

If you would like to address City Council, please place your name on the sign-up sheet located at the back of the City Council Chambers. You will be recognized to speak during the "audience participation" portion of the agenda

AGENDA

City Council Regular Meeting
June 02, 2020 - 7:00 PM

An informational packet containing all agenda material is available for public inspection on our website at www.evanscolorado.gov. The agenda is posted on the bulletin board adjacent to the Council Chambers.

1. CALL TO ORDER

2. PLEDGE

3. ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

4. AUDIENCE PARTICIPATION

The City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address City Council. Depending on the number of speakers on any given topic, your comments may be limited to two (2) minutes. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the appropriate staff person for follow-up. Thank you!

5. APPROVAL OF AGENDA

6. CONSENT AGENDA

The consent agenda is reserved for matters which are considered to be routine and uncontroversial. Any item may be removed from the consent agenda and placed on the regular agenda at the request of the Mayor or a City Council member.

A. Approval of the May 19, 2020 City Council Meeting Minutes

7. NEW BUSINESS

- A. Consideration of Ordinance Number 715-20 Temporary Suspension of Evans Municipal Code Provisions to the Extent that Municipal Code Provisions Conflict with Liquor Enforcement Division Regulation 47-302
- B. Public Hearing: Consideration of Ordinance Number 718-20 and Resolution Number 16-2020 Regarding the Varra Right-of-Way Vacation
- C. Continuation of the Public Hearing on Ordinance Number 720-20 An Ordinance Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans.
- D. Consideration of Purchase Agreement for Right of Way, Permanent Easements and Temporary Construction Easements for 47th Avenue Widening

8. REPORTS

- A. City Manager
- B. City Attorney

9. AUDIENCE PARTICIPATION (general comments)

Please review the Audience Participation section listed at the beginning of the agenda for procedures on addressing City Council.

10. EXECUTIVE SESSION

- A. To Discuss Specialized Details of Security Arrangements, Pursuant to Section 24-6-402(4)(d) C.R.S.

11. ADJOURNMENT

CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.

CITY COUNCIL AGENDA REPORT

DATE: June 2, 2020

AGENDA ITEM: 6.A

SUBJECT: Approval of the May 19, 2020 City Council Meeting Minutes

PRESENTED BY: Karen Frawley, City Clerk

AGENDA ITEM DESCRIPTION:

Approval of minutes

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

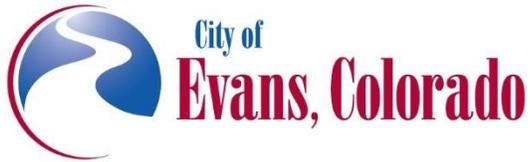
N/A

SUGGESTED MOTIONS:

“I move to approve the minutes as presented.”

ATTACHMENTS:

May 19, 2020 City Council Meeting Minutes



MINUTES

City Council Regular Meeting
May 19, 2020 - 7:00 PM

1. CALL TO ORDER

Mayor Rudy called the meeting to order at 7:03 p.m.

2. PLEDGE

3. ROLL CALL

Mayor: Brian Rudy
Mayor Pro-Tem: Mark Clark – participated remotely
Council: Laura Speer
Alicia Johnson
Fred Neal
Amanda Castle - absent
Tammy Mortenson

4. PROCLAMATION

A. National Police Week 2020
Mayor Rudy read the Proclamation aloud.

5. AUDIENCE PARTICIPATION

Jamie Henning, President of the Greeley Area Chamber of Commerce addressed the Council regarding the Greeley Area Recovery Fund.

6. APPROVAL OF AGENDA

Mayor Pro-Tem Clark made the motion, seconded by Council Member Mortenson to approve the agenda as presented. A roll call vote was performed, and the motion passed with all voting in favor thereof.

7. CONSENT AGENDA

The consent agenda is reserved for matters which are considered to be routine and uncontroversial. Any item may be removed from the consent agenda and placed on the regular agenda at the request of the Mayor or a City Council member.

- A. Approval of the May 5, 2020 City Council Meeting Minutes
- B. Consideration of Ordinance No. 713-20 to Implement Ballot Issue 2A Approving a 1% Increase in Sales and Use Tax (2nd Reading)
- C. Consideration of Ordinance Number 714-20 An Ordinance Amending Planning Commission and Zoning Board of Appeals Provisions in the City's Charter and Code to Reflect the Outcome of a Charter Amendment Election and to Authorize Appointment of Alternate Members to the Planning Commission (2nd Reading)

Council Member Johnson made the motion, seconded by Mayor Pro-Tem Clark to approve the consent agenda as presented. A roll call vote was performed, and the motion passed with all voting in favor thereof.

8. NEW BUSINESS

A. Approval of the 2019 Financial Audit

Mr. Becklenberg informed the Council that at the May 5th Work Session the Council received a comprehensive report from the City's auditors, ACM, LLP on the 2019 financial statements. During the work session, City Council heard the report and asked questions of the auditor about the conclusions of the audit. The purpose of this item is to consider formal adoption of the 2019 financial statements. Staff is requesting approval of the 2019 audit and financial statements.

Mayor Rudy stated that he wanted to thank staff for the work they have provided and that having a clean audit is fantastic.

Council Member Speer made the motion, seconded by Council Member Johnson to accept the 2019 audit report and financial statements. A roll call vote was made, and the motion passed with all others voting in favor thereof.

B. Consideration of Resolution No. 15-2020 Regarding Petition for Annexation filed by MountainTRAX, Intermodal LLC and Setting a Public Hearing Date

Mr. Becklenberg informed the Council that this is the first step in the annexation process and the property involved is a portion of the property that we refer to as the ARB property in the southern portion of Evans.

Drew Lyman, Assistant City Attorney presented on the annexation and the upcoming steps.

Council Member Speer stated that she understand that the question is if the applicant meets the criteria for a hearing, however she is going to vote no based on the fact that she is in the group of people who doesn't believe that Evans should be South of the river and why she will be voting no throughout this annexation process.

Hunter Hoshiko, Development Director for MountainTRAX addressed Council about the annexation, the company, and gave some clarification regarding the property.

Council Member Johnson made the motion, seconded by Mayor Pro-Tem Clark to approved Resolution Number 15-2020 as proposed. A roll call vote was performed. Council Member Speer voted no, and the motion passed with all others voting in favor thereof.

9. REPORTS

A. City Manager

Mr. Becklenberg informed the Council that staff has been working with local businesses by phone and social medial to encourage participation in the grant program for the Greeley Area Recovery Fund.

B. City Attorney

Mr. Scott Krob informed the Council that staff is still busy with development work.

10. AUDIENCE PARTICIPATION (general comments)

There was no audience participation

11. ADJOURNMENT

The meeting was adjourned at 7:31 p.m.

CITY OF EVANS – MISSION STATEMENT

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CITY COUNCIL AGENDA REPORT

DATE: June 2, 2020
AGENDA ITEM: 7.A
SUBJECT: Consideration of Ordinance Number 715-20 Temporary Suspension of Evans Municipal Code Provisions to the Extent that Municipal Code Provisions Conflict with Liquor Enforcement Division Regulation 47-302
PRESENTED BY: James L. Becklenberg, City Manager
Drew Lyman, Assistant City Attorney

AGENDA ITEM DESCRIPTION:

Pursuant to subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(D), C.R.S., the Colorado Liquor Enforcement Division (LED) recently issued a temporary emergency regulation 47-302 to allow liquor licensees to temporarily modify certain on-premise liquor licenses to expand the licensed premises to serve alcoholic beverages in public streets, parking lots, alleys, parks and public places, avenues and sidewalks, subject to state and local government approval. Regulation 47-302 is effective for 120 days unless extended.

The Evans Municipal Code includes Section 16.04.080 that prohibits service and consumption of alcohol on public streets, parking lots, alleys, parks and public places, avenues and sidewalks and therefore may conflict with the implementation of LED Regulation 47-302.

To provide assistance for small businesses in the City of Evans, staff recommends that the City temporarily suspend Evans Municipal Code Section 16.40.080 and other sections of the Code to the extent such provisions conflict with the approval of temporary modifications of premises in accordance with LED Regulation 47-302. To accelerate business reopening as soon as legally possible, Staff recommends enacting the ordinance on an emergency basis.

As of May 28, 2020, Staff has not yet received applications to amend liquor license premises pursuant to Regulation 47-302 but wants to be prepared to process applications as soon as practicable.

FINANCIAL SUMMARY:

It is not anticipated that the proposed ordinance, if adopted, will have any financial impact on the City.

RECOMMENDATION:

City Staff recommends adopting the ordinance as proposed.

SUGGESTED MOTIONS:

"I move to approve Ordinance No. 715-20."

“I move to deny Ordinance No. 715-20 for the following reasons: [state reasons].”

ATTACHMENTS:

- Proposed Ordinance 715-20

CITY OF EVANS, COLORADO

ORDINANCE NO. 715-20

AN EMERGENCY ORDINANCE TO TEMPORARILY SUSPEND EVANS MUNICIPAL CODE SECTION 16.40.080 AND OTHER CODE PROVISIONS TO THE EXTENT SUCH CODE PROVISIONS CONFLICT WITH THE IMPLEMENTATION OF LED REGULATION 47-302

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, on March 17, 2020, City Council ratified by resolution the state of disaster emergency declared by Mayor Brian Rudy and City Manager James Becklenberg due to COVID-19. The area of disaster includes all areas within the border of Evans, Colorado; and

WHEREAS, COVID-19 imposes challenges to the City that the City must be able to address on an emergency basis. Such challenges include helping small business in the City of Evans in a manner that furthers the health, safety, and welfare of the residents of the City and its visitors; and

WHEREAS, the Colorado Liquor Enforcement Division (LED) issued temporary emergency regulation 47-302 pursuant to subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(D), C.R.S.; and

WHEREAS, LED Regulation 47-302 allows the temporary modification of certain on-premise liquor licenses to allow expansion of the licensed premises to include, among other areas, public streets, parking lots, alleys, parks and public places, avenues and sidewalks, subject to state and local government approval; and

WHEREAS, certain provisions of the Evans Municipal, including but not limited to Code Section 16.04.080, prohibit service and consumption of alcohol on public streets, parking lots, alleys, parks and public places, avenues and sidewalks and therefore may conflict with the implementation of LED Regulation 47-302; and

WHEREAS, to provide assistance for small businesses in the City of Evans, City Council has decided to temporarily suspend Evans Municipal Code Section 16.40.080 and other sections of the Code to the extent such provisions conflict with the approval of temporary modifications of premises in accordance with LED Regulation 47-302.

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

1. Evans Municipal Code Section 16.04.080 and any other provision of the Evans Municipal Code that interferes with the City's approval of applications for temporary expansion of licensed premises filed in accordance with LED Regulation 47-302, are hereby suspended for a period of one hundred and twenty (120) days, unless extended by City Council,, to the extent any provision of Section 16.04.080, or any other provision of the Evans Municipal Code, directly conflicts with the City's approval of such temporary expansion of premises applications.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.
4. Publication and Effective Date. This Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare of the citizens of the City of Evans for the reasons described above, and therefore, shall become effective immediately as an emergency ordinance upon adoption by the City Council.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS ____ DAY OF _____, 2020.

ATTEST:

CITY OF EVANS, COLORADO

Karen Frawley, City Clerk

BY: _____
Brian Rudy, Mayor

CITY COUNCIL AGENDA REPORT

DATE: June 2, 2020

AGENDA ITEM: 7.B

SUBJECT: Public Hearing: Consideration of Ordinance Number 718-20 and Resolution Number 16-2020 Regarding the Varra Right-of-Way Vacation

NAME & TITLE: James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Anne Best-Johnson, Community Development Director
Lauren Richardson, City Planner

ISSUE DESCRIPTION:

Varra Companies, Inc. is the property owner of several parcels south of 49th Street in Evans. One of the parcels contains thirty feet of right-of-way that was recorded on October 14, 1889 and this right-of-way was never developed. The overall parcel affected by this right-of-way is outlined in red on the aerial image provided in Attachment 4b and the graphic provided by the applicant in Attachment 4c. The image below illustrates the parcel (outlined in purple) and the location of the right-of-way being requested for vacation. The desired end use of this property is for gravel



mining. As is illustrated below, the proposed right-of-way vacation does not impact improved roads.

The mine planning process necessitates vacation of this unimproved right-of-way so that gravel mining can occur through the right-of-way. Crossing the Platte River by a City road at this location is not envisioned and therefore, the right-of-way vacation is not a concern to the City of Evans. Because of this property's proximity to the river and the fact that the narrow ROW dead-ends on the subject property, staff does not ever foresee a time when the ROW would actually be needed for public road use.

For reference this Section 18.07.120.E of the Evans Municipal Code identifies the process and procedures, that an applicant must follow in seeking approval of a Minor Replat to vacate right-of-way.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

Staff has reviewed applicable Municipal Code sections, and found the applicant's request to meet the requirements, procedures, and criteria for approval. Staff is recommending City Council to approve Resolution 16-2020 and Ordinance 718-20 along with the recommended conditions of approval and development standards.

SUGGESTED MOTIONS:

"I move to approve Resolution No. 16-2020 as proposed with the conditions of approval and development standards."

"I move to deny Resolution No. 16-2020 as proposed for the reasons stated."

"I move to approve Ordinance No. 718-20 as proposed with the conditions of approval and development standards."

