### PLANNING AND DEVELOPMENT DEPARTMENT MEMORANDUM 16-17

DATE:

July 25, 2016

TO:

Honorable Mayor Joyce Downing and City Council Members

FROM:

James Hayes, AICP, City Manager

Brook Svoboda, Director of Planning and Development

Becky Smith, AICP, Senior Planner

**SUBJECT** 

CR-80 Access Easement granted to 2255 E 104th Ave., LLC

CR-81 Private Sanitary Easement granted to 2255 E 104th Ave., LLC CR-82 Maintenance Easement granted to 2255 E 104th Ave., LLC

### **BACKGROUND**

2255 E 104<sup>th</sup> Ave, LLC, also known as Northglenn Self Storage, submitted an application for Final Development Plan (FDP) review by the Planning Commission. The proposed project will develop one three story building on the site that will contain 811 self-storage units and a small amount of office space. The parcel is zoned I-2 industrial, making the proposed use of storage ("warehousing") on this property a use by right. The Planning Commission has authority to approve FDP submittals that meet the criteria set forth in Section 11-6.5-5-2(b) of the Zoning Ordinance.

In 1973, the property owner at that time granted a portion of the parcel for the City to expand the right-of-way along 104th Avenue. The City did expand the right-of-way, but did not use all of the dedicated land for the expansion. As a result, there is a City owned parcel that exists between the property and 104th Avenue, thereby making the site landlocked. The plans show that the ingress and egress to the site is located over the City owned parcel located between 104th Avenue and the development site. Therefore, the applicant will need to obtain an access easement from the City.

The closest sanitary main line for the development to tie into is on Irma Drive. The Utility Plan shows that they will connect to the City's main by installing a private sanitary line, which runs parallel to 104<sup>th</sup>, on the City owned parcel. Therefore, the applicant will need to obtain a private sanitary easement from the City.

The applicant has proposed to complete the trail along 104th Avenue, on the City owned property, as well as install landscaping directly in front of their project. The applicant will be responsible for trail and landscaping maintenance directly in front of the development. The Parks Department will take over trail maintenance for the portion constructed west of the parcel where to where it connects to Irma Drive.

The Planning Commission approved the Final Development Plan with the conditions that the development receive City Council approval for the following items outlined below.

- 1. The applicant will obtain City Council approval for an access easement.
- 2. The applicant will obtain City Council approval for a private sanitary easement.
- 3. The applicant will enter into a Landscaping Maintenance Agreement with the City.

City Council action is required to grant easements to private development. Included for reference, as Attachment 1 is the Planning Commission staff report. Approval of the proposed resolutions will allow the development to continue to move forward in the permitting process.

### RECOMMENDATION

Staff recommends approval of CR-80, CR-81 and CR-82

### STAFF REFERENCE

Brook Svoboda, Director of Planning and Development bsvoboda@northglenn.org or 303.450.8937

### **ATTACHMENT**

ATTACHMENT 1

Northglenn Self Storage Planning Commission Staff Report

Case No. FDP-2-16

Applicant: Pamlico Investments, Inc Location: 2255 E 104<sup>th</sup> Ave. Ordinance: 11-6.5-1 through 11-6.5-5

# NORTHGLENN SELF STORAGE STAFF REPORT AND RECOMMENDATION

### REQUEST:

The applicant, Pamlico Investments, Inc., requests Planning Commission approval for a Final Development Plan to develop self-storage at 2255 E 104th Avenue.

### PROPOSAL:

The proposed project will develop one three story building on the site that will contain 811 self-storage units and some office space. The building coverage on the site will be 36,914 SF, which is 33.3 percent of the lot coverage. The total building square footage, with all three floors, is proposed to be 110,718 SF. The remainder of the site will be paved or landscaped. Attachment A shows an aerial view of the project site.

### **BACKGROUND:**

The parcel is zoned I-2 Industrial, which allows warehousing as a use by right. The applicant is seeking Planning Commission approval for Final Development Plan to allow the construction of the three story building on the site located at 2255 E 104th Avenue for the purpose of self-storage. The site is currently vacant and has not been previously developed.

In 1973, the property owner at that time, granted a portion of the parcel for the City to expand the right-of-way along 104th Avenue. The City did expand the right-of-way, but did not use all of the dedicated land for the expansion. As a result currently there is a City owned parcel that exists between the property and 104<sup>th</sup> Avenue. The Applicant will be required to obtain City Council approval for an Access Easement to provide ingress and egress to the property, a Private Sanitary Easement to connect to the City's sanitary line in Irma Drive, and a Landscape Maintenance Agreement to maintain the trail and landscaping being proposed on City Property. These documents shall be executed prior to the release of a building permit.

2255 E 104<sup>th</sup> Avenue FDP

### **SURROUNDING LAND USES:**

North: Planned Unit Development (PUD) – Residential

South: City of Thornton

West: I-2 Industrial – Charlie's Auto & Truck Sales

East: City of Thornton

### **APPROVAL CRITERIA:**

Section 11-6.5-5-2(b) of the Zoning Ordinance, Planning Commission criteria for Final Development Plan approval. This includes checks for master plan conformance and certain site specific characteristics.

### **ANALYSIS:**

The project is located on the southwest corner of 104<sup>th</sup> Avenue and York, and borders the City of Thornton to the south and east. The proposed use of storage ("warehousing") on this property is considered a use by right for industrial zones. The Master Plan shows that this parcel was a candidate for a future rezoning to neighborhood commercial. However, the property owner/applicant wish to develop this parcel under the current zoning of I-2 Industrial.

The site is currently vacant and has been since the development of Northglenn in the 1960s. The parcel is located south of the Northglenn Industrial Park and located next to Charlies Auto, another industrial zoned parcel. The site is landlocked and the main access is proposed to be on the City owned parcel located between this site and 104th Avenue. Prior to issuing a building permit, the applicant will provide proof that they obtained an Access Easement from the City of Northglenn City Council. The easement will be recorded with the Adams County Clerk and Recorder.

### Building Footprint / Site Plan

Information submitted for the FDP depicts one three story building on the site, totaling 110,718 SF. The site is oriented towards 104<sup>th</sup> Avenue as the front setback. The proposed height is 42' 3"; I-2 zoning allows a maximum height of 65'.

The proposed setbacks for the site are 75' in the front (south), from the property line. The proposed side setbacks are 61' 10" and the rear setback is 46'. This exceeds the required 12' side and 15' rear setbacks required in this zone. All proposed setbacks are compliant pursuant to Sections 11-25-5(b-d) of the Zoning Ordinance.

Section 11-25-5. Lot Requirements in Industrial Zones.

(a) Exceptions. The following setbacks for uses allowed in all

7/14/2016 2255 E 104<sup>th</sup> Avenue FDP

industrial zones shall apply, except where such use abuts a major arterial street or where such use abuts any other zone. In these cases, all buildings and structures shall have a front setback of 75 feet. All sides of a lot which abut a major arterial street shall be treated as frontage, and front setback requirements shall apply.

- (b) Minimum Front Setback. 50 feet.
- (c) Minimum Side Setback. None, provided that walls are located on property lines, otherwise five feet; provided, however, if rear access to the property is not available, then a 12-foot setback shall be required on one side; provided, further, that on corner lots, front setback requirements shall apply on the side street.
- (d) Minimum Rear Setback. 15 feet, which may include one-half the width of an alley.

### <u>Parking</u>

The Applicant provided a Traffic Analysis memorandum that included a discussion about onsite parking. The memorandum states that "the 4th Edition of the ITE Parking Generation Manual states that the average peak period parking demand for this use (Code 151) is 1.35 spaces for 100 vehicles". The trip generation analysis provided indicates that 11 spaces would be sufficient for this site; the proposal shows 13 dedicated spaces. The ordinance allows for the Director of Planning and Development to determine appropriate parking for uses not described in Section 11-36-6(a) through (s) minimum off street parking requirements. Attachment B is the applicant's Traffic Analysis memorandum.

### Traffic

The Traffic Analysis memo was referred to the Public Works Engineers and the City of Thornton. Public Works staff recommended a ONE-WAY ARROW opposite the entrance in the median to clearly identify that a left turn out movement is not available. A "NO U TURN" sign was recommended to be placed on the traffic signal mast arm controlling the eastbound approach, to encourage vehicles wanting to make a U-turn to move forward into the immediately available left turn lane to make a legal U-turn. The applicant will comply with these recommendations.

