AGENDA
1490th Regular Meeting of the
CITY COUNCIL
COUNCIL CHAMBERS
June 25, 2019
7:00 p.m.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. ROLL CALL OF COUNCIL
5. APPROVAL OF AGENDA
6. PRESENTATIONS
   None
7. AUDIENCE PARTICIPATION
   DURING THIS PORTION OF THE MEETING, ANYONE MAY SPEAK ON ANY SUBJECT WHICH
   DOES NOT LATER APPEAR ON THE AGENDA AS A PUBLIC HEARING. SPEAKING TIME WILL
   BE LIMITED TO THREE MINUTES PER INDIVIDUAL/TOPIC WITH A ONE HOUR LIMIT ON THIS
   SEGMENT OF THE AGENDA. IF YOU WISH TO SPEAK, PLEASE SIGN UP ON THE REGISTER
   LOCATED INSIDE THE COUNCIL CHAMBERS, PRIOR TO THE MEETING.
8. COUNCIL COMMENTS/COMMUNICATIONS
9. STAFF REPORTS
   None
10. CONSENT CALENDAR
    ITEMS OF A ROUTINE AND NON-CONTROVERSIAL NATURE ARE PLACED ON THE
    CONSENT CALENDAR TO ALLOW THE CITY COUNCIL TO SPEND ITS TIME AND ENERGY
    ON THE IMPORTANT ITEMS ON A LENGTHY AGENDA. ANY COUNCILMEMBER MAY
    REQUEST THAT AN ITEM BE "PULLED" FROM THE CONSENT CALENDAR AND
    CONSIDERED SEPARATELY. AGENDA ITEMS PULLED FROM THE CONSENT CALENDAR
    WILL BE PLACED ON THE AGENDA AT THE END OF THE MATTERS LISTED UNDER
    "BUSINESS - ACTION ITEMS."

A. Approval of Minutes - June 11, 2019 Regular City Council Meeting.
B. A resolution approving the First Amendment to the Non-Exclusive Right-of-Way Use
   Agreement between the City and Teleport Communications America, LLC.
C. A resolution approving a Non-Exclusive Revocable Permit to Mapleton Public
   Schools to utilize certain areas and facilities at City Hall for an Ultra-High Frequency
   Repeater Antenna.
11. PUBLIC HEARINGS

IN ORDER TO SCHEDULE THE TIMING AND LENGTH OF PUBLIC HEARINGS FOR THE
FIRST PUBLIC HEARING WILL BEGIN AT OR BEFORE 7:30 P.M., OR AS SOON THEREAFTER
AS POSSIBLE. THIS SEGMENT OF THE AGENDA WILL LAST NO MORE THAN TWO HOURS.
PROONENTS AND OPPONENTS WHO WISH TO SPEAK ARE REQUESTED TO SIGN UP,
PRIOR TO THE BEGINNING OF THE MEETING, ON THE REGISTER LOCATED INSIDE THE
COUNCIL CHAMBERS, AND LIMIT THEIR REMARKS TO THREE MINUTES. GROUPS OF
CITIZENS BROUGHT TOGETHER BY A COMMON INTEREST ARE REQUESTED TO CHOOSE
A SPOKESPERSON WHOSE TIME TO COMMENT MAY BE EXTENDED AT THE DISCRETION
OF THE MAYOR. SPEAKERS MAY BE ASKED TO BE SWORN IN BY THE CITY CLERK IF
THEY WISH TO SUBMIT FACTS RATHER THAN OPINIONS.

A. A public hearing regarding a resolution confirming a Conceptual Site Plan for
approximately 123 acres of land generally located west of Quebec Street and south
of East 128th Avenue to develop 264 single-family detached dwelling units and a
park (Creekside Village Residential). [Public Hearing]

12. ACTION ITEMS

A. An ordinance adopting the fifth amendment to the 2019 Budget amending section
one of Ordinance 3503, making appropriations for the City of Thornton, Colorado for
the fiscal year 2019 for all funds except that appropriations for certain individual
projects shall not lapse at year end but continue until the project is completed or
cancelled. (Second Reading)

B. An ordinance adopting the sixth amendment to the 2019 Budget (Development
Engineering Project Manager, contract Administrative Specialist, and developer-
funded turn lane) amending section one of Ordinance 3503, making appropriations
for the City of Thornton, Colorado for the fiscal year 2019 for all funds except that
appropriations for certain individual projects shall not lapse at year end but continue
until the project is completed or cancelled. (First Reading)

13. ADJOURNMENT

Agenda prepared by Kristen N. Rosenbaum, City Clerk
for Kevin S. Woods, City Manager
**COUNCIL COMMUNICATION**

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<td>A Motion approving the Minutes of the June 11, 2019 Regular City Council meeting.</td>
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<td>Robb Kolstad</td>
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<td>Presenter(s):</td>
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<td>Kristen Rosenbaum, City Clerk</td>
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**SYNOPSIS:**

The official Minutes of the June 11, 2019 Regular City Council meeting have been prepared by the City Clerk's Office and are hereby submitted for Council's approval.

**RECOMMENDATION:**

Staff recommends approval of Minutes as requested.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

1. Approve the minutes as submitted.
2. Approve the minutes with corrections requested by Council.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

None.
Unofficial until approved
By City Council

MINUTES
THORNTON CITY COUNCIL
1489TH REGULAR MEETING
JUNE 11, 2019

1. CALL TO ORDER – By Mayor Pro Tem Jan Kulmann at 7:00 p.m. in the Council Chambers of the Thornton City Hall.

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. ROLL CALL OF COUNCIL - Those Present were: Mayor Pro Tem Jan Kulmann and Councilmembers Sherry Goodman, Adam Matkowsky, Sam Nizam, and Jessica Sandgren. Absent – Mayor Heidi K. Williams and Councilmembers Eric Montoya, Jacqueline Phillips, and Eric Tade.

STAFF MEMBERS PRESENT – Kevin Woods, City Manager; Luis Corchado, City Attorney; Robb Kolstad, Assistant City Manager; Jeff Coder, Deputy City Manager for City Development; Chris Molison, Executive Director for Management Services; Brett Henry, Executive Director for Infrastructure; Seve Ghose, Community Services Director; Randy Nelson, Police Chief; Gordon Olson, Fire Chief; Kim Newhart, Interim Director of Finance; Erika Senna, Budget Manager; Nicole Samson, Neighborhood Services Manager; Jon Whiting, Senior Management Analyst; Julissa Martinez, Neighborhood Services Grant Coordinator; Kristen Rosenbaum, City Clerk; and Crystal Sergent, Agenda and Licensing Coordinator.

5. APPROVAL OF THE AGENDA

The City Manager requested an executive session prior to Adjournment.

The City Attorney stated that the executive session is being called pursuant to C.R.S. 24-6-402(4)(b) to discuss two pending litigation matters; the Ceballos matter and the Strong matter.

Councilmember Sandgren requested to postpone Item 12A regarding the Budget Amendment pertaining to body cameras to the next Council meeting.

MOTION WAS MADE BY COUNCILMEMBER MATKOWSKY AND SECONDED BY COUNCILMEMBER NIZAM TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED UNANIMOUSLY.

6. PRESENTATIONS

None

7. AUDIENCE PARTICIPATION

Kathy Henson, 1069 E. 96th Place, thanked the City for the Thorntonfest Event. She addressed Council with questions and concerns relating to Item 10E regarding water shares in the North Poudre Irrigation Company being considered later tonight.
Judith Kowitt, 13471 Columbine Circle, showed a map from the Colorado Oil and Gas Conservation Commission (COGCC) of wells in Adams County. She referenced a vote and her comments at the May 28 Council meeting and provided additional comments regarding force pooling. She questioned who will represent the City on the COGCC.

John Alge, 4187 E. 95th Drive, echoed Ms. Henson's comments regarding Thorntonfest and spoke about the Northglenn/Thornton Rotary Club Duck Derby fundraiser and a matter between Brother Bear Child Care and Mother Tucker Brewery.

Peni Caven, 3843 Dyanna Drive, spoke about an interaction with a Councilmember after the May 28 Council meeting and asked about filing a complaint.

8. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Goodman reported on the ribbon cutting and grand opening of the ballfields on Riverdale Road and Thorntonfest.

Councilmember Sandgren announced that June 26 is Bike to Work Day and commended the Thornton Assistance Funds Committee.

Mayor Pro Tem Kulmann reported on a board vacancy, the Riverwalk Ballfields grand opening, the Rocky Flats Stewardship Council meeting, the North I-25 Coalition meeting, and Thorntonfest.

9. STAFF REPORTS

None

10. CONSENT CALENDAR

Councilmember Goodman requested to move Item 10E from the Consent Calendar to Action Item 12C.

MOTION WAS MADE BY COUNCILMEMBER GOODMAN AND SECONDED BY COUNCILMEMBER SANDGREN TO APPROVE THE CONSENT CALENDAR AS AMENDED.

The City Clerk read into the record the title of the ordinance contained on the Consent Calendar.

MOTION PASSED UNANIMOUSLY.

THE FOLLOWING COUNCIL DOCUMENTS WERE APPROVED ON THE CONSENT CALENDAR:

A. Approval of Minutes - May 21, 2019 Special and May 28, 2019 Regular City Council Meetings.

B. An ordinance adopting the fourth amendment to the 2019 Budget amending section one of Ordinance 3503, making appropriations for the City of Thornton, Colorado for the fiscal year 2019 for all funds except that appropriations for certain individual projects shall not lapse at year end but continue until the project is completed or cancelled. (Second Reading)


F. A resolution approving an Intergovernmental Agreement between the City and Mapleton School District No. 1, Adams County, Colorado for the construction and maintenance of a school play yard funded in part with a Great Outdoors Colorado grant.

G. A resolution approving a Grant Agreement between the City and the State Board of the Great Outdoors Colorado Trust Fund for the School Yard Initiative Grant Award.

H. A resolution authorizing an Intergovernmental Agreement between the City and Boulder County for delivery by the City and the acceptance by Boulder County of recyclable materials at the Boulder County Recycling Center.

11. PUBLIC HEARINGS

At this time, individuals wishing to provide testimony during the public hearing were sworn in by the City Clerk.

A. A public hearing regarding a resolution approving and authorizing submission of the 2019 Annual Action Plan and the associated activities for Community Development Block Grant funding.

The public hearing was opened at 7:19 p.m. The City Manager gave the opening remarks.

Nicole Samson, Neighborhood Services Manager, stated she was previously sworn. She entered into the record the notice of the public comment period and public hearing published in the Northglenn/Thornton Sentinel, on the City's official website, and at three physical locations as required by City Code, which were marked as City’s Exhibit 1.

Ms. Samson presented slides of information regarding Community Development Block Grant (CDBG) funding, the proposed contingency projects, the reserve projects, promoting fair and affordable housing, and the recommendation and public comment, which were later marked as City’s Exhibit 2.

There was discussion by Council regarding the proposed CDBG funding.

No one signed up nor wished to speak in support of or in opposition to the proposed resolution.

The public hearing was closed at 7:25 p.m.

MOTION WAS MADE BY COUNCILMEMBER SANDGREN AND SECONDED BY COUNCILMEMBER GOODMAN TO APPROVE A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE 2019 ANNUAL ACTION PLAN AND THE ASSOCIATED ACTIVITIES FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING. MOTION WAS DISCUSSED AND PASSED UNANIMOUSLY.
12. ACTION ITEMS

B. An ordinance amending Section 9.7 of Ordinance 3502 revising and prescribing special and additional solid waste or recyclable material collection requests for the operation and maintenance of the sewer and solid waste systems for the City.

Brett Henry, Executive Director for Infrastructure, provided information on this item.

COUNCILMEMBER NIZAM INTRODUCED, READ BY TITLE, AND MOVED TO APPROVE AN ORDINANCE, ON SECOND READING, WHICH AMENDS SECTION 9.7 OF ORDINANCE 3502 REVISING AND PRESCRIBING SPECIAL AND ADDITIONAL SOLID WASTE OR RECYCLABLE MATERIAL COLLECTION REQUESTS FOR THE OPERATION AND MAINTENANCE OF THE SEWER AND SOLID WASTE SYSTEMS FOR THE CITY. MOTION WAS SECONDED BY COUNCILMEMBER MATKOWSKY AND PASSED UNANIMOUSLY.

C. A resolution declaring 65 water shares in the North Poudre Irrigation Company as surplus property and authorizing disposition of the shares.

Brett Henry, Executive Director for Infrastructure, provided information on this item and addressed comments made during Audience Participation.

Mr. Henry answered questions from Council regarding if this item is related to fracking, the proceeds from the sale of the water shares, whether the water can be used for the City’s water supply, and the eminent domain process.

The City Attorney answered a question from Council regarding the eminent domain process.

MOTION WAS MADE BY COUNCILMEMBER GOODMAN AND SECONDED BY COUNCILMEMBER SANDGREN TO APPROVE A RESOLUTION DECLARING 65 WATER SHARES IN THE NORTH Poudre IRRIGATION COMPANY AS SURPLUS PROPERTY AND AUTHORIZING DISPOSITION OF THE SHARES. MOTION PASSED UNANIMOUSLY.

