



Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, January 25, 2022

**6:30 P.M.
Work Session**

**7:00 P.M.
Regular Meeting**

Join Zoom Meeting

<https://zoom.us/j/94432975176>

Meeting ID: 944 3297 5176

One tap mobile

+12532158782,,94432975176# US (Tacoma)

+13462487799,,94432975176# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington DC)

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Meeting ID: 944 3297 5176

Find your local number: <https://zoom.us/u/ajO36hnVs>

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Public Comment at a Virtual Meeting Board of Trustee Meeting

Interested parties who would like to address the Board of Trustees during the Public Comment portion of the agenda may address the Board of Trustees virtually or in person. **To address the Board in person, individuals may also appear at Town Hall (401 Locust Street Frederick, CO) and are asked to sign up on the sign-up sheet in the Board Room. Individuals who would like to attend virtually are asked to sign up to speak during public comment by emailing the Town Clerk at mmartinez@frederickco.gov. Individuals are asked to provide the Town Clerk the following information:

1. Name
2. Address
3. Topic for Comment
4. Phone Number or Name that will be utilized in the zoom meeting application
5. Any documents that will be shared in the meeting.

The Town Clerk will verify your attendance prior to the meeting and will test your connection and microphone.

If there are public hearings scheduled for the Board of Trustee meeting, individuals who wish to address the Board of Trustees virtually are asked to contact the Town Clerk via email at mmartinez@frederickco.gov by 5:00 PM on date of the meeting. Individuals are asked to provide the Town Clerk the following information:

1. Name
2. Address
3. Public Hearing Item for Comment
4. Phone Number or Name that will be utilized in the zoom meeting application
5. Any documents that will be shared in the meeting

**Individuals that would like to attend the meeting at Town Hall are asked to sign up on the public comment sheet in the board room.

Any individual who is attending the meeting and wishes to be address the Board of Trustees during Public Comment or a Public Hearing may utilize the “raise your hand” feature in the Zoom Meeting App.

How to raise your hand in Zoom

1. During the meeting, click on the icon labeled “Participants” at the bottom center of your PC or Mac screen
2. At the bottom of the window on the right side of the screen, click on the button labeled “Raise Hand.”



3. Your digital hand is now raised. Lower it by clicking the same button, now labeled “Lower Hand”
4. If you are on a mobile device, simply tap “Raise Hand” at the bottom left corner of the screen. The lower hand icon will turn blue and the text below it will switch to say “Lower Hand” while your hand is raised.



Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, January 25, 2022

6:30 P.M.

Sub-Area Plan Update

7:00 P.M.

Regular Meeting

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

Recess to Liquor Licensing Authority Meeting:

Public Comment: This portion of the agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If you are attending virtually, you may indicate that you would like to provide comments by utilizing the raise your hand function in the Participant Tab of the Zoom Meeting Application. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Staff Reports:

A. Administrative Report – Bryan Ostler, Town Manager

Consent Agenda: Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

B. Resolution 22-R-04 Authorizing the Mayor to Execute the Second Amendment to the Hidden Creek Memorandum of Agreement for Public Improvements – Jason Berg, Engineer

Action Agenda:

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- C. Resolution 22-R-05 Approving an Intergovernmental Agreement for Emergency Management – Justin Glantz, Police Commander
- D. Ordinance 1371 Amending Articles 1, 2, 4, 5, and 12 of the Frederick Land Use Code, Specifically Sections 1.9, 1.15, 2.4, 2.11, 4.1, 4.2, 4.7, 4.9, 4.11, 8.12, 12.6, and 12.19, to Limit the Weight Given to the Comprehensive Plan in Land Use Code Decision-Making after it has been in effect without Comprehensive Review and Update or Re-Approval for a Period of Five Years or More, and to Remove Consideration of the Comprehensive Plan from Certain Decision-Making Procedures in which Compliance with the Land Development Code without further Reference to the Comprehensive Plan provides an Appropriate Standard – Ali vanDeutekom, Senior Planner
- E. Resolution 22-R-06 Authorizing the Mayor to Execute an Application to the Northern Colorado Water Conservancy District for an Annual Renewable Perpetual Water Contract for the Right to Use C-BT Shares – Sarah Watson, Engineer
- F. Resolution 22-R-07 Approving a Petition for Exclusion of Land in Wildflower Metropolitan District No. 2 – Ryan Johnson, Assistant Town Manager