### Drainage

The Applicant has provided a Drainage Plan that has been reviewed by the City's Public Works Engineer. The Applicant will be required to submit a Final Drainage Report that addresses any outstanding items identified by the City Engineer prior

2255 E 104th Avenue FDP

to releasing a building permit. In addition, the Applicant will be required to grant the City a drainage easement as a condition of the Stormwater Facility Management Agreement. The Agreement shall be executed prior to Final approval of the Drainage Report.

### Landscaping and Fencing

Total landscape area equates to 25.5% of the site. This exceeds the City's standard of 12% required on-site landscaping. No prohibited species are proposed. In addition to the onsite landscaping, the applicant is proposing improving the City owned parcel with a trail that runs parallel to the property and all the way west to meet the existing city trail that runs parallel to Irma Drive. The Applicant will be required to enter into a Landscaping and Trail Maintenance Agreement with the City, to maintain the portion direction in front of their parcel, prior to the issuance of a Certificate of Occupancy. The total tree count proposed onsite and on the city property tree count exceeds the required standard established for Commercial/Industrial site development

The landscape plan shows a 6' ornamental iron fence surrounding the property. Ornamental iron fencing is an allowed material according to Section 11-34-4(a) of the ordinance:

Section 11-34-5(c) Height of Fences, Screens, and Hedges

(c)Within the Front Setback. No fence, screen, or hedge of any type more than 42 inches in height shall be permitted between the front setback line of the building and the front property line. Fences, screens, or hedges up to eight feet in height in the front setback are allowed in industrial zones when approved by the Planning Commission.

This regulation requires that the planning commission approve fences in the front setback that are in excess of 42" in industrial zones. Staff finds that the proposed fence will cause no visual impediments to vision for vehicles, cyclists or pedestrians.

### **Elevations and Lighting**

Elevations are included with the FDP submittal. Architectural standards and requirements in the ordinance for industrial zoned properties are limited. The following architectural standards apply to Industrial zoned buildings.

Section 11-25-6. Architectural and Site Design Standards, Industrial Zones.

(a)Architectural Standards, Industrial Zones.
(1)Building Mass. Exterior walls shall be broken by recessed or projected entryways, recessed windows, use of more than

2255 E 104<sup>th</sup> Avenue FDP

one finish material, use of more than one color, use of architectural details, or such other technique or combinations of techniques so as to prevent the appearance of massive and featureless walls.

(2)Exterior finish materials. A variety of exterior finish materials are encouraged. No material designed or manufactured as an exterior wall surface is prohibited. Smooth face concrete block, concrete panels, and metal siding may be the primary or predominant finish materials but should be used in conjunction with other materials. At least 25 % of building elevations facing public streets should be of materials other than the predominant finish material.

(6)Exterior Building Lighting. Exterior building lighting shall be adequate to provide for safety and security on site. Building lighting shall be provided at all entryways and on all sides of the building. All light sources shall be screened from view of adjacent properties and public rights-of-way. A plan to reduce unnecessary lighting after business hours shall be provided.

The proposed structure does show variation in building mass and materials. Materials include brick trim and masonry, a mix a vertical and horizontal metal panels, awnings and storefront glass.

A lighting plan was included with the submittal. According to the luminaire schedule, 18 lights are proposed on the property. The light fixture specification shows the lights will be downlight. The plan shows that there will be minimum impacts from lighting to adjacent properties.

### Administration

The Final Development Plans have been reviewed by the Development Review Committee and a City Planner in accordance with Section 11-6.5-5 of the City of Northglenn Zoning Ordinance. (Attachment B) The Civil Construction Plans, Drainage Report, Stormwater Facility Maintenance Agreement, and O&M Manual are currently under review by the Public Works Department and will be approved prior to releasing any building permits. The North Metro Fire Rescue District (NMFRD) is also reviewing the plans and will approve the construction plans prior to issuing the building permits.

Notice was provided in the June 30, 2016 Northglenn-Thornton Sentinel Newspaper. Property owners surrounding the proposed facility were notified via mail of the proposal, as required by Section 11-41-3(a) of the City's Zoning Ordinance. In addition, the property in question was subject to a sign posting as required by Section 11-41-3(b).

2255 E 104<sup>th</sup> Avenue FDP

### **COMMISSION OPTIONS:**

The Commission's options in this case are as follows:

- 1) Approve this request, with or without conditions;
- 2) Deny this request for reasons stated; or
- 3) Table the request for further consideration.

### STAFF'S RECOMMENDED FINDINGS OF FACT:

1) The development substantially complies with the current Master Plan;

The Comprehensive Plan does show that this site had potential for future rezoning to a neighborhood serving commercial use, however, the property owner/developer is choosing to develop the site pursuant to the current zoning. While this is contemplated in the Comprehensive Plan, it is not in conflict as the site is currently zoned for this use.

2) The development is integrated into the existing terrain and surrounding landscape, and is designed to protect abutting properties and community amenities. Building sites are, to the extent feasible:

The development is compliant with the architectural and landscaping requirements that are designed to minimize impacts to the surrounding properties.

3) The architectural style is designed in harmony with the prevailing character and scale of buildings in the neighborhood and the City through the use of appropriate building materials, screening, breaks in roof and wall lines, landscaping, and other architectural techniques. The development meets the architectural and site design standards set forth in Section 11-25-6 of the Northglenn Zoning Ordinance.

The architectural style is in harmony with the prevailing character of the in the neighborhood. A variation in materials is shown which create breaks in wall lines. Landscaping is proposed in a greater intensity on the North and South sides of the structure to provide a buffer to the neighboring properties and 104<sup>th</sup> Avenue right-of-way.

4) The development will be served with adequate water supply and waste disposal systems including storm water facilities.

The City of Northglenn Department of Public Works and Stormwater Coordinator have reviewed this Final Development Plan and continue to

2255 E 104th Avenue FDP

review the drainage report, civil plans, stormwater management plan and operations and maintenance manual. No adverse impacts are anticipated and all public works issues or concerns will be addressed prior to release of building permits.

5) The development maximizes the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent public rights-of-way.

The applicant will comply with Public Works recommendations to mitigate any impacts on the adjacent street or nearest intersection.

6) The development plan shows adequate measures to prevent pollution of surface or groundwater, minimizes erosion and sedimentation, and prevents changes in groundwater levels, increased run-off and potential for flooding. Drainage has been designed so that run-off shall not be increased, groundwater recharge is maximized, and neighboring properties will not be adversely affected.

The site will have a Public Works approved drainage plan, stormwater management plan and operations and maintenance plan prior to obtaining a building permit.

7) The development does not place excessive demands on City services and infrastructure.

The City of Northglenn Department of Public Works, Fire District, and Stormwater Coordinator have reviewed this Final Development Plan and have not indicated that this project will cause any excessive impacts.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Final Development Plan as submitted based on the above recommended findings of fact and with the prescribed conditions at the end of this report and outlined in the Planning Commission resolution 2016-04.

### **RECOMMENDED CONDITIONS OF APPROVAL:**

- 1) Prior to issuance of a building permit, the applicant will complete the following items:
  - a. The applicant will obtain City Council approval to access the site via the City owned parcel between their lot and 104<sup>th</sup> Avenue through

2255 E 104th Avenue FDP

7/14/2016

- an access easement.
- b. The applicant will obtain City Council approval of a private sanitary easement through the city owned parcel to connect to the City's main line in Irma Drive.
- c. The applicant will obtain City Council approval to install and maintain the trail and landscaping proposed on the City owned parcel.
- d. The applicant will provide proof of dedicated water line easements for the required fire hydrant.
- e. The applicant will provide proof of a dedicated drainage easement for their pond.
- f. The applicant will address any NMFRD concerns on the FDP within 90 days of the entitlement approval or the approval will become void.

All of these items will be administered or documented by staff prior to issuance of any building permits.

RESPECTFULLY SUBMITT	TED:
Rebecca M Smith, AICP	
City Planner	

WHAT'S NEXT: Upon approval, civil and architectural plans will be submitted to the Development Review Committee (DRC) for review by staff. Upon DRC approval building permits will be issued and construction will begin.