The City Attorney stated that the executive session is being called pursuant to C.R.S. 24-6-402(4)(b) to discuss two pending litigation matters; the Ceballos matter and the Strong matter.

MOTION WAS MADE BY COUNCILMEMBER MATKOWSKY AND SECONDED BY COUNCILMEMBER SANDGREN TO RECESSION THE MEETING INTO EXECUTIVE SESSION. MOTION PASSED UNANIMOUSLY.

The meeting was recessed at 7:36 p.m.

The meeting reconvened at 8:13 p.m.

13. ADJOURNMENT

MOTION WAS MADE BY COUNCILMEMBER GOODMAN AND SECONDED BY COUNCILMEMBER SANDGREN TO ADJOURN THE MEETING AT 8:14 P.M. MOTION PASSED UNANIMOUSLY.
Respectfully submitted,

Crystal Sergent
Crystal Sergent, Agenda and Licensing Coordinator

ATTEST:

Mayor at time of approval

Approved at the June 25, 2019, City Council meeting.
SYNOPSIS:

Teleport Communications America, LLC, a Delaware limited liability company (Teleport), is a communications systems provider that wishes to install, maintain, and operate a fiber optic network and associated appurtenances within the City’s rights-of-way. Teleport is requesting an amendment to an existing Non-Exclusive Right-of-Way Use Agreement that will include new facilities within the City’s rights-of-way as shown in Exhibit A of the First Amendment. The Teleport facilities will provide broadband communication to businesses and residents within the City.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the resolution authorizing Teleport to place additional facilities in the City’s rights-of-way to establish an infrastructure system that will enhance services to businesses and residents within the City.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the resolution, authorizing Teleport to place and maintain additional facilities within the City’s rights-of-way, through the First Amendment to the Non-Exclusive Right-of-Way Use Agreement to provide an infrastructure system that will enhance services to businesses and residents within the City.
2. Do not approve the resolution, which would effectively restrict installation of conduit and fiber in the City’s rights-of-way by Teleport, limiting the ability for Teleport to establish an infrastructure system.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The City Code requires communication service companies wishing to place their facilities within the City’s rights-of-way to obtain permission through a Non-Exclusive Right-of-Way Use Agreement.

A Non-Exclusive Right-of-Way Use Agreement, approved by City Council on May 8, 2018 by Resolution C.D. No. 2018-083, granted permission to Teleport for installation of conduit and fiber on:

- Northaven Circle from about 350 feet north of 120th Avenue to about 500 feet north of 120th Avenue,
- Cherry Drive from East 113th Place to 112th Avenue, and
- 112th Avenue from Cherry Drive to about 500 feet east of Cherry Drive.
This First amendment to Teleport's Non-Exclusive Right-of-Way Use Agreement would grant Teleport permission to install conduit and fiber on:

- Eppinger Boulevard from Washington Street to Pearl Street,
- Pearl Street from Eppinger Boulevard to about 700 feet south of Eppinger Boulevard,
- 84th Avenue from about 170 feet west of Pearl Street to Pearl Street, and
- Pearl Street from 84th Avenue to about 230 feet north of Pearl Street.

The installation of Teleport's broadband infrastructure is primarily driven by customer need. As a result, it is difficult for Teleport to predict where broadband infrastructure will need to be installed in the City and amendments to Teleport's Non-Exclusive Right-of-Way Agreement will be necessary whenever a need arises for Teleport to install such infrastructure.
RESOLUTION

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE NON-EXCLUSIVE RIGHT-OF-WAY USE AGREEMENT BETWEEN THE CITY AND TELEPORT COMMUNICATIONS AMERICA, LLC.

WHEREAS, Teleport Communications America, LLC, a Delaware limited liability company (Teleport) is a bandwidth provider that was granted a Right-of-Way Use Agreement (Use Agreement) to install, maintain, and operate a fiber optic network and associated appurtenances within the City in May 2018; and

WHEREAS, Teleport now wishes to place additional facilities in the rights-of-way to expand its network to enhance its operations. Pursuant to the current Use Agreement, Teleport is allowed to place additional facilities within the City’s rights-of-way only with permission from the City; and

WHEREAS, Teleport now requests approval of amendments to the Use Agreement to allow additional facilities to be placed in the rights-of-way and to allow for the City to use designated areas where Teleport’s facilities are allowed to be placed by its authorized expansion; and

WHEREAS, these amendments to the Use Agreement are necessary to provide Teleport with permission to expand its services in order to benefit Teleport by providing more comprehensive coverage and the City by gaining conduit for the City’s use; and

WHEREAS, allowing Teleport to place additional facilities within the City is consistent with other public uses of the rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

That the First Amendment to the Non-Exclusive Right-of-Way Use Agreement between the City and Teleport, a copy of which is attached hereto and incorporated herein by this reference, is hereby approved, and the City Manager is hereby authorized to execute on behalf of the City, and the City Clerk to attest said Use Agreement.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ____________, 2019.
CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
FIRST AMENDMENT TO
NON-EXCLUSIVE RIGHT-OF-WAY USE AGREEMENT

THIS FIRST AMENDMENT ("First Agreement") to a NON-EXCLUSIVE RIGHT-OF-WAY USE AGREEMENT is made and entered into by and between the CITY OF THORNTON, a Colorado home rule municipality, ("City") and TELEPORT COMMUNICATIONS AMERICA, LLC, a Delaware limited liability company ("Teleport"), on this ___ day of __________, 2019. The City and Teleport hereafter may be referred to collectively as "Parties, or individually as "Party".

RECITALS

A. On May 8, 2018, the City and Teleport entered into a Non-Exclusive Right-of-Way Use Agreement ("Original Agreement") that allowed for the installation, maintenance and operation of a fiber optic network and associated appurtenances within the City’s Rights-of-Way. The Original Agreement is incorporated herein by reference.

B. In accordance with Section 3(G) of the Original Agreement, Teleport wishes to amend the Original Agreement to allow for installation of additional fiber optic networks and associated appurtenances within the City.

NOW THEREFORE, pursuant to Teleport’s request to obtain permission from the City to place new facilities in the City’s Rights-of-Way, the Parties hereby agree as follows:

A. The Parties agree to allow Teleport together with affiliates, to place additional fiber optic networks and associated appurtenances within the City’s Rights-of-Way in accordance with the locations depicted in Exhibit A, attached hereto and incorporated here by this reference to this First Amendment.

1. This First Amendment shall constitute permission by the City to allow Teleport to place additional fiber optic networks and appurtenances within the City’s Rights-of-Way in addition to what was authorized in the Original Agreement and in accordance with all the terms and conditions of this First Amendment; which terms and conditions shall be in addition to those terms and conditions of the Original Agreement.

B. Teleport shall meet all insurance requirements of the Original Agreement as applicable to all the new areas authorized herein.

C. All other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, and in order to bind themselves legally to the terms and conditions of this First Amendment a duly authorized representative of each Party has executed this First Amendment to be effective as of the date first written above.
CITY OF THORNOTN, COLORADO:

Kevin S. Woods, City Manager

APPROVED AS TO FORM:

Luis A. Corchado, City Attorney

By: _____________________________

TELEPORT COMMUNICATIONS AMERICA, LLC

By: _____________________________

Title: Vice President

STATE OF New Jersey )
COUNTY OF Somerset ) ss.

Acknowledged to before me this 26th day of May, 2019, by

Communications America, LLC.

Witness my hand and official seal

My commission expires: _____________________________

Notary Public

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Exhibit A
Teleport Communications America, LLC.

Proposed TCA conduit and fiber

May 25, 2019
1 inch = 667 feet
# COUNCIL COMMUNICATION

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**Subject:** A resolution approving a Non-Exclusive Revocable Permit to Mapleton Public Schools to utilize certain areas and facilities at City Hall for an Ultra-High Frequency Repeater Antenna.

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<td>Joyce Hunt</td>
<td>Kevin S. Woods</td>
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**Presenter(s):** Joyce Hunt, Assistant City Manager

**SYNOPSIS:**

This Non-Exclusive Revocable Permit (Permit) authorizes Mapleton Public Schools to utilize certain areas and facilities at City Hall to locate an Ultra-High Frequency (UHF) Repeater Antenna and related equipment that transmits a signal to Mapleton Public Schools. The term provides for an initial period effective through December 31, 2019 with automatic one-year renewals on an annual calendar year basis. The City Manager may revoke and terminate this Permit upon thirty days' written notice specifying the date upon which such revocation or termination is to be effective without cause and without liability. When the Permit is terminated, Mapleton Public Schools will remove the UHF repeater antenna and associated equipment and any repair any damages that may have been caused to the Civic Center roof. The antenna and related equipment will be located in the same area that was previously utilized by School District #1, which removed its equipment in 2018.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, approval of the resolution because it assists Mapleton Public Schools in providing communication for its bus radios.

**BUDGET/STAFF IMPLICATIONS:**

None. Mapleton Public Schools will pay an annual $500 permit fee to the City.

**ALTERNATIVES:**

1. Approve the resolution.
2. Do not approve the resolution, in which case Mapleton Public Schools will remove the antenna and related equipment.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

The site being utilized by Mapleton Public Schools for the antenna and related equipment was previously utilized by School District #1 pursuant to a Non-Revocable Permit which was terminated in 2018 by School District #1 and the equipment was removed.
RESOLUTION

A RESOLUTION APPROVING A NON-EXCLUSIVE REVOCABLE PERMIT TO MAPLETON PUBLIC SCHOOLS TO UTILIZE CERTAIN AREAS AND FACILITIES AT CITY HALL FOR AN ULTRA-HIGH FREQUENCY REPEATER ANTENNA.

WHEREAS, the Civic Center is located at the intersection of Thornton Parkway and Interstate 25 which is a geographical high point in the north metropolitan Denver area; and

WHEREAS, Mapleton Public Schools desires to locate an Ultra-High Frequency (UHF) Repeater Antenna and related equipment on the Civic Center in order to assist Mapleton Public Schools in providing communication for its bus radios; and

WHEREAS, the City Council has the power to grant rights and privileges with respect to the use or occupancy of the City Hall; and

WHEREAS, the Non-Exclusive Revocable Permit (Permit) granted by the City to Mapleton Public Schools, attached hereto as Attachment 1, defines the terms and conditions to use the Civic Center; and

WHEREAS, the UHF will not interfere with the City's telecommunications systems or other systems currently located on the Civic Center.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That the City Manager is authorized to sign, and the City Clerk to attest, the Permit attached hereto and incorporated herein.

2. That this Permit shall not be effective until executed by both Parties.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ________________, 2019.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
NON-EXCLUSIVE REVOCABLE PERMIT
FOR MAPLETON PUBLIC SCHOOLS
UHF REPEATER ANTENNA AND RELATED EQUIPMENT

This Non-Exclusive Revocable Permit for Mapleton Public Schools UHF Repeater Antenna and Related Equipment ("Permit") is entered into this _____ day of __________, 2019, (the "Effective Date") by and between the City of Thornton, a home rule municipal corporation of the State of Colorado ("the "City"), and Mapleton Public Schools, Adams County School District #1, State of Colorado ("Permittee").

RECITALS

WHEREAS, the City owns and occupies a building known as the "Civic Center", located at 9500 Civic Center Drive, which is used for general government purposes located within the City of Thornton, State of Colorado; and

WHEREAS, the City has the power to grant rights and privileges with respect to the use or occupancy of the Civic Center; and

WHEREAS, Permittee desires the privilege of utilizing specified areas within the Civic Center, as well as utilities and other facilities for the purposes defined herein.

NOW, THEREFORE, for and in consideration of the covenants herein contained, the City hereby grants to the Permittee the following rights and privileges:

1. Rights and Privileges

A. The City hereby grants to the Permittee a Non-Exclusive Revocable Permit to utilize certain areas of and place facilities at the Civic Center as specifically described in the attached Exhibit A which is incorporated herein by reference, subject, however, to the terms and conditions herein contained. The areas and facilities identified in Exhibit A may be used by Permittee only for the installation and operation of an ultra-high frequency (UHF) repeater antenna and associated equipment, as identified in Exhibit A that will receive and transmit a signal with no power source using radio signals for the Permittee’s internal use. No other uses are authorized except as may be identified herein.

B. The Permittee shall obtain from all applicable government and/or regulatory entities including various departments of the City, at Permittee’s expense, all licenses, permits and any other approvals as necessary for the construction, installation and operation of the Permittee’s UHF repeater antenna and associated equipment, and shall provide a copy of such approvals upon request of the City.

C. The plans for construction of any improvement associated with an installation of the UHF repeater antenna and associated equipment shall be submitted to the City for prior approval, and such plans shall be incorporated herein as Exhibit B. Permittee shall incorporate
into its plans any requirements of the City necessary to protect the public health and safety and to allow the City to utilize the Civic Center.

