

Posted: _____

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Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Town Council Regular Meeting Tuesday, November 15, 2022, 7:00 PM

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

Virtual Meetings are subject to internet and technical capabilities.

[To join by computer, smart phone or tablet click HERE](#)

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until called on

The Council Packet is available [HERE](#)

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney

Consultant Engineer

Items for Consideration

A. Oath of Office: New Castle Police Chief (Page 3)

Recess the Town Council Meeting, Convene as the Local Liquor Licensing Authority

B. Consider Resolution TC 2022-27, A Resolution of the New Castle Town Council Approving an Application from Hacienda San Miguel, Inc. for a Hotel & Restaurant Liquor License (Page 5)

C. Consider a Special Events Liquor License Application from the Town of New Castle Special Events Office for the Chili Cook Off (Page 35)

Adjourn the Local Liquor Licensing Authority, Reconvene the Town Council Meeting

D. Consider Resolution TC 2022-28 - a Resolution of the New Castle Town Council Approving an Update to the Public Works Manual (Page 38)

E. Consider Ordinance TC 2022-12, An Ordinance of the New Castle Town Council Amending Chapters 16.04 and 16.28 of the Town Municipal Code Concerning Street and Other Design Standards (1st reading) (Page 58)

F. Consider a Motion to Approve a Service Agreement for Town Prosecutor (Page 62)

Consent Agenda

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

[New](#) Castle Liquors Retail Liquor Store Renewal Application
New Castle Liquors Tastings Permit Renewal

Staff Reports

Town Administrator
Town Clerk
Town Treasurer
Town Planner
Public Works Director

Commission Reports

Planning & Zoning Commission
Historic Preservation Commission
Climate and Environment Commission
Senior Program
RFTA
AGNC
GCE
EAB

Council Comments

Adjourn



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Memorandum

To: Mayor and Council
Subject: Agenda Item – Police Chief Oath of Office
From: David Reynolds
Date: 11/15/22

The purpose of this agenda item is to provide an opportunity for Officer Charles Burrows to take the *Oath of Office* for Police Chief, and to be formally named as Police Chief for the Town of New Castle.

Officer Charles (Chuck) Burrows has over eighteen years of experience in law enforcement, which includes almost nine years with the Town of New Castle. Officer Burrows proudly served in the United States Air Force for four years as a weapons specialist and an addition ten years as a military contractor. Chuck's educational background includes a bachelor's degree in social and criminal justice.

The Town of New Castle finds itself fortunate to have a talented and qualified candidate from within the ranks of our existing staff. We look forward to a seamless transition of leadership and anticipate positive growth for the New Castle Police Department as we move forward.

OATH OF OFFICE

NEW CASTLE CHIEF OF POLICE

STATE OF COLORADO
COUNTY OF GARFIELD
TOWN OF NEW CASTLE

I, Charles Burrows, do solemnly, sincerely, and truly declare and affirm that I will support the Constitution of the United States and of the State of Colorado, and the Charter and ordinances of the Town of New Castle, and faithfully perform the duties of the New Castle Chief of Police upon which I am about to enter.

Signature

Subscribed and sworn to before me this 15th day of November, 2022.

Official Administering Oath

Title

Town of New Castle, P O Box 90, New Castle, CO 81647

My Commission expires _____



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Memorandum

To: Local Liquor Licensing Authority
From: Remi Bordelon
Date: 11/15/22
Subject: Council Agenda Item – Liquor License for Hacienda San Miguel, Inc.

The purpose of this agenda item is to consider an application from Hacienda San Miguel, Inc. for a Hotel & Restaurant liquor license for their business located at 201 West Main Street, New Castle, CO.

Pursuant to state liquor law, the prior liquor license holder, 2 Coronas LLC, completed a state **Wholesaler's Affidavit of Compliance** form as well as a town Affidavit of Transfer, effectively transferring 2 Coronas LLC hotel & restaurant liquor license to Hacienda San Miguel, Inc.

The applicants for Hacienda San Miguel, Inc. completed a new hotel & restaurant license application and submitted that along with the affidavits on September 26, 2022. Clerk's Office staff determined that the application was substantially complete and issued a temporary hotel & restaurant liquor license to Hacienda San Miguel, Inc. The temporary license is good for 120 days and can be extended if necessary. The temporary license allows Hacienda San Miguel, Inc. to serve spiritous liquor as well as beer and wine while the local liquor authority and the State of Colorado review the application. If the Authority chooses to approve the application, Hacienda San Miguel, Inc. will be able to serve spiritous liquor as well as beer and wine under a permanent hotel & restaurant liquor license.

Colorado Revised Statues Section 12-47-307(3)(c) requires the applicant to submit to fingerprinting and requires that Council, as the local liquor licensing authority, "use the information resulting for the fingerprints-based criminal history record check to investigate and to determine if an applicant is qualified for a license." The applicant's fingerprint results have not been received to date.

The applicant applied for the license on September 29, 2022. All necessary documentation and fees have been submitted, and the hearing was properly noticed.

Staff recommends that Council approve Resolution TC-2022-27, approving an application from Hacienda San Miguel, Inc. for a Hotel & Restaurant Liquor License, provided the applicant's background check nets appropriate results to allow them to hold a liquor license.

Adopting this recommendation would be consistent with the requirements of the State Liquor Code and would allow Hacienda San Miguel Inc. to serve malt, vinous and spirituous liquors for on-premises consumption. Town sales tax would be collected on sales of these beverages.

**TOWN OF NEW CASTLE
RESOLUTION NO. TC-2022-27**

A Resolution of the New Castle Town Council Approving an Application from Hacienda San Miguel, Inc. for a Hotel & Restaurant Liquor License.

WHEREAS, Hacienda San Miguel, Inc. (Applicant) has applied for a hotel & restaurant liquor license at 201 W. Main Street, New Castle, Colorado; and

WHEREAS, the Town Council of the Town of New Castle held a duly noticed public hearing on November 15, 2022 to consider the application; and

WHEREAS, the Town Council listened to testimony from staff, the Applicant, and members of the public concerning the application; and

WHEREAS, the Town Council finds:

1. Within the previous 2 years, the Town Council has not denied an application for the same class of license at this location or within 500 feet of this location for the reason that the reasonable requirements of the neighborhood and the desires of the adult inhabitants were satisfied by the existing outlets;
2. The Applicant is entitled to possession of the premises to be licensed by ownership, lease, rental, or other arrangement;
3. The sale of alcohol beverages at the premises is permitted under the zoning regulations applicable to the premises;
4. The Applicant's officers, and members holding 10 percent or more interest in the Applicant, are of good moral character;
5. The reasonable requirements of the neighborhood for the type of license for which application has been made; the desires of the adult inhabitants; and the number, type, and availability of alcohol beverage outlets located in or near the neighborhood under consideration justify the granting of the license; and

WHEREAS, based on the application and the testimony, the Town Council desires to approve the application.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of New Castle, Colorado:

1. Recitals. The Town Council adopts the foregoing recitals as findings of fact and determinations of the Council.
2. Definition of the Application. The Application consists of the documents and information identified by the Town Clerk, plus all representations of the Applicant reflected in the minutes of the Town Council public hearing on November 15, 2022.
3. Approval. The Town Council approves the Application.

Introduced, Read and Adopted at a regular meeting of the Town Council of the Town of New Castle, Colorado, on November 15, 2022.

TOWN OF NEW CASTLE

Mayor Art Riddile

ATTEST:

Town Clerk Melody Harrison, CMC

Solicitud de licencia de venta minorista de licores de Colorado

Nueva licencia
 Nuevo concurrente
 Transferencia de propiedad
 Propiedad estatal solamente
 Archivo maestro solamente

- Todas las respuestas deben estar en letra de molde en tinta negra o mecanografiadas.
- El solicitante debe marcar las casillas correspondientes.
- El solicitante debe obtener una copia del Código de licores y cervezas de Colorado: www.colorado.gov/enforcement/liquor.

1. El solicitante se presenta como
 Persona física
 Sociedad de responsabilidad limitada (LLC)
 Asociación u otro
 Corporación
 Sociedad (incluye responsabilidad limitada y sociedades de marido y mujer)

2. Solicitante. Si es una LLC, nombre de la LLC; si es una sociedad, al menos 2 nombres de socios; si es una corporación, nombre de la corporación Número de FEIN
 Hacienda San Miguel INC *88 2949517

2a. Nombre comercial del establecimiento (DBA) Número de impuesto estatal sobre las ventas Teléfono comercial
 Hacienda San Miguel Inc 95376636-0000 9709840351

3. Dirección del local (especifique el lugar exacto del local, incluya los números de suite/unidad)
 201 W Main Street

Ciudad Condado Estado Código postal
 New Castle Garfield CO 81647

4. Dirección de correo (número y calle) Ciudad o pueblo Estado Código postal
 3007 D 1/4 Road Grand Jet CO 81504

5. Dirección de correo electrónico
 Herreraciozo@gmail.com

6. Si el local cuenta actualmente con una licencia de licor o cerveza, debe responder las siguientes preguntas

Nombre comercial actual del establecimiento (DBA) Número de licencia estatal actual Clase de licencia actual Fecha de vencimiento actual
 2 Coronas 03-09962 Hotel and Restaurant 09-29-2022

Sección A Tarifas de solicitud no reembolsables* Sección B (Cont.) Tarifas de licencia de licor*

<input type="checkbox"/> Tarifa de solicitud de licencia nueva \$1,550.00 <input type="checkbox"/> Tarifa de solicitud de licencia nueva con revisión concurrente \$1,650.00 <input checked="" type="checkbox"/> Tarifa de solicitud de transferencia \$1,550.00	<input type="checkbox"/> Farmacia con licencia de licores (condado) \$312.50 <input type="checkbox"/> Alojamiento y entretenimiento - L&E (ciudad) \$500.00 <input type="checkbox"/> Alojamiento y entretenimiento - L&E (condado) \$500.00
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Sección B Tarifas de licencia de licor*

<input type="checkbox"/> Agregar locales opcionales a H & R \$100.00 X _____ Total _____ <input type="checkbox"/> Agregar instalación relacionada al complejo turístico \$75.00 X _____ Total _____ <input type="checkbox"/> Agregar área de servicio en la acera \$75.00 <input type="checkbox"/> Licencia de arte (ciudad) \$308.75 <input type="checkbox"/> Licencia de arte (condado) \$308.75 <input type="checkbox"/> Licencia de cerveza y vino (ciudad) \$351.25 <input type="checkbox"/> Licencia de cerveza y vino (condado) \$436.25 <input type="checkbox"/> Licencia de cervecería (ciudad) \$750.00 <input type="checkbox"/> Licencia de cervecería (condado) \$750.00 <input type="checkbox"/> Complejo de licores del campus (ciudad) \$500.00 <input type="checkbox"/> Complejo de licores del campus (condado) \$500.00 <input type="checkbox"/> Complejo de licores del campus (estado) \$500.00 <input type="checkbox"/> Licencia de club (ciudad) \$308.75 <input type="checkbox"/> Licencia de club (condado) \$308.75 <input type="checkbox"/> Licencia de destilería (ciudad) \$750.00 <input type="checkbox"/> Licencia de destilería (condado) \$750.00 <input checked="" type="checkbox"/> Licencia de hotel y restaurante (ciudad) \$500.00 <input type="checkbox"/> Licencia de hotel y restaurante (condado) \$500.00 <input type="checkbox"/> Licencia de hotel y restaurante con un local opcional (ciudad) \$600.00 <input type="checkbox"/> Licencia de hotel y restaurante con un local opcional (condado) \$600.00 <input type="checkbox"/> Farmacia con licencia de licores (ciudad) \$227.50	<input type="checkbox"/> Registro de gerente - H & R \$75.00 <input type="checkbox"/> Registro de gerente - Taberna \$75.00 <input type="checkbox"/> Registro de gerente - Alojamiento y entretenimiento \$75.00 <input type="checkbox"/> Registro de gerente - Complejo de licores del campus \$75.00 <input type="checkbox"/> Licencia de local opcional (ciudad) \$500.00 <input type="checkbox"/> Licencia de local opcional (condado) \$500.00 <input type="checkbox"/> Licencia de circuito de carreras (ciudad) \$500.00 <input type="checkbox"/> Licencia de circuito de carreras (condado) \$500.00 <input type="checkbox"/> Licencia de complejo turístico (ciudad) \$500.00 <input type="checkbox"/> Licencia de complejo turístico (condado) \$500.00 <input type="checkbox"/> Instalación relacionada - Complejo de licores del campus (ciudad) \$160.00 <input type="checkbox"/> Instalación relacionada - Complejo de licores del campus (condado) \$160.00 <input type="checkbox"/> Instalación relacionada - Complejo de licores del campus (estado) \$160.00 <input type="checkbox"/> Licencia de taberna de juegos minoristas (ciudad) \$500.00 <input type="checkbox"/> Licencia de taberna de juegos minoristas (condado) \$500.00 <input type="checkbox"/> Licencia de tienda minorista de licores - Adicional (ciudad) \$227.50 <input type="checkbox"/> Licencia de tienda minorista de licores - Adicional (condado) \$312.50 <input type="checkbox"/> Tienda minorista de licores (ciudad) \$227.50 <input type="checkbox"/> Tienda minorista de licores (condado) \$312.50 <input type="checkbox"/> Licencia de taberna (ciudad) \$500.00 <input type="checkbox"/> Licencia de taberna (condado) \$500.00 <input type="checkbox"/> Licencia de restaurante de vinicultores (ciudad) \$750.00 <input type="checkbox"/> Licencia de restaurante de vinicultores (condado) \$750.00
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* Tenga en cuenta que la División no aceptará efectivo

¿ Tiene alguna pregunta? Visite: www.colorado.gov/enforcement/liquor para obtener más información

No escriba en este espacio: solo para uso del Departamento de Ingresos

Información de responsabilidad			
Número de cuenta de licencia	Fecha de responsabilidad	Licencia emitida hasta (fecha de vencimiento)	Total \$

Lista de comprobación de los documentos de la solicitud y hoja de trabajo

Instrucciones: Esta lista de verificación debe usarse para ayudar a los solicitantes a presentar todos los documentos necesarios para obtener la licencia. **Todos** los documentos deben estar debidamente firmados y corresponder exactamente con el nombre del solicitante. **Todos** los documentos deben estar mecanografiados o escritos con letra de molde de forma legible. Tras la aprobación final del estado, la licencia se enviará por correo a la autoridad de licencias local. Las tarifas de solicitud no son reembolsables. ¿Tiene alguna pregunta? Visite: www.colorado.gov/enforcement/liquor para obtener más información