### **ATTACHMENT A**



#### Attachment B

### PROJECT DATA

NORTHGLENN SELF-STORAGE NAME OF PROJECT:

ADDRESS: 2255 E 104TH AVE. NORTHGLENN COLORADO ZIP CODE:

SUB: NORTHGLENN FOURTEENTH FILING DESC: S 3 I O FT OF E 325 FT OF TRACT 43 LEGAL DESCRIPTION:

PROPOSED USE: OWNER /AUTHORIZED AGENT:

PROJECT TEAM

DESIGNER: TODD HEIRLS (303)-455-7741 THEIRLS@ARCWESTARCHITECTS.COM BRIAN KROMBEIN (720)-402-6070 BRIAN@VERMILLINOPEAK.COM MONIKA KRAPICHLER (303)-446-2368 MKRAPICHLER@HENRYDESIGNGROUP.C ARCHITECTURAL APOWEST APOHITECTS VERMILION PEAK ENG. THE HENRY DESIGN GROUP BRIAN@VERMILLINOPEAK.COM MKRAPICHLER@HENRYDESIGNGROUP.COM LIGHTING DESIGN TIM MARISCH TIM MARISCH (208)-245-0835 TMARISCH@GMAIL.COM FIRE ALARM PLUMBING MECHANICAL SPRINKLER-STANDPIPE

1-2

APPLICABLE ZONING CODE

NORTHGLENN ZONING CODE

SITE DATA:

STRUCTURAL

110 718 SE TOTAL BUILDING COVERAGE FOOTPRINT 36,914 S.F. SF (33.3%)

ZONING RESTRICTIONS: ALLOWED PROPOSED BUILDING HEIGHT 65' 42' - 3"

FRONT YARD SETBACK PRINCIPAL STRUCTURE 120' - 7" FROM BACK OF CURB

SIDE YARD SETBACK PRINCIPAL STRUCTURE REAR YARD SETBACK PRINCIPAL STRUCTURE 15' 46'

LANDSCAPING INFORMATION: TOTAL PERCENTAGE AREA OF PAVING + STRUCTURE 74 470 91 74.5% TOTAL: 100%

#### APPLICABLE CODES

2009 IECC ENERGY CONSERVATION 2009 IEGO FLIFI GAS 2009 IPC PLUMBING MECHANICA 2009 IFC FIRE CODE

#### BASIC BUILDING DATA:

CONSTRUCTION TYPE: SPRINKLERS: YES NFPA-13

STANDPIPES: FIRE DISTRICT: FLOOD HAZARD AREA: BUILDING HEIGHT: GROSS BUILDING AREA: 1107189

FLOOR

#### ALLOWABLE AREA

STORAGE, S-I MODERATE

ACCESSORY OCCUPANCY: BUSINESS INCIDENTAL USES: N/A SPECIAL USES: SPECIAL PROVISIONS: N/A

STORY NO.	DESCRIPTION \$ USE	BLDG AREA PER STORY (ACTUAL)	TABLE 50G AREA	FRONTAGE INCREASE	SPRINKLER INCREASE	ALLOWABLE AREA OR UNLIMITED	MAXIMUM BUILDING AREA
I	STORAGE / OFFICE	46,500 SF (NOT INCLUDING PRONTAGE)	17,500	0	35,000		
2	STORAGE	34,413 SF	17,500		35,000		
3	STORAGE	34,413 SF	17,500		35,000		

#### ALLOWARI E HEIGHT

		INCREASE FOR SPRINKLERS	SHOWN ON PLANS	CODE REFERENCE
TYPE OF CONSTRUCTION	TYF	PE II-B	TYPE II-B	
BUILDING HEIGHT IN FEET	65	***	42' - 3"	***
BUILDING HEIGHT IN STORIES	3	***	3	

#### FIRE PROTECTION REQUIREMENTS:

TYPE II-B CONSTRUCTION DOES NOT REQUIRE BUILDING ELEMENTS TO BE RATED

#### LIFE SAFETY SYSTEM REQUIREMENTS:

EMERGENCY LIGHTING: FXIT SIGNS: FIRE ALARM: SMOKE DETECTION SYSTEMS PANIC HARDWARE

#### LIFE SAFETY PLAN REQUIREMENTS:

#### ACCESSIBLE PARKING:

LOT OR PARKING AREA	TOTAL # OF SPACES		# OF ACCESSIBLE SPACES PROVIDED			TOTAL #
	REQUIRED	PROVIDED	REGULAR WITH 5' ACCESS AISLE	VAN SPACE 132" AISLE		ACCESSIBLE PROVIDED
		1.1	0	0	1	1
TOTAL		12				

#### PLUMBING FIXTURE REQUIREMENTS (TABLE 2902.1):

USE		WATERCLE	OSETS	URINALS	LAVATOR	JES	SHOWERS/	DRINKIN	IG FOUNTAINS	
		MALE	FEMALE	1	MALE	FEMALE	TUBS	REGULAR	ACCESSIBLE	
REQUI	RED									

SERVICE SINK

FLOOR AREA EXCLUDING STAIR & ELEVATOR SHAFTS = 36,894 SF WAREHOUSE OCCUPANCY = --- OCCUPANTS STORAGE FACILITY REQ. I FIXTURE PER 100 OCCUPANTS.

-- / 100 = ---- OCCUPANTS 2 ADA FIXTURE REQUIRED PER GENDER

#### SPECIAL APPROVALS:

NO SPECIAL APPROVAL REQUIRED

#### ENERGY SUMMARY:

ENERGY REQUIREMENTS: THE FOLLOWING DATA SHALL BE CONSIDERED MINIMUM AND ANY SPECIAL ATTRIBUTE REQUIRED TO MEET THE ENERGY CODE SHALL ALSO BE PROVIDED. EACH DESIGNER SHALL FURNISH THE REQUIRED PORTIONS OF THE PROJECT INFORMATION FOR THE PLAN DATA SHEET. IF PERFORMANCE METHOD, STATE THE ANNUAL ENERGY COST FOR THE STANDARD REFERENCE DESIGN VS. ANNUAL ENERGY COST FOR THE PROPOSED DESIGN.

METHOD OF COMPLIANCE: PRESCRIPTIVE

#### THERMAL ENVELOPE:

DESCRIPTION: INSULATION ENTIRELY ABOVE DECK R-25ci ATTIC AND OTHER - STEEL FRAMING R-36

EXTERIOR WALLS

WALLS ABOVE GRADE METAL FRAMED R-13 + R-7.5a MASS R-7.6a

OPAQUE DOORS

SWINGING U-0.70 ROLL-UP OR SLIDING U-0.50

CURTAIN WALL / STOREFRONT U-FACTOR
CURTAIN WALL/STORE FRONT U-FACTOR 0.45
ENTRANCE DOOR U-FACTOR 0.77

WALLS BELOW GRADE

FLOOR SLAB ON GRADE
DESCRIPTION: HEATED SLAB R-15 FOR 24'

## **NORTHGLENN** STORAGE FACILITY FINAL DEVELOPMENT **PLAN**

### PROJECT SUMMARY

BUILDING DESCRIPTION:

SELF-STORAGE BUILDING TOTALING 110.718 SE THE BUILDING WILL BE A CONDITIONED 3 STORY WITH A FOOT PRINT OF 36 914 SE

SELF-STORAGE BUILDING WITH SITE GRADING, SCOPE OF WORK: RETAINING WALLS.

FDP-SHEET INDEX EDP SUBMISSION

AD.2	SITE PLAN	2 5/20/16	FDF REVISION 2	
AI.O	ROOF PLAN	5/20/16	FDP REVISION I	FDP SUBMISSIO
A3.0	ELEVATIONS	2 5/20/16	FDP REVISION 2	FDP SUBMISSIO
A3.1	ELEVATIONS	5/20/16	FDF REVISION I	FDP SUBMISSIO

SIGNATURE BLOCK DATE: PRINT DATE:



#### ALTA/ACSM LAND TITLE SURVEY

### 2255 E. 104TH AVENUE

A PORTION OF TRACT 43, NORTHGLENN - FOURTEENTH FILING LOCATED IN THE SE 1/4, SECTION 11, T. 2 S., R. 68 W., 6TH P.M., CITY OF NORTHGLENN, ADAMS COUNTY, COLORADO



#### LEGAL DESCRIPTION

THE SOUTH 310 FEET OF THE EAST 325 FEET OF TRACT 43, NORTHGLENN — FOURTEENTH FILING, COUNTY OF ADAMS, STATE OF COLORADO.

#### TITLE POLICY NOTES

VERMILION PEAK ENGINEERING RELIED UPON TITLE COMMITMENT NO. 15000310221 PREPARED BY STEWART TITLE GUARANTY COMPANY WITH AN EFFECTIVE DATE OF OCTOBER 6, 2015 AT 5:30 P.M. FOR ALL INFORMATION RECARDING EASEMENTS, RIGHTS-OF-WAY OR TITLE OF RECORD IN THE PREPARATION OF THIS SURVEY.