Mayor and Trustee Reports:

Executive Session:

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e)(1) regarding real property.

Adjournment:



Town of Frederick Memorandum

TO: Honorable Mayor and Board of Trustees

FROM: Bryan Ostler, Town Manager

DATE: January 25, 2022

CC: Town Staff
Local Media

SUBJECT: Departmental Report

Upcoming Board of Trustees Work Sessions – If there are topics that the Board would like staff to schedule for discussion, please let me know. The following topics are recommended for Board discussion (all meetings will be held in the Town Board Chambers unless otherwise indicated):

- January 25th – Regular Meeting
 - February 1st – Work Session
 - February 15th – FURA
 - February 22nd – Regular Meeting
 - March 1st – Work Session
 - March 8th – Regular Meeting
-

Communications and Engagement

Events:

- The Volunteer Fair was held on Saturday, January 15 at the United Power Community Room. We had 60 people attend and 12 nonprofit agencies with a variety of volunteer opportunities.

Training:

- Angela and Jessica Attended the January ESPIOC training held at the Boulder PD. In a nationwide video for a 3CMA podcast, Angela highlighted her adventures in the year-long Certified Public Communicators process.

Design:

- The 2022 event kiosk posters are done and installed with record-breaking timing. In addition, a volunteer fair recap video is on our YouTube Channel.

GIS

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Mitel Phone System:

- The new phone system has been installed at all town municipal facilities and Bella Rosa Golf Course.

GIS Strategic Plan:

- The Strategic Plan for the GIS Department has been completed and several recommendations are in process or have already been implemented.

Planning Department

Development Applications:

- The development review process has a few steps land use applications go through prior to submitting an application such as a pre-application meeting and neighborhood meeting. There are eleven projects that have completed the pre-application step. There is currently no neighborhood meetings scheduled. Seven projects have completed the neighborhood meeting, allowing them to submit an application. The following applications have been accepted for review and are now quasi-judicial.

<i>New Applications Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Bear Industrial Park Replat 2 Block 2 Lot 1 (1/18/2022)		4160 Busch Place	Proposed 28,000 sq. ft. warehouse with outdoor space.
Eagle Business Park Filing 4B Lot 1 (1/18/2022)	Eagle Business Park	4881 Eagle	Proposed 4,800 sq. ft single story building with outdoor storage.
Eagle Business Park Filing 3 Lot 1B (1/18/2022)	Eagle Business Park	7400 Eagle	Temporary lot for construction trailers for Agilent. Also updating grading and drainage.
Mainer Park Town Center Filing 2 Block 1 (1/11/2022)		North of hwy 52 between Colorado Blvd and Maple Street	Proposed changes to zoning boundaries with keeping the current zoning.
<i>On Going Projects Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Bear Industrial Park, Block 1, Lot 8 4210 Bruin Site Plan (02/16/2021)	Bear Industrial Park	4210 Bruin	Site plan for 15,000 sf office and warehouse building for crane company.
Bear Industrial Park Replat 5, Block 1 Lot 2 (10/18/2021)	Bear Industrial Park	4021 Kodiak	Plan for a 1,000 sq. ft. facility with outdoor storage.
Bear Industrial Park Replat 1, Block 2 Lot 2 Site Plan Amendment (10/18/2021)	Bear Industrial Park	4180 Busch Place	Conditional use for RV rental and sales.

