



C.D. No. 2021-116

RESOLUTION

A RESOLUTION AUTHORIZING THE GRANT OF A TEMPORARY RIGHT-OF-ACCESS EASEMENT OVER CITY PROPERTY LOCATED ADJACENT TO THE 104TH AND COLORADO CROSSING POINTE AFFORDABLE HOUSING PROJECT, GENERALLY LOCATED SOUTHEAST OF THE 104TH AVENUE AND COLORADO BOULEVARD INTERSECTION.

WHEREAS, the Housing Authority of Adams County d/b/a Maiker Housing Partners, the housing authority with Adams County (Owner), is developing the property contained in the 104th and Colorado Plat, generally located southeast of the 104th Avenue and Colorado Boulevard intersection; and

WHEREAS, the Owner desires a temporary right-of-access from the City in order to provide access to their site, service their site with utilities, and provide entry during construction to the property; and

WHEREAS, the City desires to grant a temporary right-of-access to the Owner, as described in Attachment A, which is attached hereto and incorporated herein by this reference; and

WHEREAS, the City has reviewed the proposed temporary right-of-access and has determined that the public health, safety, and welfare is not diminished by such request.

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

1. That City Council hereby authorizes the grant of the Temporary Right-of-Access attached hereto.
2. The City Council hereby authorizes the City Manager to execute, and the City Clerk to attest, the Temporary Right-of Access Easement.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on August 10, 2021.

RESOLUTION

A RESOLUTION AUTHORIZING THE GRANT OF A TEMPORARY RIGHT-OF-ACCESS EASEMENT OVER CITY PROPERTY LOCATED ADJACENT TO THE 104TH AND COLORADO CROSSING POINTE AFFORDABLE HOUSING PROJECT, GENERALLY LOCATED SOUTHEAST OF THE 104TH AVENUE AND COLORADO BOULEVARD INTERSECTION.

WHEREAS, the Housing Authority of Adams County d/b/a Maiker Housing Partners, the housing authority with Adams County (Owner), is developing the property contained in the 104th and Colorado Plat, generally located southeast of the 104th Avenue and Colorado Boulevard intersection; and

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WHEREAS, the City has reviewed the proposed temporary right-of-access and has determined that the public health, safety, and welfare is not diminished by such request.

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

1. That City Council hereby authorizes the grant of the Temporary Right-of-Access attached hereto.
2. The City Council hereby authorizes the City Manager to execute, and the City Clerk to attest, the Temporary Right-of Access Easement.

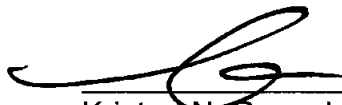
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on August 10, 2021.

CITY OF THORNTON, COLORADO



Jan Kulmann, Mayor

ATTEST:



Kristen N. Rosenbaum, City Clerk

GRANT OF A TEMPORARY RIGHT OF ACCESS

THIS GRANT OF A TEMPORARY RIGHT OF ACCESS ("TROA") is entered into this 15 day of September, 2021 by and between the City of Thornton, a Colorado home rule municipality, whose address is 9500 Civic Center Drive, Thornton, CO 80229 ("City") and The Housing Authority of the County of Adams, d/b/a Maiker Housing Partners ("MHP") whose address is 3033 W. 71st Ave., Suite 1000, Westminster, CO 80030. The City may be referred to as the "Grantor" and MHP may be referred to as the "Grantee". City and MHP may also hereafter be referred to collectively as the "Parties".

WHEREAS, this TROA will allow MHP to access property owned by the City in order to construct the roadway within the previously granted access easement as well as the right turn lane for the intersection of the private access and Colorado Boulevard (the "Project"). Upon completion of these improvements, this TROA will be vacated; and

WHEREAS, the Grantee will construct several public and private improvements (hereinafter referred to as "Improvements") over a portion of Grantor's property described and depicted in **Exhibit A**, attached hereto and incorporated herein by this reference, (hereinafter referred to as "Property"); and

WHEREAS, this TROA will allow the access necessary to construct the Improvements in furtherance of the Project.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. The Grantor hereby grants a temporary non-exclusive TROA for the specific purpose of construction of the Improvements. This TROA is a revocable license granted by Grantor to Grantee.

2. This TROA is effective upon mutual execution and will expire by its terms on August 1st, 2023 or upon initial acceptance of the Improvements in connection with the Project, whichever comes first, unless the Parties agree to extend this TROA for an additional 60 days to allow Grantee to complete the Improvements.