#### SCHEDULE B - SECTION 2 EXCEPTIONS

RIGHTS OR CLAIMS OF PARTIES IN POSSESSION, NOT SHOWN BY THE PUBLIC RECORDS. THESE ITEMS ARE NOT PLOTTABLE.

EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. THESE ITEMS ARE NOT PLOTTABLE.

ANY ENCROACHMENT, ENCLMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS. THESE ITEMS ARE SHOWN HEREON.

4. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. THESE ITEMS ARE NOT PLOTTABLE.

5. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, RIEST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSCULENT TO THE EFFECTIVE ADARE BUT PRIOR TO THE LOTE THE PROPOSED INSUED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. THESE TIENS ARE NOT PLOTTABLE.

6. (A) UMP-TENTED MINIO CLAUSE, (B) RESERVATIONS OF EXCEPTIONS IN PARTISTS ON IN-ACTS AUTHOROUGH IN ESMANCH TREPOS), MINIORA CONTROL MINIORA C

7. WATER RIGHTS, CLAIMS OR TITLE TO WATER. THESE ITEMS ARE NOT PLOTTABLE.

8. A. TAXES FOR THE YEAR 2015, AND SUBSEQUENT YEARS, SPECIAL ASSESSMENTS OR CHARGES NOT CERTIFIED TO THE COUNTY TREASURER. B. TAXES FOR THE YEAR 2015, A LIEN, BUT NOT YET DUE OR PAYABLE. THESE ITEMS ARE NOT PLOTTABLE.

9. UTILITY EASEMENTS, AS SET FORTH ON THE PLAT OF NORTHCLENN — FOURTEENTH FILING, RECORDED AUGUST 2, 1961, AT RECEPTION NUMBER 692381. THESE ITEMS ARE SHOWN HEREON.

11. EXISTING LEASES AND TENANCIES. THESE ITEMS ARE NOT PLOTTABLE.

#### GENERAL NOTES

- ANY PERSON WHO KNOWNCLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- 2. DATE OF FIELD WORK: OCTOBER 22, 2015.
- THERE IS NO OBSERVED EVIDENCE OF THE SUBJECT PROPERTY BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP DBD0100314H, DATED MARCH 5, 2007, THE PROJECT SITE LIES IN ZONE X, WHICH IS DEFINED AS, "ARES DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAN".
- UTILITIES SHOWN ARE BASED ON VISIBLE FIELD LOCATIONS OR MAPPING RECEIVED FROM THE CITY OF NORTHGLENN AND XCEL ENERGY.
- BENCHMARK: NATIONAL GEODETIC SURVEY MONUMENT NUMBER K411 PER THE NGS DATA SHEET, 5/8" STEEL ROD— ELEVATION: 5286.40 (NAVD88)
- THE SUBJECT PROPERTY CONTAINS AN AREA OF 100,748 SQUARE FEET OR 2.31 ACRES, MORE OR LESS.
- 8. ZONING: I-2 (INDUSTRIAL)
- THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- THE SOUTH LINE OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 68 WEST BEARS N89'35'30'W PER THE PLAT OF NORTHGLENN FOURTEENTH FILING, ALL OTHER BEARINGS ARE RELATIVE THERETO. ALL MONUMENTS ARE SHOWN HEREON.

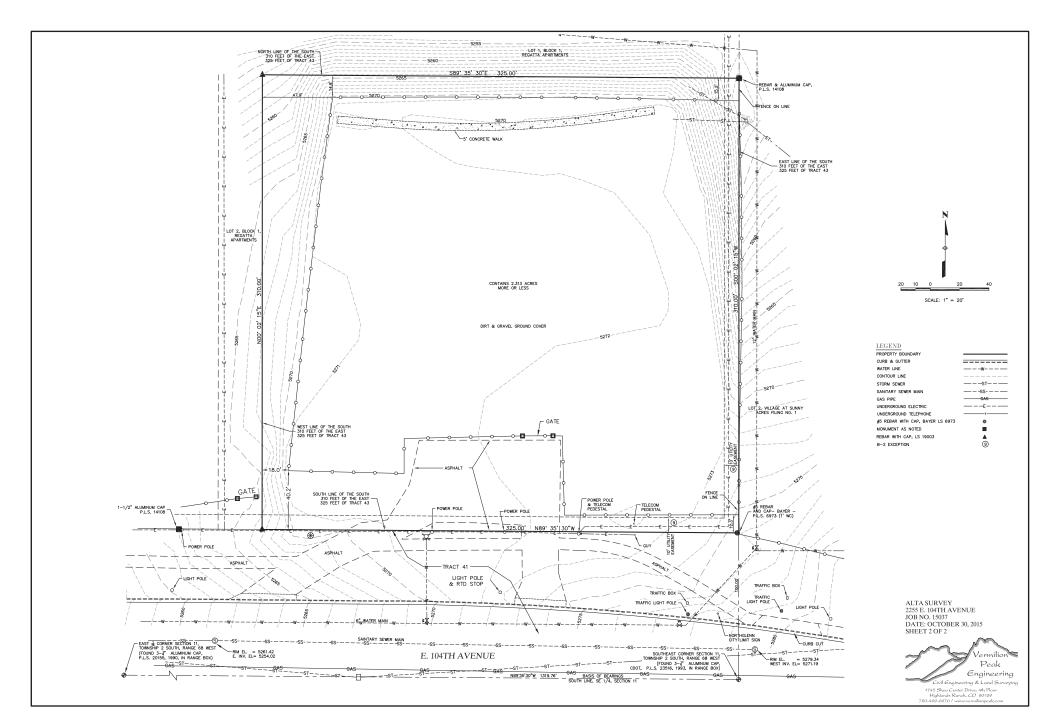
TO STEWART TITLE GUARANTY COMPANY, PAMLICO INVESTMENTS, INC, AND ALEXANDER RICKS PLLC:

THIS IS TO CERTEY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM SYNADARD DETAIL MADE OF THE PLAT AND SESS AND NOULDES TIESE 2, 3,4,5,6,6,1,76,1,76,8,11(6), 13,14,16,17,18 AND 1907 AREA FABLE A THEREOF. THE FIELD MORK WAS COMPLETED ON OCTOBER 22, 2015.