"I move to deny Ordinance No. 718-20 as proposed for the reasons stated."

ATTACHMENTS:

- Attachment 1: Resolution No. 16-2020
- Attachment 2: Ordinance No. 718-20
- Attachment 3: Staff Comments
- Attachment 4: Application Materials & Referral Agency Responses

CITY OF EVANS, COLORADO

ORDINANCE NO. 718-20

**AN ORDINANCE APPROVING A MINOR REPLAT TO ALLOW FOR VACATION
OF RIGHT-OF-WAY FOR PROPERTY GENERALLY REFERRED TO AS 14822
WELD COUNTY ROAD 396**

WHEREAS, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

WHEREAS, Varra Companies, Inc., is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached ("the Property"); and

WHEREAS, the Applicant has filed an application with the City asking, in part, to vacate the 30-foot wide road right-of-way as described in document recorded October 14, 1889 in Book 86 at Page 273 as Reception No. 34283 in the Records of the Clerk and Recorder for Weld County; and

WHEREAS, the Applicant will incorporate this vacated right-of-way into their property, more specifically described on Exhibit A, attached ("the Property"); and

WHEREAS, staff has reviewed the Application and deemed it to be complete; and

WHEREAS, staff has reviewed the Application and deemed it to satisfy all requirements for a Minor Replat under the Evans City Code, including but not limited to Section 18.07.120.D; and

WHEREAS, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed concerns raised by the referral agencies; and

WHEREAS, the posting and notification requirements found in Section 18.10.10 have been followed; and

WHEREAS, the prerequisites for approving a Vacation of an easement or right-of-way to be considered by City Council in determining whether to approve an application to vacate a right-of-way are set forth in Section 18.07.120.E.1.A; and

WHEREAS, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the City Council considered the criteria set forth above and made motion on the application set forth above and made motion subject to the conditions set forth below.

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

1. The Right-of-Way more specifically described on Exhibit A has been vacated.
2. The Council's approval is subject to the following conditions, all of which shall be satisfied prior to recording the Replat.
 - a. The applicant shall provide the City with information confirming the City is the only easement or Right-of-Way holder to be impacted. If other entities are impacted by this review, the applicant shall provide evidence all parties have been notified.

- b. A replat shall be prepared in accordance with Section 18.07.120.F.1 as well as 18.07.090.E.4 and be supplied to the City Planner for review.
- c. The following notes shall be placed on the plat:
 - i. Approval of this plan may create a vested property right for Phase 1 pursuant to Article 68 of Title 24 C.R.S., as amended.
 - ii. Certification blocks including those for Surveyor, Property Owner, Owners of the Right-of-Way to be vacated, Mayor with City Clerk's attesting, and Community Development Director.

1. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
2. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance

PASSED AND ADOPTED ON FIRST READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS _____ DAY OF JUNE, 2020.

ATTEST:

CITY OF EVANS, COLORADO

Karen Frawley, City Clerk

Brian Rudy, Mayor

PASSED AND ADOPTED ON SECOND READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS _____ DAY OF JUNE, 2020.

ATTEST:

CITY OF EVANS, COLORADO

Karen Frawley, City Clerk

Brian Rudy, Mayor

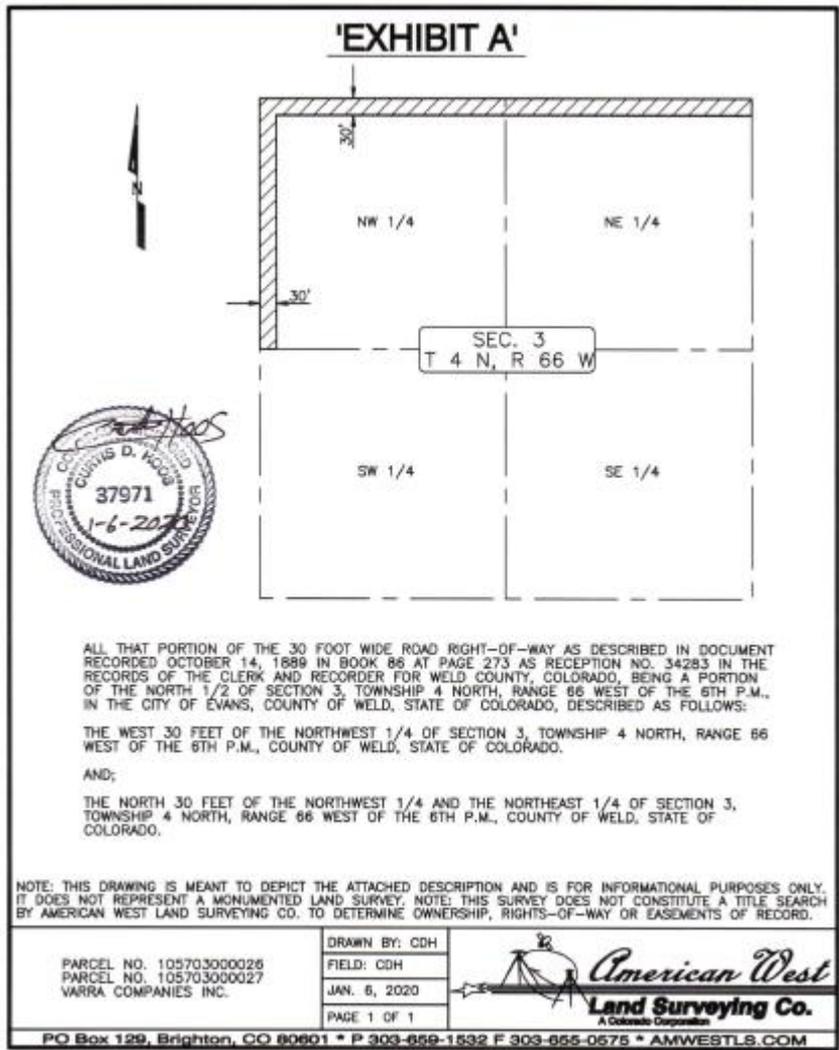
LEGAL DESCRIPTION
Legal Description of Right-of-Way to be Vacated

All that portion of the 30 foot wide road right-of-way as described in document recorded October 14, 1889 in book 86 at page 273 as Reception No. 34283 in the Records of the Clerk and Recorder for Weld County, Colorado, being a portion of the North 1/2 of Section 3, Township 4 North, Range 66 West of the 6th p.m., in the City of Evans, County of Weld, State of Colorado, described as follows:

The West 30 feet of the Northwest 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.

and;

The North 30 feet of the Northwest 1/4 and the Northeast 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.



CITY OF EVANS, COLORADO

RESOLUTION NO. 16-2020

A RESOLUTION APPROVING A MINOR REPLAT TO ALLOW FOR VACATION OF RIGHT-OF-WAY FOR PROPERTY GENERALLY REFERRED TO AS 14822 WELD COUNTY ROAD 396

WHEREAS, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

WHEREAS, Varra Companies, Inc., is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached ("the Property"); and

WHEREAS, the Applicant has filed an application with the City asking, in part, to vacate the 30-foot wide road right-of-way as described in document recorded October 14, 1889 in Book 86 at Page 273 as Reception No. 34283 in the Records of the Clerk and Recorder for Weld County; and

WHEREAS, the Applicant will incorporate this vacated right-of-way into their property, more specifically described on Exhibit A, attached ("the Property"); and

WHEREAS, staff has reviewed the Application and deemed it to be complete; and

WHEREAS, staff has reviewed the Application and deemed it to satisfy all requirements for a Minor Replat under the Evans City Code, including but not limited to Section 18.07.120.D; and

WHEREAS, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed concerns raised by the referral agencies; and

WHEREAS, the posting and notification requirements found in Section 18.10.10 have been followed; and

WHEREAS, the prerequisites for approving a Vacation of an easement or right-of-way to be considered by City Council in determining whether to approve an application to vacate a right-of-way are set forth in Section 18.07.120.E.1.A; and

WHEREAS, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the City Council considered the criteria set forth above and made motion on the application set forth above and made motion subject to the conditions set forth below.

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

1. The Right-of-Way more specifically described on Exhibit A has been vacated.
2. The Council's approval is subject to the following conditions, all of which shall be satisfied prior to recording the Replat.
 - a. The applicant shall provide the City with information confirming the City is the only easement or Right-of-Way holder to be impacted. If other entities are

impacted by this review, the applicant shall provide evidence all parties have been notified.

- b. A replat shall be prepared in accordance with Section 18.07.120.F.1 as well as 18.07.090.E.4 and be supplied to the City Planner for review.
- c. The following notes shall be placed on the plat:
 - i. Approval of this plan may create a vested property right for Phase 1 pursuant to Article 68 of Title 24 C.R.S., as amended.
 - ii. Certification blocks including those for Surveyor, Property Owner, Owners of the Right-of-Way to be vacated, Mayor with City Clerk's attesting, and Community Development Director.

- 1. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
- 2. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS _____ DAY OF JUNE, 2020.

ATTEST:

CITY OF EVANS, COLORADO

Karen Frawley, City Clerk

Brian Rudy, Mayor

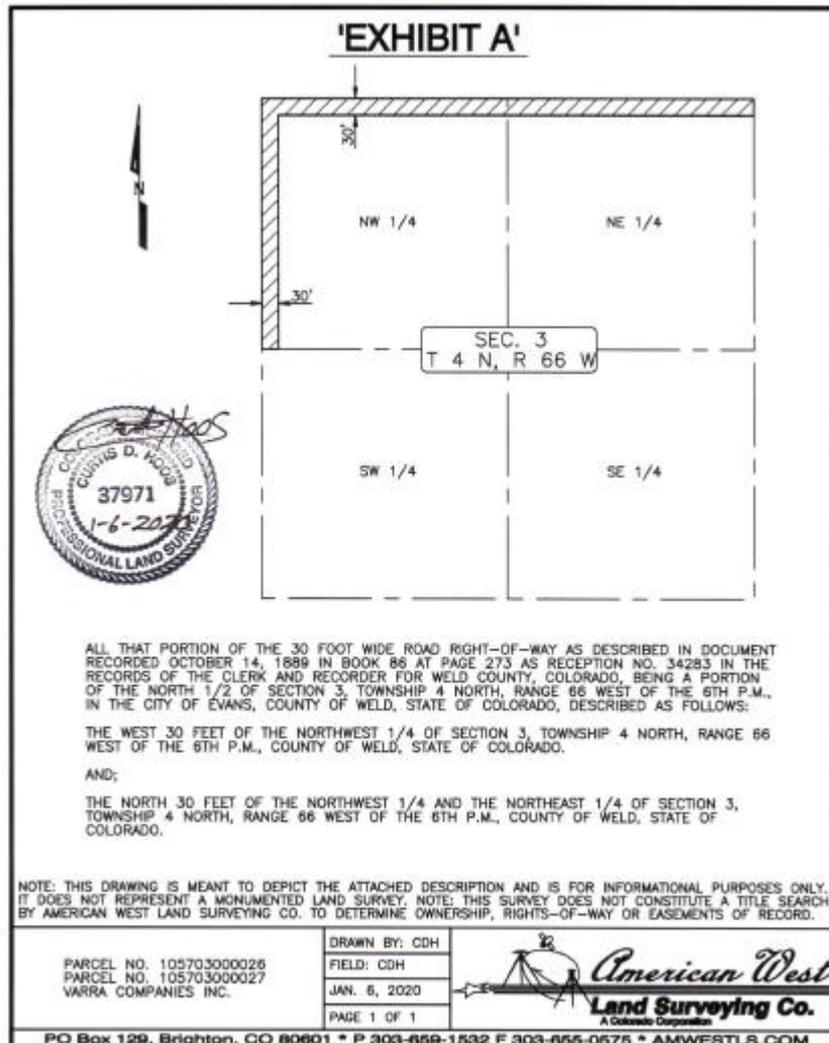
LEGAL DESCRIPTION
Legal Description of Right-of-Way to be Vacated

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The West 30 feet of the Northwest 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.

and;

The North 30 feet of the Northwest 1/4 and the Northeast 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.





**STAFF COMMENTS FOR CITY COUNCIL CONSIDERATION
RIGHT-OF-WAY VACATION
RECOMMEND APPROVAL
May 21, 2020**

ITEM: Two Rivers Sand, Gravel, and Reservoir Project

PREPARED BY: Lauren Richardson, City Planner

ACTION: Review for City Council Decision on Right-of-Way Vacation

SITE INFORMATION		
Location	14822 WCR 396	
Parcel Number	105704000025 impacted by ROW vacation is 83.5744	
Property Owner	Varra Companies, Inc.	
Applicant	Varra Companies, Inc.	
Property Acreage	83.5744 acres	
Existing Land Use	Agricultural	
Proposed Land Use	Sand and Gravel Mining Site	
Surrounding Uses:	North	Agricultural
	South	Agricultural
	East	Agricultural
	West	Agricultural
Zoning	PUD	
Surrounding Zoning	North	PUD
	South	PUD
	East	PUD
	West	PUD
Comprehensive Plan Future Use Designation	The 2014 Future Land Use Map designates the site as being River Habitat which is consistent with the request.	
Overlay Districts	Flood zone A	

VICINITY MAP

The property is outlined in red on the image below obtained from Weld County GIS on April 21, 2020.



18.07.120 - Plat Modifications, Minor Replats and Lot Line Adjustments.