Clearview Villages Preliminary and final Development Plan (6/21/2021)	Clearview Villages	Southwest corner of Goddling Hollow and Silver Birch Blvd	Approximately 104 acres to be developed into 302 residential lots.
Colorado Blvd & Goddling Hollow 7-11 Zoning and Final Plat (5/3/2021)		Southwest corner of Colorado Blvd and Godding Hollow	Zone 5.35 acre parcel and plat to create two lots. Northern lot will have a site plan processed for 7-11.
Colorado Blvd & Goddling Hollow Conditional Use Site Plan (5/3/2021)		Southwest corner of Colorado Blvd and Godding Hollow	Development of southern parcel of land. Users not yet determined.
Frederick Town Amendment B Lot 1-501 Walnut (9/8/2021)		501 Walnut	Redevelop existing building into co- working office space.
McDonald Farms Conditional Use (10/4/2021)		7440 E. I-25 Frontage Road	Conditional use for recycling facility
Meadowlark Business Park Replat A (5/17/2021)	Meadowlark Business Park	5660 Iris Parkway	Request to divide the lot into 2 lots and a new 14,000 sq. ft. office building on the south lot.
Nelson Farms (1/3/2022)		Southwest corner of Silver Birch Blvd and Tipple Blvd	Proposed residential development on 236 acres
Nelson Lakes MOAPI Amendment (12/6/2021)	Nelson Lakes		Updating MOAPI conditions.
No Name Creek West Block 4 (12/6/2021)	No Name Creek West	9050 Harlequin Circle	Subdividing Lots.
<i>Project Name (Date of Application)</i>	<i>Subdivision</i>	<i>General Location</i>	<i>Brief Description</i>
Prairie Greens II (12/7/2020)	Prairie Greens	6460 Frederick Way	Request for vacation of easement and preliminary design for phase 4.

Raspberry Hill Business Park Lot 13	Raspberry Hill	8274 Raspberry Way	Proposed office building and sales of pickup trucks.
Raspberry Hill Business Park Lot 2 & 3 Truck Ranch (8/13/2021)	Raspberry Hill	8273 Raspberry Way	Site plan to build pickup truck dealership.
Raspberry Hill Business Park -Lots 4 &5 Phasing Plan	Raspberry Hill Business Park	8515 and 8517 Raspberry Way	Proposed vacant building for future unknown tenant.
Sanitation District Annexation No. 1 Subdivision Amendment (8/16/2021)		8500 Colorado Blvd.	Subdivision amendment to subdivide existing lot into 2 separate lots.
Silverstone Filing 7 (1/18/2021)	Silverstone		Development of 581 residential homes.
Wyndham Hill Filing 10 Final Plat and Final Development Plan (11/16/2020)	Wyndham Hill	Generally west of WCR7, between WCR 14.5 and WCR 16.	Approximately 139 acres to be developed into 495 single family homes.
Wyndham Hill Filing 6 Replat A FFFPD Station 5 Site Plan (6/7/2021)	Wyndham Hill	Generally, north of Highway 52, West of I-25 on Glacier Way.	Proposed fire station to include 3 bays.

Engineering Department

Colorado Blvd/Tipple Pkwy Intersection Improvements:

- A contract for design services was awarded to Martin/Martin Consulting Engineers at the April 13th Board meeting. Design plans are complete and the project will be ready to bid in early 2022. Construction is expected to be in late spring/summer of 2022.

Neighborhood Speed Control Program (no change):

- Board approval for the FSMP was given at the August 10th meeting. The program has gone live and we have started receiving requests. The Board will be updated on projects that meet the program criteria and receive Town support for an improvement.

Tipple Pkwy/Frontage Rd Streetlight:

- Coordination efforts continue with CDOT and United Power regarding installation of a streetlight at this intersection. CDOT has indicated that they will support a permit for streetlight. Current design now supports 2 streetlights at this intersection and existing utility locations are being identified prior to construction. Waiting for United Power to begin installation.