3. As a condition of the grant of this TROA, Grantee agrees to restore the Property surrounding the Improvements, including but not limited to landscaping, fences, or other improvements, to a condition comparable with when construction began. Grantee further agrees that no dirt or soil excavated during the construction of Improvements will be permanently removed from the Property unless necessary to complete the Improvements required under this TROA.

4. Grantee shall promptly repair any damage caused to the Grantor's Property and adjoining lands or appurtenances resulting from Grantee's installation of the Improvements, or work on the Project, prior to acceptance by the Grantor. In the event the Property or the Grantor's adjoining lands or appurtenances are not restored or repaired by Grantee as required under this paragraph, Grantee agrees to be liable for the reasonable cost of such restoration or repair undertaken by or at the direction of the Grantor.

5. Grantee agrees to be fully responsible for all reasonable costs associated with the construction of the Improvements and will complete the Improvements in compliance with all applicable City laws, codes, regulations, as well as any applicable state and federal laws or regulations.

6. Grantee accepts the duty to defend, to indemnify and hold the Grantor harmless from any and all damages, or claims of any kind in law and equity, resulting from any negligent or intentional acts of its invitees, agents, contractors, subcontractors, or employees that may result

from or are associated in any manner with the access granted or activities contemplated by this TROA.

7. The Grantee will coordinate their efforts with the City Development Department through the Construction Inspection Supervisor, and shall allow the City access to the construction site at any time during construction to ensure that the Improvements are in compliance with all the requirements under the City's standards and specifications for the design and construction of public and private improvements.

GENERAL PROVISIONS

8. This TROA represents the entire agreement between the Parties related to the subject matter of this TROA and there is no other oral or collateral agreement or understanding. This TROA may be amended by an instrument in writing signed by the Parties.

9. If any provision is held by any court of competent jurisdiction, not to be binding on the Parties, no other provisions shall be effected by such holding, all the remaining provisions of the TROA shall continue in full force and effect.

10. This TROA shall be governed by the laws of the State of Colorado and may be enforced in the County of Adams, State of Colorado.

11. Venue is proper in the County of Adams, State of Colorado.

12. Grantor warrants that it has full and lawful authority to make the grant hereinabove contained, and promises and agrees to defend Grantee in the exercise of its rights hereunder solely against any defect in Grantor's title to the Property involved or Grantor's rights to make the grant hereinabove contained.

13. The signatory for Grantee warrants that he has full and lawful authority to execute this TROA on behalf of Grantee.

IN WITNESS WHEREOF, the Parties have executed this TROA and accepted same upon the terms and conditions set forth herein, effective as of the last date of execution of this TROA.

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(SIGNATURES FOLLOW ON NEXT PAGE)



GRANTEE:

THE HOUSING AUTHORITY OF THE COUNTY
OF ADAMS, D/B/A MAIKER HOUSING
PARTNERS

By: _____

Name: _____

Its: _____

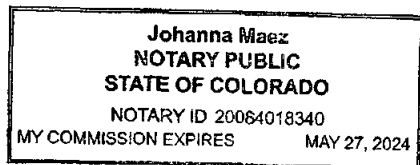
Peter F. Lifari
Peter F. Lifari
EXECUTIVE DIRECTOR

STATE OF Colorado)
)ss.
COUNTY OF Adams)

Subscribed and acknowledged before me this 15 day of September, 2021, by
Peter F. Lifari as Executive Director for The Housing Authority of
the County of Adams, d/b/a Maiker Housing Partners.

WITNESS my hand and official seal.

My commission expires: May 27, 2024.



Johanna Maez

NOTARY PUBLIC

GRANTOR:

CITY OF THORNTON, COLORADO,
a Colorado home rule municipality

By: _____

Kevin S. Woods
Kevin S. Woods, City Manager

ATTEST:

Kristen N. Rosenbaum

Kristen N. Rosenbaum, City Clerk

APPROVED AS TO FORM:

William A. Tuthill III

William A. Tuthill III, Interim City Attorney

EXHIBIT "A"

SHEET 1 of 2

Being a temporary construction easement across a tract of land in the name of City of Thornton as described in Reception Number C0986998 and being in the Northwest One-quarter of Section 18, Township 2 South, Range 67 West of the 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Beginning at the southwest corner of Lot 1, 104th and Colorado (Reception No. 2018000041672)

Thence along the northerly property line of said City of Thornton tract, North 87°26'35" East, a distance of 21.52 feet;