- A. Intent. The intent of this Section is to provide a process for reviewing a change to a recorded plat that ensures that the change is consistent with the zone district requirements, including, but not limited to, the following:
1. Corrections to a recorded plat;
 2. Adjustment or vacation of a lot line, vacation of a plat without rights-of-way or easements;
 3. Vacation of right-of-way, easement or portion thereof; or
 4. Replats of previously platted lots not involving the creation of more than five (5) lots.

Response: This application is proposing the vacation of right-of-way that is platted, but not developed. This right-of-way was initially dedicated to Weld County through the 1889 patent. The right-of-way transferred to the City upon annexation per CRS 43-2-303(a) which states, "The city council or other similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado." Once the Right-of-Way was annexed, regardless of how it was created, Weld County takes the position that it has no authority to vacate it per a conversation with Weld County Attorney Bob Choate.

- E. Vacation of an easement or right-of-way.
1. A vacation of a platted easement or right-of-way shall be processed in accordance with the final plat process. In addition:
 - a. For a vacation of a public right-of-way that is NOT constructed, the vacation request shall be heard by the City Council.
 - c. For a vacation of a platted easement, the applicant shall send a notice of hearing to known easement holders notifying them of the proposed vacation by certified mail, return receipt requested.

Response: This application is a vacation of a Right-of-Way that has not been constructed. This application is being presented to the City Council for consideration.

PROJECT DESCRIPTION

The applicant has requested the vacation of a Right-of-Way. . The current Right-of-Way is not useable by the City, is not intended to be used by the City, and inhibits the intended use of the property for a Sand and Gravel Mining operation.

The applicant provided materials for a Vacation of Easement or Right-of-Way application. Staff has reviewed the application materials and found these to be in compliance with the review criteria for a Vacation of an unplatted Right-of-Way as found in Section 18.07.120.E.1.A of the Municipal Code.

Details of the proposal under review include the following:

The following describes the site in relationship to existing plans in place.

- A. Highway 85 Plan:** Not applicable
 - B. 2010 Comprehensive Plan:** The existing Zone District of PUD, is consistent with the land use designation in the 2010 Comprehensive Plan, Future Land Use Map.
 - C. Freedom Parkway Master Plan.** Not applicable
-

18.07.120.E.1 REVIEW CRITERIA FOR A VACATION OF RIGHT-OF-WAY

E. Vacation of an easement or right-of-way.

1. A vacation of a platted easement or right-of-way shall be processed in accordance with the final plat process. In addition:

- a. For a vacation of a public right-of-way that is NOT constructed, the vacation request shall be heard by the City Council.

RESPONSE: Publication was made on 05/10/20 in the Greeley Tribune. A sign was posted on the property on 05/13/20 in accordance with section 18.10.010. The replat process requires an Ordinance and the Final Plat process requires a Resolution. Until the Code can be clarified, both an Ordinance and a Resolution have been published and presented for consideration.

c. For a vacation of a platted easement, the applicant shall send a notice of hearing to known easement holders notifying them of the proposed vacation by certified mail, return receipt requested. Per Colorado revised Statue, the Row transferred to the City. This application is notice to the vacation.

RESPONSE: Publication and sign posting has occurred in accordance with Municipal Code Section 18.10.010. Additionally, a Condition of Approval will satisfy this condition.

Conditions of Approval for Vacation of Right-of-Way

The applicant shall provide responses to the following Conditions of Approval in writing with reference provided to amended documents and plans to be attached. One comprehensive resubmittal will be accepted and reviewed for completeness by the City. The following comments are not inclusive and may be augmented with subsequent reviews of the resubmittal materials.

1. Prior to recording the plat:
 - a. The applicant shall provide the City with information confirming the City is the only easement or Right-of-Way holder to be impacted. If other entities are impacted by this review, the applicant shall provide evidence all parties have been notified.
 - b. A replat shall be prepared in accordance with Section 18.07.120.F.1 as well as 18.07.090.E.4 and be supplied to the City Planner for review.
 - c. The following notes shall be placed on the plat:
 - i. Approval of this plan may create a vested property right for Phase 1 pursuant to Article 68 of Title 24 C.R.S., as amended.
 - ii. Certification block including those for Surveyor, Property Owner, Owners of the Right-of-Way to be vacated, Mayor with City Clerks attesting, and Community Development Director.
2. Upon completion of the Conditions of Approval listed above, the applicant shall submit an electronic copy of the plat to the City of Evans Planning Department for review within thirty (30) days of the City Council's action. Upon approval of the plat, the applicant shall submit an electronic copy of the executed plat to the City Planning Department for recording with the Weld County Clerk and Recorder.



SAMPLE MOTIONS

“I move to approve Resolution No. 16-2020 and Ordinance No. 718-20 as proposed in staff comments with the Conditions of Approval and Development Standards.”

“I move to deny Resolution No. 16-2020 and Ordinance No. 718-20 as proposed for the following reasons: _____.”



8120 Gage Street • Frederick, CO 80516
Bus.: (303) 666-6657 • Fax: (303) 666-6743

April 1, 2020

Ms. Anne Best Johnson, AICP, MBA
Community Development Director
City of Evans Planning/Zoning
1100 37th Street
Evans, Colorado 80620

RE: Two Rivers Ranch Project

Dear Ms. Best Johnson,

The following narrative is intended to address our reason for requesting a Right of Way vacation. Per our previous conversations and meetings, we have made it known that our intended use of our property located at 14822 WCR 396, is to operate a sand and gravel mining site. In order to make the best use and maximize the value of the site, it is best to have as few encumbrances on the site as possible. Presently, there are what seem to be "relic" ROW sections located within the site. These ROW sections currently do not contain a roadway, nor do they connect to any other sections of ROW to form a continuous and useable ROW. Rather, they dead-end within the property.

In the interest of maximizing our ability to extract material from the site, we would like to have these ROW sections vacated. As they are currently shown, we would be required to leave them in place and further create offsets within the middle of our site. Ultimately, these sections would be within the center of our planned mining pits, requiring us to leave a substantial portion of material unrecoverable. This in turn, as you can imagine, reduces the maximum economic benefit from the site.

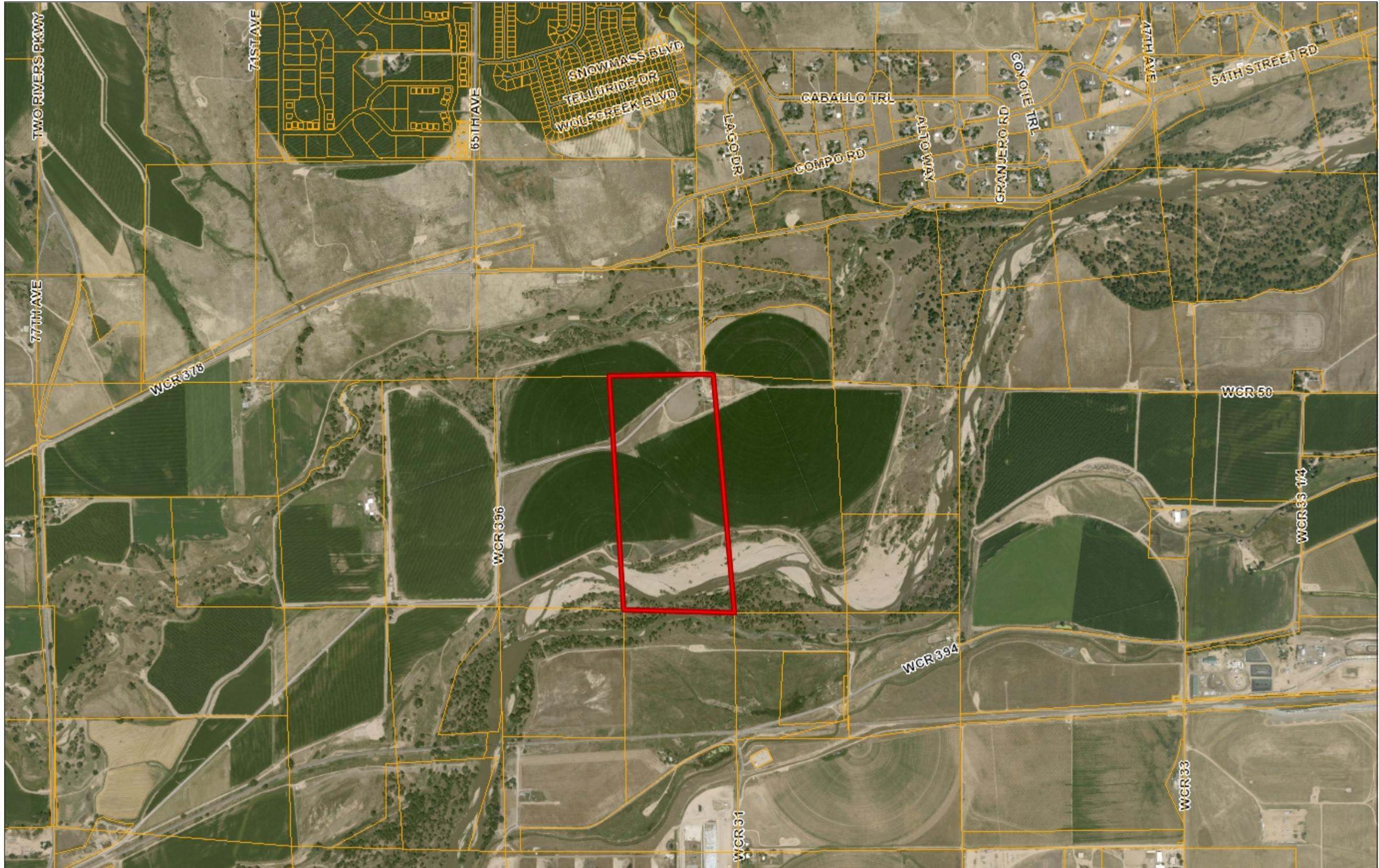
Because there is not a current plat for the site, and we therefore cannot submit an amended plat, please find enclosed with this narrative a copy of the existing ALTA survey showing the current "relic" ROW sections. Additionally, we have submitted a surveyor stamped "Exhibit A" showing the metes and bounds description of the sections we are requesting to be vacated.

Should you have any questions or would like any further clarifications, please feel free to contact us at 303-666-6657.

Respectfully,

A handwritten signature in blue ink, appearing to read "Garrett Varra".

Garrett Varra
Vice President of Operations



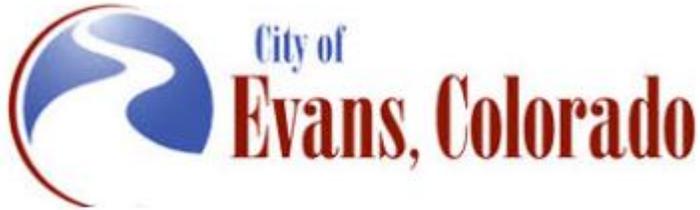
- Legend
- Parcels
 - Highway
 - Road
 - Road
 - Highway
 - County Boundary

1: 13,730



2,288.3 0 1,144.15 2,288.3 Feet

Notes



City of Evans Land Use Application Referral Request

April 6, 2020

The City of Evans Department of Planning has received the following item for:

Project Title: Two Rivers Sand, Gravel, and Reservoir Project **Case Number:** #20-SP-04

Applicant: Varra Companies, Inc.

Planner: Lauren Richardson

Please Reply By: Monday, April 27, 2020

Project: ROW Vacation with future intended land use being sand and gravel mining. Currently zoned PUD.

Location: 14822 WCR 396 SE corner of 54th Street and 65th Avenue

Parcel Number: 095933000007 **Legal:** City of Evans, EVS S2SE4 33 5 66
(RUMSEY-WERNING-CAMENISCH ANNEX 13) (1R)

The application is submitted to you for review and recommendation. Any comments or recommendation you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a positive response to the City Department of Planning Services and Community Development. If you have any further questions regarding the application, please call the Planner associated with the request. **Please note that new information may be added to applications under review during the review process. If you desire to examine or obtain this additional information, please contact the Planner.**

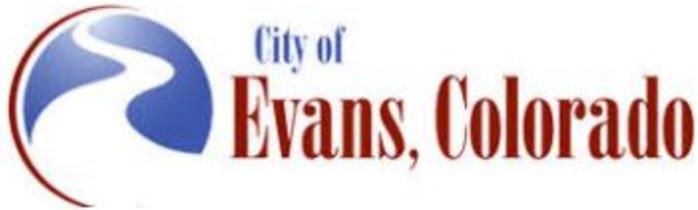
We have reviewed the request and find that it does / does not comply with our Comprehensive / Master Plan for reasons included in the attached letter. _____

We have reviewed the request and find no conflicts with our interests.

Signature Robby Porsch

Date 04/08/2020

Agency Evans Wastewater



City of Evans Land Use Application Referral Request

April 6, 2020

The City of Evans Department of Planning has received the following item for:

Project Title: Two Rivers Sand, Gravel, and Reservoir Project **Case Number:** #20-SP-04

Applicant: Varra Companies, Inc.

Planner: Lauren Richardson

Please Reply By: Monday, April 27, 2020

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(RUMSEY-WERNING-CAMENISCH ANNEX 13) (1R)

The application is submitted to you for review and recommendation. Any comments or recommendation you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a positive response to the City Department of Planning Services and Community Development. If you have any further questions regarding the application, please call the Planner associated with the request. **Please note that new information may be added to applications under review during the review process. If you desire to examine or obtain this additional information, please contact the Planner.**

We have reviewed the request and find that it does / does not comply with our Comprehensive / Master Plan for reasons included in the attached letter. _____

The fire code has no authority in this matter.