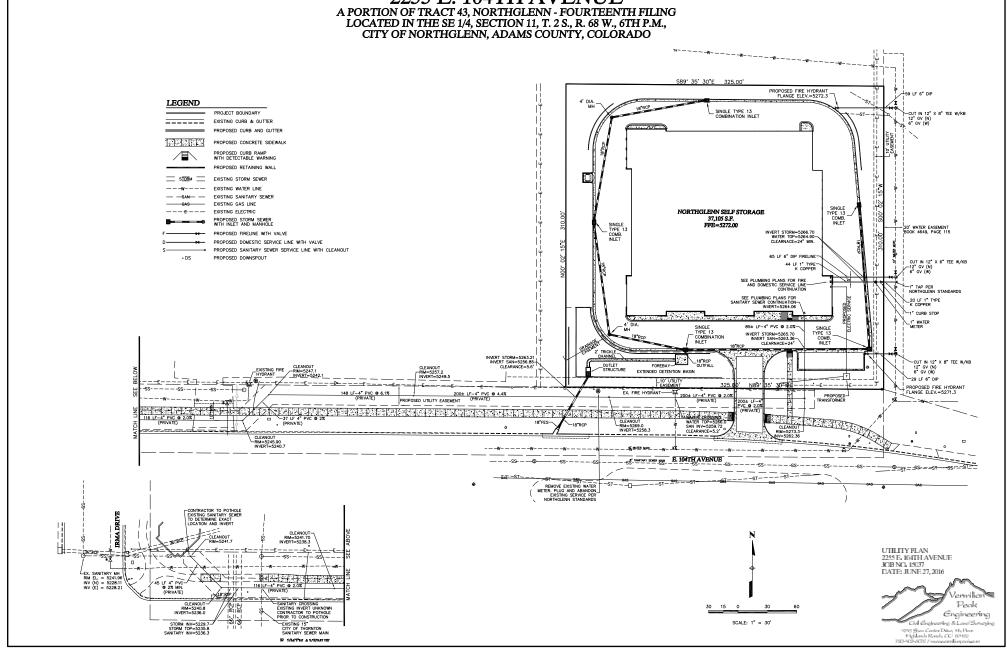
10 /30/15 DATE

ALTA SURVEY 2255 E. 104TH AVENUE JOB NO. 15037 DATE: OCTOBER 30, 2015 SHEET 1 OF 2

> Peak Engineering Civil Engineering & Land Surveying



# FINAL DEVELOPMENT PLAN 2255 E. 104TH AVENUE



### FINAL DEVELOPMENT PLAN 2255 E. 104TH AVENUE A PORTION OF TRACT 43, NORTHGLENN - FOURTEENTH FILING LOCATED IN THE SE 1/4, SECTION 11, T. 2 S., R. 68 W., 6TH P.M., CITY OF NORTHGLENN, ADAMS COUNTY, COLÓRADO LEGEND PROJECT BOUNDARY EXISTING CONTOUR (1' INTERVAL) EXISTING CONTOUR (5' INTERVAL) PROPOSED CONTOUR DRAINAGE FLOW DIRECTION EXISTING CURB & GUTTER PROPOSED 6" CONCRETE CURB WITH 2' CATCH GUTTER PROPOSED 6" CONCRETE CURB WITH 1" SPILL GUTTER LIMITS OF RIGHT-OF-WAY PROPOSED STORM SEWER INLET PROPOSED CONCRETE SIDEWALK PROPOSED CURB RAMP WITH DETECTABLE WARNING PROPOSED SPOT ELEVATION PROPOSED HIGH POINT PROPOSED LOW POINT PROPOSED RETAINING WALL PROPOSED FINISHED GRADE AT TOP OF WALL NORTHGLENN SELF STORAGE PROPOSED FINISHED GRADE AT BOTTOM OF WALL 37,105 S.F. FFE=5272.00 BENCHMARK NATIONAL GEODETIC SURVEY MONUMENT NUMBER K411 PER THE NGS DATA SHEET, 5/8" STEEL ROD ELEVATION: 5286.40 (NAVD88) 71.09 HP IG=67.5 BG=67.5 IG=67.5 BG=66.0 70.43 TG=70.0 BG=65.3 70.00 LP TYPE 13 COMBINATION INLET TG=67.5 BG=65.7 69.91 TG=67.5 BG=67.0 64.76 64.86 TG=67.5 BG=66:0 TG=70.0 BG=65.0 TG=70.0 BG=70.0 SCALE: 1" = 20" GRADING PLAN 2255 E. 104TH AVENUE JOB NO. 15037 DATE: JUNE 27, 2016 64.40± MATCH 71.61± / MATCH Peak Engineering E. 104TH AVENUE Chill Engineering & Land Surveying 1745 Suna Cantar Drive, 4th Room Highwale Randy CO 90129 720-402-6070 / www.varnellongach.co

SHEET ISSUE DATE: 03/07/16 PROJ. NO. 1585 ⊙ARCWEST ARCHITECTS, II

LANDSCAPING

SHEET NUMBER: L1.0



Evergreen Tree

Shrubs/Ornamental Grasses

Sod, spray irlaated

spray irrigated

3/4"-1 1/4" Rock Cobble Mulch	
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Landscape Edger Fence

GENERAL	. NOTES:

IATERIALS SHOWN OR INDICATED ON THE APPROVED SITE PLAN OR LANDSCAPE PLAN ON FILE IN THE PLANNING DEPARTMENT. LANDSCAPING WILL BE NOTALLED AS DELINEATED ON THE PLAN, PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.

Table of Landscape Coverage

Area of on-site living material

Area of paying and structures Area of living material in public R.O.W.

Total of spray irrigated area

Total of drlp Irrigated area

Area of non-living material in public R.O.W.

Total of temporarily spray irrigated area

Percent 100,810 100

25,740

74,470 73.7

4,288

11.510

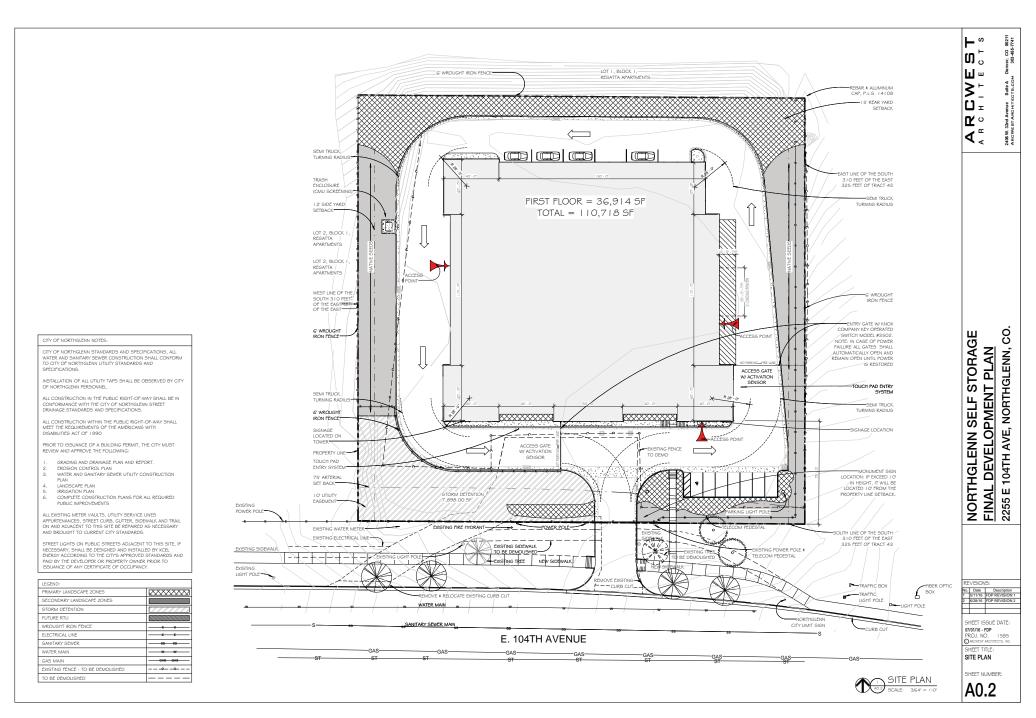
2,215

24,675 n.a.

- ALL LANDSCAPED AREAS AND PLANT MATERIAL, EXCEPT FOR NON-IRRIGATED NATIVE, RESTORATIVE AND DRYLAND GRASS AREAS MUST BE WATERED BY AN AUTOMATIC INDERGROUND IRRIGATION SYSTEM. IRRIGATION SYSTEM DEBIGN, INSTALLATION, OPERATION AND MAINTENANCE SHALL CORPORM TO REQUIREMENTS FOUND IN THE CITY OF NORTHGLENN IRRIGATION ORDINANCE. IRRIGATION PLANS SHALL BE SUBMITTED WITH APPROVED LANDSCAPE PLAN. TURF AREAS ARE ZONED SEPARATELY FROM PLANTING BED AND NATIVE SEED AREAS AND VARIOUS HYDRO-ZONES ARE IRRIGATED BY SEPARATE RRIGATION ZONES ACCORDING TO THE WATER DEMAND OF THE PLANT MATERIAL. TURF AREA HEADS ARE TO BE NISTALLED SO AS TO PROVIDE HEAD TO HEAD COVERAGE, DRIP IRRIGATION IS TO BE PROVIDED TO SHRUB AREAS.
- ALL 60D, INCLUDING IN THE TREE LAUN, 6HALL BE RTF FE6CUE. PLANTING BED6 6HALL BE MULCHED WITH 3/4° TO 1-1/4° ROCK COBBLE OVER WEED BARRIER FABRIC.
- ALL LANDSCAPING WILL MEET OR EXCEED THE REQUIREMENTS SET BY THE CITY OF NORTHGLENN DESIGN STANDARDS FOR SITE PLANS.
  ALL PARKING LOT LANDSCAPING WILL MEET OR EXCEED THE REQUIREMENTS SET BY THE CITY OF NORTHGLENN DESIGN STANDARDS FOR SITE PLANS. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY OF NORTHGLENN DESIGN STANDARDS FOR SITE PLANS.
- ...A.DOCAPE MATERIAL SHALL NOT BE PLACED OR KEPT NEAR FIRE HYDRANTS, FIRE DEPARTMENT INLET CONNECTIONS OR FIRE PROTECTION CONTROL /ALVES IN A MANNER THAT WOULD PREVENT SUCH EQUIPMENT OR FIRE HYDRANTS FROM BEING IMMEDIATELY DISCERNIBLE. THE FIRE DEPARTMENT SHALL NOT BE DETERRED OR HINDERED FROM GAINING INTEDIATE ACCESS TO FIRE PROTECTION EQUIPMENT OR HYDRANTS. A 5-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUFFERENCE OF FIRE HYDRANTS.
- ANDSCAPING MATERIAL SHOWN WITHIN THE SITE PLAN CANNOT ENCROACH INTO ROADWAYS THAT ARE DEDICATED (OR DESIGNATED) AS FIRE LANE
- NO TREE SHALL BE PLANTED WITHIN 10 FEET OF ANY UNDERGROUND UTILITY LINE.
- NO TREE OR SHAUB MORE THAN 30 NOLES HIGHER THAN TOP OF CURB SHALL BE PLANTED NEITHER IN ANY 50 FOOT VISION TRIANGLE AT ANY STREET NTERSECTION NOR IN ANY 5 FOOT VISION TRIANGLE AT THE INTERSECTION OF ANY DRIVEWAY AND PUBLIC STREET.