Elementos presentados, marque todas las casillas correspondientes completadas o los documentos presentados	
I. Información del solicitante	<input type="checkbox"/> A. Solicitante/licenciario identificado <input type="checkbox"/> B. Número de licencia del impuesto estatal sobre las ventas que figura o se solicita en el momento de la solicitud <input type="checkbox"/> C. Tipo de licencia u otra transacción identificada <input type="checkbox"/> D. Devolver los originales a la autoridad local (la autoridad de licencias local puede exigir otros elementos) <input type="checkbox"/> E. Todas las secciones de la solicitud deben completarse <input type="checkbox"/> F. Los solicitantes del archivo maestro deben incluir el formulario de solicitud de archivo maestro DR 8415 y las tasas aplicables a esta solicitud de licencia de venta al por menor
II. Diagrama del local	<input checked="" type="checkbox"/> A. No más grande de 8 1/2" X 11" <input checked="" type="checkbox"/> B. Dimensiones incluidas (no tiene que estar a escala). Las áreas exteriores deben mostrar el tipo de control (vallas, muros, puntos de entrada/salida, etc.) <input checked="" type="checkbox"/> C. Diagrama separado para cada piso (si hay varios niveles) <input checked="" type="checkbox"/> D. Cocina: identificada en caso de hotel o restaurante <input checked="" type="checkbox"/> E. Locales con licencia en negrita/delineados
III. Comprobante de posesión de la propiedad (se necesita un año)	<input type="checkbox"/> A. Escritura a nombre del solicitante (o) (pregunta coincidente n.º 2) fecha sellada/presentada ante el secretario del condado <input type="checkbox"/> B. Contrato de arrendamiento a nombre del solicitante (o) (pregunta coincidente n.º 2) <input type="checkbox"/> C. Cesión del contrato de arrendamiento a nombre del solicitante con el debido consentimiento del arrendador y la aceptación por parte del solicitante <input type="checkbox"/> D. Otro acuerdo si no es escritura o arrendamiento (pregunta coincidente n.º 2)
IV. Información de antecedentes (DR 8404-I) y documentos financieros	<input type="checkbox"/> A. Complete el DR 8404-I para cada uno de los principales (personas con más del 10% de la propiedad, funcionarios, directores, socios, miembros) <input checked="" type="checkbox"/> B. Se tomaron las huellas dactilares y se presentaron a la autoridad de licencias local correspondiente mediante un proveedor estatal autorizado. No complete las tarjetas de huellas digitales antes de enviar su solicitud. Los vendedores son los siguientes: <input checked="" type="checkbox"/> Identigo – https://uenroll.identogo.com/ Teléfono: 844-539-5539 (línea gratis) Preguntas frecuentes sobre Identigo: https://www.colorado.gov/pacific/cbi/identification-faqs <input checked="" type="checkbox"/> Colorado Fingerprinting – http://www.coloradofingerprinting.com Sitio web para programar citas: http://www.coloradofingerprinting.com/cabs/ Teléfono: 720-292-2722 Línea gratis: 833-224-2227 <input type="checkbox"/> C. Acuerdo de compra, acuerdo de transferencia de acciones o autorización para transferir licencia <input type="checkbox"/> D. Lista de todas las notas y préstamos (también se adjuntarán copias)
V. Propietario único/sociedad de marido y mujer (si corresponde)	<input type="checkbox"/> A. Formulario DR 4679 <input type="checkbox"/> B. Copia de la licencia de conducir emitida por el estado o tarjeta de identificación de Colorado de cada solicitante
VI. Información corporativa del solicitante (si corresponde)	<input type="checkbox"/> A. Certificado de incorporación <input type="checkbox"/> B. Certificado de vigencia <input type="checkbox"/> C. Certificado de autorización si se trata de una empresa extranjera (solo para solicitantes fuera del estado)
VII. Información del solicitante de la sociedad (si corresponde)	<input type="checkbox"/> A. Acuerdo de sociedad (general o limitada). <input type="checkbox"/> B. Certificado de vigencia
VIII. Información del solicitante de la sociedad de responsabilidad limitada (si corresponde)	<input type="checkbox"/> A. Copia de artículos de la organización <input type="checkbox"/> B. Certificado de vigencia <input type="checkbox"/> C. Copia del acuerdo operativo (si corresponde) <input type="checkbox"/> D. Certificado de autoridad si se trata de una LLC extranjera (solo para solicitantes fuera del estado)
IX. Registro de gerente para licencias de hotel y restaurante, taberna, alojamiento y entretenimiento y complejo de licores del campus cuando se incluye con esta solicitud	<input type="checkbox"/> A. Tarifa de \$75.00 <input type="checkbox"/> B. Registro de historial individual (DR 8404-I) <input type="checkbox"/> C. Si el propietario administra, no se exige tarifa

Nombre	Tipo de licencia	Número de cuenta		
<p>7. ¿Es el solicitante (incluyendo cualquiera de los socios si se trata de una sociedad; los miembros o administradores si se trata de una sociedad de responsabilidad limitada; o los funcionarios, accionistas o directores si se trata de una corporación) o los administradores menores de veintitún años?</p> <p style="text-align: right;">Sí <input type="checkbox"/> No <input checked="" type="checkbox"/></p>				
<p>8. Al solicitante (incluyendo cualquiera de los socios si se trata de una sociedad; los miembros o administradores si se trata de una sociedad de responsabilidad limitada; o los funcionarios, accionistas o directores si se trata de una corporación) o a los administradores alguna vez (en Colorado o en cualquier otro estado):</p> <p>a. ¿Se le denegó una licencia de bebidas alcohólicas? <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>b. ¿Se le suspendió o revocó una licencia de bebidas alcohólicas? <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>c. ¿Tenía intereses en otra entidad a la que se le había suspendido o revocado la licencia de bebidas alcohólicas? <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>Si respondió que sí a las preguntas 8a, b o c, explique en una hoja separada.</p>				
<p>9. ¿Se le denegó una solicitud de licencia de licores (de la misma clase de licencia), que estaba a menos de 500 pies del local propuesto, en los dos años anteriores? Si la respuesta es "sí", explique. _____ <input type="checkbox"/> <input checked="" type="checkbox"/></p>				
<p>10. ¿Los locales que se van a autorizar están a menos de 500 pies, de cualquier escuela pública o privada que cumpla los requisitos de educación obligatoria de la ley de Colorado, o del campus principal de algún colegio, universidad o seminario? <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p style="text-align: right;">¿Exención por ordenanza local? <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p style="text-align: right;">Otro: _____</p>				
<p>11. ¿Su farmacia con licencia de licores (LLDS) o la tienda minorista de licores (RLS) está a menos de 1500 pies de otra licencia de venta minorista de licores fuera del local en una jurisdicción con una población superior a (>) 10,000? NOTA: La distancia se determinará mediante una medición de radio que comienza en la entrada principal del local de LLDS/RLS para las que se hace la solicitud y termina en la entrada principal de LLDS/RLS con licencia. <input type="checkbox"/> <input type="checkbox"/></p>				
<p>12. ¿Su farmacia con licencia de licores (LLDS) o la tienda minorista de licores (RLS) está a menos de 3000 pies de otra licencia de venta minorista de licores fuera del local en una jurisdicción con una población inferior a (<) 10,000? NOTA: La distancia se determinará mediante una medición de radio que comienza en la entrada principal del local de LLDS/RLS para las que se hace la solicitud y termina en la entrada principal de LLDS/RLS con licencia. <input type="checkbox"/> <input checked="" type="checkbox"/></p>				
<p>13. a. Solo para tiendas minoristas de licores adicionales. ¿Se emitió su licencia de tienda minorista de licores el 1 de enero de 2016 o antes? <input type="checkbox"/> <input type="checkbox"/></p>				
<p>13. b. ¿Es residente de Colorado? <input checked="" type="checkbox"/> <input type="checkbox"/></p>				
<p>14. ¿Alguna vez se emitió una licencia de licor o cerveza al solicitante (incluyendo alguno de los socios, si es una sociedad; miembros o gerente si es una sociedad de responsabilidad limitada; o funcionarios, accionistas o directores si es una corporación)? Si la respuesta es sí, identifique el nombre de la empresa y escriba cualquier interés financiero actual en dicha empresa, incluyendo los préstamos a licenciatarios. <input checked="" type="checkbox"/> <input checked="" type="checkbox"/></p>				
<p>15. ¿El solicitante, como se indica en la línea 2 de esta solicitud, tiene posesión legal del local por propiedad, arrendamiento u otro arreglo? <input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> Propiedad <input checked="" type="checkbox"/> Arrendamiento <input type="checkbox"/> Otro (explique) _____</p> <p>a. Si está alquilado, indique el nombre del propietario y del inquilino y la fecha de vencimiento, exactamente como aparecen en el contrato de arrendamiento:</p>				
Propietario	Inquilino	Vencimiento		
<p><i>Samuel Garcia Leticia Garcia 07-01-2022 Hacienda San Mateo 6-30-2023</i></p>				
<p>b. ¿Se incluye un porcentaje de las ventas de alcohol como compensación al propietario? En caso afirmativo, complete la pregunta 16. <input type="checkbox"/> <input checked="" type="checkbox"/></p>				
<p>c. Adjunte un diagrama que designe el área que se va a licenciar en negrita (incluyendo las dimensiones) que muestre las barras, la cervecería, las paredes, las divisiones, las entradas, las salidas y para qué se usará cada habitación en esta empresa. Este diagrama no debe ser mayor de 8 1/2" X 11".</p>				
<p>16. ¿Quién, además de los propietarios que figuran en esta solicitud (incluyendo las personas, empresas, sociedades, corporaciones, sociedades de responsabilidad limitada) prestará o dará dinero, inventario, mobiliario o equipo a esta empresa para que la use; o quién recibirá dinero de esta empresa? Adjunte una hoja por separado si es necesario.</p>				
Apellido	Nombre	Fecha de nacimiento	FEIN o SSN	Interés/Porcentaje
Apellido	Nombre	Fecha de nacimiento	FEIN o SSN	Interés/Porcentaje
<p>Adjunte copias de todas las notas e instrumentos de seguridad y cualquier acuerdo escrito o detalle de cualquier acuerdo verbal, mediante el que cualquier persona (incluyendo sociedades, corporaciones, sociedades de responsabilidad limitada, etc.) participará en las ganancias o en los ingresos brutos de este establecimiento, y cualquier acuerdo de la empresa que sea contingente o condicional de alguna manera por volumen, beneficio, ventas, consejería o consulta.</p>				
<p>17. Local opcional o licencias de hotel y restaurante con local opcional: <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>¿Se adoptó una ordenanza o resolución local que autorice locales opcionales? <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p style="text-align: right;">Número de zonas opcionales adicionales solicitadas. (Vea la tabla de tarifas de licencia) _____</p>				
<p>18. Para la adición de un área de servicio de acera según el Reglamento 47-302(A)(4), incluya un diagrama del área de servicio y la documentación recibida del órgano de gobierno local que autoriza el uso de la acera. La documentación puede incluir, entre otros, una declaración de uso, un permiso, una servidumbre u otros permisos legales.</p>				
<p>19. Los solicitantes de farmacias con licencia de licores (LLDS) deben responder a lo siguiente:</p> <p>a. ¿Hay una farmacia, con licencia de la Junta de Farmacia de Colorado dentro del local de LLDS del solicitante? <input type="checkbox"/> <input type="checkbox"/></p> <p>Si la respuesta es "sí," se debe adjuntar una copia de la licencia.</p>				

Nombre	Tipo de licencia	Número de cuenta		
20. Los solicitantes de la licencia de licores para clubes deben responder lo siguiente: Adjunte una copia de la documentación correspondiente				
a. ¿La organización solicitante opera únicamente con fines nacionales, sociales, fraternos, patrióticos, políticos o deportivos y no con fines de lucro?				
b. ¿Es la organización solicitante una rama, una logia o un capítulo regularmente constituido de una organización nacional que funciona únicamente con el objetivo de una organización o sociedad patriótica o fraternal, pero no con fines de lucro?				
c. ¿Cuánto tiempo lleva incorporado el club?				
d. ¿El solicitante ocupó un establecimiento durante tres años (se exigen tres años) que fuera explotado únicamente por los motivos indicados arriba?				
21. Los solicitantes de una cervecería, una destilería o un restaurante de vinicultores deben responder lo siguiente:				
a. ¿El solicitante recibió o solicitó un permiso federal? (Se debe adjuntar copia del permiso o solicitud)				
22. Los solicitantes del complejo de licores del campus deben responder lo siguiente:				
a. ¿El solicitante es una institución de educación superior?				
b. ¿El solicitante es una persona que tiene contrato con la institución de educación superior para prestar servicios de comida?				
Si la respuesta es "sí," dé una copia del contrato con la institución de educación superior para prestar servicios de comida.				
23. Para todos los solicitantes in situ.				
a. Hotel y restaurante, alojamiento y entretenimiento, licencia de taberna y complejo de licores del campus, el gerente registrado también debe presentar un Registro de historial individual - DR 8404-I y huella digital enviada al proveedor estatal aprobado mediante el sitio web del proveedor. Consulte la lista de verificación de la solicitud, Sección IV, para obtener más información.				
b. Para todas las farmacias con licencia de licores (LLDS), el gerente autorizado también debe enviar una solicitud de permiso de gerente - DR 8000 y huellas dactilares.				
Apellido del gerente	Nombre del gerente			
24. ¿Este gerente es también gerente de otro establecimiento con licencia de licores en el estado de Colorado o tiene un interés financiero en otro establecimiento con licencia de licores en el estado de Colorado? Si la respuesta es sí, escriba el nombre, el tipo de licencia y el número de cuenta.				
25. Instalaciones relacionadas: los solicitantes del complejo de licores del campus deben responder lo siguiente:				
a. ¿La instalación relacionada está dentro de los límites del complejo de licores del campus?				
Si la respuesta es sí, dé un mapa del lugar geográfico dentro del complejo de licores del campus. Si la respuesta es no, este tipo de licencia no está disponible para asuntos fuera del lugar geográfico del complejo de licores del campus.				
b. Gerente designado para instalaciones relacionadas: complejo de licores del campus				
Apellido del gerente	Nombre del gerente			
26. Información fiscal.				
a. ¿Se encontró al solicitante, incluyendo su gerente, socios, funcionario, directores, accionistas, miembros (LLC), miembros administradores (LLC) o cualquier otra persona con un interés financiero del 10% o más en el solicitante, en el orden final de una agencia tributaria en mora en el pago de impuestos, multas o intereses estatales o locales de una empresa?				
b. ¿El solicitante, incluyendo su gerente, socios, funcionario, directores, accionistas, miembros (LLC), miembros administradores (LLC) o cualquier otra persona con un interés financiero del 10% o más en el solicitante, no pagó las tarifas o recargos impuestos en virtud del artículo 44-3-503, C.R.S.?				
27. Si el solicitante es una corporación, sociedad, asociación o sociedad de responsabilidad limitada, el solicitante debe nombrar a todos los funcionarios, directores, socios generales y miembros gerentes. Además, el solicitante debe nombrar a todos los accionistas, socios o miembros con una propiedad del 10 % o más en el solicitante. Todas las personas que aparecen abajo también deben adjuntar el formulario DR 8404-I (Registro de historial individual) y hacer una cita con un proveedor estatal aprobado desde su sitio web. Consulte la lista de verificación de la solicitud, Sección IV, para obtener más información.				
Nombre	Dirección, ciudad y estado del domicilio	Fecha de nacimiento	Puesto	% que tiene
Carolina Herrera	Grand Jct Co. 81504 3007 D 1/4 Road	01-15-1972	Partner	50%
Nombre	Dirección, ciudad y estado del domicilio	Fecha de nacimiento	Puesto	% que tiene
Salvador Corona S	New Castle 5033 County Rd 335 #147	10-31-1977	Partner	50%
Nombre	Dirección, ciudad y estado del domicilio	Fecha de nacimiento	Puesto	% que tiene
Nombre	Dirección, ciudad y estado del domicilio	Fecha de nacimiento	Puesto	% que tiene
Nombre	Dirección, ciudad y estado del domicilio	Fecha de nacimiento	Puesto	% que tiene

** Si el solicitante tiene el 100 % de una empresa matriz, indique el funcionario principal designado en la lista de abajo.

** Corporaciones: el presidente, el vicepresidente, el secretario y el tesorero deben figurar arriba (incluya el porcentaje de propiedad si corresponde)

** Si el porcentaje de propiedad total revelado aquí no totaliza el 100 %, el solicitante debe marcar esta casilla:

El solicitante afirma que ninguna otra persona que no sea la descrita en este documento tiene el 10 % o más del solicitante y no tiene interés financiero en una licencia de licores prohibida de conformidad con el artículo 3 o 5, C.R.S.