Transportation Projects:

- Pavement Maintenance Projects are scheduled to go to bid on 1/31/22. This includes crackseal and patching, slurry seal, mill and overlay areas throughout Town.
- Colorado Blvd Mill and Overlay is scheduled to go out to bid on 1/31/22.

- Colorado Blvd and Tipple Pkwy intersection improvement project is scheduled to go out to bid on 2/14/22.
- Concrete Alley Project is scheduled to go out to bid on 2/14/22.

Water Master Plan (no change):

- The 10-year plan was adopted at the December 14th meeting. Element is also hard at work with long term (50-year) plan and that should be completed at the end of January 2022. This plan will come to the Board for adoption in early 2022.

Water Efficiency Plan (no change):

- Colorado's Water Conservation Act of 2004 requires that water providers in the State of Colorado who annually supply over 2,000 acre-feet per year (AFY) of water to retail customers (covered entities) are required to submit a water conservation plan for review and approval to the Colorado Water Conservation Board (CWCB) at least every seven years. A draft of this document was discussed with the Board at the November 30 work session. Board comments were incorporated and the 60-day public viewing and comment period can begin.

Raw Water Change of Use (no change):

- Engineering staff is coordinating with its water attorney and water rights consultant to evaluate its current raw water portfolio to support filing a change of use application in water court so that these raw water shares could be used for future town use. Preliminary data shows the Town having approximately 72 shares of Lower Boulder water or about 1,000 acre feet of water that can be changed to use for all municipal purposes within the Town's service area. Negotiations with the Lower Boulder Board have produced positive results and a Resolution for support of our Water Court application and substitute water supply plan was approved at their July 30th meeting. A final application to water court has now been executed by the Town and filed.
- Additionally, a substitute water supply plan application has now been executed and submitted to the State for approval and use by the Town next year. We expect to have a ruling on the SWSP by irrigation season 2022.

Water Quality Milavec Lake (no change):

- Engineering staff is coordinating with the Lower Boulder Ditch Company to address water quality concerns. An initial meeting occurred on September 29th to discuss stakeholders to include and strategies for advancing this issue.

Lower Boulder Ditch Company:

- Engineering Director Kevin Ash has been elected as a Director to the New Consolidated Lower Boulder Reservoir and Ditch Company Board. Frederick is the largest shareholder in the Lower Boulder and it is good to finally have representation on their Board.

Stormwater Master Plan (no change):

- Frederick and Dacono jointly submitted a Department of Local Affairs Energy Impact Grant application in December 2019 to develop a stormwater master plan and on April 3, the Town received notification that they were awarded funding! A contract was approved to Anderson Consulting Engineers at the June 23rd, 2020 Town Board meeting. The project is now going through a financial evaluation to identify funding mechanisms to support future projects. Final completion of the contract was complete at the end of 2021. This project will go before the Board for adoption early 2022.
- Stormwater: Applications are being accepted for a Stormwater Engineer for the Engineering Department.

Public Works Department

Streets:

- Street team cleaning snow and ice along 5th Street for parking in downtown area.
- Clearing ice and snow / blockage around handicap ramps in downtown area.

- Repairing of downed street signs along Godding Hollow – delineators along County Road 7.
- Continuous painting of curbs in downtown area and parking spots
- Removed Christmas lights on Colorado Boulevard median.

Parks:

- Working on repair of vinyl fence from traffic accident in FRA.
- Parks team clearing ice and snow at ramps and entrances at all parks.
- Removed part of steel rod in FRA dog park – resident concern.
- Removal of graffiti in skate park.
- Checking of Rinn Valley Park – resident complaint handled.

Water:

- 19 final reads completed.
- Call out for water meter – blow out freeze plate – replaced with new meter at 5409 Wolf Street.
- 46 meter repairs completed.
- 5 new meter installs in Silverstone Subdivision.
- 1 new for circle K along Highway 52.
- 5 new meter installs in Hidden Creek Subdivision.