SUGG	ESTED F	PLANT LIST:					
QUANTITY	SYMBOL	COMMON NAME	LATIN NAME	SIZE	MATURE SIZE (HxW)	CONT.	WATER USE
DECID	JOUS TRE	ES					
4	IH	IMPERIAL HONEYLOCUST	GLEDITSIA TRIACANTHOS INERMIS 'IMPERIAL'	2Ø" CAL.	35' × 35'	B4B	MEDIUM
ORNAM	ENTAL TR	REES					
4	AB5	AUTUMN BRILLIANCE SERVICEBERRY	AMELANCHIER GRANDIFLORA 'AUTUMN BRILLIANCE'	15" CAL.	20' × 18'	B4B	LOW
EVERG	REEN TR	EE6					
4	AP	AUSTRIAN PINE	PINUS NIGRA	5'	5Ø' × 35'	B4B	LOW
5	BP	BOSNIAN PINE	PINUS HELDREICHII	5'	2Ø' × 12'	B4B	LOW
2	CBS	COLORADO BLUE SPRUCE	PICEA PUNGENS	5'	50' × 25'	B4B	MEDIUM
DECID	JOUS SH	RUB6			•		•
9	AWS	ANTHONY WATERER SPIREA	SPIRAEA JAPONICA 'ANTHONY WATERER'		2.5' × 3.5'	5 GALLON	MEDIUM
6	CPL	COMMON PURPLE LILAC	SYRINGA VULGARIS		15' × 10'	5 GALLON	LOW
6	DBC	DWARF BLACK CHOKEBERRY	ARONIA MELANOCARPA 'IRAQUOIS BEAUTY'		3' × 3'	5 GALLON	MEDIUM
3	DN	DWARF NINEBARK	PHYSOCARPUS OPULIFOLIUS 'NANUS'		4.5' × 4.5'	5 GALLON	LOW
4	GLS	GRO-LOW SUMAC	RHUS AROMATICA 'GRO-LOW'		25'×6'	5 GALLON	LOW
10	GMC	GREEN MOUND CURRANT	RIBES ALPINUM 'GREEN MOUND'		3.5' × 2.5'	5 GALLON	MODERATE
6	MV	MOHICAN VIBURNUM	VIBURNUM LANTANA 'MOHICAN'		'T × 'T	5 GALLON	LOW
12	NN	NATIVE NINEBARK	PHYSOCARPUS MONOGYNUS		3.5' × 3.5'	5 GALLON	LOW
5	RG5	REGENT SERVICEBERRY	AMELANCHIER ALNIFLOLIA 'REGENT'		6'×5'	5 GALLON	LOW
5	99	SASKATOON SERVICEBERRY	AMELANCHIER ALNIFOLIA		8' × 8'	5 GALLON	LOW
EVERG	REEN SH	IRUBS					
26	ACJ	ALPINE CARPET JUNIPER	JUNIPERUS COMMUNIS 'ALPINE CARPET'		9" × 3.5'	5 GALLON	LOW
11	ΔJ	ARMSTRONG JUNIPER	JUNIPERUS CHINENSIS 'ARMSTRONGII'		3.5' × 3.5'	5 GALLON	LOW
9	9GJ	SEA GREEN JUNIPER	JUNIPERUS X PFITZERIANA 'SEA GREEN'		5' X T'	5 GALLON	LOW
GRASS	ES/PERE	NIALS					
П	LBG	LITTLE BLUESTEM GRASS	SCHIZACHYRIUM SCOPARIUM		3' × 2'	1 GALLON	LOW
16	MLM	MORNING LIGHT MAIDENGRASS	MISCANTHUS SINENSIS MORNING LIGHT		4.5' × 4'	I GALLON	

NOTE: SHRUBS AND TREES AT THE NORTH PROPERTY LINE ARE TO BE MULCHED WITH A 2" RADIUS MIN. SHREDDED CEDAR MULCH RING, AROUND THE BASE OF EACH PLANT	2APr
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NORTH 0 10 20 40 THE HEMRY DESIGN GROUP UNPARAMENTARY OF A CONTROL AND THE PROPERTY OF A CONTROL	<u> </u>



CITY OF NORTHGLENN STANDARDS AND SPECIFICATIONS, ALL WATER AND SANITARY SEVER CONSTRUCTION SHALL CONFORM TO CITY OF NORTHGLENN UTILITY STANDARDS AND

INSTALLATION OF ALL UTILITY TAPS SHALL BE OBSERVED BY CITY OF NORTHGLENN PERSONNEL.

ALL CONSTRUCTION IN THE PUBLIC RIGHT-OF-WAY SHALL BE IN CONFORMANCE WITH THE CITY OF NORTHGLENN STREET DRAINAGE STANDARDS AND SPECIFICATIONS.

ALL CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY SHALL MEET THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT OF 1990

PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE CITY MUST REVIEW AND APPROVE THE FOLLOWING:

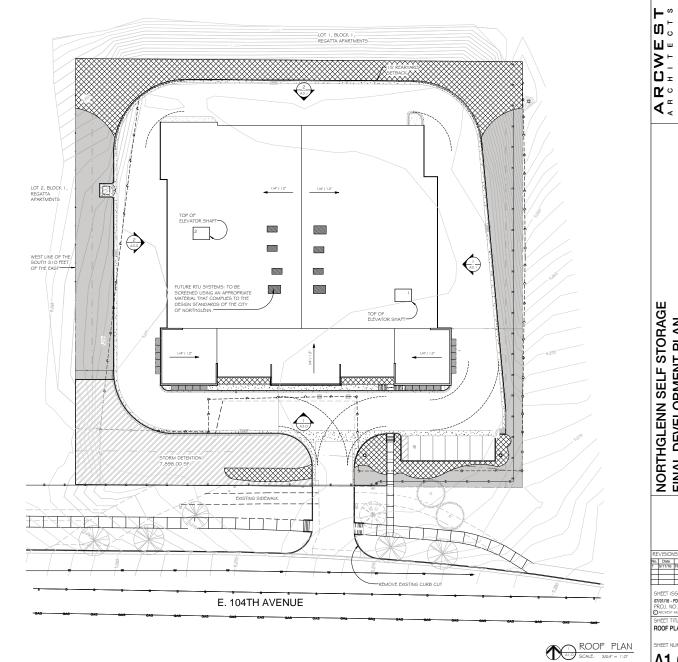
- GRADING AND DRAINAGE PLAN AND REPORT.
- EROSION CONTROL PLAN WATER AND SANITARY SEWER UTILITY CONSTRUCTION

- WAITER AND SANITARY SEWER UTILITY CONSTRUCTION PLAN LANDSCAPE PLAN IRRIGATION PLAN COMPLETE CONSTRUCTION PLANS FOR ALL REQUIRED PUBLIC IMPROVEMENTS

ALL EXISTING METER VAULTS, UTILITY SERVICE LINES APPURTINANCES, STREET CURB, GUTTER, SIDEWALK AND TRAIL ON AND ADJACENT TO THIS SITE BE REPARED AS NECESSARY AND BROUGHT TO CURRENT CITY STANDARDS.

STREET LIGHTS ON PUBLIC STREETS ADJACENT TO THIS SITE, IF NECESSARY, SHALL BE DESIGNED AND INSTALLED BYXCEL ENERGY ACCORDING TO THE CITYS APPROVED STANDARDS AND PAID BY THE DEVELOPER OR PROPERTY OWNER PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.

LEGEND:	
PRIMARY LANDSCAPE ZONES	
SECONDARY LANDSCAPE ZONES	
STORM DETENTION	
FUTURE RTU	
WROUGHT IRON FENCE	××
ELECTRICAL LINE	
SANITARY SEWER	
WATER MAIN	ww
GAS MAIN	QA8QA8
EXISTING FENCE - TO BE DEMOLISHED	00
TO BE DEMOLISHED	



NORTHGLENN SELF STORAGE FINAL DEVELOPMENT PLAN 2255 E 104TH AVE, NORTHGLENN, CO.