Nombre		Tipo de licencia		Número de cuenta	
Juramento del solicitante					
Declaro bajo pena de perjurio en segundo grado que esta solicitud y todos los adjuntos son verdaderos, correctos y completos según mi leal saber y entender. También reconozco que es mi responsabilidad y la responsabilidad de mis agentes y empleados cumplir las disposiciones del Código de licores o cervezas de Colorado que afectan mi licencia.					
Firma autorizada <i>Carolina Herrera</i>		Nombre en letra de molde y título <i>Carolina Herrera</i>		Fecha <i>9/26/22</i>	
Informe y aprobación de la autoridad de licencias local (ciudad/condado)					
Fecha de presentación de la solicitud ante la autoridad local <i>Caro</i>		Fecha de la audiencia de las autoridades locales (para los nuevos solicitantes de licencias; no puede ser inferior a 30 días desde la fecha de la solicitud)			
La autoridad de licencias local afirma por la presente que a cada persona que debe presentar el DR 8404-I (Registro de historial individual) o un DR 8000 (Permiso de gerente) se le hizo lo siguiente:					
<input type="checkbox"/> Se le tomaron las huellas dactilares <input type="checkbox"/> Fue objeto de una investigación de antecedentes, incluyendo la comprobación del NCIC/CCIC para detectar órdenes de detención pendientes					
La autoridad local hizo, o tiene intención de hacer, una inspección del local propuesto para garantizar que el solicitante cumple y conoce las disposiciones del código de licores que afectan a su clase de licencia (Marque una opción)					
<input checked="" type="checkbox"/> Fecha de la inspección o fecha prevista <u><i>9-21-22</i></u> <input type="checkbox"/> Se hará una inspección con la aprobación de la autoridad de licencias estatal					
<input type="checkbox"/> ¿La farmacia con licencia de licores (LLDS) o la tienda minorista de licores (RLS) está a 1,500 pies de otra licencia de venta minorista de licores para ventas fuera del local en una jurisdicción con una población de > 10,000?				Si	No
<input type="checkbox"/> ¿La farmacia con licencia de licores (LLDS) o la tienda minorista de licores (RLS) está a 3,000 pies de otra licencia de venta minorista de licores para ventas fuera del local en una jurisdicción con una población de < 10,000?				<input type="checkbox"/>	<input type="checkbox"/>
NOTA: La distancia se determinará mediante una medición de radio que comienza en la entrada principal del local de LLDS/RLS para las que se hace la solicitud y termina en la entrada principal de LLDS/RLS con licencia.					
<input type="checkbox"/> ¿La farmacia con licencia de licores (LLDS) tiene al menos el veinte por ciento (20 %) de los ingresos brutos anuales del solicitante derivados de la venta de comida, durante el período anterior de doce (12) meses?				<input type="checkbox"/>	<input type="checkbox"/>
Se examinó la solicitud anterior; y el local, la empresa que se hará y el carácter del solicitante son satisfactorios. Informamos que dicha licencia, en caso de ser concedida, cumplirá los requisitos razonables del barrio y los deseos de los habitantes adultos, y cumplirá las disposiciones del Título 44, Artículo 4 o 3, C.R.S. y las Reglas de licores. Por tanto, se aprueba esta aplicación.					
Autoridad de licencias local para			Número de teléfono		<input type="checkbox"/> Pueblo, Ciudad <input type="checkbox"/> Condado
Firma		Letra de molde		Título	
Firma		Letra de molde		Título	
				Fecha	



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

AFFIDAVIT OF TRANSFER AND STATEMENT OF COMPLIANCE

Pursuant to the requirements of 44-3-303(3)(b)(V), Colorado Revised Statutes, Licensee hereby states that all accounts for alcohol beverages sold to the Applicant are:

- Paid in full. There are no outstanding accounts with any Colorado Wholesalers.
- Licensee hereby certifies that the attached list is a complete list of accounts for alcohol beverages that are unpaid: **Licensee and Applicant agree that all accounts will be paid for from the proceeds at closing by the:** Licensee Applicant
- Licensee unavailable to certify disposition of accounts for alcohol beverages - Inventory list attached. Transfer by operation of law - Regulation 47-304.
- Applicant will assume full responsibility for payment of the outstanding accounts as listed above.
- No alcohol beverage inventory transferred or sold.

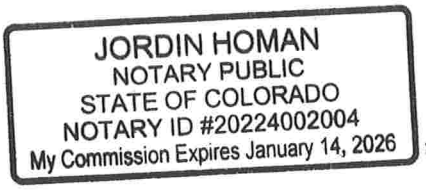
Licensee hereby authorizes the transfer of its Colorado Retail Liquor License to the Applicant, its Agent(s), or a company, corporation, partnership or other business entity to be formed by the Applicant. Dated this 27 day of September, 2022

SELLER: Salvador Corona Souza
*(Current Licensee, License number) #03-01962
Trade Name: 2 Coronas Inc
Signature: [Signature]
Print Name Salvador Corona Souza
Position OWNER

BUYER: Carolina Herrera
(Applicant Name – listed on #2 of the DR forms)
Trade Name: Hacienda San Miguel
Signature: [Signature]
Print Name Carolina Herrera
Position Owner Partner

State of Colorado
County of Mesa
Subscribed and sworn to before me this 27 day of September, 2022 by: Jordin Homan

Notary Public: [Signature]
My Commission Expires: 01/14/2026 Seal:



Done

32 of 32

1 of 1

ational Routines Reports Exit

Customer: Status: Debt Type: Hyper

Selected Customer

Acct: 65218105, 2 CORONAS
 201.W MAIN ST , NEW CASTLE , CO 816476401
 Contact: SALVADOR CORONA @ 9709840351

Balances

Open Checks:	<input type="text" value="\$0.00"/>	Bad Checks:	<input type="text" value="\$0.00"/>	CHK Colltr:	<input type="text" value="\$0.00"/>
IOU'S:	<input type="text" value="\$0.00"/>	Bad Credit Cards:	<input type="text" value="\$0.00"/>	IOU Colltr:	<input type="text" value="\$0.00"/>
Invoices:	<input type="text" value="\$0.00"/>	Bad CC Colltr:	<input type="text" value="\$0.00"/>	INV Colltr:	<input type="text" value="\$0.00"/>

Payment		Status	De
Pay ?			

Mharrison@newCastlecolorado.org

to: whom this may concern

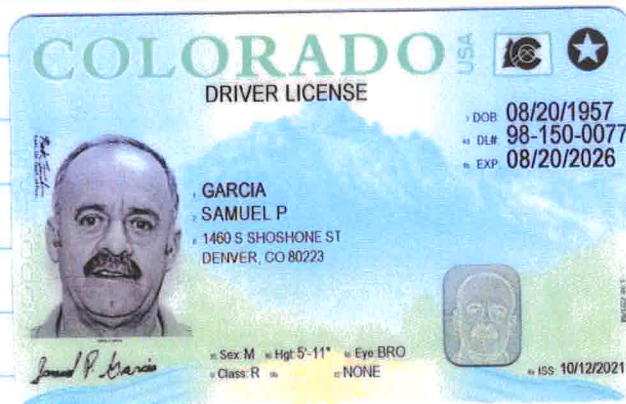
Sept. 29-2022

Im: Samuel & Leticia Garcia Renting the property located at: 201 W main st New Castle CO. 81647 to: Hacienda San Miguel for the amount of \$3,250.⁰⁰ (three thousand two hundred fifty) a month starting July 1 2022 to June 30 2023

If any question call me at (970) 319-8378
Email: garciassamuel1957@gmail.com

Yours:

Samuel P Garcia





TOWN OF NEW CASTLE
TEMPORARY ALCOHOLIC
BEVERAGE PERMIT

Hacienda San Miguel, Inc.
201 W Main Street
New Castle, Colorado 81647

Licensed Premises:
Permit #: 22-TEMP-002

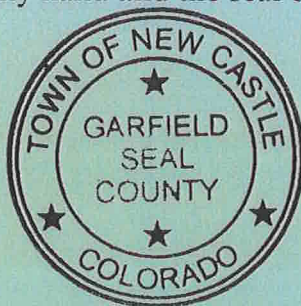
This certifies that having paid the required fee of \$100.00,
Hacienda San Miguel, Inc.
has been granted Town of New Castle Temporary Permit Number 22-TEMP-002

To conduct business and sell malt, vinous and spirituous liquors in accordance with the Hotel & Restaurant Liquor License for 2 Coronas, Inc., for premises located at 201 W Main Street, known as 2 Coronas.

This temporary permit shall be valid until such time that the application to transfer ownership of the license to Hacienda San Miguel, Inc. is granted or denied, or for one-hundred twenty (120) days, whichever occurs first.

Such temporary permit may be cancelled, revoked or summarily suspended if the Town Council of New Castle of the Colorado Department of Revenue determines that there is probable cause to believe that Hacienda San Miguel, Inc. has violated any provision of the Colorado Liquor Code or the Colorado Beer Code or has violated any rule or regulation adopted by the Town Council of New Castle or the Colorado Department of Revenue or has failed to truthfully disclose those matters required pursuant to the application forms required by the Colorado Department of Revenue.

Given under my hand and the seal of the Town of New Castle, September 29, 2022.



Town of New Castle

By: Melody L. Harrison OMC
Melody L. Harrison
Town Clerk

This license must be posted in a conspicuous place at the license premises and is not transferrable

Triple Net Commercial Lease Agreement

Lease Agreement made on the 01 ,day of JULY , 2022, between [**SAMUEL AND LETICIA GARCIA for BK INVESTMENT LLC**], a corporation organized and existing under the laws of the state of { COLORADO } with its

principal office located at :

1460 S. Shoshone St., Denver, C.O. 80223 which address may be changed from time to time by the **Landlord** ; referred to herein a **Landlord** and

HACIENDA SAN MIGUEL, INC.

a corporation organized and existing the laws of the state of { COLORADO } with its principle office located at :

201 W. MAIN ST., NEW CASTLE, CO 81647

referred to herein as **Tenant**.

Whereas, **Landlord** is the sole owner of certain land, a building and other facilities located at 201 W. MAIN ST., NEW CASTLE, C.O. 81647 and more fully described below, which it desires to lease to **Tenant**;

Whereas, the parties desire to enter into a lease agreement to define their respective rights, duties, and liabilities concerning such a lease;

Now, therefore, for and in consideration of the mutual covenants contained in this agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Description of Premises and Purpose:

201 W. MAIN ST., NEW CASTLE, C.O. 81647 comprising land and a building, together with the improvements on such property, and more particularly described in **Exhibit A 2,500 square foot for RESTAURANT**

[purposes] **TOWN OF NEW CASTLE LOT 13 BLOCK 3 (legal description)** which is attached to and made a part of this Lease Agreement. Said demised premises, including all land and improvements located on the demised premises and described in **Exhibit A**, are hereinafter referred to as **Premises**.

2. Term:

The term of the Lease shall be 1 ,(number) years, commencing on the 01 ,day of JULY, 2022, and terminating on

the 30th ,day of JUNE, 2023, unless sooner terminated under the provision of this Lease Agreement. This term shall be automatically extended from

[**YEAR to YEAR**] unless notice to vacate is given by **Landlord to Tenant** within (**30**), days from the end of each one year term or unless notice is given by **Tenant to Landlord** within (**60**), days from the end of each one year term.

3. Rent:

The unit is for rent (**as is**) by the **Landlord**. **Landlord** will not do any upgrades or changes as per this: **Lease agreement**.

During the term of this Lease, **Tenant** shall pay to **Landlord** rental of \$3,250, per month, payable in advance and due on the (**25**) th day of each

month, except that the first installment of \$9,333, for first and second month, and an included security deposit will be due and payable on the execution, this Lease Agreement.

Rent checks shall be made payable to:

BK INVESTMENT LLC at WELLS FARGO BANK acct # 1952875340 or mailed to; **BK INVESTMENT LLC 1460 S. Shoshone St., Denver, C.O. 80223** check must be received no later than (**5**) days after rent due date.

Tenant shall pay a late fee of \$ (**50.00**) per day, beginning with the day after the due date. After the (**5**) days have passed, **Tenant** shall fall into **Default**.

4. Taxes:

Tenant shall pay all real estate taxes and assessments on **Premises** during the full term of this Lease. **Landlord** agrees to cooperate with **Tenant** in seeking a reduction from the taxing authorities in any real estate tax increase during the lease term and any renewals thereof. Furthermore, **Tenant** shall pay all special or local assessments that may be levied against the demised premises by reason of improvements made thereon by **Tenant** or of the street or sidewalks surrounding the property. The price of the taxes on the **Premises** are determined annually by Garfield County, and based on the square footage of the premises. **Tenant** shall be notified by the **Landlord** of the tax amount to be paid.

5. Fire, Hazard and Liability Insurance:

A. Tenant shall provide and keep in force, at **Tenant's** sole expense, fire and hazard insurance sufficient to replace or restore the **Premises** in the event of

loss or damage.

B. Tenant shall also provide and keep in force, at **Tenant's** sole expense, for the benefit of **Tenant** and **Landlord**, general public liability insurance protecting **Tenant** and **Landlord** against claims for bodily injury or death occurring on or in the **Premises**, or in the parking lots, streets and underground passageways adjacent to the **Premises**, for not less than \$1,000,000.00 with respect to any one accident or disaster, for not less than \$1,000,000.00

with respect to bodily injury or death to any one person, and for not less than \$1,000,000.00

with respect to destruction or damage to property. A liability policy or a certificate of insurance covering **Tenant** and **Landlord**, as their interests may appear, shall be deemed a compliance with the provisions of this paragraph. **Tenant** shall deliver appropriate evidence to **Landlord** as proof that adequate insurance is in force issued by companies reasonably satisfactory to **Landlord**.

C. Tenant shall renew all fire, hazard and liability policies of insurance that it is required, to procure and maintain under the provisions of this Lease when renewal is required, and at least (5) days prior to the expiration of the policies, **Tenant** shall furnish to a copy of the binder from the insurer. **Tenant** shall also provide **Landlord** with the renewal of the insurance policies hereunder. All binders, policies, or certificates shall provide for (5) days, notice from insurers to **Landlord** of any cancellation or amendment to any of the insurance policies, where a notice requirement of this nature is acceptable to insurer.

D. Tenant shall, in addition, and in any event hold the **Landlord** harmless from any liability arising from the operation, or possession of **Premises**, and the **Tenant** agrees to indemnify **Landlord** against and save **Landlord** harmless from all demand, claims, causes of action or judgments for injury to person, loss of life, or damage to property occurring on said premises and arising out of the **Tenant's** use and occupancy.

6. Destruction of Premises:

If the **Premises**, or any part thereof, are damaged or destroyed by fire or other casualty, the **Tenant** shall, except as otherwise provided herein, repair and rebuild

the **Premises** with reasonable diligence, and if there is interference with the operation of the **Tenant's** business in said **Premises**, the rental shall be equitably apportioned according to the time during which, and the extent to which, the **Premises** may have been untenable. In the occurrence of **Premises** being untenable. **Tenant** must

procure Premises operational within (10) days to remain on good standing and not fall into default with the Lease.

7. Condemnation:

In the event the Premises hereby leased, or any part thereof are taken in condemnation proceedings, **Tenant** may cancel this Lease and all condemnation moneys shall belong to the **Landlord**, according to its respective interest.

8. Subletting or Assignment:

A. Tenant shall not assign this Lease Agreement or any interest in this Lease Agreement, or sublet the Premises or any part of thereof or any right or

privilege appurtenant to the Premises, or allow any person other than **Tenant** and **Tenant's** agents and employees to occupy or use the Premises or any part thereof, without first obtaining **Landlord's** written consent.

B. Landlord's consent to one assignment, sublease, or occupancy or use shall not be deemed to be a consent to any subsequent assignment or sublease, or to any occupancy or use by any other person.

C. Any unauthorized assignment or sublease shall be void, and shall terminate this Lease Agreement at **Landlord's** option.

9. Default:

In the event **Tenant** shall be in default in the payment of rentals hereunder or if **Tenant** shall default in any of the covenants herein contained and should such default continue for (5) days after receipt of written notice or email by **Tenant** from **Landlord**, it shall be lawful for **Landlord** to enter upon and take possession of said Premises, provided, however, that if the default by **Tenant** relates to any covenant other than one respecting the payment of rent, then

Landlord may not enter upon and take possession of said premises or exercise any other remedy provided by law unless **Tenant** fails within said (5) days period to begin to remedy the default complained of and thereafter fails to make diligent efforts to complete the remedy.

10. Encumbrances and Restrictions:

Landlord covenants and warrants that **Landlord** has the lawful right to lease the Premises and that said Premises are free and clear of any and all liens, easements, restrictions and encumbrances except those reflected in the land records of the **N/A** Clerk of **N/A** County state of {COLORADO}

11. Waste:

Tenant, its assignees or sublessees shall not commit waste upon *Premises* and at the expiration of this Lease will peaceably surrender possession of *Premises* to the then owners of said real estate in safe condition.

12. Peaceful Use:

Landlord covenants that **Landlord** will put **Tenant** into complete and exclusive possession of the *Premises* as herein before provided, and that, if the **Tenant** shall pay the rental and perform all of the covenants and provisions of the Lease to be performed by **Tenant**, the **Tenant** shall during the term demised, freely, peaceably and quietly occupy and enjoy the full possession of the *Premises*, and the rights and privileges herein granted, without molestation or hindrance, lawful or otherwise.

13. Landlord May Sell (Conditions)

In the event that **Landlord** shall at any time during the term of this Lease desire to sell the *Premises* pursuant to any bona fide and acceptable offer which

it shall have received, it shall offer *Premises* to **Tenant** at the same price as that contained in such bona fide offer. **Tenant** shall have (60) days from and after receipt thereof to decide whether or not to purchase the *Premises* at such price. If the **Tenant** shall give notice of intent not to purchase or shall give no notice within the time herein limited, **Landlord** may accept such offer and proceed with the sale thereunder. If **Tenant** notifies **Landlord** that it elects to purchase said interest in the *Premises* at such price, the parties shall enter into a contract of purchase and sale forthwith, and **Tenant** shall, within 30 days following evidence of marketable title to said property, tender the purchase price thereof to **Landlord** in exchange for a deed to said interest. Such contract shall provide, among other things, for prorating taxes to date of closing and for **Landlord** to supply an attorney's certificate showing good title sufficient for **Tenant** to acquire **Landlord's** fee simple interest in and to said *Premises* and a Warranty Deed to *Premises*.

