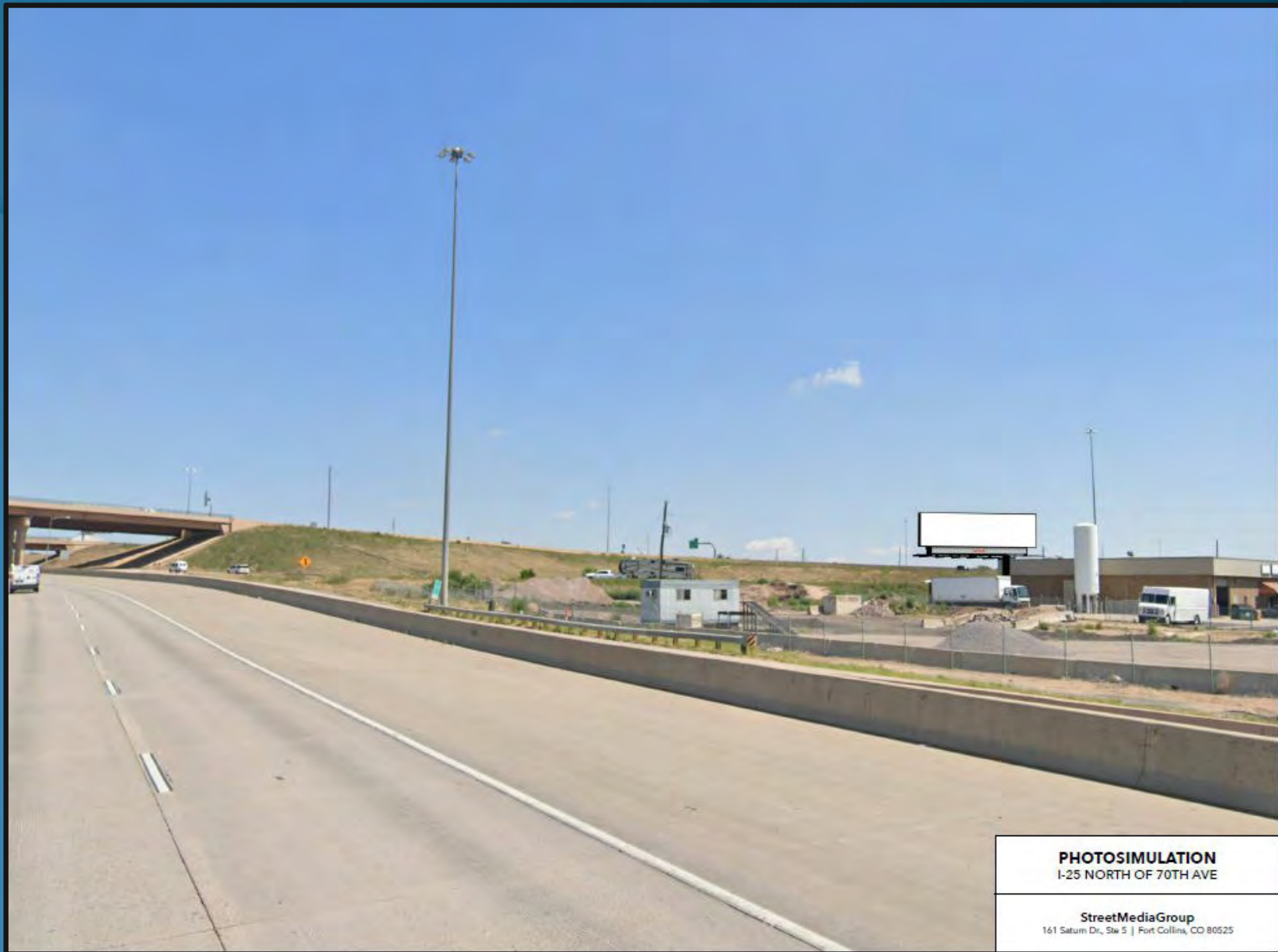
- The Applicant shall build the billboard to a Category Three Building Code standard, which will be reviewed at the time of Building Permit application.







Photosimulation



PHOTOSIMULATION
I-25 NORTH OF 70TH AVE

StreetMediaGroup
161 Saturn Dr., Ste 5 | Fort Collins, CO 80525

Photosimulation



PHOTOSIMULATION
I-25 NORTH OF 70TH AVE / RAMP VIEW

StreetMediaGroup
161 Saturn Dr., Ste 5 | Fort Collins, CO 80525

Referral Comments

Notifications Sent*	# Comments Received
211	0

*Property owners and occupants within 1,000 ft.