Buildings:

- Checking water heater at Town Hall – cleaning – will replace.
- Cleaning out the Wellness House, reorganizing.
- Repair leaking water fountain in PD.
- Assembly of PD furniture for PD's new offices.
- Installed new door brushes at Bella Rosa Golf Course.
- Insect Admin – drive thru box for malfunction.
- Cut access hole in pump house roof at Bella Rosa.
- Installed AED cabinets in all town owned buildings.
- Installed first aid kits at Bella Rosa.
- Facilities work management software program started for 2022.

Storm Water:

- Continuous cleaning off ditch in No Name Creek – removal of debris and cattails.

Fleet Services:

- 25 total service requests
- 4 scheduled: PW – 2; FFFPD – 1; PD – 1
- 9 unscheduled: PW – 5; FFFPD – 2; PD – 2

Miscellaneous:

- Clearing trails and Milavec Trail from snow event from 1/1/2022.
- Christmas tree drop off, chipping started as of 1/19/2022 – 348 trees dropped off.
- 48 locates completed.
- Haul off spoil pieces from ditches – to Fort Lupton dump site.
- Repair of flags at Gateway – pulleys and rope.

Training:

- Tina Rehder training new full-time hires: Logan Robinson and Bryce Shirley in water locates.



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Dan March, Mayor Pro Tem
Adam Mahan, Trustee
Kevin R. Brown, Trustee

Tracie Crites, Mayor

Mark Lamach, Trustee
Windi Padia, Trustee
Rusty O'Neal, Trustee

Consideration of Second Amendment to the Hidden Creek Memorandum of Agreement for Public Improvements

Agenda Date: Town Board Meeting – January 25, 2022

Attachments:

- a. Second Amendment to the Hidden Creek MOAPI
- b. Exhibit A – Hidden Creek Plat Maps
- c. Exhibit B – Engineers Costs of Improvements to be Constructed
- d. Resolution 22-R-04

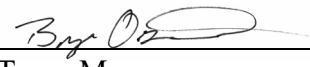
Finance Review:

Finance Director

Submitted by:

Jason Berg
Civil Engineer

Approved for Presentation:


Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Summary Statement:

In preparation of construction for Hidden Creek subdivision Phase 2 and Phase 3, the developer is required to update Exhibit A and Exhibit B of the MOAPI.

Detail of Issue/Request:

With finalization of Hidden Creek subdivision plats related to Phase 2 and Phase 3 construction the Developer, LGI Homes, LLC is required to amend the MOAPI in order to satisfy Section 1.12 - Financing and Improvement Guarantees. This amendment to the MOAPI adds Exhibit A Final Plat maps, to include; Hidden Creek Final Plat Amendment No. 1, Amendment No. 2, Amendment No. 3 and Amendment No. 4 as well as Exhibit B Engineers Estimate of Costs for Public Improvements to be Constructed for Phase 2 and Phase 3 which are encompassed in the aforementioned plat amendments. No other changes or special provision to the MOAPI are proposed.

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Legal Comments:

The Second Amendment to the MOAPI and resolution have been reviewed the Towns Land Use counsel, Fairfield and Woods, P.C.

Alternatives/Options:

Approval of the Second Amendment to the MOAPI is required as a condition of approval for Phase 2 and Phase 3 construction of the approved plat.

Financial Considerations:

None to the Town.

Staff Recommendation:

Staff recommends approval of the Second Amendment to the Hidden Creek MOAPI and Resolution.

**SECOND AMENDMENT TO THE
HIDDEN CREEK
MEMORANDUM OF AGREEMENT FOR PUBLIC IMPROVEMENTS**

THIS SECOND AMENDMENT to the Hidden Creek Memorandum of Agreement for Public Improvements ("SECOND AMENDMENT") is made and entered this ____ day of _____, 20__ by and between the Town of Frederick, a Colorado Municipal Corporation, whose address is P.O. Box 435, Frederick, CO 80530 ("TOWN"), and LGI Homes, LLC, a Colorado Limited Liability Corporation, whose address is 1450 Lake Robbins Road, Suite 430, Woodlands, TX 77380 ("DEVELOPER").