14. Notices:

All notices required under this Lease shall be deemed to be properly served if delivered in writing personally or sent by certified mail with return receipt requested, to **Tenant** at : 3007 D1/4 GRAND JUNCTION, CO 81504

Landlord at: 1460 S. Shoshone St., Denver, C.O. 80223

or to any subsequent address which **Tenant** or **Landlord** designate in writing to the other parties for such purposes. Date of service of a notice served by mail shall be the date on which such notice is deposited in a post office of the United States Post Office Dept.

15. Repairs:

Tenant, at **Tenant's** sole expense, shall maintain the **Premises** in good repair and in at least as good condition as that in which they were delivered, allowing for ordinary wear and tear.

16. Utilities:

Tenant shall pay all charges measured by consumption or use for water, sewage disposal, telephone, gas, electricity, and any other similar utility, commodity, or service furnished to or used by **Tenant** whether such utility services are furnished by **Landlord** or are submetered by **Landlord** or furnished directly from the utility company or governmental body or agency.

If any such services are not separately metered to **Tenant**, **Tenant** shall pay reasonable, proportionate share as determined by **Landlord** of all charges jointly metered with other **Tenants** on **Premises**.

17. Alterations and Improvements:

A. Tenant shall not improve or alter the **Premises** in any manner without the prior, express, and written consent of **Landlord**, but shall, before making any

improvements or alterations, submit plans and designs for such improvements or alterations to **Landlord** for its approval. In the event that the plans and designs are disapproved, the improvements or alterations shall be made only with such changes as may be consented to by **Landlord**.

B. Furnishings, trade fixtures, and equipment installed by **Tenant** shall be the property of **Tenant** and may be removed by **Tenant** at any time during the term of this Lease Agreement provided that **Tenant** is not in default under this Lease Agreement. On termination of this Lease Agreement, **Tenant** shall remove any such property. **Tenant** shall repair any damage to the **Premises** resulting from the installation or removal of such property. The **Landlord**, shall take photos or video before delivering the unit, for tenancy, to confirm the condition of the unit including all ; Furnishings, Floors ,Walls, Ceilings, and roof. All built-ins are property of the **Landlord**.

18. Permitted Uses:

The *Premises* during the continuance of this Lease Agreement shall be used and occupied for any and all lawful purposes and for no other purpose or purposes. **Tenant** shall not use the *Premises* for any purpose in violation of any federal, state, or municipal statute or ordinance, or any regulation, order, or directive of a governmental agency, as such statutes, ordinances, regulations, orders, or directives now exist or may hereafter provide, concerning the use and safety of the *Premises*.

19. Miscellaneous:

A. Nothing contained herein shall be deemed or construed by the parties hereto, nor by any third party, as creating a relationship of principal and agent or of partnership or of joint venture between the parties hereto. **Tenant** is responsible to remove snow, or any debris from side walk, also in case of using the unit for food purposes, **Tenant** needs to keep regular log updates on cleanup, of the grease trap according to town of New Castle, and as per Environmental Health requirements.

B. No waiver of any condition or covenant of this Lease by either party shall be deemed to imply or constitute a further waiver of the same or any other condition or covenant of said Lease.

C. A Memorandum of this Lease may be recorded in said Clerk's land records of Garfield County, Colorado, by any party hereto.

20. Surrender and Holding Over:

Tenant shall surrender the *Premises* to **Landlord** on the expiration or termination of this Lease Agreement. If **Tenant** holds the *Premises* after termination of this Lease Agreement, a tenancy from month-to-month shall be created by such holding at a rental of **\$3,250.00** per month. The acceptance of the rental by **Landlord** will not extend the term of this Lease Agreement in any manner.

21. Governing Law:

This Lease Agreement shall be governed by, construed, and enforced in accordance with the laws of the state of COLORADO.

22. Entire Agreement:

This Agreement, including the Exhibits attached hereto, constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all previous proposals, both oral and written, negotiations, representations, commitments, writings and all other communications between the parties. This

Agreement may not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

23. Mandatory Arbitration:

Notwithstanding the foregoing, and anything herein to the contrary notwithstanding, any dispute under this agreement shall be required to be resolved by binding arbitration of the parties hereto. If the parties cannot agree on an arbitrator, each party shall select one arbitrator and both arbitrators shall then select a third. The third arbitrator so selected shall arbitrate said dispute. The arbitration shall be governed by the rules of the American Arbitration Association then in force and effect.

WITNESS our signatures as of the day and date first below stated

Landlord: SAMUEL, LETICIA, BRENDA, OR KARINA GARCIA

1460 S. Shoshone St. Denver, CO. 80223

Ph (970) 319-8378 or (720) 470-9407 or (831) 431-9848

E Mail:

garciasamuel1957@gmail.com kari.grc@gmail.com

Name: HACIENDA SAN MIGUEL, INC.

address: 201 W. MAIN ST. CO 81647

Ph: 970-462-1375

EMail: Hererrac1020@gmail.com

Landlord:

BK INVESTMENTS

By: Samuel Garcia

Tenant:

HACIENDA SAN MIGUEL

By: Carolina Herrera

Carolina Herrera (Owner)

home address: 3007 D ¼ Rd. GRAND JUNCTION, CO 81504



Colorado Secretary of State
 Date and Time: 06/23/2022 05:57 PM
 ID Number: 20221615923
 Document number: 20221615923
 Amount Paid: \$50.00

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Incorporation for a Profit Corporation

filed pursuant to § 7-102-101 and § 7-102-102 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name for the corporation is

HACIENDA SAN MIGUEL CORP

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the corporation's initial principal office is

Street address 201 W MAIN ST
(Street number and name)

NEW CASTLE CO 81647
(City) (State) (ZIP/Postal Code)

United States
(Province - if applicable) (Country)

Mailing address 3007 D 1/4 RD
 (leave blank if same as street address) *(Street number and name or Post Office Box information)*

GRAND JUNCTION CO 81504
(City) (State) (ZIP/Postal Code)

United States
(Province - if applicable) (Country)

3. The registered agent name and registered agent address of the corporation's initial registered agent are

Name
 (if an individual) HERRERA HERRERA CAROLINA
(Last) (First) (Middle) (Suffix)

or
 (if an entity) _____
(Caution: Do not provide both an individual and an entity name.)

Street address 201 W MAIN ST
(Street number and name)

NEW CASTLE CO 81647
(City) (State) (ZIP/Postal Code)

Mailing address 3007 D 1/4 RD
 (leave blank if same as street address) *(Street number and name or Post Office Box information)*

GRAND JUNCTION CO 81504
(City) (State) (ZIP/Postal Code)

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

HACIENDA SAN MIGUEL CORP

is a

Corporation

formed or registered on 06/23/2022 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20221615923 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/28/2022 that have been posted, and by documents delivered to this office electronically through 09/29/2022 @ 13:10:14 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 09/29/2022 @ 13:10:14 in accordance with applicable law. This certificate is assigned Confirmation Number 14351923 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

201 W.

main st

Ext Door



Hacienda San Miguel
Dining area

Ext Door

52'-0"

24'-0"

100'-0"

Ext Door

Ladies room



Exit

13'-0"

Bar

17'-0"

walk in cooler



microw room

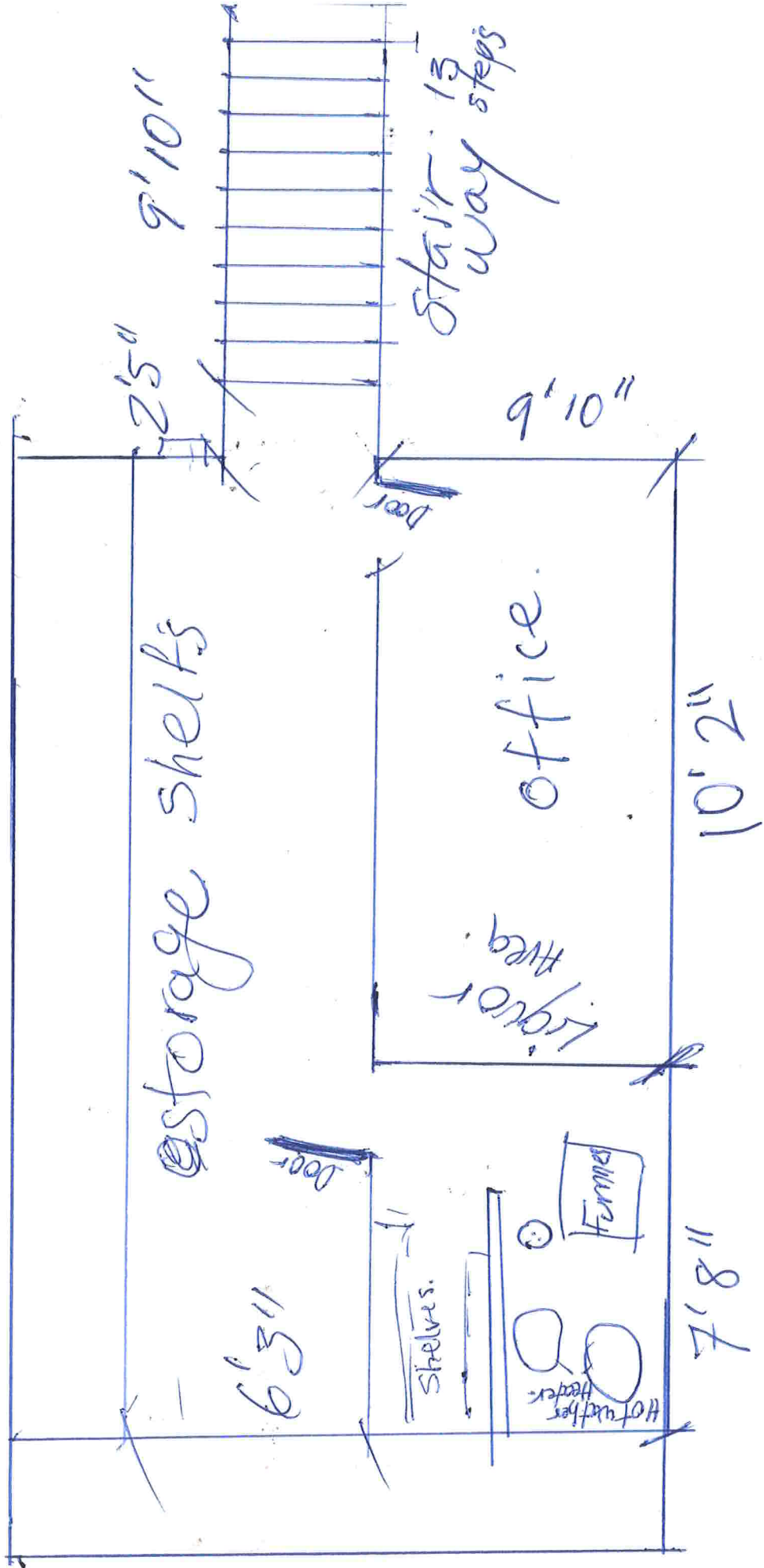
Kitchen

Preparation area

Ext Door

75'-11"

ALLEY



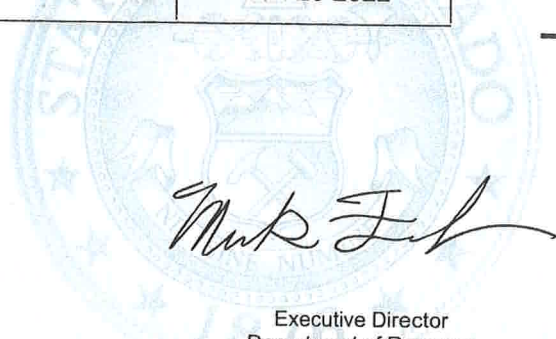
WAGE WITHHOLDING LICENSE

**THIS LICENSE IS
NOT TRANSFERABLE**

USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION		ISSUE DATE
	95376636	C	092022



HACIENDA SAN MIGUEL CORP
3007 D 1/4 RD
GRAND JUNCTION CO 81504-7665



Executive Director
Department of Revenue

▲ Detach Here ▲

Important Verification Process

If you are new to Colorado withholding tax visit: www.Colorado.gov/revenue/withholdingbasics

This license will be valid as long as you are doing business under the same name and ownership shown on the license. **Revenue Online is the way to access your account and file returns.** At www.Colorado.gov/RevenueOnline you can file and view your returns and payments, update your mailing address, and submit your Annual Reconciliation and withholding statements through your Revenue Online account.

All the information you need to register is on this document; have it with you before you begin. Follow these easy steps.

1. Go to **www.Colorado.gov/RevenueOnline**
2. Click on the **Sign Up (Individual or Business)** link on the right.
3. Click on **Continue**.

Now click on: **Enter Taxpayer Information**. Click on the down arrow in the Account Type list and select Other. Use the first 8-digits of the account number shown on your license. Complete the rest of the screen.

Next click on: **Enter Login Information** and complete the screen (this is information YOU get to create for the account).

Next click on: **Enter Account Information** and complete the screen.

Your Letter ID is: L0683718624

Then, click the **Submit** button. You will see a confirmation page on your screen. You should receive a confirmation email from the Colorado Department of Revenue. If you do not, check your Junk email folder. Once you have your Authorization Code return to Revenue Online via the link in your email. Enter the Login ID and Password you created.

1. Click on the **Login** button.
2. Enter the Authorization Code from your email (first time only).
3. Click **Login**. You should then be in your account. NOTE: If you have additional tax types registered under the same Account Number, such as sales tax, you will be able to view those tax types through the account that you can now access. You do not need to create separate Login IDs and Passwords for each tax in your account.

Filing Returns

If you are a withholding frequent filer, you must use Electronic Funds Transfer (EFT). You may register for EFT through your Revenue Online account.

To file a return, go to Revenue Online (www.Colorado.gov/RevenueOnline). You must file a return even if you have no tax to remit and file a "zero" return. Tax reporting and payment are your responsibility. To avoid late penalties and interest, file online on or before the due date.

You may close your tax account through Revenue Online when you no longer have employees with Colorado withholding.





COLORADO
Department of Public
Health & Environment

2022 License to Operate: Restaurant (0-100 seats)

License must be posted at the following location in a conspicuous place:

License #: RFE22767

Owner: Hacienda San Miguel Corp. Carolina Herrera

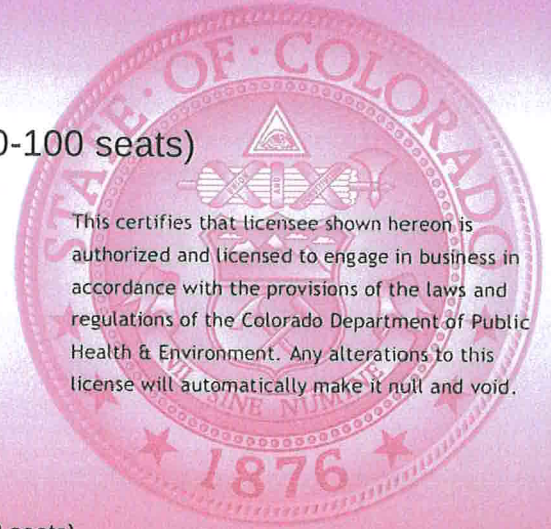
DBA: Hacienda San Miguel

License Valid until: 12/31/2022

201 W Main St
New Castle CO 81647-5005

License Type: Restaurant (0-100 seats)

Issued By: Garfield County Public Health



This certifies that licensee shown hereon is authorized and licensed to engage in business in accordance with the provisions of the laws and regulations of the Colorado Department of Public Health & Environment. Any alterations to this license will automatically make it null and void.