2. Access

A. As partial consideration for the Permit Fee paid under this Permit, the City hereby grants Permittee a limited right of access for ingress and egress to the Civic Center building adequate to service the Permittee’s facilities and/or equipment at all times during the term of this Permit or any renewal term. Limited Access as used herein, shall mean access in accordance with the time and notification provisions stated in this Section 2. Permittee’s right of access shall not materially interfere with City’s operations and the City retains the right to deny such access to protect the public health and safety. Any access right provided herein shall have the same term as this Permit.

B. The Permittee acknowledges that the roof of the Civic Center building is a secure environment and as such, access to the identified locations in Exhibit A shall be limited to normal business hours. Normal business hours shall be 8:00 AM to 5:00 PM Monday through Friday, excluding holidays. Permittee shall notify the City’s Maintenance Supervisor Manager at 303-538-7325 during normal business hours, at least 24 hours prior to requesting access to the identified locations. For emergencies occurring after business hours, Permittee shall contact Building Maintenance at 720-626-9241 to arrange for access. City employees shall accompany Permittee when accessing the Civic Center building roof.

3. Permit Fee

The Permittee hereby agrees to pay the City an annual Permit Fee of Five Hundred Dollars ($500.00) (the “Permit Fee”). The initial Permit Fee is due within 30 days of the Effective Date. Every future annual Permit Fee is due and payable on or before January 15 of each year of this Permit. The City may provide written notice of its intent to increase the Permit Fee to the Permittee at least ninety (90) days prior to the end of the then current term.

4. Term

This Permit shall commence upon the Effective Date and shall continue for a term through and including the 31st day of December 2019. This Permit renews annually automatically on an annual calendar year basis.

Restrictions and Regulations

This Permit does not authorize Permittee to engage in any activity or use not expressly authorized under the terms of this Permit and leave or use of City property not expressly authorized under the terms of this Permit is expressly prohibited. The Permittee agrees not to use or permit the Permittee location or facilities for an activity or use prohibited by the law of the United States or the State of Colorado or the Ordinances or Charter of the City of Thornton or for any purpose not specifically authorized hereunder or in accordance herewith and it further agrees that all of its activities upon the Civic Center premises will be conducted in accordance with all rules and regulations or directives of the City or its City Manager. The City reserves the right to
temporarily suspend the uses allowed Permittee hereunder for safety and security needs of the City.

5. Interference

A. If the City and Permittee agree that if the interference is not a result of the Permittee's radio transmission or reception, such transmission or reception may be resumed. Notwithstanding Paragraph (7) herein, failure or refusal to discontinue radio transmission and/or reception by the Permittee after the request of the City as provided herein shall result in immediate termination of this Permit by the City. The Parties also acknowledge that interference may exist impeding the Permittee's ability to use the Premises in the intended manner. Nothing herein is intended to prevent the Permittee from using whatever means the Permittee has available to rectify any interference that may inhibit the Permittee from using the City's facility in the manner intended; however, if the interference of Permittee's operation originates from any of the City's municipal services, Permittee's sole and exclusive remedy will be to eliminate the interference as provided herein or terminate this Permit.

B. Where there are existing radio frequency user(s) on the City's Property, the City will provide Permittee with a list of all existing radio frequency user(s) on the Property to allow Permittee to evaluate the potential for interference. Permittee warrants that its use of the Premises will not interfere with existing radio frequency user(s) on the Premises as long as the existing radio frequency user(s) operate and continue to operate within their frequencies and in accordance with all applicable laws and regulations.

6. Cancellation and Termination

A. The City Manager or designee may, revoke and terminate this Permit upon thirty (30) days' written notice specifying the date upon which such revocation or termination is to be effective without cause and without liability.

B. In the event the City Manager or designee chooses to revoke and terminate this Permit, the notice to Permittee shall detail the particulars thereof and the effective date identified in said notice shall terminate this Permit and revoke the right of Permittee to use or utilize the identified areas and facilities of the Civic Center. Within 30 days of the effective termination, the Permittee shall remove all equipment and pay the cost to repair any damages to the Civic Center, including the roof membrane and brick walls. During said thirty (30) day period, access shall be in accordance with the access provisions of this Permit.

C. The Permittee may choose to remove the UHF repeater antenna and associated equipment installed at any time without cause and without any further obligation, except costs to repair any damages caused to the Civic Center roof during Permittee's removal of all equipment. All equipment, which is no longer used at any time throughout the term of the Permit, shall be removed within thirty (30) days and repairs made to the Civic Center as outlined above.
7. **Indemnity and Insurance**

A. As further consideration hereunder, the Permittee hereby agrees to release, indemnify and save harmless the City, its officers, agent and employees from and against any and all loss of, or damage to, property, or injuries to, or death of, any person or persons, including property and employees or agents of the City, and shall defend, indemnify and save harmless the City, its officers, agents and employees from any and all claims, damages, suits, costs, expenses, liabilities, actions or proceedings of any kind or nature whatsoever, in any way resulting from, or arising out of, directly or indirectly, its operations in connection herewith, or its use or occupancy of any portion of the Civic Center, and including negligent or intentional acts and omissions of the Permittee's officers, employees, representatives, suppliers, invitees, contractors and agents; provided, however, that the Permittee need not release, indemnify or save harmless the City, its officers, agents and employees from damages resulting from the sole negligence of the City's officers, agents and employees.

B. The minimum insurance requirements prescribed herein shall not be deemed in any way to limit or define the obligations of the Permittee hereunder. The Permittee agrees to secure and maintain the following insurance and its own cost throughout the life of this Agreement:

1. Commercial General Liability Insurance - One Million Dollars ($1,000,000) per occurrence; $1,000,000 personal and advertising liability; $2,000,000 general aggregate covering bodily injury, including death to persons, personal injury, and property damage liability; and $2,000,000 products/completed operations aggregate.

2. Commercial Property Insurance – property insurance covering the ultra-high frequency (UHF) repeater antenna and any associated equipment as identified in Exhibit A.

C. The City shall be named as an additional insured in the Commercial General Liability insurance policy required hereunder. Certificates or a binder in such form as the contractor administrator may require evidencing the existence or the above described policies, shall be delivered to the contractor administrator upon the execution of this Agreement. The original or certified copies of such policies shall be delivered to the Risk Manager upon execution of this Permit. Each such policy or certificate shall contain a valid provision or endorsement stating "This policy will not be canceled, or materially changed or altered, without first giving 30 days prior written notice thereof to the City of Thornton, 9500 Civic Center Drive, Thornton, Colorado 80229, sent by certified mail, return receipt requested."

D. The City does not intend to waive any of the protections and immunities provided by the Colorado Governmental Immunity Act.

8. **Notices**

All notices required to be given to the City hereunder shall be in writing and shall be sent by certified mail, return receipt requested to the
City Manager
City of Thornton
9500 Civic Center Drive
Thornton, Colorado 80229;

Mapleton Public Schools
ATTN: Superintendent
7350 N. Broadway
Denver, Colorado 80221

provided, however, that either Party hereto may designate in writing from time to time the address of substitute or supplementary persons within the State of Colorado to receive such notices. All notices required to be given hereunder shall be in writing and sent by certified mail, return receipt requested. The effective date of service of any such notice shall be the date such notice is delivered.

9. Assignment

Permittee covenants and agrees not to assign, pledge or transfer its rights in this Permit, in whole or in part, whether by operation of law or otherwise, nor grant a license hereunder

10. Successors and Assigns

This Permit shall be binding upon and inure to the benefit of the City, its successors and assigns.

11. Colorado Law and Venue

This Permit shall be deemed to have been granted in and shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any action to enforce the provisions of this Permit shall be in the District Court in and for the County of Adams, Colorado.

12. Severability

Should any paragraph or any subparagraph of this Permit be held invalid as a matter of law, none of the remaining paragraphs or subparagraphs shall be effected thereby.

13. Approvals

This Permit shall not be effective until approved by the City Council of the City of Thornton pursuant to City Charter, Section 15.4, Revocable Permits, and executed by the required signatories.
IN WITNESS WHEREOF, the parties hereto have caused this Permit to be executed as of the day and year first above written.

CITY OF THORNTON

By: ___________________________________________
    Kevin S. Woods, City Manager

ATTEST:

_______________________
Kristen N. Rosenbaum, City Clerk

APPROVED AS TO FORM:

_______________________
Luis A. Corchado, City Attorney

MAPLETON PUBLIC SCHOOLS

By: _______________________
    Charlotte Aires
    Title: Superintendent

ATTEST:

JAYNA L. BURTNER
    Notary
    STATE OF COLORADO
    NOTARY ID 19974011808
    MY COMMISSION EXPIRES JUNE 18, 2019

APPROVED AS TO FORM:

_______________________
JAYNA L. BURTNER
    Notary
    STATE OF COLORADO
    NOTARY ID 19974011808
    MY COMMISSION EXPIRES JUNE 18, 2019

5-29-2019
City of Thornton Civic Center - View from North
Exhibit B
City of Thornton Civic Center Roof
Building View from Roof looking towards southwest
**COUNCIL COMMUNICATION**

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>Agenda Item:</th>
<th>Agenda Location:</th>
<th>Goal(s):</th>
<th>Legal Review:</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 25, 2019</td>
<td>11A</td>
<td>Public Hearings</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Subject:** A resolution confirming a Conceptual Site Plan for approximately 123 acres of land generally located west of Quebec Street and south of East 128th Avenue to develop 264 single-family detached dwelling units and a park (Creekside Village Residential).

**Recommended by:** Jeff Coder
**Approved by:** Kevin S. Woods
**Presenter(s):** Grant Penland, Planning Director

**SYNOPSIS:**

The current hearing is to finalize the approval of the Conceptual Site Plan (CSP) in response to the certification that proper notice of development has been provided to mineral estate owners, as described in C.R.S. § 24-65.5-101, et seq. City Council approved the CSP for Creekside Village on April 12, 2016. The applicant requested a confirmation of the CSP approval because the notices of surface development described in C.R.S. § 24-65.5-103 were not sent to mineral estate owners prior to that hearing. The first public hearing for the Annexation, Zoning, and previous CSP for this property took place on October 12, 2004, and that applicant certified it had provided statutory notice to mineral estate owners. The City followed all policies and procedures in place at the time, which were to ensure that notice was provided to mineral estate owners for the first public hearing.

H.W. Sodbusters (AKA Woodbury Corporation) (Applicant) is requesting confirmation of the CSP for a residential development with a total of 264 units of Single-Family Detached (SFD) housing and a metro district park on approximately 123 acres of land near the southwest corner of Quebec Street and East 128th Avenue. Pursuant to C.R.S. § 24-65.5-103.3, the previous approval is not a valid final approval until certification is provided that the required notice was provided and City Council either confirms, amends, or revokes the prior approval in response to the certification.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, to confirm the CSP.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

1. Confirm the CSP.
2. Amend the CSP in response to specific Council direction.
3. Revoke the CSP.
4. Continue the public hearing.
BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The CSP approved by City Council in 2016 is for approximately 123 acres of land and allows the development of 264 SFD Dwelling Units (DU).

City Council determined the development conforms to the requirements of SFD Development Standards, Section 18-450 of the Thornton City Code (City Code), and the City Code's Design Criteria in Section 18-470. City Council found that the CSP meets the criteria in Section 18-43 of the Thornton City Code and that it is compatible with the present and proposed development in the immediate area. City Council approved the CSP, subject to several conditions. There have been no amendments to the CSP since City Council approved it on April 12, 2016.

PUBLIC NOTICE AND RESPONSE:

Public Notification: A public notice of the hearing was advertised on the City’s official website on June 15, 2019 and at City Hall, the Margaret W. Carpenter Recreation Center, and the Thornton Active Adult Center on June 6, 2019. All property owners within 1,500 feet of this site were sent notice of the public hearing at least ten days prior to June 25, 2019. Notification of the City Council hearing was posted on the property for ten days prior to the June 25, 2019, public hearing.

Public Response: Related to the CSP approved in 2016, a neighborhood meeting was held on February 11, 2016 to present and discuss the then proposed CSP, Rezoning, and Comprehensive Plan Amendment. Approximately 20 residents attended the meeting. Neighbors’ concerns mostly centered on flooding, wildlife, and traffic. There were many concerns regarding the Brantner Gulch and current residential flooding. The Applicant explained that the two detention ponds will release the water at the same rate or less than the natural flow and will actually move much of the water away from the homes where it is moving toward them now. The Applicant’s consultant noted that most of the water is being taken off to the southeast so this development will not worsen that situation and may even improve it. The neighbors asked about the size of the homes and were answered that they would be from 1,900 square feet to 3,000 square feet with prices at $300,000 and up. There will be a four to five year buildout. The Applicant’s consultant described the park areas and how the drainage areas would be left as natural as possible. The Applicant’s representative stated that the lighting would be dark sky compliant.