Thence through said City of Thornton tract the following six (6) courses:

South 00°15'53" East, a distance of 138.42 feet;

Along a curve to the right having a radius of 33.50 feet, an arc length of 52.83 feet, a delta angle of 90°21'00", and a chord bearing South 44°54'37" West, a distance of 47.52 feet;

North 89°54'53" West, a distance of 101.09 feet;

North 83°24'29" West, a distance of 109.51 feet;

North 89°54'53" West, a distance of 48.90 feet;

Along a curve to the right having a radius of 33.50 feet, an arc length of 18.86 feet, a delta angle of 32°15'22", and a chord bearing North 73°47'11" West, a distance of 18.61 feet to the westerly property line of said City of Thornton tract;

Thence along the northerly and westerly property line of said City of Thornton tract the following five (5) courses:

North 00°15'55" West, a distance of 35.52 feet;

North 87°31'39" East, a distance of 60.00 feet;

North 00°15'55" West, a distance of 30.00 feet;

North 87°31'39" East, a distance of 228.98 feet;

North 00°15'55" West, a distance of 75.14 feet to the Point of Beginning.

Containing 0.60 acre (25,972 square feet), more or less.

All references are to The Office of the Clerk and Recorder, County of Adams, State of Colorado.

RY PATRICK RUSK
PLS No. 38226
FORESIGHT WEST SURVEYING, INC.
1309 S. INCA STREET
DENVER, CO 80223
303.901.0479



Revision	Date
0	06.14.21
1	06.17.21
2	07.09.21
3	07.12.21

Compiled By: J. Poyns
Scaled for 8 1/2" x 14"

FORESIGHT WEST SURVEYING, INC.
1309 S. Inca Street
Denver, Colorado 80223
303.504.4440

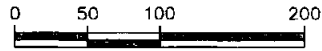
Job No.: 2021106

Sheet: 1 of 2

EXHIBIT "A"

SHEET 2 of 2

SCALE: 1" = 100 U.S. SURVEY FEET

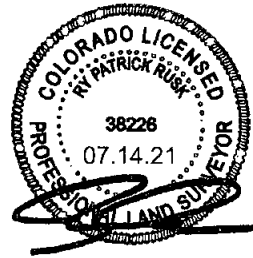


CURVE TABLE

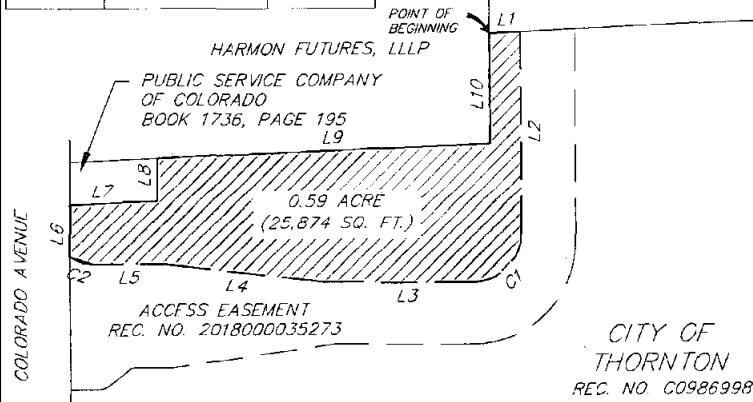
CURVE #	RADIUS	ARC LENGTH	DELTA	CH. BEARING	CH. LENGTH
C1	33.50'	52.83'	090°21'00"	S44°54'37"W	47.52'
C2	33.50'	18.86'	032°15'22"	N73°47'11"W	18.61'

LINE TABLE

LINE #	BEARING	LENGTH
L1	N87°26'35"E	21.52'
L2	S00°15'53"E	138.42'
L3	N89°54'53"W	101.09'
L4	N83°24'29"W	109.51'
L5	N89°54'53"W	48.90'
L6	N00°15'55"W	35.52'
L7	N87°31'39"E	60.00'
L8	N00°15'55"W	30.00'
L9	N87°31'39"E	228.98'
L10	N00°15'55"W	75.14'



LOT 1, 104TH AND COLORADO
ADAMS COUNTY HOUSING AUTHORITY
REC. NO. 2018000041672



AMC PINE LAKES RANCH, LLC

Revision	Date
0	06.14.21
1	06.17.21
2	07.09.21
3	07.12.21

Complied By: J. Payne
Scaled for 8 1/2" x 14"