WHEREAS, the parties entered into a Hidden Creek Memorandum of Agreement for Public Improvements on August 30, 2012, said agreement recorded at the Weld County Clerk and Recorder's office at Reception No. 3876798, hereinafter called the "AGREEMENT"; and

WHEREAS, the DEVELOPER is preparing to begin construction of public improvements for Phase 2 and Phase 3 of the Hidden Creek subdivision which is allowed per Section 4.2 of the AGREEMENT;

WHEREAS, the DEVELOPER has submitted construction plans for Phase 2 and Phase 3 of the Development; and

Now therefore, in consideration of the foregoing, the parties hereto promise, covenant and agree as follows;

1. The Total Public Improvement cost for Phase 2 and Phase 3 are included as Exhibit B-2 of this AGREEMENT.
2. The Finance and Public Improvement Guarantees for Phase 2 and Phase 3 of Hidden Creek, as required by Section 1.12 of the AGREEMENT shall be based upon the Total Public Improvement cost as specified in item 1 above.
3. *Ratification of Agreement.* Except as specifically amended hereby, TOWN and DEVELOPER agree that the MOAPI, as amended, continues uninterrupted, shall remain in full force and effect, and shall be binding as amended upon the Parties hereto. In the event of any conflict between the MOAPI and this Second Amendment, the terms of this Second Amendment shall prevail.
4. *Counterparts.* This Second Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first set forth above.

TOWN OF FREDERICK

**DEVELOPER
LGI HOMES, LLC**

By _____
Tracie Crites, Mayor

By _____

ATTEST:

By _____
Meghan C. Martinez, Town Clerk

STATE OF COLORADO)

COUNTY OF _____) ss:

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ as Mayor and _____ as Town Clerk of the Town of Frederick.

My commission expires:

Witness my hand and official seal.

Notary Public

STATE OF COLORADO)

COUNTY OF _____) ss:

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ (signatory's name) as _____ (position/title).

My commission expires:

Witness my hand and official seal.

Notary Public

EXHIBIT A

Final Plat

REPORTED COPY

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES - 373 TOTAL LOTS
SHEET 1 OF 12

CERTIFICATE OF VACATION:

KNOW ALL MEN BY THESE PRESENTS THAT CERTAIN STREETS, RIGHTS-OF-WAY, AND PARK LAND DEDICATED TO THE TOWN OF FREDERICK, CO. BY THE HIDDEN CREEK FINAL PLAT DATED AUGUST 30, 2012 AND RECORDED ON SEPTEMBER 28, 2012, HAVING NEVER BEEN DEVELOPED, IN ACCORDANCE WITH C.R.S. 43-2-302 (e), HAS CAUSED SAID STREETS, RIGHTS-OF-WAY AND PARK LAND TO BE VACATED TO THE OWNER, HIDDEN CREEK DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, BY THIS REPLAY OF THE SUBDIVISION.


TONY CAREY, MAYOR
TOWN OF FREDERICK

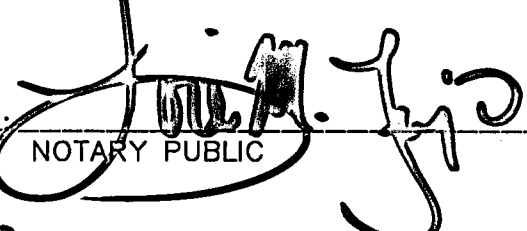
ATTEST:


MEGHAN MARTINEZ, TOWN CLERK
TOWN OF FREDERICK

STATE OF COLORADO }
COUNTY OF Weld } SS

THE FOREGOING CERTIFICATE OF VACATION WAS ACKNOWLEDGED BEFORE ME THIS 18 DAY OF October, 2015 BY TONY CAREY, AS MAYOR AND MEGHAN MARTINEZ, AS TOWN CLERK OF THE TOWN OF FREDERICK.