HISTORY:

The property was annexed and the Annexation Agreement was approved on October 26, 2004 for property known as The Highlands by Ordinance No. 2846 and zoned Community Retail (CR) Single-Family Attached (SFA), Parks and Open Space (POS), and SFD by Ordinance No. 2847. A CSP was approved by Resolution C.D. No. 2004-176 on October 12, 2004, conditioned upon the successful annexation and zoning of the property. The applicant certified it had provided the required notice of development to the mineral estate owners prior to the initial public hearing.

A Service Plan and Intergovernmental Agreement were approved by Resolution C.D. No. 2007-151 on August 28, 2007, for the Creekside Village Metropolitan District.

A portion of the SFA zoned property was rezoned to CR on February 12, 2008 by Ordinance No. 3025. A Comprehensive Plan Amendment was approved by Resolution C.D. No. 2008-013, and a CSP was approved by Resolution C.D. No. 2008-014 at the same time.
The eastern portion of CR zoned land received approval of a CSP on January 22, 2008 by Resolution C.D. No. 2008-012, and a Development Permit (DP) (now expired) on February 3, 2009.

A rezoning to move the zone lines in the SFD/POS portion of the development was approved on March 25, 2008, by Ordinance No. 3051.

City Council approved a CSP and a Comprehensive Plan Amendment to adjust the Future Land Use Map boundaries for the property on April 12, 2016. An associated rezoning to adjust the zone district boundaries as well as an Annexation Agreement Amendment to remove a school site from the plan was approved by Council on April 26, 2016.
AFFIDAVIT OF POSTING

LEGAL NOTICE OF PUBLIC HEARING

State of Colorado )
) ss.
County of Adams )

I, Sheri Woodson, being first duly sworn upon oath depose and say that I did, on June 6, 2019, post legal notice of the City Council of the City of Thornton, CO, for a public hearing regarding a Conceptual Site Plan for Creekside Village Residential, PLCSP201900684, by the City Council. The subject property is generally located west of Quebec Street and south of East 128th Avenue.

This hearing will be held on June 25, 2019 at 7:00 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton CO.

The legal notice was posted at the following location, pursuant to City Code Section 2-1:


Signed: Sheri Woodson
Title: Administrative Specialist III
Date: 6-6-19

Subscribed and sworn to before me by Sheri Woodson. In the County of Adams, State of Colorado, This 6th day of June, 2019.

Notary Public

[Signature]
AFFIDAVIT OF POSTING

PUBLIC NOTICE

State of Colorado
County of Adams

I, Lori Leppek, being first duly sworn upon oath depose and say that I did, on June 6, 2019, post the PUBLIC NOTICE of the City Council of the City of Thornton, Colorado, for the Public Hearing concerning a Conceptual Site Plan (CSP) for approximately 123.26 acres of land in the City to allow the development of approximately 264 single-family detached homes and a park (Creekside Village Residential). The subject property is generally located west of Quebec Street and south of East 128th Avenue. This hearing will be held on June 25, 2019, at 7:00 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, Colorado, a copy of which posted Notice is attached hereto and posted at the following locations:

1. Thornton City Hall, 9500 Civic Center Dr.
2. Margaret W. Carpenter Recreation Center, 11151 Colorado Blvd.
3. Thornton Active Adult Center, 9471 Dorothy Blvd.

Signed: ___________________________

Administrative Specialist

Date: 06/06/19

Subscribed and sworn to before me by Lori Leppek, in the County of Adams, State of Colorado, this 06 day of June, 2019.

Notary Public

My Commission Expires

EMERALDAS SISNEROS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124068899
MY COMMISSION EXPIRES OCTOBER 29, 2020
NOTICE OF PUBLIC HEARING
PLCSP201900684

The Thornton City Council will hold a public hearing concerning a Conceptual Site Plan (CSP) for approximately 123.26 acres of land in the City to allow the development of approximately 264 single-family detached homes and a park (Creekside Village Residential).

The Thornton City Council previously approved this CSP at public hearing on April 12, 2016, and the current public hearing is for City Council to confirm, amend, or revoke in response to certification of notice of surface development to mineral estate owners, pursuant to C.R.S. § 24-65.5-103.3.

The subject property is generally located west of Quebec Street and south of East 128th Avenue.

This hearing will be held on June 25, 2019, at 7:00 p.m. at the Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, Colorado.

The City Council agenda is on the City of Thornton website at www.cityofthornton.net.

If you have a disability and need a reasonable accommodation to attend or participate in the meeting, please contact the city's ADA Coordinator at 303-538-7245, at least eight hours in advance and arrangements will be made to provide any reasonable accommodation that may be required. TDD access is available through Colorado Relay at 711 or you can also contact the City Development Department by email at citydevelopment@cityofthornton.net.

A copy of the Development Code (Chapter 18 of the Code of the City of Thornton) and the Zoning Map are on file with the City Clerk of the City of Thornton for inspection by any interested party. Further, any interested party may appear at this hearing or may communicate their interest to the City Council by written notice. Written notice must be received prior to, or during the public hearing.

CITY COUNCIL OF THE
CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST: Kirsten N. Rosenbaum, City Clerk
APPROVED AS TO FORM: Luis A. Corchado, City Attorney
June 10, 2019

RE: NOTICE OF PUBLIC HEARING – PLCSP201900684

Property Owner:

The Thornton City Council will hold a public hearing concerning a Conceptual Site Plan (CSP) for approximately 123.26 acres of land in the City to allow the development of approximately 264 single-family detached homes and a park (Creekside Village Residential).

The Thornton City Council previously approved this CSP at public hearing on April 12, 2016, and the current public hearing is for City Council to confirm, amend, or revoke that approval in response to certification of notice of surface development to mineral estate owners, pursuant to C.R.S. § 24-65.5-103.3.

Per City Code, you are receiving this notice because you own property within 1,500 feet of the subject property, which is located west of Quebec Street and south of East 128th Avenue.

The public hearing will be held on June 25, 2019, at 7 p.m. at Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, Colorado 80229.

All concerned residents and business representatives are invited to attend. If you have any questions concerning this matter, please contact the City Development Department at 303-538-7670.

The city council agenda is on the city of Thornton website at www.cityofthornton.net.

If you have a disability and need a reasonable accommodation to attend or participate in the meeting, please contact the city’s ADA Coordinator at 303-538-7245, at least eight hours in advance and arrangements will be made to provide any reasonable accommodation that may be required. TDD access is available through Colorado Relay at 711 or you can also contact the City Development Department by email at citydevelopment@cityofthornton.net.

Sincerely,

[Signature]

Lori Hight
Senior Planner

cc: FILE – PLCSP201900684
CERTIFICATION OF NOTICE PURSUANT TO C.R.S. 24-65.5-103

AFFIDAVIT OF MAILING

The undersigned do(es) hereby depose(s) and certify that an examination of the records in the office of the County Clerk and Recorder was made in accordance with C.R.S. 24-65.5-103 et seq. and
(check applicable box and fill in information)

[ ] such records do not provide the identity and address of record for any mineral estate owners.

[ ] the mineral estate owner(s) have provided a waiver of the right to notice in writing. A COPY OF THE WAIVER SIGNED BY ALL MINERAL ESTATE OWNERS IS ATTACHED HERETO.

[ ] after such examination, on May 24, 2019, which is not less than thirty (30) days before the date scheduled for the initial public hearing on the application for development, notice was sent, by first class mail, to 1) the attached mineral estate owner(s) as listed in the records of the County Clerk and Recorder, containing the time and place of the initial public hearing, the nature of the hearing, the location of the property that is the subject of the hearing, and the name of the applicant(s); AND 2) the City of Thornton, with the name(s) and address(es) of the mineral estate owner(s). A COPY OF THE NOTICE SENT IS ATTACHED HERETO.

Further affiant sayeth not.

[See Attached Signature Block and Acknowledgements]

Applicant's Signature: ____________________________
Printed Name: ____________________________

Surface Owner's Signature: ____________________________
Printed Name: ____________________________

State of Colorado )
County of ________ ) ss.

The above and foregoing Affidavit was subscribed before me this ______ day of , 20__, personally by _____________________________.

My Commission Expires: ____________________________

Notary Public

FAILURE TO PROVIDE THIS CERTIFICATION, INDICATING COMPLIANCE WITH C.R.S. 24-65.5-103 ET SEQ., WILL RESULT IN A CONTINUANCE OF THE HEARING AS REQUIRED BY STATE LAW.
HW SODBUSTERS L.L.C., a Utah limited liability company

By: WOODBURY CORPORATION, a Utah corporation,
   Its Manager

   By: O. Randall Woodbury, President

   By: W. Richards Woodbury, Chairman

By: HAWKINS DEVELOPMENT, LLC,
   a Utah limited liability company, Its Manager

   By: Kevin B. Hawkins, Manager

[Acknowledgements on Following Page]
ACKNOWLEDGMENTS

STATE OF UTAH

COUNTY OF SALT LAKE

On the 7th day of June 2019, personally appeared
D. Randall Woodbury, to me personally known, who being by me duly sworn did say
that he is the President of WOODBURY CORPORATION, a Utah corporation,
the Manager of HW SODBUSTERS L.L.C., a Utah limited liability company, the company that executed the within
instrument, known to me to be the person who executed the within instrument on behalf of such company therein
named, and acknowledged to me that such company executed the within instrument pursuant to its Operating
Agreement.

TIFFANY M. STEELE
NOTARY PUBLIC
STATE OF UTAH
My Comm. Exp 03/09/2022
Commission # 698943

STATE OF UTAH

COUNTY OF SALT LAKE

On the 5th day of June 2019, personally appeared
W. Richard Woodbury, to me personally known, who being by me duly sworn did say
that he is the President of WOODBURY CORPORATION, a Utah corporation,
the Manager of HW SODBUSTERS L.L.C., a Utah limited liability company, the company that executed the within
instrument, known to me to be the person who executed the within instrument on behalf of such company therein
named, and acknowledged to me that such company executed the within instrument pursuant to its Operating
Agreement.

DENISE MARIE WALKER
NOTARY PUBLIC
STATE OF UTAH
My Comm. Exp 08/07/2019
Commission # 888594

STATE OF UTAH

COUNTY OF SALT LAKE

On the _______ day of ____________________________ 20__, personally appeared
KEVIN B. HAWKINS, to me personally known, who being by me duly sworn did say that he is the Manager of
HAWKINS DEVELOPMENT, LLC, a Utah limited liability company, the Manager of HW SODBUSTERS L.L.C.,
a Utah limited liability company, the company that executed the within instrument, known to me to be the person
who executed the within instrument on behalf of such company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.

Notary Public
Friday, May 25, 2019

VIA FED EX

________________________
________________________

Re: Notification of Surface Development and Public Hearing Pursuant to C.R.S § 34-65.5-101, et seq. (the "Statute")

Greetings,

Following review of the record of the Clerk and Recorder of Adams County, Colorado, "Estate Holder" has been identified as a mineral estate owner on all or a portion of certain real property in Adams County, Colorado more particularly described on "Exhibit A" attached hereto (the "Property").

This letter serves as notification of a public hearing before the City of Thornton City Council on June 25, 2019 at 7:00 pm at Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, CO 80229, where the City Council will hold a hearing regarding the previously approved Conceptual Site Plan, allowing use of the Property for residential development for Creekside Village, a 123.26-acre site that is generally located at the Southwest corner of 128th Avenue and Quebec, Thornton, Colorado.

The Estate Holder may waive their right to notice under the Statute by signing this letter below and returning in the included stamped envelope.

By: ______________________

Print Name: ______________________

The Applicant is HW Sodbusters L.L.C.