FORESIGHT WEST SURVEYING, INC.
1309 S. Inca Street
Denver, Colorado 80223
303.504.4440

Job No.: 2021106

Sheet: 2 of 2

EXHIBIT "B"

SHEET 1 of 2

Being a temporary construction easement across a tract of land in the name of City of Thornton as described in Reception Number C0986998 and being in the Northwest One-quarter of Section 18, Township 2 South, Range 67 West of the 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the southwest corner of Lot 1, 104th and Colorado (Reception No. 2018000041672)

Thence along the northerly property line of said City of Thornton tract, North 87°26'35" East, a distance of 59.05 feet to the True Point of beginning;

Thence continuing along the northerly and westerly property line of said City of Thornton tract the following three (3) courses:

- North 87°26'35" East, a distance of 158.11 feet;
- North 42°44'05" East, a distance of 129.06 feet;
- North 12°44'05" East, a distance of 388.96 feet;

Thence through said City of Thornton tract the following five (5) courses:

- South 76°46'12" East, a distance of 16.61 feet;
- South 13°13'48" West, a distance of 774.61 feet;
- North 89°54'17" West, a distance of 331.20 feet;
- South 81°47'42" West, a distance of 114.93 feet;
- South 00°28'02" West, a distance of 134.56 feet;

Thence along the southerly and westerly property line of said City of Thornton Tract the following two (2) Courses:

- South 63°35'48" West, a distance of 77.89 feet;
- North 00°15'55" West, a distance of 214.32 feet;

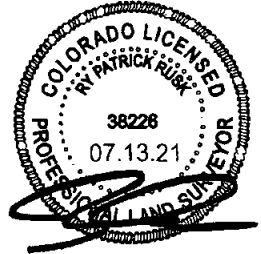
Thence through said City of Thornton tract the following eight (8) courses:

- South 89°54'53" East, a distance of 17.30 feet;
- Along a curve to the left having a radius of 16.00 feet, an arc length of 10.77 feet, a delta angle of 38°33'33", and a chord bearing North 70°48'20" East, a distance of 10.57 feet;
- North 51°31'34" East, a distance of 16.92 feet;
- Along a curve to the right having a radius of 4.00 feet, an arc length of 2.69 feet, a delta angle of 38°33'33", and a chord bearing North 70°48'20" East, a distance of 2.64 feet;
- South 89°54'53" East, a distance of 24.63 feet;
- North 81°47'05" East, a distance of 114.92 feet;
- South 89°54'53" East, a distance of 95.81 feet;
- Along a curve to the left having a radius of 70.00 feet, an arc length of 110.38 feet, a delta angle of 90°21'00", and a chord bearing North 44°54'37" East, a distance of 99.30 feet;
- North 00°15'53" West, a distance of 145.93 feet to the True Point of Beginning.

Containing 2.28 acres (99,384 square feet), more or less.

All references are to The Office of the Clerk and Recorder, County of Adams, State of Colorado.

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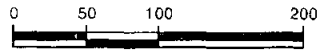
Revision	Date
0	06.14.21
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2	07.09.21
Compiled By: J. Payne	
Scaled for 8 1/2" x 14"	

FWS FORESIGHT WEST SURVEYING INC.
 1309 S. Inca Street
 Denver, Colorado 80223
 303.504.4440

EXHIBIT "B"