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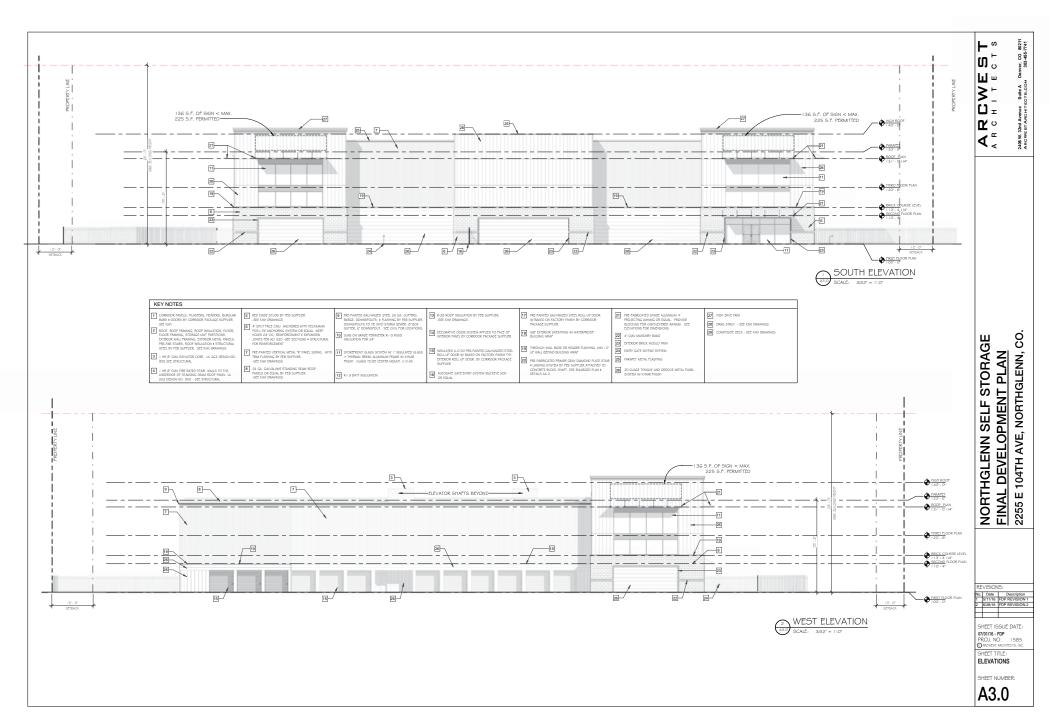
Denver, CO 8 303-455-7

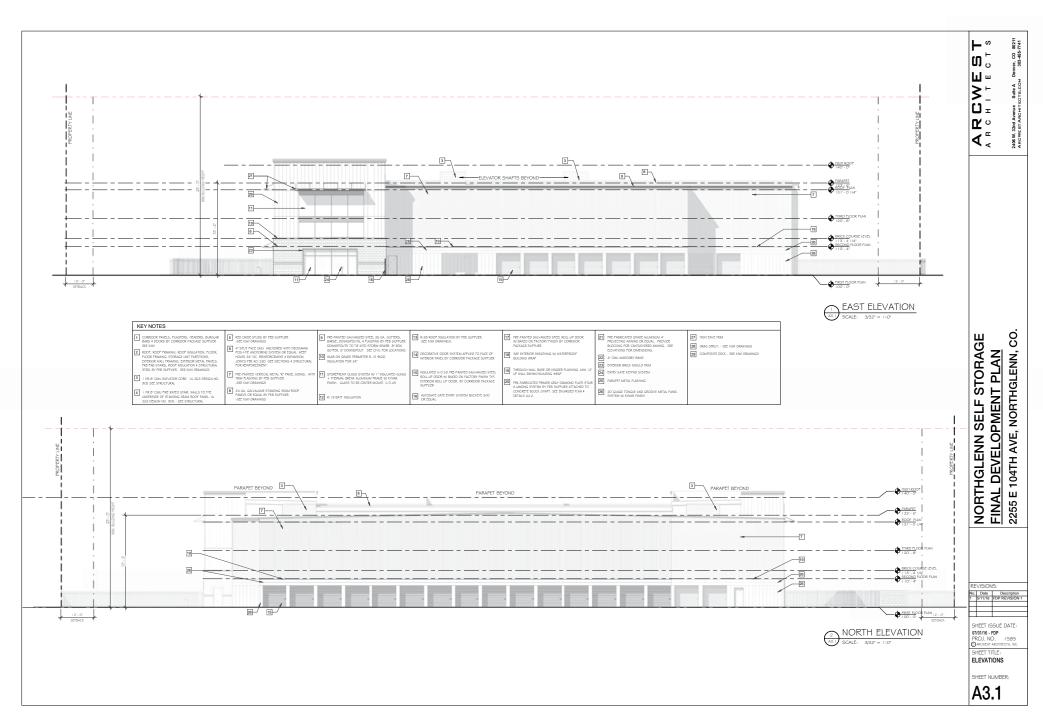
No. Date Description 1 5/11/16 FDP REVISION

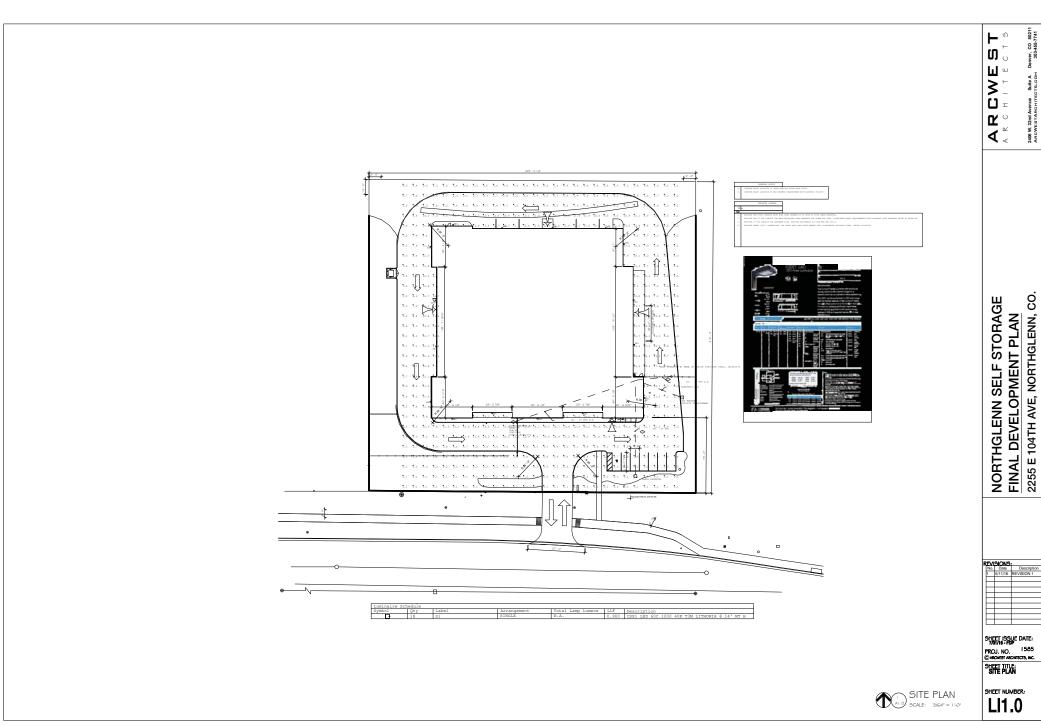
SHEET ISSUE DATE: 07/01/16 - FDP PROJ. NO. 1585 OARCWEST ARCHITECTS, INC.

ROOF PLAN

SHEET NUMBER: A1.0







### RESOLUTION 2016-04 NORTHGLENN PLANNING COMMISSION

# A RESOLUTION PROVIDING APPROVAL OF THE FINAL DEVELOPMENT PLAN (FDP) FOR THE NORTHGLENN SELF STORAGE

WHEREAS, Northglenn Ordinance 11-6.5-4 requires that the Northglenn Planning Commission review and approve or deny any application Final Development Plan; and

WHEREAS, the Northglenn Planning Commission therefore desires to make its decision as required by law.