Sincerely,

By: ______________________

Steven Louis-Prescott, attorney for HW Sodbusters L.L.C.

cc: City of Thornton

[Exhibit "A" Begins on Following Page]
Exhibit “A”

Legal Description

A parcel of land located in the Northeast Quarter of Section 32, Township 1 South, Range 67 West of the Sixth Principal Meridian, City of Thornton, County of Adams, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of said Northeast Quarter of Section 32, whence the North quarter corner of said Section 32 bears North 00°00'13" East a distance of 2814.38 feet, said line forming the bases of bearings for this description;

Thence North 00°00'13" East, along the West line of said Northeast quarter of Section 32, a distance of 1278.85 feet to a point;

Thence South 89°59'40" East a distance of 193.42 feet to a point;

Thence along said curve to the right having a central angle of 82°33'26", a radius of 150.00 feet, an arc length of 216.13 feet, and a chord bearing North 43°50'28" East a distance of 197.92 feet to a point of tangent;

Thence North 85°07'09" East a distance of 120.01 feet to a point;

Thence North 04°52'51" West a distance of 331.81 feet to a point of curve;

Thence along said curve to the right having a central angle of 04°00'02", a radius of 150.00 feet, an arc length of 10.47 feet, and a chord bearing North 02°52'50" West a distance of 10.47 feet to a point of tangent;

Thence North 00°52'49" West a distance of 123.88 feet to a point;

Thence North 89°07'11" East a distance of 357.43 feet to a point of curve;

Thence along said curve to the left having a central angle of 09°00'15", a radius of 350.00 feet, an arc length of 55.00 feet, and a chord bearing North 84°37'03" East a distance of 54.95 feet to a point of tangent;

Thence North 80°06'56" East a distance of 249.81 feet to a point of curve;

Thence along said curve to the left having a central angle of 02°03'37", a radius of 300.00 feet, an arc length of 10.79 feet, and a chord bearing North 79°05'07" East a distance of 10.79 feet to a point of tangent;

Thence North 78°03'19" East a distance of 602.13 feet to a point of curve;

Thence along said curve to the right having a central angle of 20°40'43", a radius of 575.00 feet, an arc length of 207.52 feet, and a chord bearing North 58°23'40" East a distance of 206.40 feet to a point of tangent;

Thence South 81°15'59" East a distance of 364.71 feet to a point of curve;

Thence along said curve to the right having a central angle of 03°28'42", a radius of 260.00 feet, an arc length of 15.56 feet, and a chord bearing South 79°33'03" East a distance of 15.56 feet to a point of tangent;

Thence South 77°50'16" East a distance of 156.98 feet to a point of curve;

Thence along said curve to the left having a central angle of 12°09'33", a radius of 260.00 feet, an arc length of 55.18 feet, and a chord bearing South 83°55'03" East a distance of 55.07 feet to a point of tangent;

Thence South 88°59'49" East a distance of 174.76 feet to a point on the East line of said Northeast quarter of Section 32;

Thence South 00°00'11" West, along said East line, a distance of 1952.05 feet to the Southeast corner of said Northeast quarter of Section 32;

Thence South 89°15'47" West, along said Southerly line, a distance of 1320.54 feet to the Southeast corner of the West half of said Northeast quarter of Section 32, and the Northeast corner of Holly Crossing Subdivision Filing No. 6 recorded at Reception No. B794348, File 16, Map 700, in Adams County public records;

Thence South 89°16'13" West, along the Northerly line of said Holly Crossing Filing No. 6 and Holly Crossing Subdivision Filing No. 7, recorded at Reception No. B749359, File 16, Map 701, in Adams County public records, a distance of 1320.75 feet to the Southwest corner of said Northeast quarter of Section 32 and the Point of Beginning, County of Adams, State of Colorado.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beverly Krosky</td>
<td>P.O. Box 335</td>
<td>Truches, NM</td>
</tr>
<tr>
<td>Christine Fowler</td>
<td>11893 W. Coal Mine Road</td>
<td>Littleton, CO</td>
</tr>
<tr>
<td>Donald R. Krosky</td>
<td>37501 WCR 27</td>
<td>Eaton, CO</td>
</tr>
<tr>
<td>Daniel L. Plunk</td>
<td>1509 Cliffside Drive</td>
<td>Loveland, CO</td>
</tr>
<tr>
<td>Extraction Oil &amp; Gas, LLC</td>
<td>1888 Sherman Street, Suite 200</td>
<td>Denver, CO</td>
</tr>
<tr>
<td>Extraction Oil &amp; Gas, LLC</td>
<td>370 17th Street, Suite 5300</td>
<td>Denver, CO</td>
</tr>
<tr>
<td>Harry R. Krosky</td>
<td>3568 G. Road</td>
<td>Palisade, CO</td>
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<td>24629 WCR 53</td>
<td>Kersey, CO</td>
</tr>
</tbody>
</table>
CERTIFICATION OF NOTICE PURSUANT TO C.R.S. 24-65.5-103

AFFIDAVIT OF MAILING

The undersigned do(es) hereby depose(s) and certify that an examination of the records in the office of the County Clerk and Recorder was made in accordance with C.R.S. 24-65.5-103 et seq. and (check applicable box and fill in information)

[ ] such records do not provide the identity and address of record for any mineral estate owners.

[ ] the mineral estate owner(s) have provided a waiver of the right to notice in writing.

A COPY OF THE WAIVER SIGNED BY ALL MINERAL ESTATE OWNERS IS ATTACHED HERETO.

[] after such examination, on May 24, 2019, which is not less than thirty (30) days before the date scheduled for the initial public hearing on the application for development, notice was sent, by first class mail, to 1) the attached mineral estate owner(s) as listed in the records of the County Clerk and Recorder, containing the time and place of the initial public hearing, the nature of the hearing, the location of the property that is the subject of the hearing, and the name of the applicant(s); AND 2) the City of Thornton, with the name(s) and address(es) of the mineral estate owner(s). A COPY OF THE NOTICE SENT IS ATTACHED HERETO.

Further affiant sayeth not.

[See Attached Signature Block and Acknowledgements]

Applicant's Signature Surface Owner's Signature
Printed Name: Printed Name:

State of Colorado ) ss.
County of _______ ) ss.

The above and foregoing Affidavit was subscribed before me this _____ day of ___, 20__, personally by ________________________.

My Commission Expires: ____________________

Notary Public

FAILURE TO PROVIDE THIS CERTIFICATION, INDICATING COMPLIANCE WITH C.R.S. 24-65.5-103 ET SEQ., WILL RESULT IN A CONTINUANCE OF THE HEARING AS REQUIRED BY STATE LAW.
HW SODBUSTERS L.L.C., a Utah limited liability company

By: WOODBURY CORPORATION, a Utah corporation, Its Manager

By: O. Randall Woodbury, President

By: HAWKINS DEVELOPMENT, LLC, a Utah limited liability company, Its Manager

By: Kevin B. Hawkins, Manager

[Acknowledgements on Following Page]
ACKNOWLEDGMENTS

STATE OF UTAH 
COUNTY OF SALT LAKE 

On the _______ day of ____________________ 20__, personally appeared ________________________, to me personally known, who being by me duly sworn did say that he is the ______________________ of WOODBURY CORPORATION, a Utah corporation, the Manager of HW SODBUSTERS L.L.C., a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of such company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.

Notary Public

STATE OF UTAH 
COUNTY OF SALT LAKE 

On the _______ day of ____________________ 20__, personally appeared ________________________, to me personally known, who being by me duly sworn did say that he is the ______________________ of WOODBURY CORPORATION, a Utah corporation, the Manager of HW SODBUSTERS L.L.C., a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of such company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.

Notary Public

STATE OF COLORADO 
COUNTY OF ARAPAHOE 

On the _______ day of ____________________ 20__, personally appeared KEVIN B. HAWKINS, to me personally known, who being by me duly sworn did say that he is the Manager of HAWKINS DEVELOPMENT, LLC, a Utah limited liability company, the Manager of HW SODBUSTERS L.L.C., a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of such company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.

[Signature]
LAURA L. ANDRUS
Notary Public
State of Colorado
Notary ID #20084015193
My Commission Expires 04-18-2022
Notary Public
Friday, May 25, 2019

VIA FED EX

Re: Notification of Surface Development and Public Hearing Pursuant to C.R.S § 34-65.5-101, et seq. (the “Statute”)

Greetings,

Following review of the record of the Clerk and Recorder of Adams County, Colorado, ______ (“Estate Holder”) has been identified as a mineral estate owner on all or a portion of certain real property in Adams County, Colorado more particularly described on “Exhibit A” attached hereto (the “Property”).

This letter serves as notification of a public hearing before the City of Thornton City Council on June 25, 2019 at 7:00 pm at Thornton City Hall in the Council Chambers, 9500 Civic Center Drive, Thornton, CO 80229, where the City Council will hold a hearing regarding the previously approved Conceptual Site Plan, allowing use of the Property for residential development for Creekside Village, a 123.26-acre site that is generally located at the Southwest corner of 128th Avenue and Quebec, Thornton, Colorado.

The Estate Holder may waive their right to notice under the Statute by signing this letter below and returning in the included stamped envelope.

By: ____________________________

Print Name: ____________________________

The Applicant is HW Sodbusters L.L.C.

Sincerely,

By: ____________________________

Steven Louis-Prescott, attorney for HW Sodbusters L.L.C.

cc: City of Thornton

[Exhibit “A” Begins on Following Page]
Exhibit "A"

Legal Description

A parcel of land located in the Northeast Quarter of Section 32, Township 1 South, Range 67 West of the Sixth Principal Meridian, City of Thornton, County of Adams, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of said Northeast Quarter of Section 32, whence the North quarter corner of said Section 32 bears North 00°00'13" East a distance of 2014.33 feet, said line forming the bases of bearings for this description;

Thence North 00°00'13" East, along the West line of said Northeast quarter of Section 32, a distance of 1278.85 feet to a point;

Thence South 89°59'40" East a distance of 193.42 feet to a point of non-tangent curve;

Thence along said curve to the right having a central angle of 82°33'26", a radius of 150.00 feet, an arc length of 216.13 feet, and a chord bearing North 43°50'26" East a distance of 197.92 feet to a point of tangent;

Thence North 85°07'09" East a distance of 120.01 feet to a point;

Thence North 04°52'51" West a distance of 331.81 feet to a point of curve;

Thence along said curve to the right having a central angle of 04°00'02", a radius of 150.00 feet, an arc length of 10.47 feet, and a chord bearing North 02°52'50" West a distance of 10.47 feet to a point of tangent;

Thence North 00°52'49" West a distance of 123.88 feet to a point;

Thence North 89°07'11" East a distance of 357.43 feet to a point of curve;

Thence along said curve to the left having a central angle of 09°00'15", a radius of 350.00 feet, an arc length of 55.00 feet, and a chord bearing North 84°37'03" East a distance of 54.95 feet to a point of tangent;

Thence North 80°08'56" East a distance of 240.81 feet to a point of curve;

Thence along said curve to the left having a central angle of 02°03'37", a radius of 300.00 feet, an arc length of 10.79 feet, and a chord bearing North 78°05'07" East a distance of 10.79 feet to a point of tangent;

Thence North 78°03'19" East a distance of 602.13 feet to a point of curve;

Thence along said curve to the right having a central angle of 20°40'43", a radius of 575.00 feet, an arc length of 207.52 feet, and a chord bearing North 88°23'40" East a distance of 206.40 feet to a point of tangent;

Thence South 81°18'59" East a distance of 364.71 feet to a point of curve;

Thence along said curve to the right having a central angle of 03°25'42", a radius of 260.00 feet, an arc length of 15.56 feet, and a chord bearing South 79°33'08" East a distance of 15.56 feet to a point of tangent;

Thence South 77°50'16" East a distance of 155.68 feet to a point of curve;

Thence along said curve to the left having a central angle of 12°09'33", a radius of 260.00 feet, an arc length of 55.18 feet, and a chord bearing South 83°56'03" East a distance of 55.07 feet to a point of tangent;

Thence South 88°59'49" East a distance of 174.76 feet to a point on the East line of said Northeast quarter of Section 32;

Thence South 00°00'11" West, along said East line, a distance of 1952.05 feet to the Southeast corner of said Northeast quarter of Section 32;

Thence South 89°15'47" West, along said Southerly line, a distance of 1320.54 feet to the Southeast corner of the West half of said Northeast quarter of Section 32, and the Northeast corner of Holly Crossing Subdivision Filing No. 6 recorded at Reception No. B749434, File 16, Map 700, in Adams County public records;

Thence South 89°16'13" West, along the Northerly line of said Holly Crossing Filing No. 6 and Holly Crossing Subdivision Filing No. 7, recorded at Reception No. 8749359, File 16, Map 701, in Adams County public records, a distance of 1320.75 feet to the Southwest corner of said Northeast quarter of Section 32 and the Point of Beginning, County of Adams, State of Colorado.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>Beverly Krosky</td>
<td>P.O. Box 335</td>
</tr>
<tr>
<td>Christine Fowler</td>
<td>11893 W. Coal Mine Road</td>
</tr>
<tr>
<td>Donald R. Krosky</td>
<td>37501 WCR 27</td>
</tr>
<tr>
<td>Daniel L. Plunk</td>
<td>1509 Cliffside Drive</td>
</tr>
<tr>
<td>Extraction Oil &amp; Gas, LLC</td>
<td>1888 Sherman Street, Suite 200</td>
</tr>
<tr>
<td>Extraction Oil &amp; Gas, LLC</td>
<td>370 17th Street, Suite 5300</td>
</tr>
<tr>
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- Littleton, CO 80127        - Truches, NM 87578
- Eaton, CO 80615            - Littleton, CO 80127
- Loveland, CO 80538         - Eaton, CO 80615
- Denver, CO 80203           - Loveland, CO 80538
- Denver, CO 80202           - Denver, CO 80203
- Palisade, CO 81526         - Denver, CO 80202
- Grand Junction, CO 81504   - Palisade, CO 81526
- Clifton, CO 80520          - Grand Junction, CO 81504
- Broomfield, CO 80020-1548  - Clifton, CO 80520
- LaSalle, CO 80645          - Broomfield, CO 80020-1548
- Arvada, CO 80004           - LaSalle, CO 80645
- LaSalle, CO 80645          - Arvada, CO 80004
- Santa Fe, NM 87505         - LaSalle, CO 80645
- Greenwood Village, CO 80111 - Santa Fe, NM 87505
- Firestone, CO 80504        - Greenwood Village, CO 80111
- Forest Grove, OR 97116     - Firestone, CO 80504
- Littleton, CO 80128        - Forest Grove, OR 97116
- Kersey, CO 80644           - Littleton, CO 80128
- Kersey, CO 80644           - Kersey, CO 80644
COUNCIL COMMUNICATION

THENCE SOUTH 45°34' I WEST A DISTANCE OF 100.5O FEET TO A POINT OF LOCATION;

THENCE NORTH 89°07'18" WEST A DISTANCE OF 216.47 FEET TO A POINT OF LOCATION; A MEDIAN ABANDONED RIGHT-OF-WAY LINE;

THENCE SOUTH 89°07'18" EAST A DISTANCE OF 534.62 FEET TO A POINT OF LOCATION;

THENCE NORTH 89°07'18" EAST A DISTANCE OF 206.32 FEET TO A POINT OF LOCATION;

THENCE SOUTH 89°07'18" WEST A DISTANCE OF 262.60 FEET TO A POINT OF LOCATION;

THENCE SOUTH 89°07'18" WEST A DISTANCE OF 122.76 FEET TO A POINT OF LOCATION;

THENCE SOUTH 89°07'18" WEST A DISTANCE OF 31.20 FEET, AND A CHORD THAT BEARS NORTHWEST 89°59'49" WEST A DISTANCE OF 100.50 FEET TO A POINT OF LOCATION; A MEDIAN ABANDONED Right-OF-WAY LINE; AN ARC DEPTH OF 17.61 FEET TO THE POINT OF RECORDED LOCATION.