Referral Agencies: Adams County Fire Rescue
CDPHE
CDOT
Denver Water
RTD
Thornton Fire Department
TCHD
Xcel Energy

Planning Commission Update

(RCU2020-00012 StreetMedia 70th Avenue Billboard)

- Recommended Approval (7-0) on March 11, 2021
- PC inquired about the setbacks for the proposed billboard and the nonconformity with the current billboard setbacks.
- No members of the public spoke in favor or opposition to the request.

Staff Recommendation

(RCU2020-00012 StreetMedia 70th Avenue Billboard)

Staff recommends APPROVAL of the subject request (RCU2020-00012) WITH the applicant's request for a variation in the setback, with 8 Findings-of-Fact, 7 Conditions, and 3 Notes to the applicant.

Recommended Findings-of-Fact

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions

1. The applicant must show compliance with all the requirements of the Colorado Outdoor Advertising Act, C.R.S. 43-1-401 et. Seq. and the Colorado rules and regulations promulgated thereunder by the Colorado Department of Transportation.
2. The applicant shall obtain an Outdoor Advertising Permit from the Colorado Department of Transportation.
3. The applicant shall obtain a building permit from Adams County for the billboard, including all required building permit inspections.
4. Each message displayed on the billboard shall remain static for a minimum of four (4) seconds and must transition immediately to the next message displayed.
5. The approval of the off-premise sign shall expire March 30, 2031 unless renewed.
6. The Applicant shall build the billboard to a Category Three Building Code standard, which will be reviewed at the time of Building Permit application.
7. The electric board shall maintain a minimum distance of five (5) feet from the service line as mentioned in the letter from Denver Water dated June 30, 2020.

Recommended Notes to the Applicant

1. All applicable building, zoning, health, fire, and engineering requirements and codes shall be adhered to with this request. The applicant may submit an alternative design that can be approved through a Minor Amendment to this Conditional Use Permit by staff, as long as the design complies with the Adams County Development Standards and Regulations at the time of building permit application.
2. The conditional use permit shall expire on March 30, 2022 if sign permits are not obtained from Adams County.
3. Any sign or attractive device which includes animated images or graphics, scrolling messages, video, moving images similar to television images, emits audible sounds, employs stereopticon, or includes motion picture projection is prohibited.

Light Analysis

Yellow Lines illustrate how the sign brightness drops rapidly from **80% to 20% to 1%** due to the incorporation of **Siteline Blocking Louvers Technology**.

Yellow represents calculated illuminance figures at selected locations in **foot-candles[fc]**. A full moon has a light impact of approximately **0.03 fc**. A value less than this is considered **negligible**.

Parameters:

- Display Luminance = 300 NITS
- Display type = MRI VIQ

Calculations made by Shehab Rustom, Engineering Product Manager



Southwest Area Framework Plan

- Policy 14.7 to Enhance the area's role as an important County Gateway. Strategies in completing the goals include:
 - 1) 14.7.a. Entryway Image
 - 2) 14.7.b. Screening and Buffering
 - 3) 14.7.c Signs- Review and update the sign regulation provisions, including control of off-premise signs, applicable to private lands visible from I-70, I-25, and I-76 and key highway exits into the County.



Community & Economic Development Department

4430 South Adams County Parkway,
1st Floor, Suite W2000
Brighton, CO 80601-8205
PHONE 720.523.6800 FAX 720.523.6998

MEMORANDUM

To: Board of County Commissioners

From: Thomas Dimperio, Planner I

Subject: StreetMedia 70th Avenue Billboard / Case # RCU2020-00012

Date: March 30, 2021

If the Board of County Commissioners does not concur with the Staff recommendation of Approval, the following findings may be adopted as part of a decision of Denial:

ALTERNATIVE RECOMMENDED FINDINGS FOR DENIAL

1. The conditional use is not permitted in the applicable zone district.
2. The conditional use is inconsistent with the purposes of these standards and regulations.
3. The conditional use will not comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is incompatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has not addressed all off-site impacts.
6. The site is unsuitable for the proposed conditional use including inadequate usable space, inadequate access, and presence of environmental constraints.
7. The site plan for the proposed conditional use will not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are not available and adequate to serve the needs of the conditional use as designed and proposed.