Signature

A handwritten signature in black ink, appearing to read "Ron Rieck".

Date April 15, 2020

Agency Evans Fire District

CITY COUNCIL AGENDA REPORT

DATE: June 2, 2020

AGENDA ITEM: 7.C

SUBJECT: Continuation of the Public Hearing on Ordinance Number 720-20 An Ordinance Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans.

PRESENTED BY: James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Anne Best Johnson, Community Development Director
Lauren Richardson, City Planner

AGENDA ITEM DESCRIPTION:

The current Municipal Code does not provide a method to approve Food Trucks anywhere within the City of Evans. City Council discussed whether food trucks are desired in Evans and whether there should be a clear permitting process for them during the work session on May 19, 2020.

A collaborative team from the Finance, City Clerk, and Planning Departments has determined which portions of the Municipal Code would need to be amended. Amendments to Chapters 3, 5, and 18 would be needed to legalize food trucks in the City of Evans.

During the recent City Council work session, Council directed staff to proceed with Municipal Code changes to Chapter 3, 5, and 18 to allow Food Trucks in the City of Evans. With this direction, the Code changes are being prepared for presentation. However, staff needs more time to research and prepare a recommendation on the length of time that a food truck should be allowed at any specific location and other details of the ordinance.

The public hearing on this item needs to be continued to June 16 in order for staff to have time to complete the necessary research and recommendation.

RECOMMENDATION:

Staff recommends that the public hearing on Ordinance Number 720-20 to consider Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans be continued to the June 16, 2020 City Council meeting.

SUGGESTED MOTIONS:

“I move to continue the public hearing on Ordinance 720-20 to consider Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans.”

“I move to deny the continuance of the public hearing on Ordinance 720-20.”

CITY COUNCIL AGENDA REPORT

DATE: June 2, 2020
AGENDA ITEM: 7.D
SUBJECT: Consideration of Purchase Agreement for Right of Way, Permanent Easements and Temporary Construction Easements for 47th Avenue Widening
PRESENTED BY: James L. Becklenberg, City Manager
Randy Ready, Assistant City Manager
Mark Oberschmidt, P.E., City Engineer

AGENDA ITEM DESCRIPTION:

The 2020 Capital Improvement Program (CIP) includes the utility relocation portion of the 47th Avenue widening project. In the spring of 2019, the City contracted with RockSol to design the road widening project for 47th Avenue from the City limits on the north to 37th Street on the south. This project will widen the road to 4-lane arterial width requiring 110 feet of public Right of Way (ROW) for the length of the project.

Recent development projects (Tuscany, Wildhorse & Extraction) have dedicated additional ROW for the arterial road section to be constructed through the land use process. There are four (4) Weld County properties fronting along this stretch of 47th Avenue where the required ROW is insufficient to construct the road. For this reason, the City has approached these property owners to purchase the property to create the necessary 110-foot width.

In addition to the purchase of ROW, a Permanent Easement (PE) was required on 3 of the parcels (3220, 3230, & 3240 47th Avenue) located along the east side of 47th Avenue to accommodate required utility relocation outside of the proposed ROW. Temporary Construction Easements (TCE) were also required on all 4 parcels to accommodate construction work, i.e., grading and soil stabilization for the duration of the project. No permanent public structures are planned within the temporary construction easements. Staff expects the duration of the project to be a between 12-18 months and therefore established the duration of the temporary construction easements to be up to 24 months from the commencement of construction to allow some flexibility in the project schedule, if needed.

The City of Evans will own the property acquired to become Right of Way. The Permanent Easements allow the City and utility providers access to maintain their respective utilities within the easement. The Temporary Construction Easements are only for use until end of the agreement period at which time all work should be completed. Refer to the attachments for legal descriptions of the property to be acquired.

These parcels, their owners and final appraised value are listed below.

• 3220 47 th Avenue	Marcos Sanchez	\$ 41,150**
• 3230 47 th Avenue	Country RV Storage	\$ 64,150
• 3240 47 th Avenue	Carl Speaker	\$ 64,150
• <u>3345 47th Avenue</u>	<u>Bonnie Carwin</u>	<u>\$123,800</u>
• Total		\$293,350

Property Value: In January 2020, staff requested proposals for appraisal services, ultimately selecting Foster Valuation Company, LLC to complete the appraisal work for the respective parcels. The results of the Foster Valuation appraisals are provided below.

• 3220 47 th Avenue	Marcos Sanchez	\$ 32,700**
• 3230 47 th Avenue	Country RV Storage	\$ 64,150
• 3240 47 th Avenue	Carl Speaker	\$ 64,150
• 3345 47 th Avenue	Bonnie Carwin	\$123,800

Staff worked with Western States Land Services and Foster Valuation to review the appraisals and agree upon the estimated values. At that point, Western States sent offer letters and draft purchase agreements to the respective property owners and three of the property owners have agreed to the original appraisal amount and offer.

** Per State statute, property owners are allowed to get their own appraisal if they disagree with the City appraisal, and the City is obligated to pay for that second appraisal. Mr. Sanchez (3220 47th Avenue) had his own appraisal done that came in at \$41,150 for a difference of \$8,450. Mr. Sanchez is insistent on that higher value. Staff is recommending approval of the second appraisal amount in the interest of keeping the project moving forward to construction promptly, since further negotiation or the prospective use of the eminent domain process will take additional time.

As part of the agreement, the City will also be paying the closing costs as summarized below

• Address	Owner	Closing Costs
• 3220 47 th Avenue	Marcos Sanchez	\$ 1,107.50
• 3230 47 th Avenue	Country RV Storage	\$ 1,107.50
• 3240 47 th Avenue	Carl Speaker	\$ 1,107.50
• <u>3345 47th Avenue</u>	<u>Bonnie Carwin</u>	<u>\$ 1,071.50</u>
• Total		\$ 4,394.00

FINANCIAL SUMMARY:

The cost of purchasing the ROW and Permanent Easements and renting the Temporary Construction Easements as applicable for all four parcels is \$293,350 plus the closing costs of \$4,394 for a total ROW acquisition cost of \$297,744. Staff recommends funding the project with funds budgeted this year for the 47th Avenue Widening project. The total project budget is \$4.4 million, and the engineer's current estimate of cost including these ROW/PE/TCE purchases. is within the budgeted amount.

RECOMMENDATION:

Staff recommends the purchase of the property described in this staff report for the prices and conditions herein. Separate motions are recommended for each purchase.

SUGGESTED MOTIONS:

I move to approve the purchase agreement with the Marcos Sanchez for property described herein in the amount of \$41,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction.

I move to deny the purchase of the property owned by the Marcos Sanchez.

I move to approve the purchase agreement with the Country RV Storage for property described herein in the amount of \$64,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction.

I move to deny the purchase of the property owned by the Country RV Storage.

I move to approve the purchase agreement with the Carl Speaker for property described herein in the amount of \$64,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction.

I move to deny the purchase of the property owned by the Carl Speaker

I move to approve the purchase agreement with the Bonnie Carwin for property described herein in the amount of \$123,800 plus closing costs and authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction.

I move to deny the purchase of the property owned by the Bonnie Carwin.

ATTACHMENTS:

- Attachment A Sanchez Exhibits
- Attachment B Country RV Exhibits
- Attachment C Speaker Exhibits
- Attachment D Carwin Exhibits
- Attachment E ROW Property Owners Map

EXHIBIT A
(1 OF 4)
PROPERTY DESCRIPTION

ROW

A parcel of land, being part of that parcel of land described in that Special Warranty Deed recorded December 13, 2007 as Reception No. 3523493 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 30.01 feet to the East Right-of-way line of 47th Avenue, established by that Road Viewers' Report recorded October 28, 1896 in Book 48 at Page 380 of the records of the Weld County Clerk and Recorder, said East Right-of-way line being Thirty (30) feet, as measured at a right angle, East of and parallel with the West line of the Southwest Quarter (SW1/4) of said Section 23, said point being the **POINT OF BEGINNING**;

THENCE South 00°24'39" East along said East Right-of-way line a distance of 156.03 feet to the Southwest corner of that parcel of land described in said Special Warranty Deed;

THENCE South 89°43'29" East along the South line of that parcel of land described in said Special Warranty Deed a distance of 30.82 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE North 00°42'38" West along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 157.06 feet to the North line of the Southwest Quarter (SW1/4) of said Section 23;

THENCE South 88°18'57" West along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 30.01 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 4,760 sq. ft. or 0.109 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

PE

A parcel of land, being part of that parcel of land described in that Special Warranty Deed recorded December 13, 2007 as Reception No. 3523493 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:



**EXHIBIT A
(2 OF 4)
PROPERTY DESCRIPTION**

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 60.02 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder, said point being the **POINT OF BEGINNING**;

THENCE South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 157.06 feet to the South line of that parcel of land described in said Special Warranty Deed;

THENCE South 89°43'29" East along the South line of that parcel of land described in said Special Warranty Deed a distance of 10.00 feet to a point being Ten (10) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;

THENCE North 00°42'38" West along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 157.41 feet to the North line of the Southwest Quarter (SW1/4) of said Section 23;

THENCE South 88°18'57" West along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 1,572 sq. ft. or 0.036 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

TCE

A parcel of land, being part of that parcel of land described in that Special Warranty Deed recorded December 13, 2007 as Reception No. 3523493 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 30.01 feet to the East Right-of-way line of 47th Avenue, established by that Road Viewers' Report recorded October 28, 1896 in Book 48 at Page 380 of the records of the Weld County Clerk and Recorder, said East Right-of-way line being Thirty (30) feet, as measured at a right angle, East of and parallel with the West line of the Southwest Quarter (SW1/4) of said Section 23;

THENCE South 00°24'39" East along said East Right-of-way line a distance of 156.03 feet to the Southwest corner of that parcel of land described in said Special Warranty Deed;

THENCE South 89°43'29" East along the South line of that parcel of land described in said Special Warranty Deed a distance of 30.82 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE continuing South 89°43'29" East along the South line of that parcel of land described in said Special Warranty Deed a distance of 10.00 feet to a point being Ten (10) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;

THENCE North 00°42'38" West along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 4.38 feet to the **POINT OF BEGINNING**;



EXHIBIT A
(3 OF 4)
PROPERTY DESCRIPTION

THENCE continuing North 00°42'38" West along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 31.00 feet,

THENCE North 89°17'22" East a distance of 7.00 feet to a point being Seventeen (17) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;

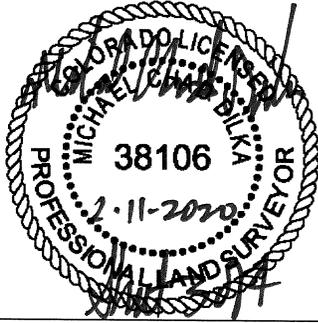
THENCE South 00°42'38" East along a line being Seventeen (17) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 31.00 feet;

THENCE South 89°17'22" West a distance of 7.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 217 sq. ft. or 0.005 acre, more or less (\pm), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYORS STATEMENT

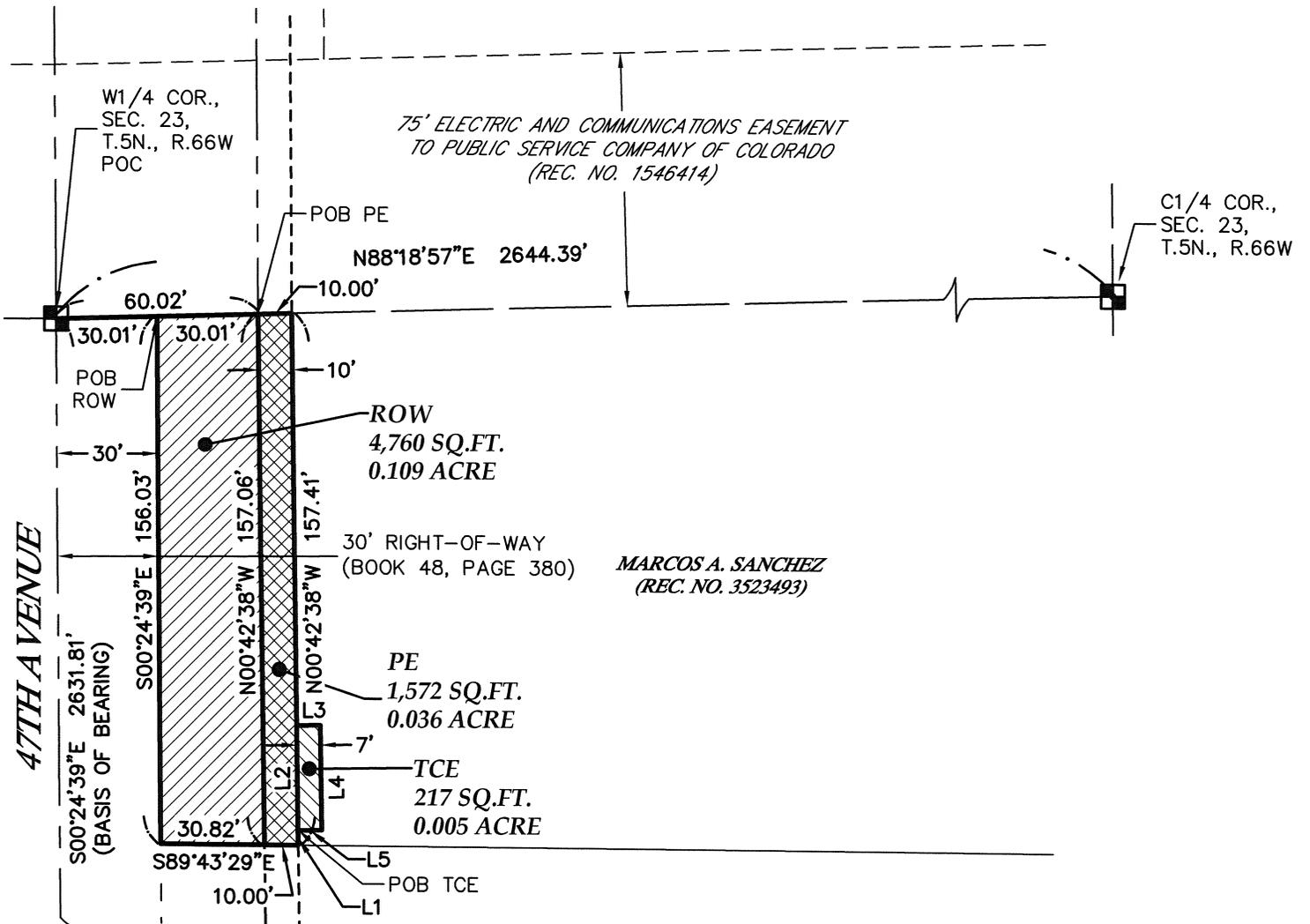
I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.



Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

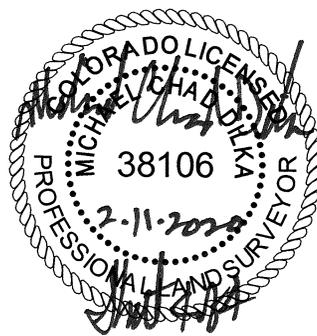
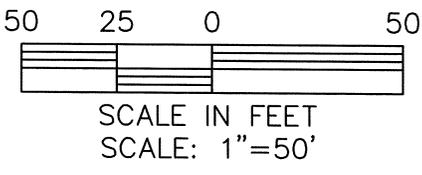
KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 20190090



LINE TABLE

LINE	BEARING	LENGTH
L1	N00°42'38"W	4.38'
L2	N00°42'38"W	31.00'
L3	N89°17'22"E	7.00'
L4	S00°42'38"E	31.00'
L5	S89°17'22"W	7.00'



Michael Chad Dilka – On Behalf Of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

NOTE: This exhibit drawing is not intended to be a monumented land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)



KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
email: contact@KingSurveyors.com

PROJECT NO: 20190090
DATE: 2/11/2020
CLIENT: ROCKSOL
DWG: ROW+PE+TE-SANCHEZ-R1
DRAWN: SMF CHECKED: MCD

**EXHIBIT A
(1 OF 5)
PROPERTY DESCRIPTION**

ROW

A parcel of land, being part of that parcel of land described in that Warranty Deed recorded May 15, 2013 as Reception No. 3932462 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 30.01 feet to the East Right-of-way line of 47th Avenue, established by that Road Viewers' Report recorded October 28, 1896 in Book 48 at Page 380 of the records of the Weld County Clerk and Recorder, said East Right-of-way line being Thirty (30) feet, as measured at a right angle, East of and parallel with the West line of the Southwest Quarter (SW1/4) of said Section 23;
THENCE South 00°24'39" East along said East Right-of-way line a distance of 156.03 feet to the Northwest corner of that parcel of land described in said Warranty Deed, said point being the **POINT OF BEGINNING**;

THENCE continuing South 00°24'39" East along said East Right-of-way line a distance of 180.00 feet to the Southwest corner of that parcel of land described in said Warranty Deed;
THENCE South 89°43'29" East along the South line of that parcel of land described in said Warranty Deed a distance of 31.76 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;
THENCE North 00°42'38" West along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 180.01 feet to the North line of that parcel of land described in said Warranty Deed;
THENCE North 89°43'29" West along the North line of that parcel of land described in said Warranty Deed a distance of 30.82 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 5,632 sq. ft. or 0.129 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

PE

A parcel of land, being part of that parcel of land described in that Warranty Deed recorded May 15, 2013 as Reception No. 3932462 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:



EXHIBIT A
(2 OF 5)
PROPERTY DESCRIPTION

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 60.02 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 157.06 feet to the North line of that parcel of land described in said Warranty Deed, said point being the **POINT OF BEGINNING**;

THENCE continuing South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 180.01 feet to the South line of that parcel of land described in said Warranty Deed;

THENCE South 89°43'29" East along the South line of that parcel of land described in said Warranty Deed a distance of 10.00 feet to a point being Ten (10) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;

THENCE North 00°42'38" West along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 180.01 feet to the North line of that parcel of land described in said Warranty Deed;

THENCE North 89°43'29" West along the North line of that parcel of land described in said Warranty Deed a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 1,800 sq. ft. or 0.041 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

TCE1

A parcel of land, being part of that parcel of land described in that Warranty Deed recorded May 15, 2013 as Reception No. 3932462 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 60.02 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 157.06 feet to the North line of that parcel of land described in said Warranty Deed;

THENCE continuing South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 180.01 feet to the South line of that parcel of land described in said Warranty Deed;

THENCE South 89°43'29" East along the South line of that parcel of land described in said Warranty Deed a distance of 10.00 feet to a point being Ten (10) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing, said point being the **POINT OF BEGINNING**;



**EXHIBIT A
(3 OF 5)
PROPERTY DESCRIPTION**

THENCE continuing South 89°43'29" East along the South line of that parcel of land described in said Warranty Deed a distance of 69.51 feet;
THENCE North 01°07'25" West a distance of 20.04 feet;
THENCE South 88°52'46" West a distance of 37.00 feet;
THENCE North 03°31'21" West a distance of 24.02 feet;
THENCE North 68°22'34" West a distance of 33.70 feet to a point being Ten (10) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;
THENCE South 00°42'38" East along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 55.37 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 2,298 sq. ft. or 0.053 acre, more or less (\pm), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

TCE2

A parcel of land, being part of that parcel of land described in that Warranty Deed recorded May 15, 2013 as Reception No. 3932462 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 1/4" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 1/2" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 60.02 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 157.06 feet to the North line of that parcel of land described in said Warranty Deed;

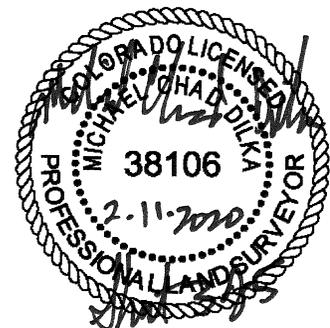
THENCE continuing South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 180.01 feet to the South line of that parcel of land described in said Warranty Deed;

THENCE South 89°43'29" East along the South line of that parcel of land described in said Warranty Deed a distance of 10.00 feet to a point being Ten (10) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;

THENCE North 00°42'38" West along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 98.54 feet to the **POINT OF BEGINNING**;

THENCE continuing North 00°42'38" West along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 65.00 feet;

THENCE North 89°17'22" East a distance of 28.00 feet to a point being Thirty-eight (38) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;



**EXHIBIT A
(4 OF 5)
PROPERTY DESCRIPTION**

THENCE South 00°42'38" East along a line being Thirty-eight (38) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 65.00 feet;

THENCE South 89°17'22" West a distance of 28.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 1,820 sq. ft. or 0.042 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYORS STATEMENT

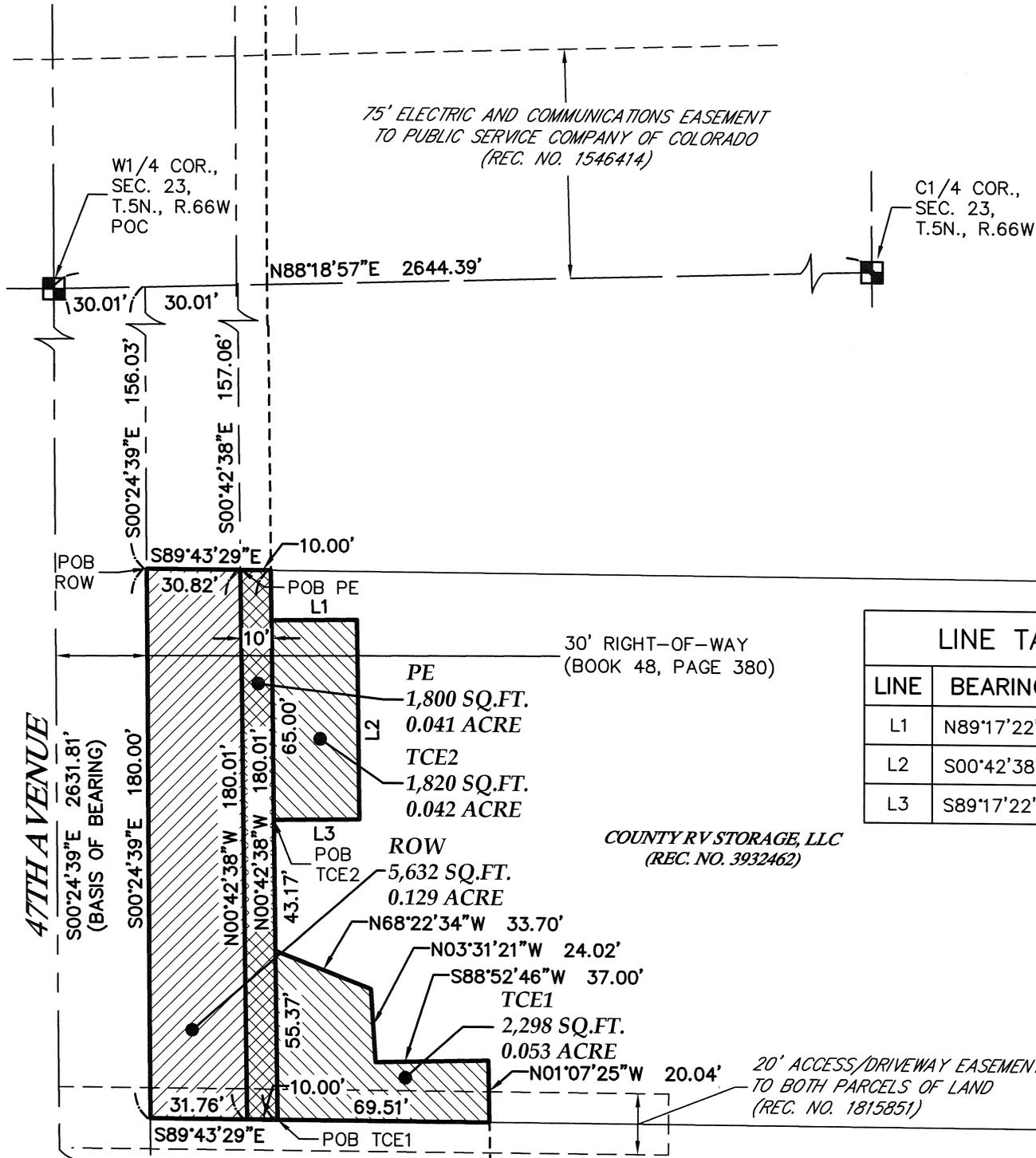
I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.



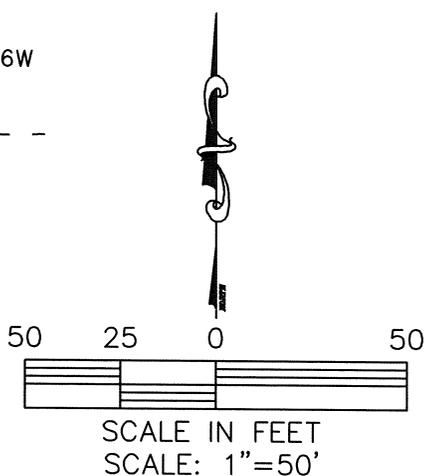
Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 20190090



SW COR., SEC. 23, T.5N., R.66W



Michael Chad Dilka – On Behalf Of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

NOTE: This exhibit drawing is not intended to be a monumented land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)



KING SURVEYORS

650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
email: contact@KingSurveyors.com

PROJECT NO:20190090

DATE: 2/11/2020

CLIENT: ROCKSOL

DWG: ROW+PE+TCE-COUNTY RV STORAGE-R1

DRAWN: SMF CHECKED: MCD

EXHIBIT A
(1 OF 4)
PROPERTY DESCRIPTION

ROW

A parcel of land, being part of Lot A, Recorded Exemption No. 0959-23-3-RE435 recorded February 13, 1980 as Reception No. 1816870 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 30.01 feet to the East Right-of-way line of 47th Avenue, established by that Road Viewers' Report recorded October 28, 1896 in Book 48 at Page 380 of the records of the Weld County Clerk and Recorder, said East Right-of-way line being Thirty (30) feet, as measured at a right angle, East of and parallel with the West line of the Southwest Quarter (SW1/4) of said Section 23;

THENCE South 00°24'39" East along said East Right-of-way line a distance of 336.03 feet to the North line of said Lot A, said point being the **POINT OF BEGINNING**;

THENCE continuing South 00°24'39" East along said East Right-of-way line a distance of 200.00 feet to the South line of said Lot A;

THENCE South 89°43'29" East along the South line of said Lot A a distance of 32.81 feet to the intersection with the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE North 00°42'38" West along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 200.02 feet to the North line of said Lot A;

THENCE North 89°43'29" West along the North line of said Lot A a distance of 31.76 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 6,457 sq. ft. or 0.148 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

PE

A strip of land, Ten (10) feet in width, being part of Lot A, Recorded Exemption No. 0959-23-3-RE435 recorded February 13, 1980 as Reception No. 1816870 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:



EXHIBIT A
(2 OF 4)
PROPERTY DESCRIPTION

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 60.02 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 337.07 feet to the North line of said Lot A, said point being the **POINT OF BEGINNING**;

THENCE continuing South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 200.02 feet to the South line of said Lot A;

THENCE South 89°43'29" East along the South line of said Lot A a distance of 10.00 feet to a point being Ten (10) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;

THENCE North 00°42'38" West along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 200.02 feet to the North line of said Lot A;

THENCE North 89°43'29" West along the North line of said Lot A a distance of 10.00 feet to the **POINT OF BEGINNING**.