WHEREAS, the Planning Commission has found that the application satisfies the applicable criteria for a Final Development plan under 11-6.5-5 of the Northglenn Zoning Ordinance

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NORTHGLENN, COLORADO, THAT:

<u>Section 1.</u> The City of Northglenn Planning Commission hereby provides approval of the NORTHGLENN SELF STORAGE FINAL DEVELOPMENT PLAN in accordance with the applicable Ordinance 11-6.5-5 with the following conditions:

- 1) Prior to issuance of a building permit, the applicant will complete the following items:
  - a) The applicant will obtain City Council approval to access the site via the City owned parcel between their lot and 104th Avenue through an access easement
  - b) The applicant will obtain City Council approval of a private sanitary easement through the city owned parcel to connect to the City's main line in Irma Drive.
  - c) The applicant will obtain City Council approval to install and maintain the trail and landscaping proposed on the City owned parcel.
  - d) The applicant will provide proof of dedicated water line easements for the required fire hydrant.
  - e) The applicant will provide proof of a dedicated drainage easement for their pond.
  - f) The applicant will address any NMFRD concerns on the FDP within 90 days of the entitlement approval or the approval will become void.

All of these items will be administered or documented by staff prior to issuance of any building permits.

DATED this	day of	, 2016
		Sonia Di Carlo
		Planning Commission Chair
ATTEST:		
Becky Smith, AICP Secretary		

SPONSORED BY: MAYOR DOWNING COUNCILMAN'S RESOLUTION RESOLUTION NO. No. CR-82 Series of 2016 Series of 2016 A RESOLUTION APPROVING THE MAINTENANCE AGREEMENT BETWEEN THE CITY OF NORTHGLENN AND 2255 E. 104<sup>TH</sup> AVE., LLC BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT: The Maintenance Agreement between the City of Northglenn and 2255 E. Section 1. 104<sup>th</sup> Ave., LLC, attached hereto as **Exhibit 1**, is hereby approved and the Mayor is authorized to execute same on behalf of the City. DATED at Northglenn, Colorado, this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 2016. JOYCE DOWNING Mayor ATTEST: JOHANNA SMALL, CMC City Clerk APPROVED AS TO FORM: COREY Y. HOFFMANN

City Attorney

### MAINTENANCE AGREEMENT

THIS MAINTENANCE AGREEMENT is made and entered into this day of
2016, to be effective,, by and between the CITY OF NORTHGLENN, COLORAD
(the "City") and the 2255 E. 104 <sup>TH</sup> AVE., LLC ("Owner").
WHEREAS, pursuant to certain approvals granted by the City related to the Northglenn Self Storage Development dated, 2016, Owner desires to install irrigation and landscaping in City Property, as more particularly described in Exhibit A, and attached hereto and incorporated herein by the reference (the "Maintained Property");

WHEREAS, the Owner desires to assume maintenance responsibilities on the Maintained Property, including, but not limited to, weed control, mowing, plantings, and other enhanced landscaping activities and landscape maintenance pursuant to this Agreement;

NOW, THEREFORE, in consideration of the mutual premises and benefits contained herein and for other good and valuable consideration as set forth below, the receipt and sufficiency of which is hereby acknowledged, the City and Owner covenant and agree as follows:

- MAINTENANCE AGREEMENT. Owner shall furnish all labor and materials to perform
  the work and services contemplated by this Agreement, specifically including trail
  maintenance, weed control and other enhanced landscaping activities and landscape
  maintenance as more particularly described in Exhibit B, which is attached hereto and
  incorporated herein by this reference.
- 2. INSURANCE. Owner shall obtain for itself, its agents, successors, assigns, lessees, associations and agents, necessary and adequate worker's compensation insurance, personal injury insurance, and property damage insurance, with limits commensurate with the hazards and risks associated with the use of the Maintained Property, but in no event less than the liability limits established by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq.(currently \$350,000 per person and \$990,000 per occurrence), as now in effect or as hereinafter amended. Neither Owner nor its agents, successors and assigns shall commence any landscape installation or maintenance on the Maintained Property until it has obtained all insurance required under this section and shall have filed a certificate of insurance or a certified copy of insurance policy with the City. Each insurance policy shall list the City as an additional named insured and shall contain a clause providing that coverage shall not be cancelled by the insurance company without thirty (30) days written notice to the City of intention to cancel.
- 3. INSTALLATION, MAINTENANCE, REPAIR AND ALTERATIONS. Owner shall be required to apply for and receive all necessary permits, including, but not limited to, right-of-way permits and building permits, prior to commencing any work on the Maintained Property; provided however, the insurance requirements set forth in Section 2 of this Agreement shall be deemed to satisfy the insurance requirements necessary for Owner to obtain a City right-of-way permit. Owner shall at its discretion install additional landscaping and any necessary irrigation on the Maintained Property according to the landscape plans approved by the City. Further, Owner shall not without prior approval of the City remove any mature and/or perennial trees, shrubs, or other substantial

landscaping on the Maintained Property unless dead, or dying or as general maintenance. After any initial construction and/or installation, Owner covenants and agrees not to make or permit to be made any substantial alterations in, or additions to, the Maintained Property without the prior written consent of the City and to keep the Maintained Property and any improvements thereon at the expense of Owner; to properly irrigate and care for all tress, shrubbery and the lawn upon or about the Maintained Property in good order and condition until the expiration or termination of this Agreement, ordinary wear and tear and loss by fire, flood, or act of God excepted. Nothing in this paragraph 3 shall be construed to assign any responsibility of the City or otherwise obligate Owner to undertake snow removal on the Maintained Property.

- 4. TERM; TERMINATION. Termination for Cause. This Agreement may terminate for cause at such time as the City provides Owner with sixty (60) days' advance written notice of the Agreement's termination, which notice shall contain an opportunity to cure said cause as stated in the written notice. For purposes of this Agreement, cause shall include Owner's failure to maintain the Maintained Property substantially in compliance with the standards set forth in Exhibit B. If Owner has substantially or materially breached the standards and terms of this Agreement, the City shall have any remedy or right of set-off available at law and equity.
- 5. INTEGRATION. Except as modified herein, the Maintenance Agreement is in full force and effect and is hereby ratified by the City and Owner.

IN WITNESS WHEROF, the parties hereto each herewith subscribe the same in triplicate.

[ signatures on following page ]

IN WITNESS WHEREOF, I have hereur A.D., 2016.	nto set hand and seal this day of
	Grantor: City of Northglenn
	By: Joyce Downing
	Mayor
STATE OF COLORADO	
COUNTY OF ADAMS	
The foregoing instrument was acknowled	lged before me this day ofA.D., 2016
Witness my hand and official seal.	
My commission expires	
	Notary Public
Grantee hereby agrees to the terms and conditions	s of this Maintenance Agreement.
	Grantee: 2255 E. 104th Ave., LLC
	By: Pamlico Investments, Inc., its Manager
	By:
	Name:
	Title:
STATE OF COLORADO	
COUNTY OF ADAMS	
The foregoing instrument was acknowled	ged before me this day of A.D., 2016.
Witness my hand and official seal.	
My commission expires	
	Notary Public

### Exhibit A

### Landscape and Irrigation Easement

### Legal Description

A portion of Tract 41, Northglenn – Fourteenth Filing as platted in the records of Adams County, Colorado at Reception Number 692381, located in the SE ½, Section 11, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Northglenn, more particularly described as follows:

Beginning at the northeast corner of said Tract 41;

Thence N89°35'30"W along the north line of said Tract, 325.00 feet;

Thence through said Tract 41 along the following three courses:

- 1) S0°02'15"W, 47.75 feet;
- 2) S89°29'21"E, 92.12 feet to a tangent, 2000.00-foot radius curve;
- 3) Easterly along said tangent, 2000.00-foot radius curve, concave southerly through a central angle of 6°41′24″, a distance of 233.52 feet to the east line, SE ¼, Section 11;

Thence N0°02'15"E along said east line, 61.95 feet to the Point of Beginning.

Said parcel, as described, contains an area of 16,669 square feet, or 0.38 acres, more or less.

### Basis of Bearings

The south line of Section 11 bears N89°35′30″W per the plat of Northglenn – Fourteenth Filing. It is monumented at the East 1/6<sup>th</sup> Corner, Section 11 by a 3-1/4″ aluminum cap. PLS 20155, 1990, in range box and at the SE corner, Section 11 by a 3-1/4″ aluminum cap, CDOT, PLS 23516, 1993, in range box.

Certification

Brian Krombein, PE, PLS Vermilion Peak Engineering LLC 1745 Shea Center Drive, 4<sup>th</sup> Floor

Highlands Ranch, CO 80129

720-402-6070

38344 6(28/16)