Hacienda San Miguel Corp. Carolina Herrera
3007 D 1/4 Rd
Grand Junction CO 81504

DR 0140 (02/16/11)
DEPARTMENT OF REVENUE
DENVER CO 80261-0013

STATE COUNTY RTA CITY
COLORADO GARFIELD New Castle

Must collect taxes for:
SALES TAX LICENSE

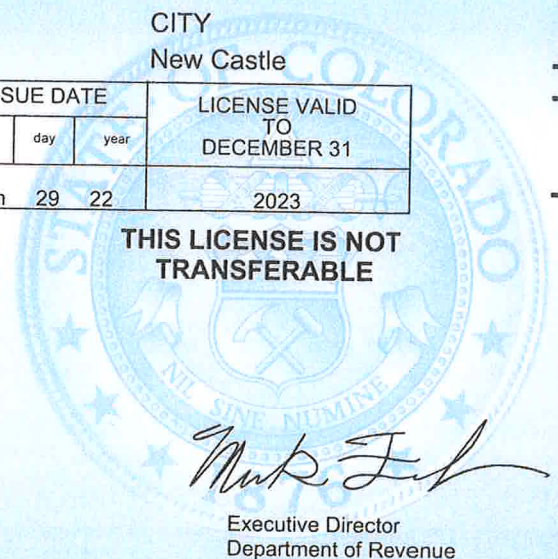
USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION				ISSUE DATE			LICENSE VALID TO DECEMBER 31	
	county	city	industry	type	liability date	month	day		year
95376636-0000	24	0031	005	C	080122	Jun	29	22	2023

THIS LICENSE MUST BE POSTED AT THE FOLLOWING LOCATION
IN A CONSPICUOUS PLACE: CAROLINA HERRERA HERRERA
201 W MAIN ST NEW CASTLE CO 81647-5005

THIS LICENSE IS NOT TRANSFERABLE



HACIENDA SAN MIGUEL CORP
3007 D 1/4 RD
GRAND JUNCTION CO 81504-7665



▲ Detach Here ▲
IMPORTANT INFORMATION

Letter Id: L1615362016

Now that you have your license, here's what you need to know:

- Use the letter ID above and go to Colorado.gov/RevenueOnline to set up your online access, manage your account, file electronic returns and submit payments. Paper returns will NOT be mailed to you.
- Both your sales tax return AND payments are due by the 20th day of the month following the end date of the reporting period in order to avoid any penalty and/or interest. Be sure you know what your filing frequency is in order to avoid missing due dates.
 - Monthly filer due dates: On the 20th day of the month following the reporting period end date.
 - Quarterly filer due dates: April 20th, July 20th, October 20th and January 20th.
 - Annual filer due dates: January 20th following the reporting period end date.
- If no sales were made during the reporting period, you are still required to file a return to report zero sales were made during the reporting period. Otherwise, the Department of Revenue will assess a non-filer estimate for tax.
- All licensed retailers are required to collect and remit all state-collected sales taxes based on the location where their products are delivered.
- State law requires you to collect sales tax from your customers solely for the purpose of remitting those taxes to the Colorado Department of Revenue. Businesses are entrusted with collecting and remitting taxes that belong to the State of Colorado and local jurisdictions.
- Your Colorado Sales Tax License must be displayed in a conspicuous place at your physical location.
- Your license must be renewed and the renewal fee paid at the end of the license period ending December 31 of odd-numbered years in order to maintain a valid license. Failure to renew your license will invalidate your license, but it won't automatically close your account. In order to close your account and cease any future liability, you must file form DR 1102 with the Department of Revenue.
- Having a Colorado Sales Tax License gives you the privilege to purchase non-taxable items-for-resale. Items that you consume in the course of your business are not included in this privilege.

We strongly recommend that you set up your Revenue Online account as soon as possible in order to remain compliant. If you have any questions regarding sales tax in Colorado, then please visit our website Colorado.gov/tax and click on "Education and Legal Research" for helpful FYIs, Regulations, Letter Rulings and Statutes. While there, you can also sign up for free Public Sales Tax Classes.

Thank you for registering with the Colorado Department of Revenue.

Taxex De New Castle



Date of this notice: 06-23-2022

Employer Identification Number:
88-2949517

Form: SS-4

Number of this notice: CP 575 A

HACIENDA SAN MIGUEL CORP
3007 D 1/4 RD
GRAND JCT, CO 81504

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 88-2949517. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

Based on the information received from you or your representative, you must file the following forms by the dates shown.

Form 941	01/31/2023
Form 940	01/31/2023
Form 1120	04/15/2023

If you have questions about the forms or the due dates shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification (corporation, partnership, etc.) based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2020-1, 2020-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S, U.S. Income Tax Return for an S Corporation, must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, Election by a Small Business Corporation.

Memo

To: Local Liquor Authority

From: Melody Harrison, Town Clerk

Date: 11.15.2022

Re: Town of New Castle Special Event Liquor Permit for the Chili Cook-Off and Mac & Cheese Competition, December 2, 2022

Request: The Special Event Staff of the Town of New Castle requests a special events liquor license for the Chili Cook-Off and Mac & Cheese Competition on December 2, 2022 ,located in Burning Mountain Park at 157 W. Main Street.

Recommendation: If Council's consensus is to approve the attached application for a special event liquor permit for the Town of New Castle, the Clerk's Office staff recommends that Council consider the following condition(s):

That although the application requests a permit time until 8:00 p.m. on December 2, 2022, staff recommends that alcohol be served until 7:30 p.m., and alcohol be allowed on premises until 8:00 p.m.

Policy Implications: The policy implication of Council's approval of this special event license is that the town shall have the authority to serve, sell or distribute malt, vinous and spirituous liquors for on-premises consumption at the 2022 Chili Cook-Off and Mac & Cheese Competition on December 2, 2022, from 5:30 p.m. to 8:00 p.m.

Budget Implications: Adopting staff's recommendation would increase sales tax revenues. Even though the applicant is a non-profit organization, it is required to collect and remit sales tax on beer garden sales.

Melody L Harrison

Department Head (signature)

Background: The Town of New Castle Special Event Coordinator filed the application on October 24, 2022. The public hearing has been properly noticed. The application is properly completed.

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | <input checked="" type="checkbox"/> local government |

LIAB Type of Special Event Applicant is Applying for:	DO NOT WRITE IN THIS SPACE
2110 <input type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input checked="" type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate <i>Kelley Cox - Newcastle Recreation</i>	State Sales Tax Number (Required)
--	-----------------------------------

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) <i>PO Box 90 New Castle, CO 81647</i>	3. Address of Place to Have Special Event (include street, city/town and ZIP) <i>Burning Mtn. Park Main Street</i>
--	---

4. Authorized Representative of Qualifying Organization or Political Candidate <i>Kelley Cox - Art / Events NC Rec.</i>	Date of Birth <i>12-17-62</i>	Phone Number <i>970-984-3352</i>
--	----------------------------------	-------------------------------------

Authorized Representative's Mailing Address (if different than address provided in Question 2.)
Same

5. Event Manager <i>Kelley Cox</i>	Date of Birth	Phone Number
---------------------------------------	---------------	--------------

Event Manager Home Address (Street, City, State, ZIP)	Email Address of Event Manager
---	--------------------------------

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes How many days? <i>5</i>	7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes License Number _____
--	---

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Date	Date	Date	Date
<i>12-2-22</i>				
Hours From <i>5:30 p.m.</i>	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To <i>8:00 p.m.</i>	To .m.	To .m.	To .m.	To .m.
Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.	To .m.
Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.	To .m.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature <i>Kelley Cox</i>	Title <i>Arts & Enrichment Coordinator / Events</i>	Date <i>10-24-22</i>
--------------------------------	--	-------------------------

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
--	--	---------------------------------------

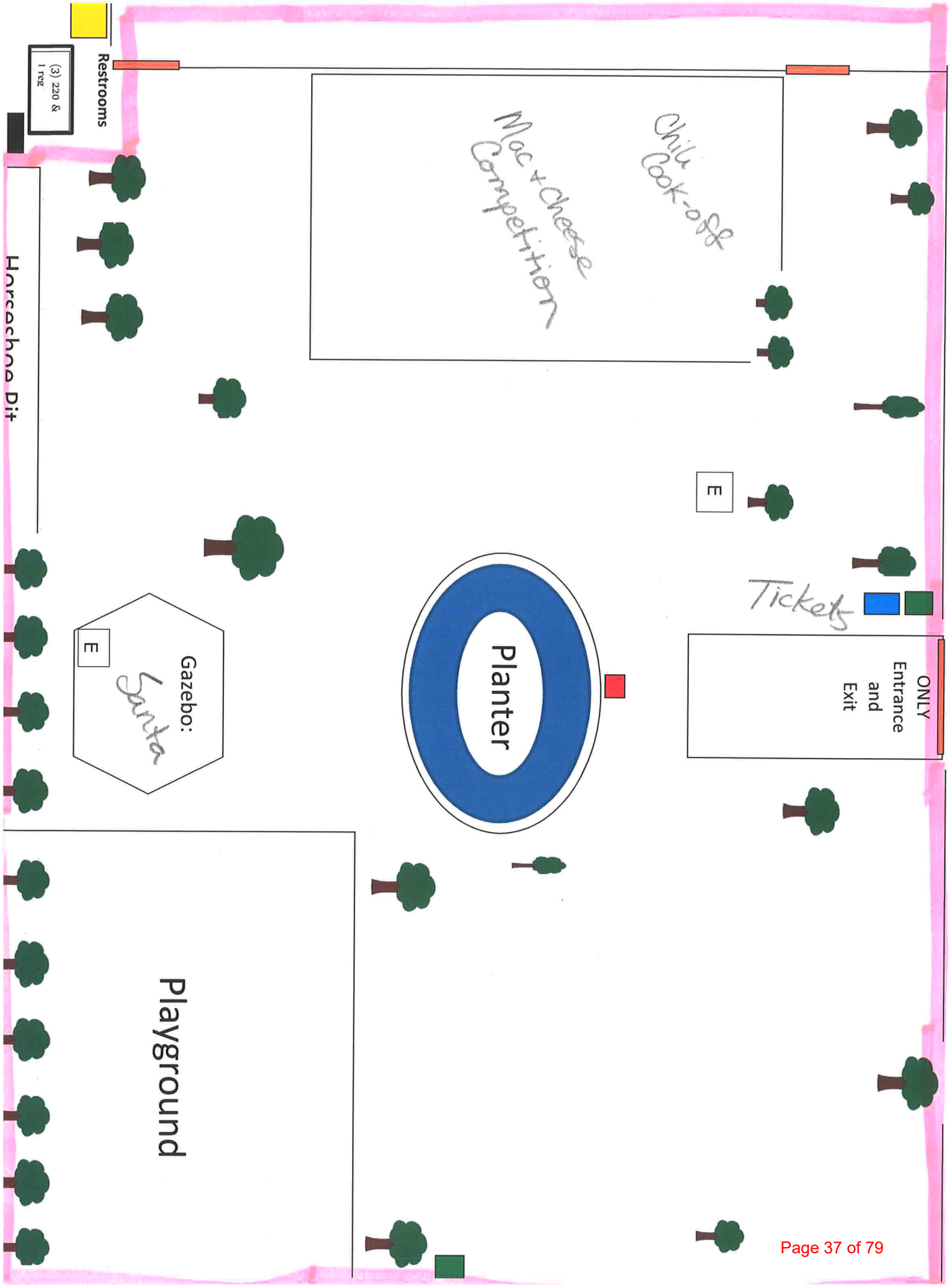
Signature	Title	Date
-----------	-------	------

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number	Liability Date	State	Total
		-750 (999)	\$.

Main Street



Harsachna Ditt

(3) 220 &
1 Reg.

Restrooms

Mac + Cheese
Competition

Child
Cook-off

Planter

Gazebo:
Santa

Playground

ONLY
Entrance
and
Exit

Tickets



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Office of the Town Administrator
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

To: Mayor and Council

Subject: Agenda Item – Consider Council Resolution TC 2022-28 Updates to the Public Works Manual

From: David Reynolds

Date: 11/15/22

The purpose of this agenda item is to consider the approval of Resolution TC 2022-28 addressing proposed updates and changes to New Castle’s Public Works Manual.

Public Works Director John Wenzel and Town Planner Paul Smith, have worked for the past several months with our town engineer, town attorneys, and other staff members to develop needed updates to the New Castle Public Works Manual and associated sections of the New Castle Municipal Code. Staff has reviewed the changes with the Planning and Zoning Commission and has taken their comments into account in order to develop the proposed final version for Council consideration. Staff members will review the updates with Town Council and discuss reasons for the proposed updates and changes.

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC 2022-28

A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL APPROVING AN
UPDATE TO THE PUBLIC WORKS MANUAL

WHEREAS, the Public Works Department of the Town of New Castle (“Town”) has adopted a Public Works Manual that establishes minimum standards for street, utility, and other infrastructure development within the Town; and

WHEREAS, the Public Works Department, in conjunction with other Town departments, staff, and the Planning & Zoning Commission, has recently reviewed the Public Works Manual and design standards included in the Municipal Code to identify provisions that should be addressed in the Public Works Manual instead of in the Municipal Code;

WHEREAS, the Public Works Department has prepared the update to the Public Works Manual attached as Exhibit A to conform to current best practices and incorporate street and other utility design standards currently set forth in the Town Municipal Code into the Manual; and

WHEREAS, the Town Council has reviewed the updated to the Public Works Manual prepared by the Public Works Department and finds and determines that the changes included therein are necessary and appropriate and promote the health, safety, and welfare of the Town and its citizens; and

WHEREAS, the Town Council now desires to approve the update to the Public Works Manual attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.
2. Approval. The updates to the Public Works Manual attached as Exhibit A and incorporated herein by reference are hereby approved by Town Council and will take effect upon adoption of this Resolution. To the extent of any conflict between the Public Works Manual as updated hereby and any provisions of the Town Municipal Code, the Public Works Manual will control.
3. Effective Date. This Resolution shall take effect upon adoption hereof.

INTRODUCED, READ, AND ADOPTED at a regular meeting of the Town of New Castle Town Council held on November 15, 2022.

TOWN COUNCIL OF THE TOWN OF
NEW CASTLE, COLORADO

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk

EXHIBIT A

Updated Public Works Manual

Exhibit A

Street Design Standards.

Pursuant to section 16-04-020 of the municipal code, a “street” means a *right-of-way* reserved or dedicated for public use that provides principal vehicular and pedestrian access to adjacent properties. All newly constructed public streets shall be subject to the following standards and regulations. Exemptions to these standards shall be subject to the provisions of Title 16 of the municipal code.

- A. The street pattern shall conform to the most recently adopted transportation plan or comprehensive plan and shall afford safe and convenient access to all lots within the subdivision.
- B. Streets shall intersect with planned or existing streets as follows:
 - 1. Intersections of streets shall be at right angles unless otherwise approved by the Planning Commission and the Town Engineer.
 - 2. No more than two streets shall intersect at one point.
 - 3. Two local streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least one hundred feet (100').
 - 4. Arterial or collector streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least two hundred feet (200').
 - 5. The Town Engineer may approve exceptions to the provisions of this subsection in extraordinary circumstances where safety is not compromised.
- C. Streets shall have the names of existing streets which are aligned in the Town, or as specified by the Town of New Castle Public Works Manual and approved by Garfield County Communications.
- D. Streets which are extensions of existing or platted streets shall bear the same classification as that assigned to the existing or platted street in the most recently adopted transportation or comprehensive plan and shall conform to any special standards pertaining to such classifications.
- E. Local residential streets shall be laid out to discourage through traffic, and where a proposed subdivision borders on or includes a street designated arterial, intersections of proposed streets with such arterials shall be held to a minimum. Lots bordering arterial roadways may be either reverse-facing on an interior street within the subdivision or served by a frontage road.

- F. Streets shall be designed to bear a logical relationship to the existing topography.
- G. Dead-end streets shall not be permitted. A street may end in a permanent cul-de-sac providing that the street is not longer than six hundred sixty feet (660') and that the radius of the turning areas be at least forty-five feet (45') to the curb, and fifty feet (50') to the edge of the right-of-way.

Where a street is designed to connect with a future street, a temporary turn-around shall be provided with a radius equal to that required for a permanent cul-de-sac or of an alternate design approved by the Town Engineer based on the traffic movement generated by the street in question. Such streets terminating in a temporary turn around may exceed the six hundred sixty foot (660') limit specified above if approval by the Town Engineer. If the temporary turn-around is to exist for a period longer than six (6) months, then the subdivider shall pave it and construct a curb and gutter and sidewalks if so directed by the Town Engineer. When the connection is finally made, the subdivider shall be responsible for constructing the turn-around area to fit the normal street design, and the Town shall reassign the excess right-of-way back to the owners of the adjacent property. Surface drainage on the cul-de-sac shall be towards the intersecting street or else a drainage easement shall be provided from the cul-de-sac.