SHEET 2 of 2

SCALE: 1" = 100 U.S. SURVEY FEET

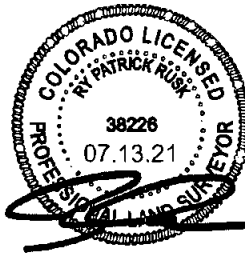


CURVE TABLE

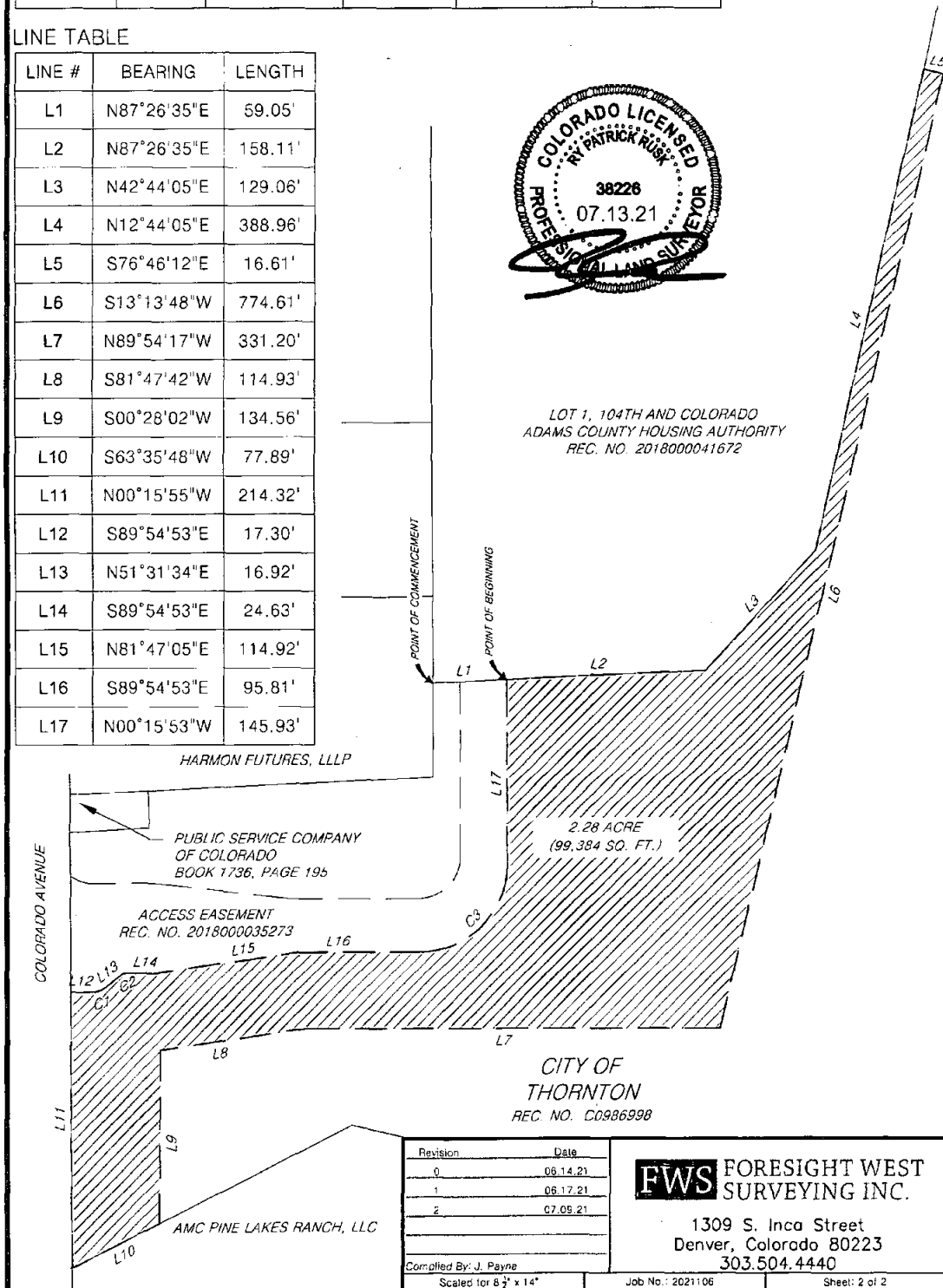
CURVE #	RADIUS	ARC LENGTH	DELTA	CH. BEARING	CH. LENGTH
C1	16.00'	10.77'	038°33'33"	N70°48'20"E	10.57'
C2	4.00'	2.69'	038°33'33"	N70°48'20"E	2.64'
C3	70.00'	110.38'	090°21'00"	N44°54'37"E	99.30'

LINE TABLE

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L1	N87°26'35"E	59.05'
L2	N87°26'35"E	158.11'
L3	N42°44'05"E	129.06'
L4	N12°44'05"E	388.96'
L5	S76°46'12"E	16.61'
L6	S13°13'48"W	774.61'
L7	N89°54'17"W	331.20'
L8	S81°47'42"W	114.93'
L9	S00°28'02"W	134.56'
L10	S63°35'48"W	77.89'
L11	N00°15'55"W	214.32'
L12	S89°54'53"E	17.30'
L13	N51°31'34"E	16.92'
L14	S89°54'53"E	24.63'
L15	N81°47'05"E	114.92'
L16	S89°54'53"E	95.81'
L17	N00°15'53"W	145.93'



LOT 1, 104TH AND COLORADO
ADAMS COUNTY HOUSING AUTHORITY
REC. NO. 2018000041672



Revision	Date
0	06.14.21
1	06.17.21
2	07.09.21

Controlled By: J. Payne
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