Said described strip of land contains 2,000 sq. ft. or 0.046 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described strip of land.

TCE

A parcel of land, being part of Lot A, Recorded Exemption No. 0959-23-3-RE435 recorded February 13, 1980 as Reception No. 1816870 of the records of the Weld County Clerk and Recorder, located in the Southwest Quarter (SW1/4) of Section Twenty-three (23), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the West Quarter (W1/4) corner of said Section 23 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 23, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:

THENCE North 88°18'57" East along the North line of the Southwest Quarter (SW1/4) of said Section 23 a distance of 60.02 feet to the intersection with the Northerly extension of the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE South 00°42'38" East along the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 337.07 feet to the North line of said Lot A;

THENCE South 89°43'29" East along the North line of said Lot A a distance of 10.00 feet to a point being Ten (10) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing, said point being the **POINT OF BEGINNING**;

THENCE South 00°42'38" East along a line being Ten (10) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 200.02 feet to the South line of said Lot A;



**EXHIBIT A
(3 OF 4)
PROPERTY DESCRIPTION**

THENCE South 89°43'29" East along the South line of said Lot A a distance of 12.00 feet to a point being Twenty-two (22) feet, as measured at a right angle, East of the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing;
THENCE North 00°42'38" West along a line being Twenty-two (22) feet, as measured at a right angle, East of and parallel with the Northerly extension of said Easterly Right-of-way line established by Tuscany-First Filing a distance of 164.58 feet;
THENCE North 33°51'54" East a distance of 13.51 feet;
THENCE North 84°18'02" East a distance of 50.16 feet;
THENCE North 01°07'25" West a distance of 18.96 feet to the North line of said Lot A;
THENCE North 89°43'29" West along the North line of said Lot A a distance of 69.51 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 3,705 sq. ft. or 0.085 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYORS STATEMENT

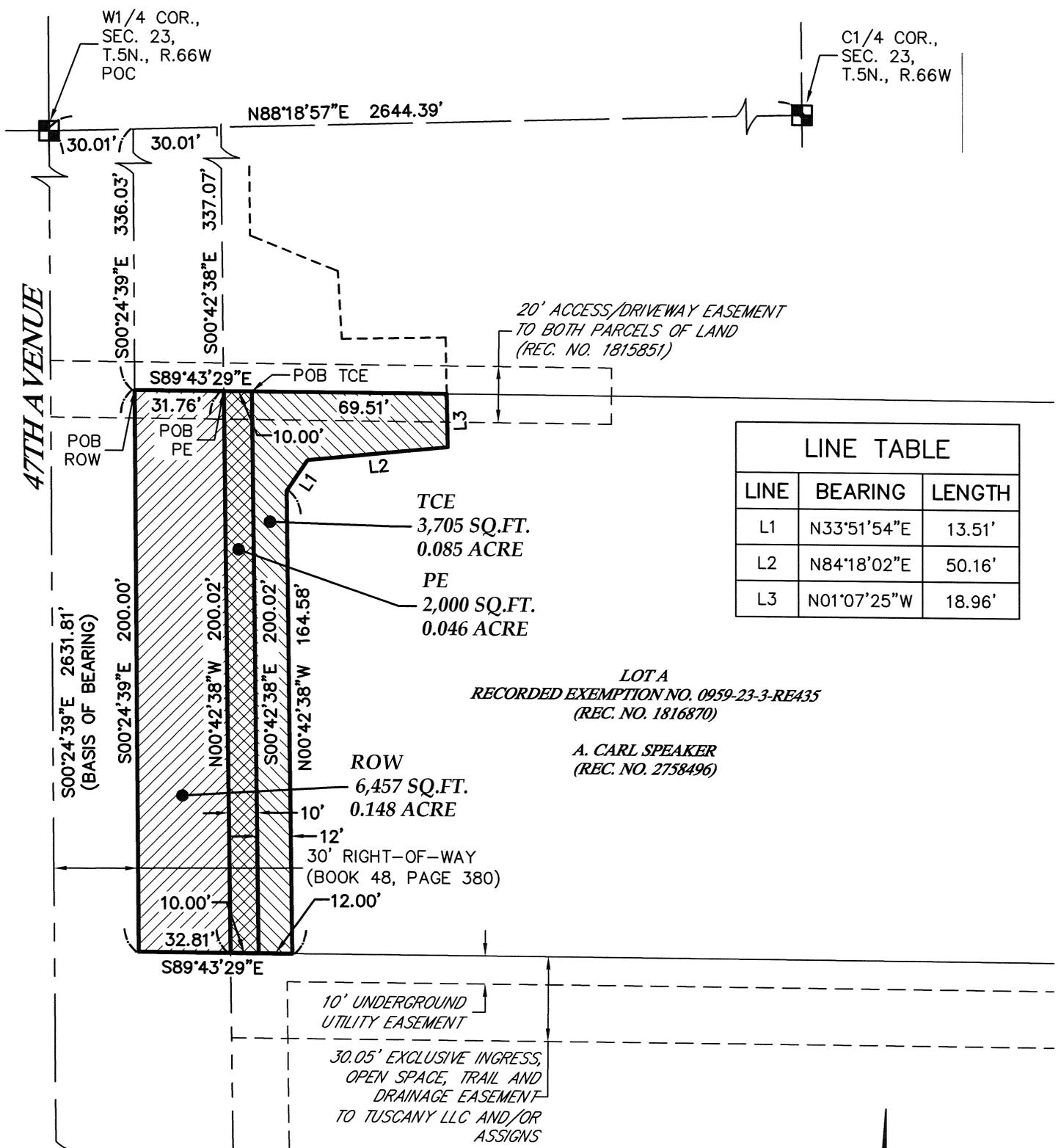
I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.



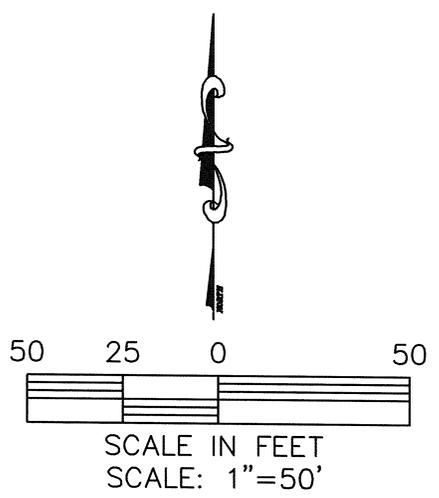
Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 20190090



Michael Chad Dilka - On Behalf Of King Surveyors
Colorado Licensed Professional Land Surveyor #38106



NOTE: This exhibit drawing is not intended to be a monumented land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)



KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
email: contact@KingSurveyors.com

PROJECT NO: 20190090
DATE: 2/11/2020
CLIENT: ROCKSOL
DWG: ROW+PE+TCE-SPEAKER-R1
DRAWN: SMF CHECKED: MCD

EXHIBIT A
(1 OF 3)
PROPERTY DESCRIPTION

ROW

A parcel of land, being part of that parcel of land described in that Quit Claim Deed recorded February 13, 1985 as Reception No. 01998612 of the records of the Weld County Clerk and Recorder, located in the Southeast Quarter (SE1/4) of Section Twenty-two (22), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the East Quarter (E1/4) corner of said Section 22 and assuming the East line of the Southeast Quarter (SE1/4) of said Section 22, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:

THENCE South 00°24'39" East along the East line of the Southeast Quarter (SE1/4) of said Section 22 a distance of 500.00 feet;

THENCE South 89°35'21" West a distance of 30.00 feet to the West Right-of-way line of 47th Avenue, established by that Road Viewers' Report recorded October 28, 1896 in Book 48 at Page 380 of the records of the Weld County Clerk and Recorder, said West Right-of-way line being Thirty (30) feet, as measured at a right angle, West of and parallel with the East line of the Southeast Quarter (SE1/4) of said Section 22;

THENCE South 00°24'39" East along said West Right-of-way line a distance of 80.00 feet to the Northeast corner of that parcel of land described in said Quit Claim Deed, said point being the **POINT OF BEGINNING**;

THENCE continuing South 00°24'39" East along said West Right-of-way line a distance of 200.00 feet to the Southeast corner of that parcel of land described in said Quit Claim Deed;

THENCE South 89°35'21" West along the South line of that parcel of land described in said Quit Claim Deed a distance of 15.92 feet to the intersection with a line being One Hundred Ten (110) feet, as measured at a right angle, Westerly of and parallel with the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE North 00°42'38" West along said parallel line a distance of 200.00 feet to the North line of that parcel of land described in said Quit Claim Deed;

THENCE North 89°35'21" East along the North line of that parcel of land described in said Quit Claim Deed a distance of 16.96 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 3,288 sq. ft. or 0.075 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

TCE

A parcel of land, being part of that parcel of land described in that Quit Claim Deed recorded February 13, 1985 as Reception No. 01998612 of the records of the Weld County Clerk and Recorder, located in the Southeast Quarter (SE1/4) of Section Twenty-two (22), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, and being more particularly described as follows:

COMMENCING at the East Quarter (E1/4) corner of said Section 22 and assuming the East line of the Southeast Quarter (SE1/4) of said Section 22, being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS22098, 1994" in a monument box at the North end and by a #6 rebar with a 2 ½" diameter aluminum cap stamped "LS37947, 2006" in a monument box at the South end, as bearing South 00°24'39" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2631.81 feet, with all other bearings contained herein relative thereto:



**EXHIBIT A
(2 OF 3)
PROPERTY DESCRIPTION**

THENCE South 00°24'39" East along the East line of the Southeast Quarter (SE1/4) of said Section 22 a distance of 500.00 feet;

THENCE South 89°35'21" West a distance of 47.38 feet to the intersection with a line being One Hundred Ten (110) feet, as measured at a right angle, Westerly of and parallel with the Easterly Right-of-way line of 47th Avenue established by Tuscany-First Filing, recorded March 21, 2000 as Reception No. 2756849 of the records of the Weld County Clerk and Recorder;

THENCE South 00°42'38" East along said parallel line a distance of 80.00 feet to the North line of that parcel of land described in said Quit Claim Deed, said point being the **POINT OF BEGINNING**;

THENCE continuing South 00°42'38" East along said parallel line a distance of 200.00 feet to the South line of that parcel of land described in said Quit Claim Deed;

THENCE South 89°35'21" West along the South line of that parcel of land described in said Quit Claim Deed a distance of 19.00 feet to a point being Nineteen (19) feet, as measured at a right angle, West of said parallel line;

THENCE North 00°42'38" West along a line being Nineteen (19) feet, as measured at a right angle, West of and parallel with said parallel line a distance of 154.28 feet;

THENCE South 89°17'22" West a distance of 22.00 feet to a point being Forty-one (41) feet, as measured at a right angle, West of said parallel line;

THENCE North 00°42'38" West along a line being Forty-one (41) feet, as measured at a right angle, West of and parallel with said parallel line a distance of 41.00 feet;

THENCE North 89°17'22" East a distance of 27.00 feet to a point being Fourteen (14) feet, as measured at a right angle, West of said parallel line;

THENCE North 00°42'38" West along a line being Fourteen (14) feet, as measured at a right angle, West of and parallel with said parallel line a distance of 4.70 feet to the North line of that parcel of land described in said Quit Claim Deed;

THENCE North 89°35'21" East along the North line of that parcel of land described in said Quit Claim Deed a distance of 14.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 4,678 sq. ft. or 0.107 acre, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYORS STATEMENT