- H Private streets shall not be permitted without approval by Town Council. A "private street" means an undedicated, privately controlled, and privately maintained right-of-way. All newly constructed streets shall meet the Town of New Castle streets design standards.
- I. All newly constructed streets shall comply with the "*Recommended Right-of-Way Cross-Sections*", (Appendix A) which may be adopted and amended from time to time by resolution of the Town Council. Streets, alleys, rights-of-way, sidewalks and easements shall comply with all federal and state specifications, and, in addition, shall meet the following minimum width standards:

1. "Arterial street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated as a major street on the comprehensive plan. Arterial streets shall have a minimum right-of-way of one hundred feet (100'). The minimum paved portion of the street measured from flow line to flow line shall be sixty-four feet (64').
2. "Collector street" means those with low to medium traffic volume, whose purpose is to provide access to residential areas and to channel traffic from residential areas to arterial streets. Widths of new collector streets will vary depending on selected use in conformance with the "*Recommended Right of Way Cross Sections*" (Appendix A).
3. "Local residential street" means streets with low volume, low speed traffic that are intended to provide access to adjacent residential lots. Local residential streets shall have a minimum right-of-way of fifty-eight feet (58), with a minimum paved portion of thirty-six feet (36'), measured flow line to flow

line. Pinch points for traffic calming and pedestrian crossing will be considered.

4. Alleys (where permitted), twenty feet (20');
5. Crosswalk easements, ten feet (10');
6. Drainage easements, ten feet (10'), or larger if so required by the Town Engineer;
7. Half-streets shall not be permitted, except when required to complete a half-street already in existence;
8. Minimum street gradient for all streets shall be four-tenths of one percent (0.4%). Maximum street gradient shall be eight percent (8%). Streets shall not exceed a gradient of four percent (4%) within one hundred feet (100') of an intersection. Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed to provide a minimum sight distance of two hundred feet (200') except for arterial streets which shall be subject to state and federal standards. To insure adequate sight distance, when street roadway lines deflect more than five degrees, connection shall be made by horizontal curves.
9. Where a street classified as arterial intersects with any other arterial street, no on-street parking shall be allowed on the arterial street within one hundred feet of the intersection. If the arterial street consists over its general length of only two traffic lanes, then a third lane shall be provided and stripes painted to the specifications of the Town Engineer to enable vehicles to make left turns at such intersections without impeding other traffic;
10. All utilities shall be installed before streets or alleys are surfaced.
11. Subdivision as-builts shall show dedicated rights-of-way;
12. All sewer and water utilities shall clearly show:
 - a. Invert in, invert out, and rim elevation on all manholes;
 - b. Locate all valves, manholes, fire hydrants and/or other utilities with at least two (2) ties from discernible objects;
 - c. Distance and slope between manholes to be noted as offsets to mains from curbs or property lines;
 - d. Dimension existing and/or added water and sewer taps from lot corners or readily discernible objects. Sewer taps shall have additional dimensions from the tap to the downstream manhole;

- e. All dimensions to be from fixed permanent or readily discernible objects. Where water and sewer taps are located from lot lines, front footage will be noted from fixed and permanent point of origin;
- f. Depth of the lateral or service line shall be noted at the property line.

Alleys and Easements.

Paved alleys may be provided and shall be required unless other provisions are made and approved for service access. Easements for utility purposes shall be required along all sides and real lot lines except those bordering dedicated streets and alleys.

Drainage.

Drainage easements and improvements shall be designed by a registered engineer to accommodate expected run-off as determined by the drainage plan. Improvements shall be installed to specification by the Town Council through their designated representative. All drainage improvements described herein shall be the financial responsibility of the subdivider, except as may be provided otherwise in this Public Works Manual or Town Council.

The rate of runoff from any developed area shall not exceed the historic rate of runoff based on a twenty-five (25) year rainfall event.

The following methods of runoff estimation shall be utilized for determining the rate of runoff from a particular site as applicable:

1. Rational Method: Used for Drainage Basins less than 20 acres in size and for minor system design.
2. SCS TR 55 Methods: Used for drainage basins up to 20 square miles in size. Also used for flood flow determination and design in minor and major systems. Also used to compute flood storage volumes.
3. Unit Hydrograph: Used for drainage basins up to 1000 square miles in size. Also used for flood flow determination and design in minor and major systems. Also used to compute flood storage volumes.

General Utilities.

In the event oversized utilities are required, the developer or subdivider may request that Town Council consider an agreement or other arrangements for reimbursements shall be made and approved by Town Council, whereby the developer shall be allowed to recovery of the cost of the utilities that have been provided by him beyond the needs of his development

and standard Town specifications. Any such cost-recovery agreement must be approved by Town Council. The method and time of payment under the reimbursements shall be established in accordance with the current policies of the Town relating to the placement of such oversized utilities.

Water Distribution.

The water main distribution system shall be designed to connect with the Town water system and make water available to each lot in the proposed subdivision. Each lot must be provided with an individual service line. Fire hydrants shall be located to insure protection to each lot, but under no circumstances shall a lot be more than three hundred feet from the nearest hydrant based on front line distance. Design of the system shall be the responsibility of the subdivider with all plans subject to approval of the Town Council through their designated representatives. Installations of the system shall be to Town specifications and at the direction of the Town Council through their designated representatives. Financial responsibility for the water distribution system shall be subject to existing Town regulations and agreement relating thereto between the Town Council and the subdivider, except as may be provided otherwise in this Public Works Manual.

Sanitary Sewage Collection.

If the Town is to supply sanitary sewage collection, the sewage collection system shall be designed to connect with the Town system and provide an individual service line to each lot in the proposed subdivision. Design of the system shall be the responsibility of the subdivider with all plans subject to the approval of the Town Council through their designated representative. Financial responsibility for the sanitary sewage collection system shall be subject to existing Town regulations and agreements relating thereto between the Town Council and the subdivider, except as may be provided otherwise in the Public Works Manual or by Town Council.

All Other Utilities.

All utilities, except major power transmission lines, shall be underground, unless specifically exempted by the Town Council, who shall grant such exemption only in cases of extreme difficulty. Facilities necessary and appurtenant to underground facilities or other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk, or feeder lines may be above ground.

Sidewalks.

Sidewalks are required on both sides of all streets and shall be at least five feet (5') wide for

residential streets and five feet (5') to six feet (6') wide for collector streets. Local residential streets shall have mountable curb and gutter with sidewalks separated from the curb by a landscape buffer measuring five feet, four inches (5'-4"). Collector streets shall have vertical curb and gutter with sidewalks separated from the curb by a landscape buffer measuring five feet, four inches (5'-4"). Design of sidewalks in commercial and industrial areas shall be approved by the Planning Commission. Permanent objects within the landscape buffers are prohibited, except as may be provided otherwise in the Public Works Manual or by Town Council

When right-of-way, geographic, or topographic limitations prevent sidewalks on both sides of the street, then a single sidewalk shall be provided and shall be at least six feet (6') wide. In such cases alternate pathways shall be provided to accommodate pedestrians.

All sidewalks shall be ramped at all street intersections or other pedestrian crossing areas. The design and construction of sidewalk ramps must meet the applicable requirements of the "Americans with Disabilities Act" (ADA).

Signing and Striping Plans.

A complete signing and striping plan shall be submitted as part of the construction drawings. This plan shall include all project streets and intersections and all intersections with existing streets. The design of these improvements shall be in accordance with the MUTCD and shall include all necessary traffic control signage. Street name signs shall be installed at all intersections. The developer will be responsible for their installation.

Bicycle Paths.

Developers, when required, shall install a bicycle path at least eight feet (8') in width along the right-of-way of any sub-arterial street and any arterial street which is not bordered by a frontage road. The initial site of the path along any street shall be determined by the Planning Commission and the Town Engineer. Each developer who extends the path shall keep the path continuous and with as little change in grade as possible. If topography necessitates that the path change from one side of the street to the other, or if the path intersects with another arterial or sub-arterial street, crossways shall be provided. All bicycle paths shall be ramped at intersections. Paths and crossways shall meet construction and design standards set by the Town Council through their designated representatives. Any bike path constructed as part of the New Castle Trail System shall be constructed in accordance with the design requirements of the New Castle Trail System Planning Program.

Street Lighting.

The developer shall install street lights at points designated by the Town or Public Service Company. The poles for such lights shall be metal and the design of both poles and the lights themselves shall meet specifications established by the Town Council through their

designated representatives.

Snow Storage

All newly constructed streets shall be designed to accommodate snow storage. Turf areas, without obstructions, may be utilized for this purpose. A minimum functional area equaling fifteen percent (15%) of the paved area shall be provided contiguous to the right-of-way. Individual snow storage areas shall not be separated by more than 300 feet. Obstructions in the snow storage areas include fences, utility boxes, bushes and large landscape boulders.

Project Acceptance Procedure.

Initial Submittal

1. Acceptance Request Letter
2. Pre-final "As-built" Drawings
3. Stamped certification letter from design engineer verifying all improvements were built to meet the requirements of the Town of New Castle. Copies of all tests performed shall be included.
4. Support documentation (installation and operation manuals) of those facilities and equipment constructed/installed as part of project.
5. Submittal detailing any and all specific requirements (as listed below) and actions taken to meet these requirements.
 - a) Subdivision Improvement Regulations
 - b) Zone District Regulations
 - c) Commitments or Requirements made during Public Hearing
 - d) Contractual Agreements
 - e) Annexation Agreements
 - f) Any/All Other

Town Review of Submittals

Response to Initial Submittal shall be given by the Town within thirty (30) days after receiving all required material. This response shall be as listed below:

1. Staff recommendation to the Town Board accepting improvements as is.
2. Staff recommendation to the Town Board accepting improvements under specific conditions. A document of specific conditions shall be included.
3. Letter to the developer listing specific inadequacies in the Submittals or improvements. The developer must resubmit request for project acceptance once these inadequacies have been addressed.

Final Acceptance.

When all requirements of the Project Acceptance Procedure have been met, the developer/owner shall have submitted "final as-builts" as defined herein. The warranty period shall start on the date of official Town Board acceptance. No building permits will be issued until Final Acceptance has been made.

"As-Built" Plans.

Finished plans of all public improvements shall be required before the Town will accept the improvements. As-built drawings shall include, but are not limited to, the following requirements:

- A. Detailed and accurate information on all improvements completed as part of a project. Locations, dimensions, elevations, types of material, and all other information needed to provide a comprehensive and complete representation of the final project shall be included. Rights of way and easement lines shall also be shown.
- B. Pre-final as-builts shall be submitted on completion of all work within a phase of the development, and the final as-built plans shall be received before final acceptance.
- C. Pre-final as-builts will be submitted for review and/or correction. Pre-finals will be four each, blue line.
- D. Final as-builts will be submitted as Autocad or DXF drawings and reproducible mylar and will become property of the Town of New Castle and a part of permanent Town records.
- E. Final "As-Built" drawings shall be submitted before final acceptance of improvements. They shall be stamped "As-Builts" and be signed as such by a Registered Professional Engineer.

**No building permits will be issued until the above steps are completed!
Acceptance at Warranty Expiration.**

Acceptance of Utility Improvements

The warranty period for new utility improvements, including water distribution, sanitary sewer collection, street lighting, signage and striping shall expire after the duration specified in section 16.32.020 (B) of the New Castle Municipal Code unless otherwise required by Town Council. Within thirty (30) days of the warranty's expiration, the subdivider/developer shall request a reinspection of the utility improvements. When the Town finds that the utility improvements meet Town standards, they shall acknowledge acceptance of the utility improvements to the subdivider/developer by way of written letter.

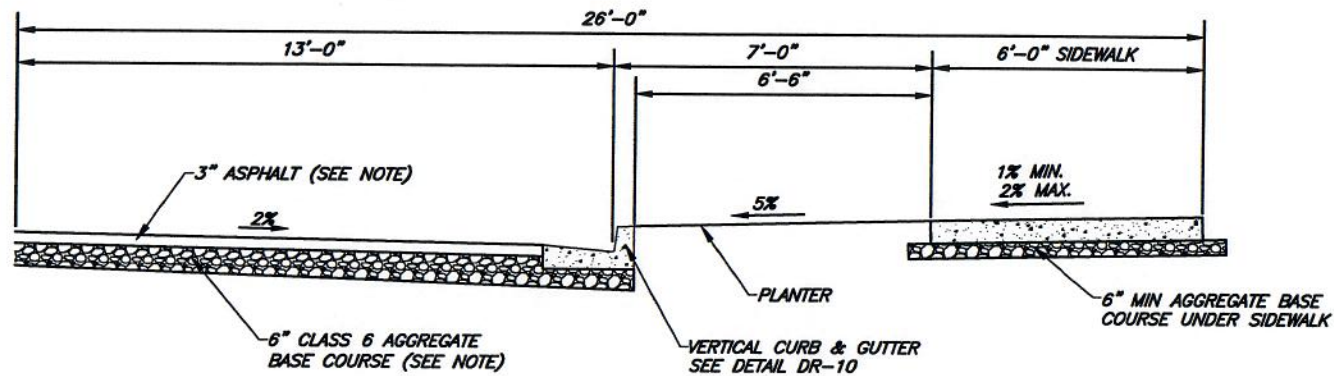
Acceptance of Street Improvements

The warranty period for newly constructed streets, including travel lanes, bike lanes, parking lanes, and sidewalks, shall expire after the duration specified in section 16.32.020 (B) of the New Castle Municipal Code unless otherwise provided by Town Council. The subdivider/developer shall be responsible for requesting an inspection of the street improvements at the end of the warranty period. When the Town finds that the street improvements meet Town standards, performance indicators, and threshold values, they shall acknowledge acceptance of the street improvements to the subdivider/developer by way of a written letter. Warranty work will be required when the threshold limits for a condition parameter has been exceeded and the maximum allowable number of defects was exceeded for one or more condition parameters. The warranty criteria and recommended corrective actions are shown in tables 1 and 2 below.

Table 1. Warranty Thresholds and Requirements		
Condition Parameter	Threshold Limits Per Segment (Segment Length = 528 Feet)	Maximum Segment Per Driving Lane Mile
Longitudinal Crack	30% of segment length	1
Longitudinal Joint Crack	10% of segment length	1
De-bonding	5% of segment length	1
Raveling	8% of segment Length	1
Flushing	4% of segment length	1
Rutting	Average rut depth = 1/4 inch	1
Condition Parameter	Threshold Limits Per Segment (Segment Length = 7 Feet)	Maximum Segment Per Driving Lane Mile
Deflection caused by settlement	Maximum deflection depth = 3/8 inch	1
Condition Parameter	Threshold Limits Per Segment (Segment Length = 1 mile)	Maximum Segment Per Driving Lane Mile
Transvers crack	15 Cracks	1

Table 2. Recommended Corrective Actions	
Condition Parameter	Recommended Action
Longitudinal Crack	Cut and seal
Longitudinal Joint Crack	Cut and seal
De-bonding	2 inch mill and resurface
Raveling	2 inch mill and resurface
Flushing	2 inch mill and resurface
Rutting	2 inch mill and resurface
Deflection caused by settlement	Sub soil mitigation, full depth mill and resurface
Transvers crack	2 inch mill and resurface

Appendix A



**MINOR COLLECTOR STREET WITH NO PARKING
AND NO BIKE LANE 52'-0" ROW**

NOT TO SCALE

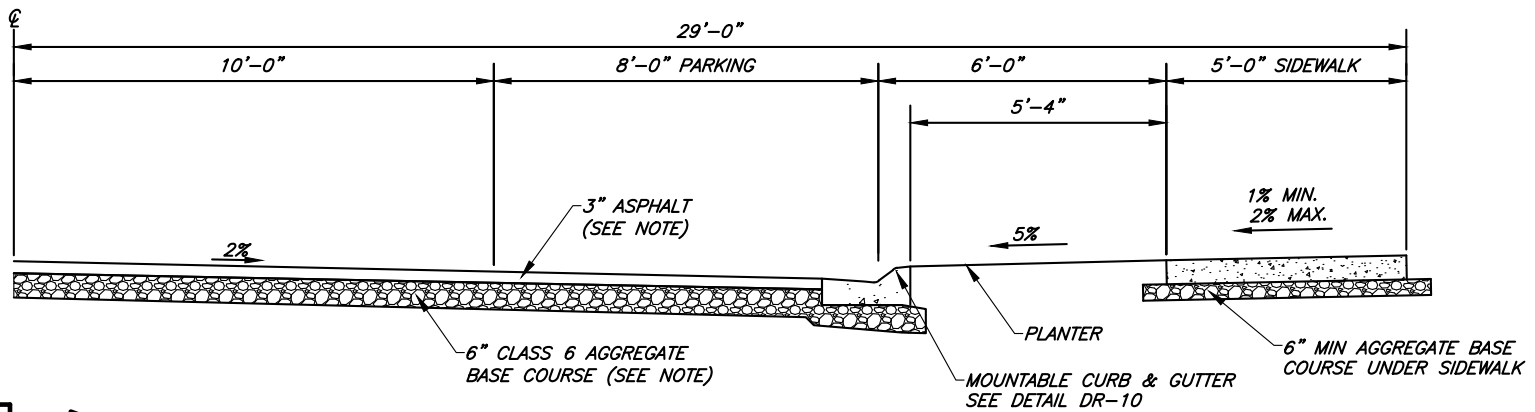
- NO RESIDENTIAL ACCESS

NOT TO SCALE

DWG: ST-40

**MINOR COLLECTOR
STREET NO PARKING
AND BIKE LANE SECTION
TOWN OF NEW CASTLE**

NOTE:
ASPHALT AND BASE DEPTHS IDENTIFIED ARE
MINIMUMS. PROVIDE DEPTHS AS DETERMINED BY
SOILS REPORT AND ENGINEERS DESIGN BASED UPON
PROJECTED TRAFFIC CONDITIONS, LOADING AND SOIL
STRENGTHS.