THENCE NORTH 45°34' I WEST A DISTANCE OF 117.05 FEET TO A POINT OF LOCATION.

THENCE NORTH 89°07'18" EAST A DISTANCE OF 175.48 FEET; A MEDIAN ABANDONED RIGHT-OF-WAY LINE; AN ARC DEPTH OF 9.43 FEET, AND A CHORD THAT BEARS EAST 3°39'07" NORTH A DISTANCE OF 28.13 FEET TO THE POINT OF RECORDED LOCATION.

THENCE SOUTH 89°07'18" WEST A DISTANCE OF 16'59'44" WEST A DISTANCE OF 90'00'00', AND A CHORD THAT BEARS NORTHWEST 85°37'54" WEST A DISTANCE OF 82.05'12' WEST A POINT OF LOCATION; A MEDIAN ABANDONED RIGHT-OF-WAY LINE; AN ARC DEPTH OF 13.61 FEET TO THE POINT OF RECORDED LOCATION.

THENCE SOUTH 89°07'18" EAST A DISTANCE OF 88.34 FEET; A MEDIAN ABANDONED RIGHT-OF-WAY LINE; AN ARC DEPTH OF 22.17 FEET, AND A CHORD THAT BEARS NORTH 89°07'18" NORTH A DISTANCE OF 90'00'00', AND A CHORD THAT BEARS NORTH 89°07'18" WEST A DISTANCE OF 21.67 FEET TO THE POINT OF RECORDED LOCATION.

THENCE SOUTH 89°07'18" WEST A DISTANCE OF 100.10 FEET TO A POINT OF LOCATION;

THENCE NORTH 89°07'18" EAST A DISTANCE OF 2.66'34" WEST A DISTANCE OF 89°44'22" EAST TO A POINT OF LOCATION.

THENCE SOUTH 89°07'18" WEST A DISTANCE OF 1.00 FEET TO A POINT OF LOCATION; A MEDIAN ABANDONED RIGHT-OF-WAY LINE; AN ARC DEPTH OF 55'05'22' WEST A POINT OF LOCATION.

THENCE SOUTH 89°07'18" WEST A DISTANCE OF 1.36'1,125 SQUARE FEET, OR 30.51 ACRES, MORE OR LESS, BEADS NORTH 89°59'49' WEST A DISTANCE OF 51.80 FEET TO A POINT OF LOCATION; A MEDIAN ABANDONED RIGHT-OF-WAY LINE; AN ARC DEPTH OF 51.80 FEET, AND A CHORD THAT BEARS NORTH 89°59'49' WEST A DISTANCE OF 117.05 FEET TO THE POINT OF RECORDED LOCATION.

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CREEKSIDE VILLAGE CONCEPTUAL SITE PLAN
A PART OF THE NORTHEAST ONE QUARTER OF SECTION 32, TOWNSHIP 1
SOUTH RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON,
COUNTY OF ADAMS, STATE OF COLORADO

NOTES:
1. ARCHITECTURAL INTENT:
   ALL ARCHITECTURAL DETAILS AND MATERIALS OF THE BUILDING DESIGN WILL BE CONFORM TO THE CITY OF
   THORNTON STANDARDS, AS IMPLEMENTED IN THE CITY OF THORNTON ZONING AND DEPARTMENTAL CODES.
   THE GENERAL ARCHITECTURAL DESIGN IS INDICATED.
   2. PUBLIC LAND DEDICATION STATEMENTS:
   A. PUBLIC LAND DEDICATION STATEMENT:
      1) CONCEPTUAL SITE PLAN GENERAL NOTES
         TRACT SUMMARY
         TRACT | USE | AREA | OWNER
         TRACT A | DRAINAGE, PARK, LANDSCAPE | 0.31 ACRE | HOA/METRO DISTRICT
         TRACT B | LANDSCAPE | 0.68 ACRE | HOA/METRO DISTRICT
         TRACT C | LANDSCAPE | 1.90 ACRE | HOA/METRO DISTRICT
         TRACT D | LANDSCAPE | 0.43 ACRE | HOA/METRO DISTRICT
         TRACT E | LANDSCAPE | 0.91 ACRE | HOA/METRO DISTRICT
         TRACT F | LANDSCAPE, DRAINAGE | 10.73 ACRE | HoA/METRO DISTRICT
         TRACT G | LANDSCAPE, DRAINAGE | 1.85 ACRE | HOA/METRO DISTRICT
         TRACT H | DRAINAGE | 1.76 ACRE | HOA/METRO DISTRICT
         TRACT J | LANDSCAPE | 0.84 ACRE | HOA/METRO DISTRICT
         TOTAL | | 10.98 ACRE | HOA/METRO DISTRICT
   3. REGIONAL TRAILS:
      ALL ARCHITECTURAL DETAILS AND MATERIALS OF THE BUILDING DESIGN WILL BE CONFORM TO THE CITY OF
      THORNTON STANDARDS, AS IMPLEMENTED IN THE CITY OF THORNTON ZONING AND DEPARTMENTAL CODES.
      THE GENERAL ARCHITECTURAL DESIGN IS INDICATED.
CREEKSIDE VILLAGE CONCEPTUAL SITE PLAN
A PART OF THE NORTHEAST ONE QUARTER OF SECTION 32, TOWNSHIP 1, SOUTH RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO

PUBLIC LAND DEDICATION

LEGEND

PUBLIC LAND DEDICATION
DOUBLE-SIDED PRIVACY FENCE WITH MASONRY COLUMNS
SINGLE-SIDED PRIVACY FENCE
3-RAIL FENCE
CONCRETE PATH

GENERAL NOTES
1. THE PROPOSED LANDSCAPE DESIGN IMPROVEMENTS SHOWN ARE CONCEPTUAL. ACTUAL DESIGN WILL BE DETERMINED AT THE TIME OF DEVELOPMENT PERMIT.
2. FINAL LANDSCAPE PLANS WILL BE DESIGNED TO THE CITY CODE WATERWISE PRINCIPLES.
3. THE PROJECT WILL MEET ALL PUBLIC LAND DEDICATION REQUIREMENTS. THE PARK IS TO BE MAINTAINED BY THE DESIGNATED METRO DISTRICT.
4. ALL DISTURBED AREAS WITHIN THE BRANTNER REGIONAL OPEN SPACE SHALL BE RE-SEEDED WITH A NATIVE GRASS MIX.

No. Revisions Date By No. Revisions Date By
1. CITY COMMENTS 01/13/2015 SL
2. CITY COMMENTS 12/09/2016 SL
3. CITY COMMENTS 07/20/2016 SL
4. CITY COMMENTS 02/23/2016 SL
CONCEPTUAL LANDSCAPE PLAN

GENERAL NOTES:
1. The proposed landscape design improvements shown on the concept site plan shall be determined at the time of development permit.
2. Final landscape plans will be designed to the City Code Waterwise Principles.
3. The project will meet all public land use, design, and site access requirements as outlined by the City of Thornton Waterwise District.
4. [Additional notes regarding landscape design and maintenance requirements, including a permanent automatic irrigation system for all disturbed areas within the 100-foot buffer.]
CREEKSIDE VILLAGE CONCEPTUAL SITE PLAN
A PART OF THE NORTHEAST ONE QUARTER OF SECTION 32, TOWNSHIP 1
SOUTH RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON,
COUNTY OF ADAMS, STATE OF COLORADO

EXISTING ABOVE GROUND POWER LINE NORTH 1/4 CORNER SEC. 32, T1S, R67W FOUND 2 1/2" ALUMINUM CAP STAMPED CAP W/P LS NO. 28286

EXISTING WATER LINE
EXISTING GAS LINE
EXISTING SANITARY SEWER LINE
EXISTING STORM SEWER LINE
EXISTING ELECTRIC LINE
EXISTING FIBER OPTIC LINE
EXISTING FENCE LINE
SECTION LINE
SECTION CORNER AS NOTED

LEGEND

PROPERTY BOUNDARY
EXISTING RIGHT-OF-WAY
EXISTING LOT LINE
EXISTING EASEMENT
EXISTING GAS PIPING
EXISTING WATER PIPE
EXISTING SANITARY SEWER LINE
EXISTING STORM SEWER LINE
EXISTING ELECTRIC LINE
EXISTING FIBER OPTIC LINE
EXISTING FENCE LINE
SECTION LINE
SECTION CORNER AS NOTED

SAGE CREEK PARK

EXISTING WETLAND AREA (WTA)

RIVERSIDE PARK ZONED PD

EXISTING 12' WIND PLOW

EXISTING 18' WIND PLOW

INDEX OF REVISIONS

No. Revisions Date By No. Revisions Date By
1 CITY COMMENTS 11/25/2015 2 CITY COMMENTS 6/17/2016 AJ
3 CITY COMMENTS 6/17/2016 AJ
RESOLUTION

A RESOLUTION CONFIRMING A CONCEPTUAL SITE PLAN FOR APPROXIMATELY 123 ACRES OF LAND GENERALLY LOCATED WEST OF QUEBEC STREET AND SOUTH OF EAST 128TH AVENUE TO DEVELOP 264 SINGLE-FAMILY DETACHED DWELLING UNITS AND A PARK (CREEKSID VILLAGE RESIDENTIAL).

WHEREAS, HW Sodbusters, LLC is the owner (Owner) of certain real property (Property) within the City, described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the City approved the Conceptual Site Plan (CSP) for Creekside Village on April 12, 2016, however notices of surface development were not provided to mineral estate owners at that time; and

WHEREAS, the Owner has requested the City confirm the approval of the CSP to develop approximately 264 Single-Family Detached (SFD) lots in response to the Owner’s certification that it has provided notice to mineral estate owners; and

WHEREAS, the proposed request is consistent with the goals and desires of the City, provides for orderly growth within the City, and provides for a beneficial and efficient use of the Property; and

WHEREAS, the aforesaid request and all supporting documents are hereby incorporated as if fully set forth herein; and

WHEREAS, the application is a matter of public record in the custody of the City Development Department and is available for public inspection during business hours of the City; and

WHEREAS, on June 25, 2019, the City Council conducted a public hearing on said application pursuant to the procedural and notice requirements of the City Charter and Chapter 18 of the Thornton City Code. The Council considered the evidence presented in support of and in opposition to the application; the applicable zoning requirements; the City’s Comprehensive Plan; and staff recommendations; and have considered the record and given appropriate weight to the evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That it is found that the Owner and the City have complied with the provisions of Section 18-43 of the Thornton City Code pertaining to CSP applications.

2. The Owner has certified that it has provided notice to mineral estate owners pursuant to C.R.S. § 24-65.5-103.
3. The Creekside Village Residential CSP is hereby confirmed subject to all conditions found in the prior approval contained in Resolution C.D. No. 2016-058.

4. All land use approvals and building permits for the development described herein shall be subject to requirements including, but not limited to, the payment of impact fees and development charges, concurrency management requirements, design standards, moratoriums, building permit limitations, and other land use and development requirements in effect at the time that such proposed development applies for a building permit.

5. All subsequent development approvals shall be in accordance with this CSP.

6. The conditions set forth in this resolution shall run with the land and be binding upon the Owner and its successors and assigns.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on __________________, 2019.