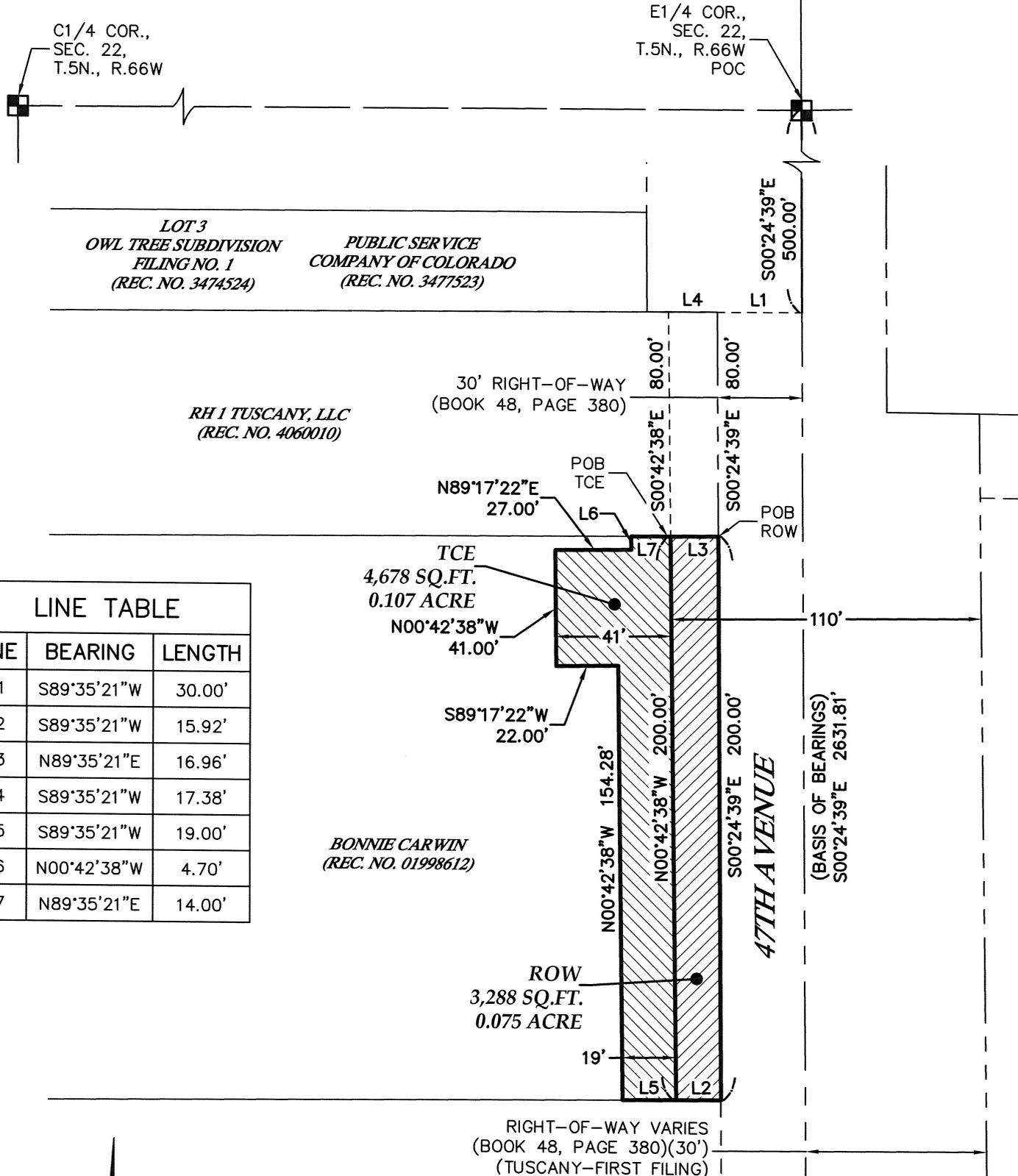
I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking and that it is true and correct to the best of my knowledge and belief.



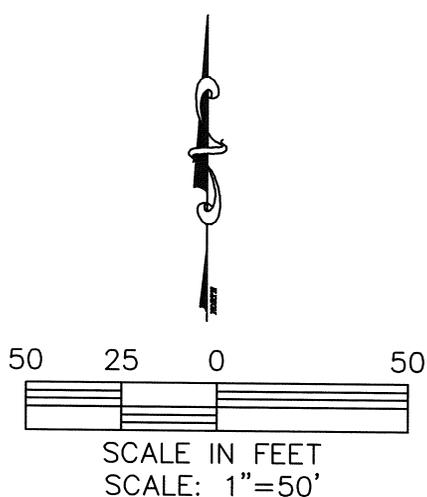
Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

JN: 20190090



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°35'21\"W	30.00'
L2	S89°35'21\"W	15.92'
L3	N89°35'21\"E	16.96'
L4	S89°35'21\"W	17.38'
L5	S89°35'21\"W	19.00'
L6	N00°42'38\"W	4.70'
L7	N89°35'21\"E	14.00'



Michael Chad Dilka – On Behalf Of King Surveyors
 Colorado Licensed Professional Land Surveyor #38106

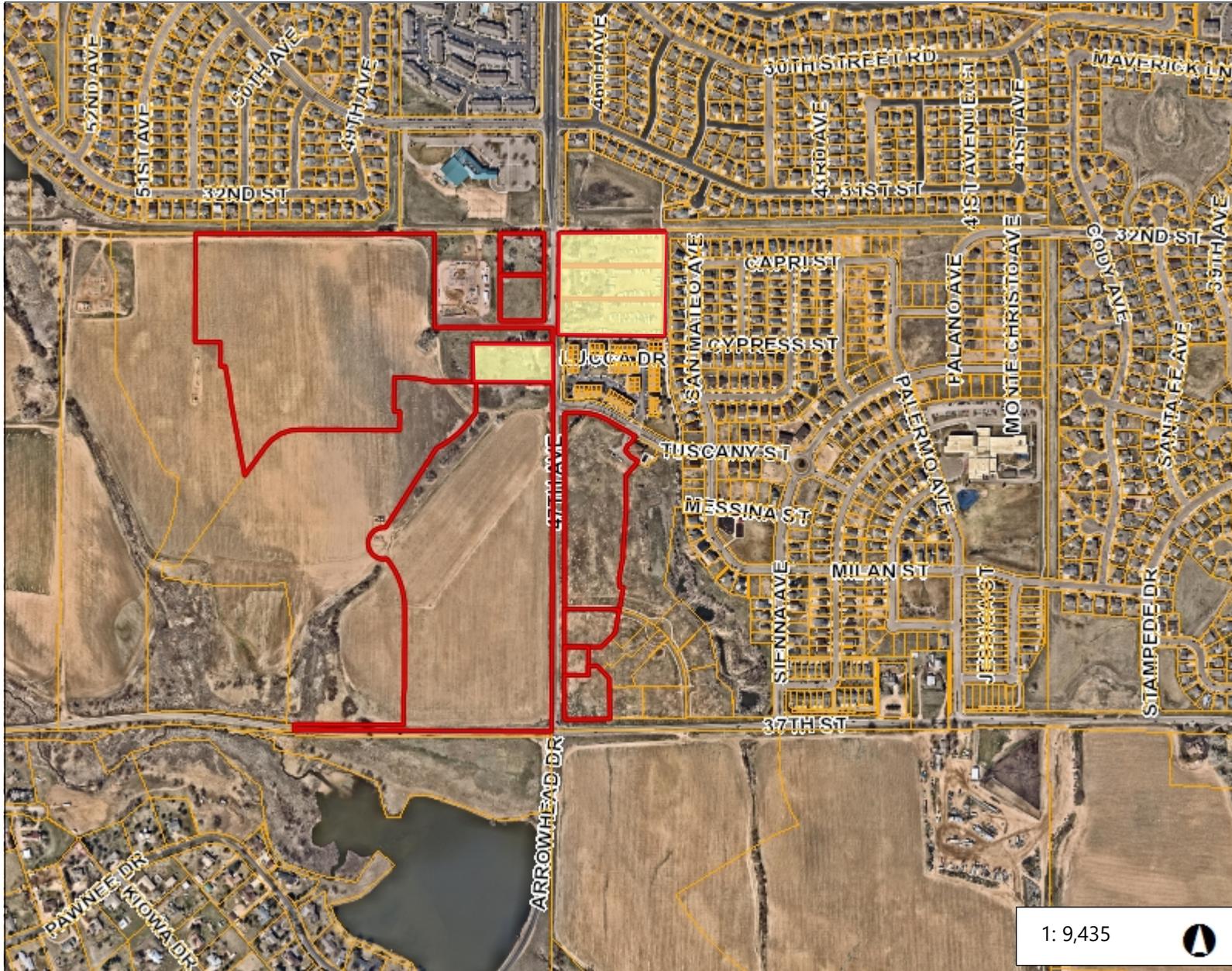
NOTE: This exhibit drawing is not intended to be a monumented land survey. Its sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13–80–105 C.R.S. 2012)

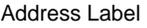


KING SURVEYORS
 650 E. Garden Drive | Windsor, Colorado 80550
 phone: (970) 686-5011 | fax: (970) 686-5821
 email: contact@KingSurveyors.com

PROJECT NO: 20190090
 DATE: 1/29/2020
 CLIENT: ROCKSOL
 DWG: ROW+TCE-CARWIN-R1
 DRAWN: SMF CHECKED: MCD



Legend

-  Parcels
-  Address Label
-  Highway
-  County Boundary

1:9,435



1,572.5 0 786.25 1,572.5 Feet

Notes

City Managers Weekly City Council Update May 29, 2020

Communications

- Staff met with Planning to discuss initial launch of Master Plan website
- Staff shot and edited video promoting Riverside Park cleanup effort
- Staff shot and edited re-opening video
- Staff created press release for police department
- Staff created graphics for engineering projects

Recreation

- Recreation staff has continued to work the pre-entry screening for the Evans Community Complex.
- Staff continues to participate in calls with other Parks & Recreation agencies to discuss best practices for re-opening facilities and programs under specific State guidelines.

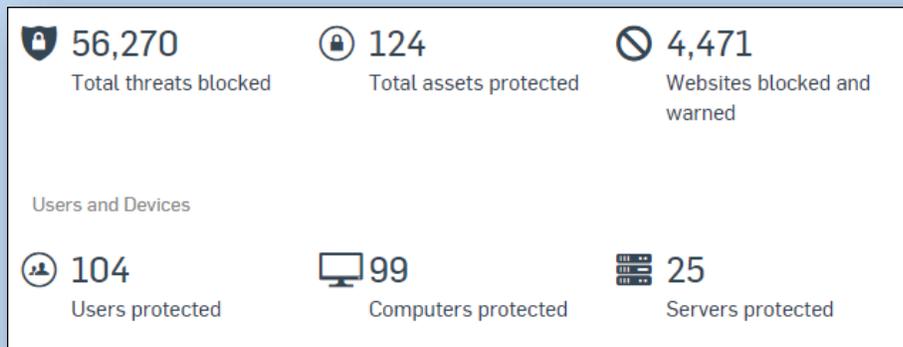
Information Technology

IT News

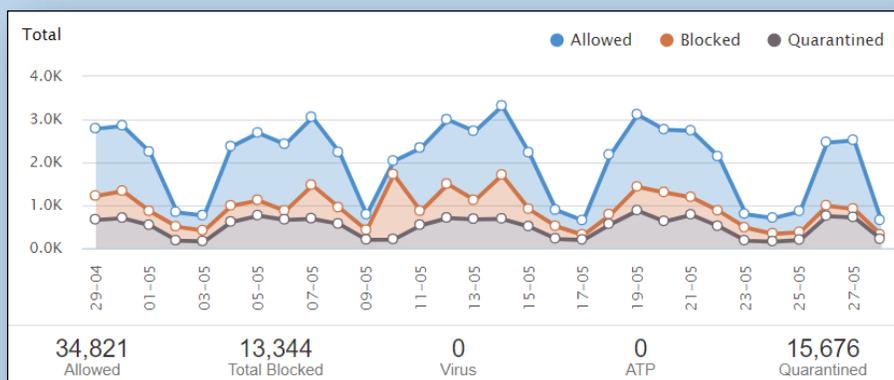
- **Firewall Replacement Project:** Please remember that IT will be replacing our firewalls and installing new hardware this Friday, May 29th, beginning at 5pm. While the exact length of downtime is unknown, please anticipate there being no internet services within the complex and outlying buildings, and no VPN access into the City network for external users for several hours. We appreciate your patience and understanding while we perform this necessary hardware upgrade.
- In an effort to reduce some of our software costs, IT staff are reviewing an alternative to Adobe Pro and Adobe Standard called **Kofax Power PDF**, with the goal of ensuring that this product adequately meets the needs of all current Adobe users. As Kofax licensing renewal runs on a 3-year renewal cycle rather than annually, we anticipate significant cost savings to the City should this initiative move forward.
- After two and a half months of social distancing with many City staff working remotely, the IT Department is happy to report that our networks, security, and data systems performed well and experienced no outages or unexpected issues. As we continue to upgrade and strengthen our infrastructure, we expect to continue seeing all IT systems remain available to staff, regardless of where work occurs.

Security Stats:

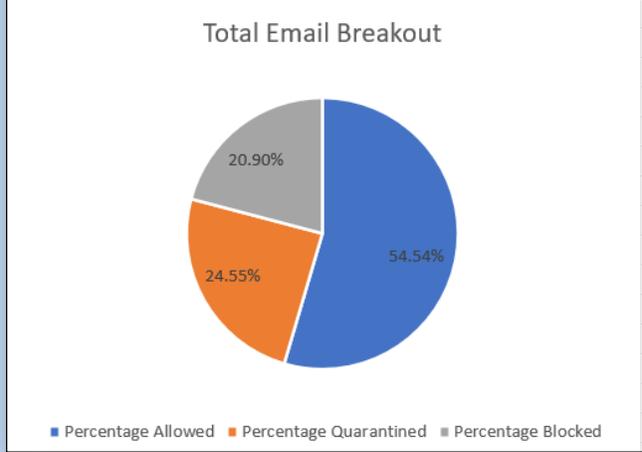
This graphic shows how our Sophos security system protected our users, computers, and servers against potential threats (malware, malicious web sites, etc.) over the past 30 days.