NOTE:
 ASPHALT AND BASE DEPTHS IDENTIFIED ARE
 MINIMUMS. PROVIDE DEPTHS AS DETERMINED BY
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 PROJECTED TRAFFIC CONDITIONS, LOADING AND SOIL
 STRENGTHS.

RESIDENTIAL STREET 58'-0" ROW

NOT TO SCALE

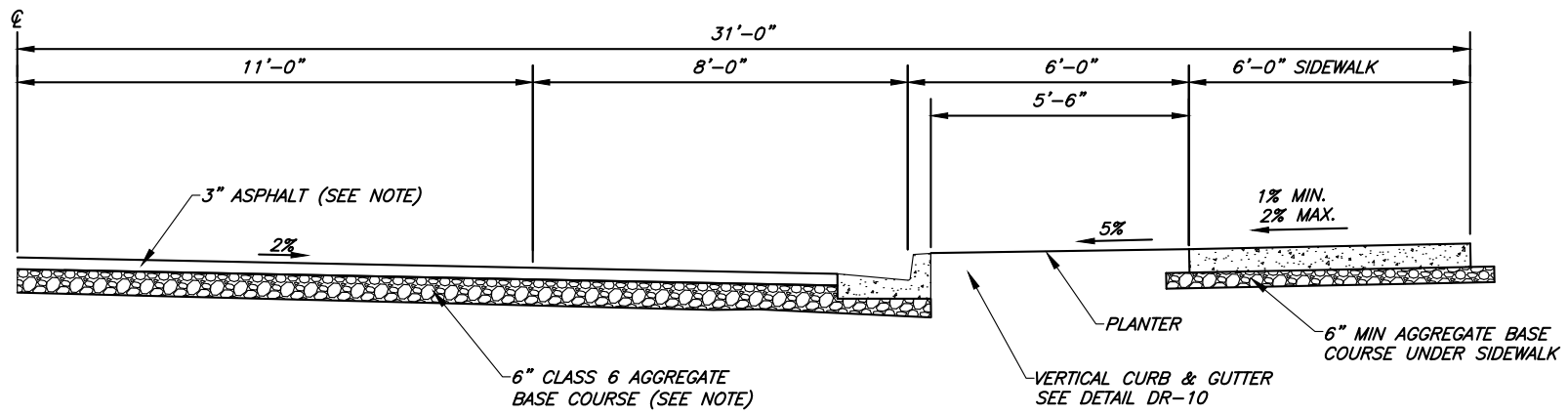
RECOMMENDED RIGHT OF WAY
 CROSS SECTION

RESIDENTIAL STREET
 58'-0" ROW SECTION

TOWN OF NEW CASTLE

NOT TO SCALE

DWG: ST-10



**COLLECTOR STREET WITH PARKING
AND NO BIKE LANE 62'-0" ROW**

NOT TO SCALE

- RESIDENTIAL ACCESS

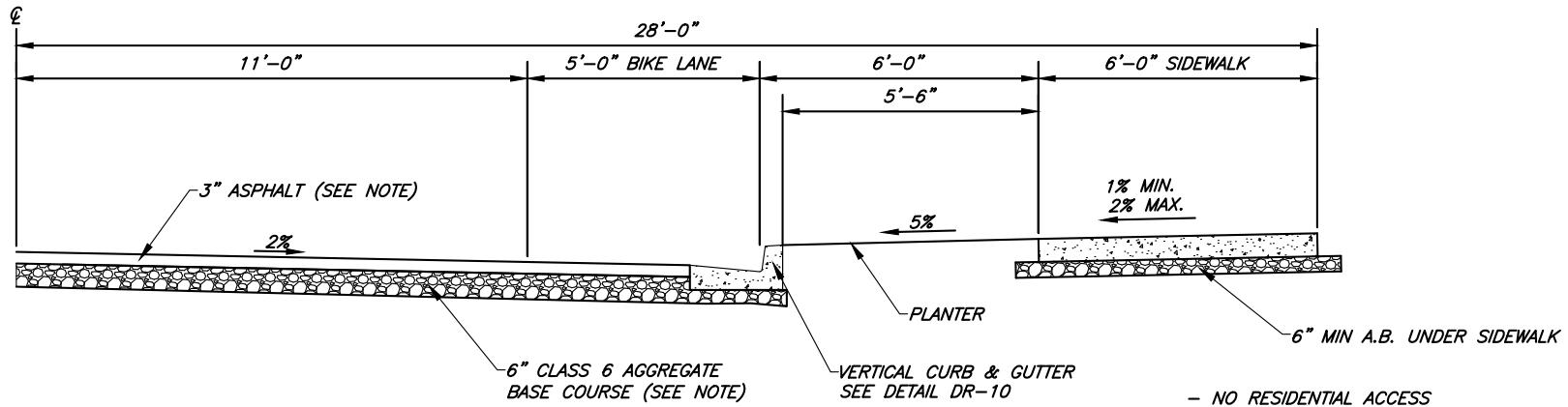
COLLECTOR STREET NO
BIKE LANE SECTION

TOWN OF NEW CASTLE

NOT TO SCALE

DWG: ST-30

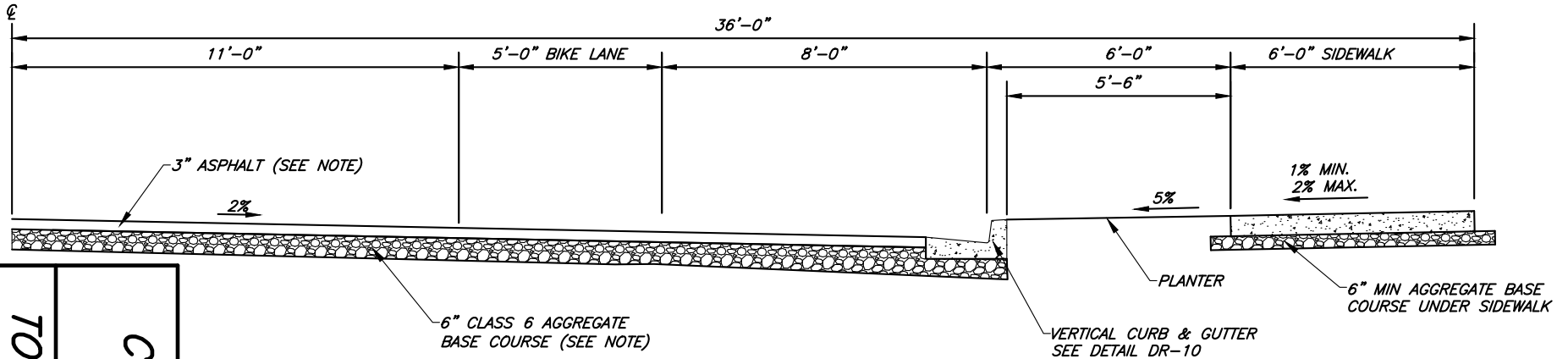
NOTE:
ASPHALT AND BASE DEPTHS IDENTIFIED ARE
MINIMUMS. PROVIDE DEPTHS AS DETERMINED BY
SOILS REPORT AND ENGINEERS DESIGN BASED UPON
PROJECTED TRAFFIC CONDITIONS, LOADING AND SOIL
STRENGTHS.



**COLLECTOR STREET NO PARKING
WITH BIKE LANE 56'-0" ROW**

NOT TO SCALE

- NO RESIDENTIAL ACCESS
- REAR FACING LOTS ONLY
- WHERE BIKE LANE CONNECTIVITY IS IMPORTANT



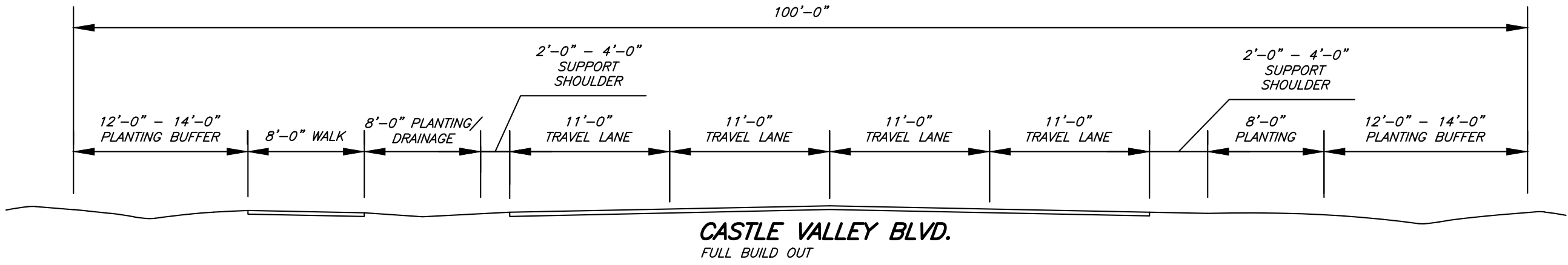
**COLLECTOR STREET WITH PARKING
AND BIKE LANE 72'-0" ROW**

NOT TO SCALE

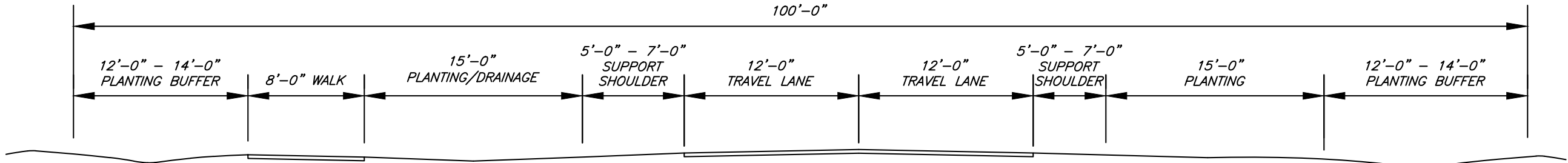
- RESIDENTIAL ACCESS
- WHERE BIKE LANE CONNECTIVITY IS IMPORTANT

NOTE:
ASPHALT AND BASE DEPTHS IDENTIFIED ARE MINIMUMS. PROVIDE DEPTHS AS DETERMINED BY SOILS REPORT AND ENGINEERS DESIGN BASED UPON PROJECTED TRAFFIC CONDITIONS, LOADING AND SOIL STRENGTHS.

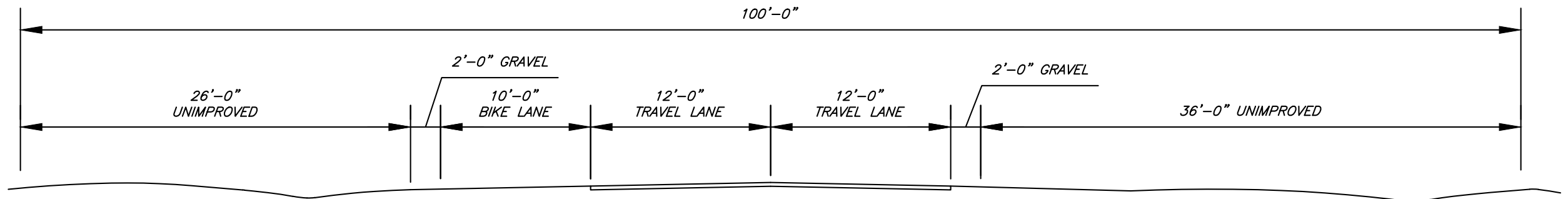
NOT TO SCALE
 TOWN OF NEW CASTLE
 COLLECTOR STREET SECTION
 DWG: ST-20



NOT TO SCALE



NOT TO SCALE



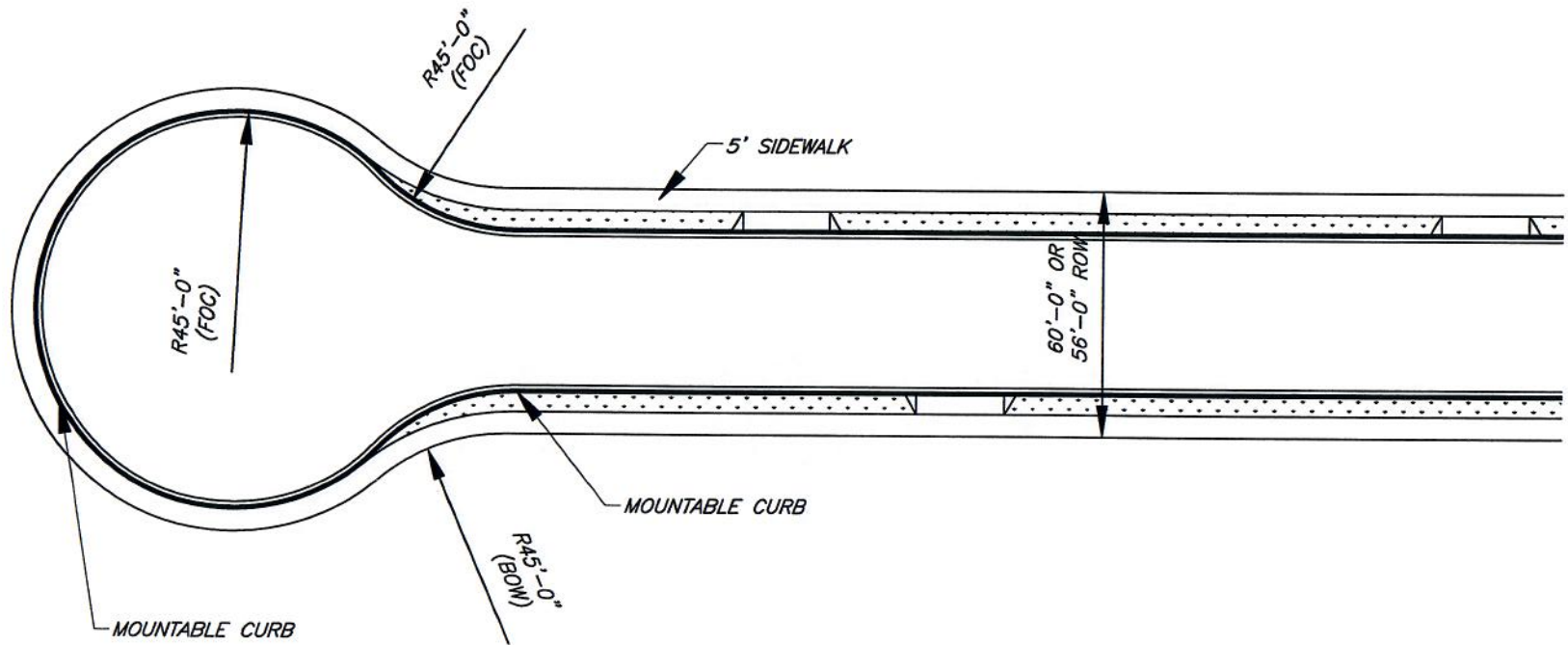
NOT TO SCALE

CASTLE VALLEY BLVD.

TOWN OF NEW CASTLE

NOT TO SCALE

DWG: ST-60



TYPICAL CUL-DE-SAC

NOT TO SCALE

NOTES:

1. CUL-DE-SACS ONLY ARE ALLOWED ON RESIDENTIAL STREETS.
2. CUL-DE-SAC CENTER POINT MAY BE OFFSET FROM STREET CENTERLINE.
3. EASEMENTS REQUIRED FOR STREET LIGHTS.

TYPICAL CUL-DE-SAC

TOWN OF NEW CASTLE

NOT TO SCALE

DWG: ST-50



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Office of the Town Administrator
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

To: Mayor and Council
Subject: Agenda Item – Consider Council Ordinance TC 2022-12
From: David Reynolds
Date: 11/15/22

The purpose of this agenda item is to consider the approval of Ordinance TC 2022-12 on first reading.