CITY OF THORNTON, COLORADO

__________________________________________________________________
Heidi K. Williams, Mayor

ATTEST:

__________________________________________________________________
Kristen N. Rosenbaum, City Clerk
EXHIBIT A

OVERALL PARCEL LEGAL DESCRIPTION
CREEK SIDE VILLAGE CONCEPTUAL SITE PLAN:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32, AND CONSIDERING THE NORTH LINE OF THE SAID NORTHEAST QUARTER TO BEAR NORTH 89°07'18'' EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE SOUTH 00°00'13'' WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF SECTION 32 A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 128TH AVENUE AS DESCRIBED IN ROAD PETITION #510 OF THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE NORTH 89°07'18'' EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 2,611.34 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF QUEBEC STREET AS DESCRIBED IN ROAD PETITION #500 OF THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE SOUTH 00°00'11'' WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 2,590.98 FEET TO A POINT ON THE SOUTH LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER;

THENCE SOUTH 89°15'46'' WEST ALONG SAID SOUTH LINE A DISTANCE OF 1,290.54 TO THE SOUTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER OF SECTION 32;

THENCE SOUTH 89°16'13'' WEST ALONG THE SOUTH LINE OF SAID WEST HALF OF THE NORTHEAST QUARTER OF SECTION 32 A DISTANCE OF 1,320.75 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 32;

THENCE NORTH 00°00'13'' EAST ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 32 A DISTANCE OF 1,996.76 FEET TO A POINT OF CURVATURE;

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 14°14'23'', A RADIUS OF 292.00 FEET, AN ARC LENGTH OF 72.57 FEET, AND A CHORD THAT BEARS SOUTH 37°25'54'' EAST A DISTANCE OF 72.38 FEET
TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MONACO STREET AS
RECORDED AT RECEPTION NO 20051230001431400 OF THE RECORDS OF THE
ADAMS COUNTY CLERK AND RECORDER;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2)
COURSES:
1) NORTH 00°00'13" EAST A DISTANCE OF 624.89 FEET;
2) NORTH 89°59'47" WEST A DISTANCE OF 44.00 FEET TO THE SAID WEST
LINE;

THENCE NORTH 00°00'13" EAST ALONG THE SAID WEST LINE A DISTANCE OF
20.20 FEET TO THE POINT OF BEGINNING.

SAID OVERALL PARCEL CONTAINS 6,730,328 SQUARE FEET, OR 154.51 ACRES,
MORE OR LESS.

EXCEPTING THERE FROM THE FOLLOWING DESCRIBED TWO PARCELS OF
LAND:

PARCEL ONE:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 32,
TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY
OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32, AND
CONSIDERING THE NORTH LINE OF THE SAID NORTHEAST QUARTER TO BEAR
NORTH 89°07'18" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE
THERETO;

THENCE NORTH 89°07'18" EAST ALONG SAID NORTH LINE A DISTANCE OF 58.85
FEET;

THENCE SOUTH 00°52'42" EAST A DISTANCE OF 55.00 FEET TO THE POINT OF
BEGINNING;

THENCE NORTH 89°07'18" EAST A DISTANCE OF 115.32 FEET;

THENCE NORTH 86°15'42" EAST A DISTANCE OF 100.21 FEET;

THENCE NORTH 89°07'18" EAST A DISTANCE OF 673.04 FEET;

THENCE SOUTH 88°00'57" EAST A DISTANCE OF 100.12 FEET;
THENCE NORTH 89°07'18" EAST A DISTANCE OF 212.94 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°37'04", A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.63 FEET, AND A CHORD THAT BEARS SOUTH 45°34'10" EAST A DISTANCE OF 28.44 FEET;

THENCE SOUTH 00°15'38" EAST A DISTANCE OF 91.05 FEET;

THENCE NORTH 89°44'22" EAST A DISTANCE OF 1.00 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 13°48'40", A RADIUS OF 429.26 FEET, AN ARC LENGTH OF 103.47 FEET, AND A CHORD THAT BEARS SOUTH 07°09'58" EAST A DISTANCE OF 103.22 FEET;

THENCE SOUTH 14°04'18" EAST A DISTANCE OF 239.81 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 93°47'08", A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 122.76 FEET, AND A CHORD THAT BEARS SOUTH 32°49'16" WEST A DISTANCE OF 109.51 FEET;

THENCE SOUTH 79°42'50" WEST A DISTANCE OF 262.60 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02°22'32", A RADIUS OF 227.50 FEET, AN ARC LENGTH OF 9.43 FEET, AND A CHORD THAT BEARS SOUTH 80°54'06" WEST A DISTANCE OF 9.43 FEET;

THENCE SOUTH 82°05'22" WEST A DISTANCE OF 359.71 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07°01'49", A RADIUS OF 227.50 FEET, AN ARC LENGTH OF 27.91 FEET, AND A CHORD THAT BEARS SOUTH 85°36'16" WEST A DISTANCE OF 27.90 FEET;

THENCE SOUTH 89°07'11" WEST A DISTANCE OF 379.27 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 72°35'20", A RADIUS OF 227.50 FEET, AN ARC LENGTH OF 288.22, AND A CHORD THAT BEARS NORTH 54°35'09" WEST A DISTANCE OF 269.33 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MONACO STREET AS RECORDED AT RECEPTION NO 20051230001431400 OF THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;
THENCE NORTH 00°00'13" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 461.38 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 52°14'53", A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 18.24 FEET, AND A CHORD THAT BEARS NORTH 62°59'51" EAST A DISTANCE OF 17.61 FEET TO THE POINT OF BEGINNING.

SAID PARCEL ONE CONTAINS 763,077 SQUARE FEET, OR 17.52 ACRES, MORE OR LESS.

PARCEL TWO:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 32, AND CONSIDERING THE NORTH LINE OF THE SAID NORTHEAST QUARTER TO BEAR NORTH 89°07'18" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 89°07'18" EAST ALONG SAID NORTH LINE A DISTANCE OF 1,380.25 FEET;

THENCE SOUTH 00°52'42" EAST A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°07'18" EAST A DISTANCE OF 117.05 FEET;

THENCE NORTH 86°15'26" EAST A DISTANCE OF 100.05 FEET;

THENCE NORTH 89°07'18" EAST A DISTANCE OF 689.05 FEET;

THENCE SOUTH 85°10'04" EAST A DISTANCE OF 100.50 FEET;

THENCE NORTH 89°07'18" EAST A DISTANCE OF 153.82 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°52'53", A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.72 FEET, AND A CHORD THAT BEARS SOUTH 45°26'15" EAST A DISTANCE OF 28.50 FEET;

THENCE SOUTH 00°00'11" WEST A DISTANCE OF 175.48 FEET;
THENCE SOUTH 02°51'34" EAST A DISTANCE OF 100.12 FEET;

THENCE SOUTH 00°00'11" WEST A DISTANCE OF 216.47 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 45.00 FEET, AN ARC LENGTH OF 70.69 FEET, AND A CHORD THAT BEARS SOUTH 45°00'11" WEST A DISTANCE OF 63.64 FEET; THENCE NORTH 89°59'49" WEST A DISTANCE OF 51.80 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08°43'51", A RADIUS OF 227.50 FEET, AN ARC LENGTH OF 34.67 FEET, AND A CHORD THAT BEARS NORTH 85°37'54" WEST A DISTANCE OF 34.63 FEET;

THENCE NORTH 81°15'59" WEST A DISTANCE OF 534.62 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°55'44", A RADIUS OF 292.50 FEET, AN ARC LENGTH OF 86.42 FEET, AND A CHORD THAT BEARS NORTH 89°43'51" WEST A DISTANCE OF 86.11 FEET;

THENCE SOUTH 81°48'17" WEST A DISTANCE OF 310.98 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 86°15'01", A RADIUS OF 81.00 FEET, AN ARC LENGTH OF 121.93 FEET, AND A CHORD THAT BEARS NORTH 55°04'12" WEST A DISTANCE OF 110.74 FEET;

THENCE NORTH 11°56'41" WEST A DISTANCE OF 206.32 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 08°54'15", A RADIUS OF 849.69 FEET, AN ARC LENGTH OF 132.05 FEET, AND A CHORD THAT BEARS NORTH 07°29'34" WEST A DISTANCE OF 131.91 FEET;

THENCE NORTH 00°15'38" WEST A DISTANCE OF 88.14 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°22'56", A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.20 FEET, AND A CHORD THAT BEARS NORTH 44°25'50" EAST A DISTANCE OF 28.13 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 598,048 SQUARE FEET, OR 13.73 ACRES, MORE OR LESS.

SAID PARCEL ONE AND PARCEL TWO CONTAIN A TOTAL OF 1,361,125 SQUARE FEET, OR 31.25 ACRES MORE OR LESS.

SAID OVERALL PARCEL CONTAINS A NET AREA OF 5,369,203 SQUARE FEET, OR 123.26 ACRES MORE OR LESS AFTER SUBTRACTION OF PARCEL ONE AND PARCEL TWO.
CREEK SIDE VILLAGE CONCEPTUAL SITE PLAN
A PART OF THE NORTHEAST ONE QUARTER OF SECTION 32, TOWNSHIP 1
SOUTH RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON,
COUNTY OF ADAMS, STATE OF COLORADO
SHEET 2 OF 6

NOTES:
1. ARCHITECTURAL INTENT:
ALL ARCHITECTURAL INTENT SHALL MEET OR EXCEED THE DESIGN STANDARDS SET FORTH IN THE CITY OF
THORNTON MUNICIPAL CODE IN EFFECT AT TIME OF APPROVAL. THE DESIGN OF THE SUBDIVISION SHOULD
PROMOTE HIGH QUALITY ARCHITECTURAL CHARACTER THAT WILL AVOID FEATURELESS
DESIGN AND MONOTONOUS STREETSCAPES.

2. PUBLIC LAND DEDICATION STATEMENT:

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9. REGIONAL TRAILS:
THE CITY OF THORNTON SHALL MAINTAIN THE INTEGRITY OF THE CONCRETE SURFACE OF REGIONAL
TRAILS. THE HOME OWNERS ASSOCIATION METRO DISTRICT SHALL BE RESPONSIBLE FOR THE
ADJOINING LANDSCAPING AND DAY TO DAY MAINTENANCE SUCH AS SNOW, GRASS AND TRASH
REMOVAL.

4. SIGHT VISIBILITY TRIANGLES:
SIGHT VISIBILITY TRIANGLES SHALL BE IMPOSED ON All CORNER LOTS AND PUBLIC ACCESS
LOCATIONS WITHIN THIS SUBDIVISION. THESE TRIANGLES SHALL CONFORM TO SECTION 18-587. OF THE
COMMUNITY DEVELOPMENT CODE. ANY ITEMS TO BE LOCATED WITHIN THE SIGHT TRIANGLES
SHALL COMPLY WITH THE VISUAL OBSTRUCTION REGULATIONS OUTLINED IN THE CITY OF THORNTON
Development Code Sections 18-587 (B).

5. PUBLIC IMPROVEMENTS:
PUBLIC IMPROVEMENTS SHALL CONFORM TO THE PROVISIONS IN THE CURRENT CITY "STANDARDS
AND SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS."

6. LANDSCAPE CONSTRUCTION PLANS:
CONSTRUCTION PLANS, IN CONSTRUCTION WITH A MINOR DEVELOPMENT PERMIT APPLICATION, FOR
PARKS AND TRAILS ARE REQUIRED TO BE SUBMITTED TO ENGINEERING AND PLANNING PRIOR TO
CONSTRUCTION. WATER Wise CONCEPTS SHALL BE IMPLEMENTED FOR THE LANDSCAPE PLANS.

7. SUBDIVISION QUALITY ENHANCEMENTS:
8. THE SUBDIVISION DEDICATES LAND AND GUARANTEES CONSTRUCTION OF IMPROVEMENTS TO
PROVIDE TRAIL CONNECTIONS FROM PROJECT BOUNDARIES TO AN EXISTING TRAIL OR TRAILS
OUTSIDE THE PROJECT BOUNDARIES SUCH THAT THEM ARE CONSTRUCTED IN THE CITY'S TRAIL
SYSTEM.

9. THE SUBDIVISION EXCEEDS PUBLIC LAND DEDICATION REQUIREMENT BY AT LEAST 20 PERCENT
MORE THAN REQUIRED, IN A FORM AND WITH IMPROVEMENTS ACCEPTABLE TO THE CITY, BY THE
DEDICATION OF USEABLE PARK LAND ON OPEN SPACE IDENTIFIED IN THE CITY'S COMPREHENSIVE
LAND USE PLAN. DETENTION PONDS, DAMS, DRAINAGE DITCHES, STEEP SLOPES, AND THE LIKE ARE NOT ACCEPTABLE
DEDICATIONS TO MEET THIS STANDARD.

3. IN SINGE FAMILY DETACHED SUBDIVISIONS, AT LEAST 20 PERCENT OF THE LOTS WITHIN THE
SUBDIVISION HAVE A MINIMUM AREA OF 7,200 SQUARE FEET AND ALL REMAINING LOTS ARE A
MINIMUM OF 6,000 SQUARE FEET EACH.