Over the past 30 days, we see that we're preventing about **45%** of all inbound email from reaching staff. **PLEASE** continue to report anything unusual that gets through to you to the helpdesk, and we thank you for your continued support and awareness in keeping our infrastructure safe.



Email Allowed	Blocked	Viruses	Adv. Threats	Quarantined
34821	13344	0	0	15676



Help Desk Stats:

- Tickets **Closed** This Week: **17**
- Tickets **Created** This Week: **14**



Planning

City of Evans Land Use Applications

Name	Case #	Acres	Location	Brief description	Planning Commission	City Council	City Council
Submitted Applications							
Ridge at Prairie View Replat	Incomplete, submitted 1/3/2020	<1	West of Yellowbells Drive in Prairie View	Vacating Noble ROW	TBD	TBD	NA
Quality Lube	20-AP-06; 19-USR-03	<1	3303 23rd Ave	AmSUP; will submit minor replat to combined two lots	5/26/2020	6/19/2020	NA
Crescent Cove Apartments, expansion	20-SP-01	17.83	32nd St between 29th Ave and Harbor Lane	12 buildings, clubhouse/pool; 288 units - 72 1B, 144 2B, 72 3B	Administrative		
ACME Oil Field Services	20-USR-01	<1	Lots 1-4 and 16-18, Block 4, Evans Industrial Park		TBD	TBD	NA
H&H Excavation (Hojo)	20-SP-02	<1	Industrial Park	Site plan for business/storage	TBD	TBD	NA
Ziggi's Coffee Shop	20-SP-03; 20-AP-02	<1	37th Street/35th Ave	Drive through Coffee Shop	5/26/2020	6/19/2020	NA
Grapevine Hollow, Outlot 5	Incomplete, submitted 2/20	<1	Grapevine Hollow	3 Lots from Outlot	TBD	TBD	NA
20-TELE-01 Knotty Pine - Verizon	20-TELE-01	<1	NE corner 34th Street and 23rd Avenue	Colocation for Verizon infrastructure on Xcel pole	Administrative		
Odell Hair Studio	20-HMOC-02	<1	3239 Borrossa Street		Administrative		
Varra ROW Vacation	20-AP-04	1 +/-	14822 WCR 3396	Vacation of ROW (ROW is remnant of 1889 patent to Weld County) Now, through 2004 annexation, the ROW belongs to the City.	NA	6/2/2020	NA
Mountain TRAX	20-ANNX-01; 20-COZ-01	3.84	22744 WCR 33		6/23 for COZ	7/7/2020	7/21/2020
Approved, pending recording, Development Agreement, Etc.							
Extraction Oil and Gas	SUP	20.1	NW corner 47th & 37th	Oil and gas operations			
Dr. Patsi Lowe, 3524 Central Street	Heather - August, 2019 re CO and need for SPR; 10/8 AJ spoke with applicant's representative re need for SPR; Applicant in with mailing labels in mid-November; waiting for consultant to submit		3524 Central Street	CDL Driver's Physical Testing			
Peakview Final Plat, Filing 1	18-SUB-01	225	Two Rvers Parkway & 37th	1097 Res, 20 Acres C, 50 acres OS			
Best Way 2 Store	19-USR-02		37th & Harbor Lane	Site Plan			
Kum & Go	19-AP-08						
Roasty's Coffee Shop	19-SP-04		11th and High	Site Plan and Minor Resub			
Peerless Tires	18-SP-04 and 19-AP-06		11th Ave and 37th St.	Site Plan			

Neighborhood Services

- The Riverside Park Open Space Restoration project is one week underway, and the crew has made significant progress. Social media promotion of the project was coordinated, and there are 7 weeks of work still to go.



- Code Enforcement is patrolling for weeds and other nuisance code violations, as well as responding to reported code violations such as those shown below.



Engineering

- 2020 Concrete Replacement Project – work is progressing within the Willowbrook Subdivision. Naranjo Civil will be relocating to the Ashcroft Height’s Subdivision to finish a few items that remain there. Repairs in Old Town Evans will begin next week.
- 2020 Asphalt Patch Project - work to begin May 15th in the Tuscany Subdivision. Staff will be marking additional areas for asphalt patching.
- 2020 Surface Treatment Project - Staff will be moving forward with additional chip seal areas as approved by City Council.
- Staff working with Building Division to approve Final Grading Certificates.
- Staff working with H & H Construction to repair the Tuscany Center Sanitary Sewer line.
- Staff working with WL Contractors to upgrade the camera systems of 5 traffic signals in the city. 3 along 37th Street and 2 along 32nd St. Staff also working with finance to use approximately \$126,000 of traffic calming funds for these traffic improvements.
- Staff working with Morton Electric on the installation of a new traffic Signal at 35th Ave and 34th St. Morton installed the caissons for 2 of the signal poles last Friday and will return next Monday / Tuesday to directional drill (trenchless install) conduit for the signal.
- Staff continues to work with Xcel Energy to provide power to the 35th Ave irrigation system. New conduit and electric meter were installed last week and we are waiting for Xcel to energize the system.
- 23rd Ave – Northern Engineering is finalizing the plans this week. Staff is working with adjoining property owners before we bid the project regarding temporary construction easements. Staff emailed XCEL with plat information showing that the Evans ROW existed before XCEL’s easement. Based on this, XCEL should be responsible for the cost of relocating their transmission poles to accommodate the road project.
- East Side Storm Sewer – Staff is meeting biweekly with the design team to work on the design concepts, risk register and permitting issues. The City received our consent letter to do work in the UPRR ROW. Survey is in progress on the projects. Test holes were dug on the east side near the highway and the UPRR to determine tunneling conditions. Staff has reached out to CDOT about possibly open cutting 85 rather than tunnelling because of the unstable soils.
- Lagoon Decommissioning – Plans and field work are progressing. Our contractor has gathered biosolids samples and is working with CDPHE on closure requirements. We are also discussing post closure land use options and the redesign of the lift station emergency overflow storage containment.
- East Side Storm Sewer Environmental Assessments – Staff is working with consultant team to make some minor revisions the documents and will be resubmitting to CDPHE in next week or so. Staff, Wilson & Company and Tiglas Environmental Services have prepared and exhibit to send to CDPHE and USFW showing the approximate limits of disturbance at the St Vrain Outfall at the south end of the west service road. This exhibit will be sent to CDPHE and USFW this

week as part of their final review of the EA documents. We anticipate a decision soon on all three EA's. A 3rd public meeting has been scheduled for June 24th.

- Staff continues to work on development reviews and development agreements as they are received.
- Evans Ditch flume project- Staff is working with the State to address an issue with submergence. Staff is researching alternative meter devices with suppliers in order to measure the flow through a submerged flume.
- Neville's Crossing Non-Potable Direct Supply – The new potable supply system is in service providing potable water for irrigation through the pump system. Final installation of the inlet pipe valve is scheduled for the week of June 1. The pond will be filled when the irrigation water is available. Then the system will be put back on non-potable water.
- Water Efficiency Report – Evans staff is finishing our review of the 100% draft provided by the consultant.
- 17th Avenue Waterline –A pre con meeting is scheduled for May 28th. Construction is expected to begin the 1st week in June.
- 37th St. Overlay Project – Project is proceeding on schedule. CDOT is ready to route the IGA around for electronic signatures. The City received our consent letter to do work in the UPRR ROW on 05/21. Staff is coordinating with JUB and Ditesco to have the Final Office Review (FOR) Plans ready by June 02. A FOR meeting with CDOT will be scheduled the following week as CDOT will need a week to review the plans before the meeting.
- Tuscany Non-Pot / Tract O – Staff is moving forward with Aqua Engineering on the irrigation design and EEC on the geotechnical recommendations to repair the erosion. Staff is reviewing 6 proposals for the engineering and survey work.
- Staff is working with CDOT to close out 31st Street and 35th Avenue projects.
- 47th Avenue – Staff is coordinating the acquisition of ROW/Permanent Easement/ Temporary Construction Easement. Staff has reviewed the final plans and RockSol is making some minor last-minute changes. Staff met with the Arrowhead Lake Owners on site to discuss the water quality pond and outfall into the lake. Staff is coordinating with XCEL, Century Link and DCP Midstream regarding the required utility relocations. Staff will be preparing a staff memo and recommendation for the 06/02/2020 Council meeting regarding ROW. Permanent and Temporary Easement Acquisition. Staff expects to put this out to bid on June 04, 2020
- Wiedeman Irrigation Water Supply Pipeline to feed Tract O pond - Staff is preparing a report of the findings from the information provided by the video of the condition of the line.
- Willowbrook NP System Purchase – The Seller has accepted the City's offer and terms. A draft of the Sales Agreement has been prepared and is being review by the City attorney. Closing is scheduled for October 2020.
- Staff is working on establishing EQR dedication requirements for several development projects.
- Staff is completing submittals to the State for annual drinking water quality and water efficiency.

Police

- Last Week Sam's Club and the Police Department kicked off Operation Omlette! Sam's Club donated 18,000 eggs to needy families in and around Evans to help stave off hunger during the COVID-19 emergency. Yes, 18,000! Want to see what 18,000 eggs looks like? Well, we couldn't get them all in one photo so here is what 9,000 looks like:

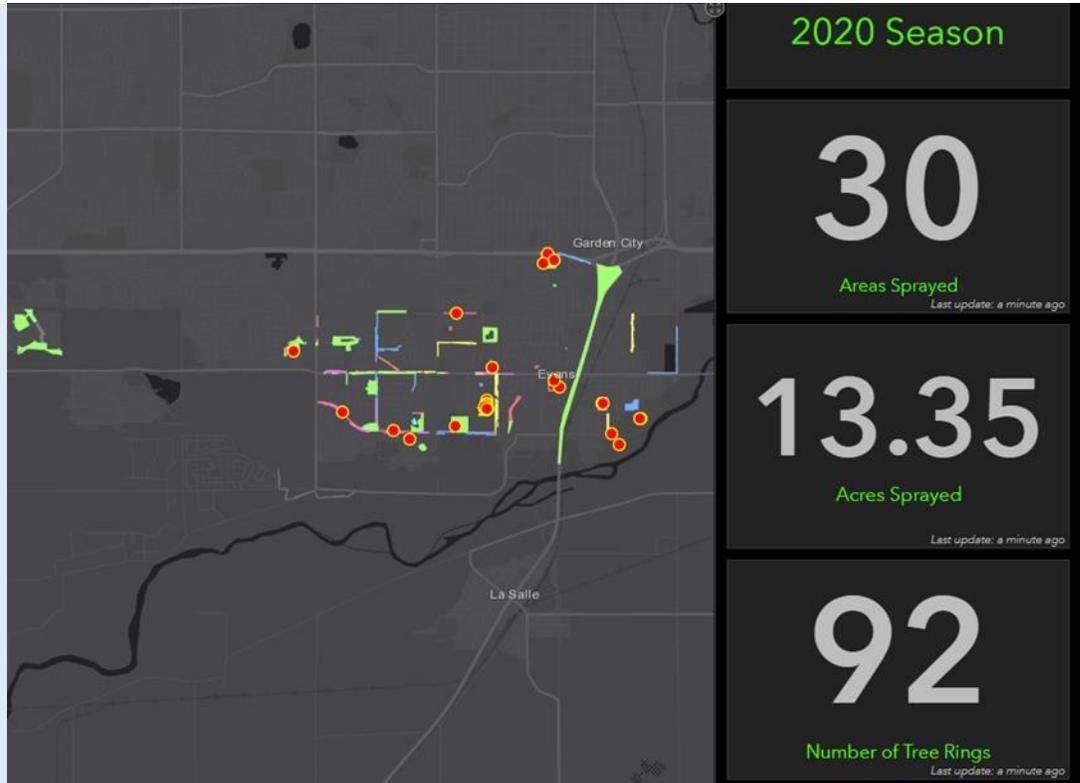


This amazing donation and the volunteers who helped distribute the eggs were a real game changer for families in need. This is how communities come together to help each other in times of crisis! Thanks to everyone who helped out in this event!



Parks

- Staff located and excavated a site for an interment on 5/30/20.
- Staff have begun native area mowing on the west side of town and will work their way east.
- Staff continue with turf mowing
- Weed spraying continues.



PW Operations

- Staff continue to fill potholes, this week potholes were repaired in the Police Department parking lot, 42nd Street, 49th Street, Carson Ave. and Industrial Parkway.
- Staff began mowing right-of-way areas and detention ponds.
- Staff filed the results of our Lead & Copper testing with the State, this test requires us to collect 60 water samples from residents whose home was built between 1983 & 1987.
- Staff completed 7 work orders and responded to 8 phone inquiries for items related to water meters, high usage, and new meter installation.

Wastewater Operations

- Staff cleaned the 6 DO and 12 ORP probes on the aeration basins.
- Staff chemically dosed the supernatant return system to treat a buildup of struvite that was causing pipe restrictions.
- Staff completed repairs to both our turf mower and our tractor brush mower.
- Seasonal grounds maintenance is ongoing with native mowing being performed at the Old Evans Plant.