As Council considers updates to the Public Works Manual, and because of the way that the Municipal Code refers to the Public Works Manual, staff suggests that Council consider updates to Sections 2.08.070 and 16.28.050 of Town Municipal Code.

Staff will provide Town Council with a report of the proposed changes to the Public Works Manual and discuss the need to update sections of the Municipal Code accordingly.

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE TC 2022-12**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL
AMENDING CHAPTERS 16.04 AND 16.28 OF THE TOWN MUNICIPAL
CODE CONCERNING STREET AND OTHER DESIGN STANDARDS.

WHEREAS, Title 16 of the Municipal Code of the Town of New Castle (“Town”) contains the Town’s subdivision regulations; and

WHEREAS, among the subdivision regulations are design standards for newly-constructed streets and other utilities and infrastructure; and

WHEREAS, the Town Public Works Department has incorporated street and infrastructure design standards into the current version of its Public Works Manual that was recently approved by Town Council; and

WHEREAS, to avoid conflicts between the subdivision regulations set forth in the Municipal Code and those in the Public Works Manual, staff has recommended that the street and infrastructure design standards be removed from the Municipal Code; and

WHEREAS, the Town Council now desires to amend Chapters 16.04 and 16.28 of the New Castle Municipal Code as recommended by Town staff.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment of Chapter 16.04. The Town Council hereby amends Section 16.04.020 of the New Castle Municipal Code as follows, with added language in **bold** and underlined and removed language ~~stricken~~.

2.08.070 - Definitions.

...

“Street” means a right-of-way reserved or dedicated for public use that provides principal vehicular and pedestrian access to adjacent properties. It may also be used for utility access. Streets **shall be designed according to the requirements and specifications set forth in the most current version of the Town’s Public Works Manual.** ~~will be classified according to the following categories:~~

- ~~1. Expressway streets: those whose primary purpose is to facilitate traffic flow through the town rather than to or from the town. All state highways within the town limits shall be defined as expressways.~~

- ~~2. Arterial streets: those designed for high volume, moderate speed circulation of traffic between separate areas of the town with a minimum of hindrance to traffic flow.~~
- ~~3. Collector streets: those with low to medium traffic volume, whose purpose is to provide access to residential areas and to channel traffic from residential areas to arterial streets.~~
- ~~4. Local residential streets: those with low volume, low speed traffic that are intended to provide access to adjacent residential lots.~~

3. Amendment of Chapter 16.28. The Town Council hereby repeals in their entirety Sections 16.28.050 – 16.28.150 of the Town Municipal Code. Further, Town Council hereby reenacts Section 16.28.050 of the Town Municipal Code to read as follows:

16.28.050 – Street and Utility Design

The design and acceptance of all newly constructed or repaired streets, sidewalks, water or sanitary sewer infrastructure, or any other utility infrastructure shall conform to the requirements and specifications set forth in the most current version of the Town’s Public Works Manual.

4. Effect. Those provisions of the Municipal Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

5. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to Section 4.3 of the Town Charter.

6. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part thereof, the intent being that the provisions hereof are severable.

INTRODUCED on November 15, 2022, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on December 6, 2022, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO,
TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Office of the Town Administrator
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

To: Mayor and Council

Subject: Agenda Item – Consider Prosecuting Attorney Professional Services Agreement

From: David Reynolds

Date: 11/15/22

The purpose of this agenda item is to consider the approval of a *Professional Services Agreement* concerning the hiring of Attorney Tim Graves to act as the Town's *Prosecuting Attorney*.

During the regular Town Council meeting held on Nov. 1, 2022, Town Council had the opportunity to meet Mr. Graves and review his qualifications for the position of Town Prosecutor. Following Mr. Graves introduction, Town Council directed staff to formalize a *Professional Service Agreement* for Council consideration at the next available Council meeting.

Attached please find a copy of the proposed agreement for Council consideration.

PROSECUTING ATTORNEY PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is entered by and between the Town of New Castle, Colorado, hereinafter referred to as “the Town” and Timothy L Graves of LeMoine & Graves, P.C., hereinafter referred to as “Prosecuting Attorney”, this ___ day of _____, 2022.

WITNESSETH:

WHEREAS, the Town requires personal services of a legal nature, as more fully set forth below; and

WHEREAS, Timothy L. Graves, of LeMoine & Graves P.C., is fully qualified, through experience and education, and where required by state or local law, is duly licensed to perform such services, and is ready, willing and able to help the Town in carrying out such services personally as set forth herein; and

WHEREAS, the Town has reviewed and evaluated the Prosecuting Attorney’s qualifications and deems that the Prosecuting Attorney is qualified to perform the services set forth herein; and

WHEREAS, the Town desires to contract with the firm of LeMoine & Graves, P.C., for performance of services, with Timothy L. Graves being designated as the lead municipal prosecutor.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and subject to the terms and conditions hereinafter stated, it is hereby understood and agreed by the parties hereto as follows:

AGREEMENT:

1. **Contractor.** The Town hereby agrees to engage and compensate the Prosecuting Attorney, and the Prosecuting Attorney agrees to personally perform the services hereinafter described subject to the conditions hereinafter set forth.
2. **Scope of Services.** The Prosecuting Attorney agrees to perform and carry out satisfactorily and in a proper manner, those duties and work toward the specific needs of the Town Council as agreed upon by the Prosecuting Attorney and the Town Council. The Prosecuting Attorney agrees to devote his best efforts in the performance of services provided hereunder. Services, which are expected to average 8 – 10 hours per month.
 - a. The Prosecuting Attorney shall prosecute ordinance violations before the Town’s Municipal Court.

- b. The Prosecuting Attorney shall attend all arraignments and trials, as set by the Municipal Judge and Court Clerk.
 - c. The Prosecuting Attorney shall advise the New Castle Police personnel of legal matters relating to enforcement of ordinances by the department.
 - d. The Prosecuting Attorney shall perform such other duties as may be prescribed for her by the Town Council; or the Town Administrator.
 - e. The Prosecuting Attorney shall engage an alternate attorney at no additional expense to the Town Council in the event she is unable to perform the agreed upon duties.
 - f. In the event of a Municipal Court Order or the Prosecuting Attorney finds it necessary to retain a Special Prosecutor because Prosecuting Attorney has a conflict of interest on a matter, compensation to the Special Prosecutor will be paid by Prosecuting Attorney.
 - g. The Prosecuting Attorney is hired as special counsel for municipal prosecution pursuant to Article VIII, Section 8.1, of the New Castle Charter.
3. **Term.** The term of this agreement shall be two (2) years from the effective date, and thereafter shall automatically renew for additional two (2) year periods, unless the Prosecuting Attorney provides notice to terminate sixty (60) days prior to the expiration of the then current term.
 4. **Termination.** The Prosecuting Attorney may terminate this agreement upon thirty days written notice to the Town. Pursuant to Article VIII, Section 8.1, of the Town Charter the Town Council may remove the Prosecuting Attorney at any time with or without cause. Such termination shall in no way prejudice the payment due the Prosecuting Attorney for services rendered through the date of termination, nor prejudice the Town's right to services through the date of termination. The Prosecuting Attorney hereby waives those rights that may be afforded her by C.R.S. § 31-4-307 with regard to the termination of this Agreement provided, nothing herein shall be deemed an admission that such statute applies.
 5. **Agreement Subject to Appropriations.** Notwithstanding any provision to the contrary, any payments to the Prosecuting Attorney beyond the fiscal year in which this Agreement is signed shall be subject to annual budgeting and appropriation as required by the Colorado Constitution. If the Town fails to make or maintain sufficient appropriations to pay any costs incurred under this Agreement, then the Agreement shall be terminated immediately.
 6. **Compensation.**
 - a. The Prosecuting Attorney will be paid at the rate of 175.00 per hour for all attorney time, plus customary costs including telephone and mailing charges and costs for the preparation of photographic and video evidence. The hourly rate for all legal assistant time shall be \$75.00 per hour.
 - b. The Prosecuting Attorney shall provide monthly billing statements to the Town.

7. **Entire Agreement.** This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. Except as provided herein, there shall be no modifications of this Agreement except in writing, executed with the same formalities as this instrument. Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement this ____ day of _____, 2022.

TOWN OF NEW CASTLE

LeMOINE & GRAVES, P.C.

Mayor Art Riddile

Timothy L. Graves

ATTEST:

Town Clerk Melody Harrison, C.M.C.

Submit to Local Licensing Authority

**NEW CASTLE LIQUORS
 820 CASTLE VALLEY BLVD SUITE 104
 New Castle CO 81647**

Fees Due	
Renewal Fee	277.50
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 277.50

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name NEW CASTLE LIQUORS INC		Doing Business As Name (DBA) NEW CASTLE LIQUORS	
Liquor License # 03-05761	License Type Liquor Store (city)		
Sales Tax License Number 30132697	Expiration Date 01/10/2023	Due Date 11/26/2022	
Business Address 820 CASTLE VALLEY BOULEVARD #104 New Castle CO 81647			Phone Number 9709843707
Mailing Address 820 CASTLE VALLEY BLVD SUITE 104 New Castle CO 81647		Email scott@newcastleliquors.com	
Operating Manager Scott Gauldin	Date of Birth 10-23-64	Home Address 3714 County Road 214, Silt, CO 81652	Phone Number 970-379-4063
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>11-30-26</u>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. Yes No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. Yes No

Affirmation & Consent		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business	Title	
J. Scott Gaudin	President	
Signature	Date	
<i>J. Scott Gaudin</i>	10-17-22	
Report & Approval of City or County Licensing Authority		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.		
Therefore this application is approved.		
Local Licensing Authority For	Date	
Signature	Title	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, J. Scott Gauldin am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of New Castle Liquors, Inc. (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>New Castle Liquors, Inc.</u>		Social Security Number/Tax Identification Number <u>47-4710125</u>	
Address <u>820 Castle Valley Blvd., Ste. 104</u>			
City <u>New Castle</u>		State <u>CO</u>	Zip <u>81647</u>
Home Phone Number <u>970-379-4063</u>		Business/Work Phone Number <u>970-984-3707</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>J. Scott Gauldin</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>J. Scott Gauldin</u>			Date signed <u>10-17-22</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).



Town of New Castle
 PO Box 90
 450 West Main Street
 New Castle, CO 81647
 970-984-2311
 Fax: 970-984-2716

www.newcastlecolorado.org

ALCOHOL BEVERAGE TASTING PERMIT APPLICATION

Applicant Name: <i>New Castle Liquors, Inc.</i>	
Address of Licensed Premises (must be Retail Liquor Store or Liquor-Licensed Drugstore): <i>820 Castle Valley Blvd, Ste. 104</i>	
Mailing Address: <i>same</i>	
Phone Number: <i>970-984-3707</i>	Fax Number:
E-Mail Address: <i>scott@newcastleliquors.com</i>	Web Site Address:

Attach the following items:

- Employees' certificates of completion of a server training program that meets the standards established by the Colorado Department of Revenue Liquor Enforcement Division.
- A written Control Plan to establish how the Licensee will conduct tastings without violating the provisions of the Colorado Revised Statutes and applicable provisions of the New Castle Municipal Code.
- A list of tasting event dates. If unsure of future dates, submit list to Town Clerk's Office at least one week prior to the event.
- \$100 permit fee. This fee is nonrefundable. If Council grants this permit, this fee would pay for a permit for one year running and expiring concurrently with the license of the retail liquor store or liquor-licensed drugstore. First-year tastings permits shall be prorated as to the permit fee based on an average of two (2) tastings events per week.

*\$25.00
Renewal
fee*

I acknowledge that if the Town grants this permit, the alcohol beverage tastings conducted under this permit shall be subject to the following limitations:

- Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Colorado Department of Revenue Liquor Enforcement Division, and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises.
- The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to Colorado Revised Statute 12-47-403 at a cost that is not less than the laid-in cost of such alcohol.
- The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.
- Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.

- Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11 a.m. or later than 7 p.m.
- The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
- The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.
- The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
- The licensee shall not serve more than four individual samples to a patron during a tasting.
- Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
- Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred four days per year.
- No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.
- The licensee shall notify the Town Clerk and the New Castle Police Department at least seven days prior to any alcohol beverage tasting event.


11-1-22
 Applicant Signature Date

Local Licensing Authority for:
Signature:
Signature (attest)

Date:
Title:
Title:



Tasting Policy for New Castle Liquors

November 2022

Tastings will be held inside the store at 820 Castle Valley Blvd., Suite 104, New Castle, Colorado, under these conditions:

- An owner or employee who has completed the Colorado Alcohol Safety Training course within the past three years will conduct the tasting. They will be responsible for ensuring participants are at least 21 years of age and are not demonstrating any signs of intoxication.
- Two to four products, purchased from a distributor, brewery, winery or distillery at full wholesale price, will be offered for sampling.
- Sample size shall meet the state and town limits of no more than one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor. A clearly marked measuring cup will be used to identify the correct serving size.
- Samples will be offered in plastic cups at no cost to patron, with a limit of four per person, and must be consumed or discarded inside the store.
- Any open or unconsumed alcoholic beverages will be removed from the premises immediately following the event.
- Details about scheduled tastings will be provided to the Town Clerk and New Castle Police Department at least seven days prior to the event, and will be held no more than four out of six days from a Monday to the following Sunday, not to exceed 104 days per year.

Tom Regan Responsible Vendor Training

This certificate is presented to

Scott Gauldin

For passing Responsible Service of Alcohol training

Test name: September 2022 RSOA

Score: 34 / 34 100%

This certificate is valid for two years from this date: Fri 14th Oct 2022

**Tom Regan
Certified RSOA Instructor**

TLKHKLLTHT-THYVHHRXS-RHSTRFPFFF

Tom Regan Responsible Vendor Training

This certificate is presented to

Amanda Gauldin

For passing Responsible Service of Alcohol training

Test name: September 2022 RSOA

Score: 34 / 34 100%

This certificate is valid for two years from this date: Thu 29th Sep 2022

**Tom Regan
Certified RSOA Instructor**

JLHDTSKPSL-BVBCTHQZ-YDWRSTYRRY

Tom Regan Responsible Vendor Training

This certificate is presented to

Joshua Ciccossanti

For passing Responsible Service of Alcohol training

Test name: September 2022 RSOA

Score: 34 / 34 100%

This certificate is valid for two years from this date: Fri 14th Oct 2022

Tom Regan

Certified RSOA Instructor

JLHDHHPPT-BHZHHZQH-YDWGYJJWQS

Tom Regan Responsible Vendor Training

This certificate is presented to

Andrew Gauldin

For passing Responsible Service of Alcohol training

Test name: Responsible Service of Alcohol

Score: 34 / 35 97.1%

This certificate is valid for three years from this date: Sat 22nd May 2021

Tom Regan

Certified RSOA Instructor

TLDDKTLISKG-SWYPPHXY-RPLTKTPTDS

Tom Regan Responsible Vendor Training

This certificate is presented to

Keri Leach

For passing Responsible Service of Alcohol training

Test name: Responsible Service of Alcohol

Score: 33 / 35 94.3%

This certificate is valid for three years from this date: Fri 12th Mar 2021

**Tom Regan
Certified RSOA Instructor**

CLESTHOVA LANGKANSO ALTHORCTT

Tom Regan Responsible Vendor Training

This certificate is presented to

Nicole Mcfarland

For passing Responsible Service of Alcohol training

Test name: Responsible Service of Alcohol

Score: 33 / 35 94.3%

This certificate is valid for three years from this date: Fri 12th Mar 2021

Tom Regan

Certified RSOA Instructor

TLLVTTGLHD-HSQPQSH-RPDIJLLTHS

Tom Regan Responsible Vendor Training

This certificate is presented to

Cory Nielson

For passing Responsible Service of Alcohol training

Test name: September 2022 RSOA

Score: 34 / 34 100%

This certificate is valid for two years from this date: Fri 14th Oct 2022

**Tom Regan
Certified RSOA Instructor**

TLKHKKLQKG-THYHHMXY-RHSTRFLLS

Tom Regan Responsible Vendor Training

This certificate is presented to

Shauna Ross

For passing Responsible Service of Alcohol training

Test name: Responsible Service of Alcohol

Score: 31 / 35 88.6%

This certificate is valid for three years from this date: Fri 12th Mar 2021

**Tom Regan
Certified RSOA Instructor**

TLLVTTGKHS-HSQPQTXQ-RPDIJFLSSL