8. LANDSCAPE MAINTENANCE:
A HOME OWNERS ASSOCIATION WILL BE FORMED FOR COMMON FENCING, CORN LANDSCAPE, AND
POCKET PARKS.

9. STANDARD FLEXIBILITY STATEMENT:
DURING SUBSEQUENT REVIEWS ASSOCIATED WITH THE ACTUAL DEVELOPMENT OF THE SITE
DEVELOPMENT OF THE DEVELOPMENT IS TO BE ASSOCIATED WITH THE SITE
CONTROLLERS AND APPEAL TO THE CITY PLAN COMMISSIONER. THE CHANGES TO THE DEVELOPMENT
WOULD BE DUE TO ACTUAL SITE CONDITIONS, UNFORESEEN TECHNICAL ISSUES INVOLVING
INFRASTRUCTURE ON THE SITE AND CHANGES TO THE BUILDING PRODUCTS PREVIOUSLY IDENTIFIED
OR DESIGNED IN THE CSP GRAPHIC AS APPROVED.

2. CREEK Median MEADOWS WITHIN QUOTA STREET WILL BE CONSTRUCTED AND LANDSCAPED
WITH THIS DEVELOPMENT AND SHALL BE MAINTAINED BY THE CITY.
11. CONCEPTUAL SITE PLANS FOR THE SUPPLEMENTAL ASSOCIATION AND COMMUNITY RETAIL (OR)
ZONED AREAS SHALL BE SUBMITTED, REVIEWED AND APPROVED BEFORE PLATINGS OR DEVELOPMENT
CAN OCCUR ON THESE PROPERTY.
12. PUBLIC LAND DEDICATION FOR THE STA AND CR ZONED AREAS WILL BE DETERMINED AT THE TIME
OF CSP AND OR SUBDIVISION FOR THOSE AREAS.
CREEKSIDE VILLAGE CONCEPTUAL SITE PLAN
A PART OF THE NORTHEAST ONE QUARTER OF SECTION 32, TOWNSHIP 1
SOUTH RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF THORNTON,
COUNTY OF ADAMS, STATE OF COLORADO

CONCEPTUAL LANDSCAPE PLAN

LEGEND

GROUND COVER:
- CANOPY TREES
NATIVE SPECIES
LOW WATER 500 VARIETY
MULCH PLANTING BED
- WETLAND MIX
- DOUBLE SIDED FENCE WITH BARBED WIRE 5 FT O.C.
- SINGLE SIDE PRIVACY FENCE
- 3-RAIL FENCE
- CONCRETE PATH

GENERAL NOTES
1. THE PROPOSED LANDSCAPE DESIGN IMPROVEMENTS SHOWN ARE EXPRESSIONS. ACTUAL
   DESIGN WILL BE DETERMINED AT THE TIME OF DEVELOPMENT PERMITS.
2. FINAL LANDSCAPE PLANS WILL BE DESIGNED TO THE CITY CODES AND RANCH PRINCIPLES.
3. THE PROJECT SHALL MEET ALL PUBLIC LAND USE AND ZONING REQUIREMENTS. THE PARK IS TO BE
   MAINTAINED BY THE DESIGNATED METRO DISTRICT.
4. CIRCULATED LANDSCAPED AREAS SHALL BE SERVED BY A LUB SYSTEM, PERPETUAL AUTOMATIC IRRIGATION
   SYSTEM.
5. ALL DETERIORATED AREAS WITHIN THE BEAUTIFUL LANDSCAPE AREAS SHALL BE RE-DESIGNED WITH A
   NATIVE SHRUB MIX.

SCALE 1" = 200' - 0"

0' 100' 200' 300' 400' 500'

CONCEPTUAL SITE PLAN
AMENDMENT #1
SHEET 5 OF 6
COUNCIL COMMUNICATION

Meeting Date: June 25, 2019
Agenda Item: 12A
Agenda Location: Action Items
Goal(s):  
Legal Review:

1st Reading
2nd Reading

Subject: An ordinance adopting the fifth amendment to the 2019 Budget amending section one of Ordinance 3503, making appropriations for the City of Thornton, Colorado for the fiscal year 2019 for all funds except that appropriations for certain individual projects shall not lapse at year end but continue until the project is completed or cancelled.

Recommended by: Robb Kolstad
Approved by: Kevin S. Woods
Ordinance previously introduced by:

Presenter(s): Erika Senna, Budget Manager

SYNOPSIS:

On May 28, 2019, City Council voted 6-2 to approve this ordinance on first reading. On June 11, 2019, City Council postponed this ordinance to June 25, 2019.

This ordinance is for the fifth amendment to the 2019 Budget and authorizes funding to outfit the Police Department with body-worn cameras and Tasers, a Radio & Video Technician to manage and maintain the body cameras, body camera software, and subsequent video footage.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the ordinance amending the 2019 Budget.

The 2019 Budget, which authorizes expenditures of $326,240,839, is proposed to increase by $392,270. The amended budget will be $326,633,109. The budget amendment will accomplish the following:

1. Appropriate $392,270 in the General Fund to outfit the Police Department with body-worn cameras and Tasers, implement an equipment management system that tracks all of the associated equipment, and hire a Radio & Video Technician to manage and maintain the body-worn cameras, body-worn camera software, and subsequent video footage. Implementation of the body-worn camera initiative will take place in 2019 and 2020, with 55 body-worn cameras put into service in 2019 and another 130 in 2020.

BUDGET/STAFF IMPLICATIONS:

Funding for the implementation of body cameras and the associated staff in the Police Department comes from unappropriated fund balance in the General Fund, supplemented in part by a grant from the Department of Justice for $153,180. The revenue associated with this grant is expected to be received over the next two years.

The budget amendment will result in an additional 1.0 fulltime equivalent (FTE) position, increasing the authorized staffing level in the 2019 Budget from 1053.25 FTE positions to 1054.25 FTE positions.
ALTERNATIVES:

1. Approve the ordinance amending the 2019 Budget.
2. Do not approve the ordinance amending the 2019 Budget.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

City Council approved Ordinance 3503 making appropriations for the 2019 Budget on November 27, 2018.

City Council approved Ordinance 3518 adopting the first amendment to the 2019 Budget on February 26, 2019.

City Council approved Ordinance 3519 adopting the second amendment to the 2019 Budget on March 19, 2019.

City Council approved Ordinance 3524 adopting the third amendment to the 2019 Budget on April 23, 2019.

City Council approved Ordinance 3528 adopting the fourth amendment to the 2019 Budget on June 11, 2019.
AN ORDINANCE ADOPTING THE FIFTH AMENDMENT TO THE 2019 BUDGET AMENDING SECTION ONE OF ORDINANCE 3503, MAKING APPROPRIATIONS FOR THE CITY OF THORNTON, COLORADO FOR THE FISCAL YEAR 2019 FOR ALL FUNDS EXCEPT THAT APPROPRIATIONS FOR CERTAIN INDIVIDUAL PROJECTS SHALL NOT LAPSE AT YEAR END BUT CONTINUE UNTIL THE PROJECT IS COMPLETED OR CANCELLED.

WHEREAS, the City Council is required to adopt a budget for fiscal year 2019; and

WHEREAS, the City Council has adopted a budget for fiscal year 2019 and desires to amend the budget to appropriate additional funds.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That Section 1 of Ordinance 3503 is hereby amended as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>2019 Budget</th>
<th>Change</th>
<th>2019 Amended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Governmental Funds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Fund</td>
<td>$136,626,118</td>
<td>$392,270</td>
<td>$137,018,388</td>
</tr>
<tr>
<td>Governmental Capital Fund</td>
<td>31,151,235</td>
<td>-</td>
<td>31,151,235</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>$167,777,353</td>
<td>$392,270</td>
<td>$168,169,623</td>
</tr>
<tr>
<td><strong>Internal Service Funds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk Management Fund</td>
<td>$6,229,133</td>
<td>-</td>
<td>$6,229,133</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
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<td>-</td>
<td>$6,229,133</td>
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<td></td>
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<td>Adams County Road and Bridge</td>
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<td>-</td>
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<td>-</td>
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<td><strong>Subtotal</strong></td>
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<td>-</td>
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<td>Storm Water Fund</td>
<td>3,330,589</td>
<td>-</td>
<td>3,330,589</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>$103,151,430</td>
<td>-</td>
<td>$103,151,430</td>
</tr>
<tr>
<td><strong>Total All Funds</strong></td>
<td>$326,240,839</td>
<td>$392,270</td>
<td>$326,633,109</td>
</tr>
</tbody>
</table>
2. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

4. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

5. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on May 28, 2019.

PASSED AND ADOPTED on second and final reading on _____________, 2019.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Luis A. Corchado, City Attorney
PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City’s official website after first reading on May 29, 2019, and after second and final reading on ______, 2019.
COUNCIL COMMUNICATION

Meeting Date: June 25, 2019
Agenda Item: 12B
Agenda Location: Action Items
Goal(s):
Legal Review: X 1st Reading

Subject: An ordinance adopting the sixth amendment to the 2019 Budget (Development Engineering Project Manager, contract Administrative Specialist, and developer-funded turn lane) amending section one of Ordinance 3503, making appropriations for the City of Thornton, Colorado for the fiscal year 2019 for all funds except that appropriations for certain individual projects shall not lapse at year end but continue until the project is completed or cancelled.

Recommended by: Robb Kolstad
Presenter(s): Erika Senna, Budget Manager

Approved by: Kevin S. Woods

Ordinance previously introduced by:

SYNOPSIS:

This ordinance is for the sixth amendment to the 2019 Budget and authorizes funding to hire a Development Engineering Project Manager, a contract Administrative Specialist in Building Inspection, and a turn lane at 128th Avenue and Washington Street.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the ordinance amending the 2019 Budget.

The 2019 Budget, which authorizes expenditures of $326,633,109, is proposed to increase by $313,650. The amended budget will be $326,946,759. The budget amendment will accomplish the following:

1. Appropriate $73,000 in the General Fund to hire a full-time equivalent (FTE) Project Manager for Development Engineering. The Development Engineering division is experiencing an increased workload that is resulting in a slower turnaround time for development applications. This new Project Manager is expected to help the division return to target levels of service.
2. Appropriate $22,000 in the General Fund to fund a contract Administrative Specialist for Building Inspection. This position will allow an existing FTE to be re-allocated to a Building Permit Technician. This re-allocation is expected to improve turnaround time on inspection requests and help the division meet target levels of service.
3. Appropriate $218,650 in the Governmental Capital Fund to build a turn lane at the 128th Avenue and Washington Street intersection. This project will run concurrently with other scheduled improvements happening at the intersection, thus limiting construction-related traffic delays. The cost of this turn-lane will be reimbursed through a developer’s agreement with Villages at Thorncreek.

BUDGET/STAFF IMPLICATIONS:

Funding for the Development Engineering Project Manager comes from unappropriated fund balance in the General Fund, supplemented in part by fees generated while doing development review.

Funding for the Administrative Specialist comes from unappropriated fund balance in the General Fund.
Funding for the turn lane at the 128th Avenue and Washington Street intersection will come from a developer’s agreement with Villages at Thorncreek.

The budget amendment will result in an additional 1.0 FTE position, increasing the authorized staffing level in the 2019 Budget from 1054.25 FTE positions to 1055.25 FTE positions.

ALTERNATIVES:

1. Approve the ordinance amending the 2019 Budget.
2. Do not approve the ordinance amending the 2019 Budget.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

City Council approved Ordinance 3503 making appropriations for the 2019 Budget on November 27, 2018.

City Council approved Ordinance 3518 adopting the first amendment to the 2019 Budget on February 12, 2019.

City Council approved Ordinance 3519 adopting the second amendment to the 2019 Budget on February 26, 2019.

City Council approved Ordinance 3524 adopting the third amendment to the 2019 Budget on April 23, 2019.

City Council approved Ordinance 3528 adopting the fourth amendment to the 2019 Budget on June 11, 2019.

City Council will consider second reading of an ordinance adopting the fifth amendment to the 2019 Budget on June 25, 2019.
AN ORDINANCE ADOPTING THE SIXTH AMENDMENT TO THE 2019 BUDGET (DEVELOPMENT ENGINEERING PROJECT MANAGER, CONTRACT ADMINISTRATIVE SPECIALIST, AND DEVELOPER-FUNDED TURN LANE) AMENDING SECTION ONE OF ORDINANCE 3503, MAKING APPROPRIATIONS FOR THE CITY OF THORNTON, COLORADO FOR THE FISCAL YEAR 2019 FOR ALL FUNDS EXCEPT THAT APPROPRIATIONS FOR CERTAIN INDIVIDUAL PROJECTS SHALL NOT LAPSE AT YEAR END BUT CONTINUE UNTIL THE PROJECT IS COMPLETED OR CANCELLED.

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<td>218,650</td>
<td>31,369,885</td>
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<td>$168,169,623</td>
<td>$313,650</td>
<td>$168,483,273</td>
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Heidi K. Williams, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

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