WITNESS MY HAND AND SEAL:


NOTARY PUBLIC

MY COMMISSION EXPIRES: Oct. 19, 2019

CERTIFICATE OF DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT HIDDEN CREEK DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF CERTAIN LANDS IN FREDERICK, COLORADO, DESCRIBED HEREIN, HAS CAUSED SAID LAND TO BE FINAL PLATTED IN TO LOTS, TRACTS, BLOCKS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME OF HIDDEN CREEK FINAL PLAT - AMENDMENT NO. 1, AND DO HEREBY DEDICATE TO THE PUBLIC SUCH PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS AND OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES AS SHOWN HEREON AND SUCH OTHER EASEMENTS SHOWN HEREON FOR THE PURPOSES SHOWN. THE ENTITIES NAMED ON THE EASEMENT, OR RESPONSIBLE FOR THE SERVICES AND/OR UTILITIES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR THE PURPOSES NAMED ON THE EASEMENT OR FOR THE INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES. THE PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS, OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES SHOWN HEREON AND THE ELECTRIC AND WATER DISTRIBUTION SYSTEMS TO BE INSTALLED IN THE SUBDIVISION ARE DEDICATED AND CONVEYED TO TOWN OF FREDERICK, COLORADO, IN FEE SIMPLE ABSOLUTE, WITH MARKETABLE TITLE FOR PUBLIC USE AND PURPOSES. ALL CONDITIONS, TERMS AND SPECIFICATIONS DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS AND ASSIGNS. THE SIGNATURE OF ANY REPRESENTATIVE OF ANY PARTNERSHIP OR CORPORATE ENTITY INDICATES THAT ALL REQUIRED PARTNERSHIP OR CORPORATE APPROVALS HAVE BEEN OBTAINED.

A PARCEL OF LAND BEING THE HIDDEN CREEK SUBDIVISION IN ITS ENTIRETY, ACCORDING TO THE FINAL PLAT RECORDED SEPTEMBER 28, 2012 AT RECEPTION NO. 3876800, LYING IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 29;
THENCE SOUTH 89°40'46" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29 A DISTANCE OF 2638.10 FEET TO THE CENTER QUARTER OF SAID SECTION 29;
THENCE SOUTH 00°11'58" EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 2088.57 FEET TO A POINT;
THENCE NORTH 89°41'28" WEST PARALLEL WITH AND 557.00 FEET NORTHERLY OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 2638.91 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER;
THENCE NORTH 00°10'38" WEST ALONG SAID WEST LINE A DISTANCE OF 2089.10 FEET TO THE POINT OF BEGINNING,

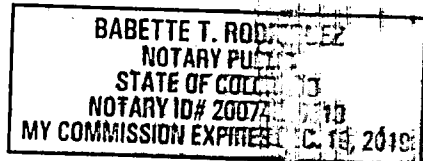
CONTAINING 126.519 ACRES, MORE OR LESS. - SEE NOTE 17 ON SHEET 2.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 30th DAY OF October, 2015.


NICHOLAS L. SCHEIDT, MANAGER

NOTARY:

STATE OF COLORADO }
COUNTY OF Boulder } SS


BABETTE T. RODRIGUEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20074046313
MY COMMISSION EXPIRES DEC. 13, 2015

THE FOREGOING CERTIFICATE OF DEDICATION WAS ACKNOWLEDGED BEFORE ME BY NICHOLAS L. SCHEIDT, AS MANAGER OF HIDDEN CREEK DEVELOPMENT, LLC, THIS 30th DAY OF October, 2015.

WITNESS MY HAND AND SEAL:


NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/19/2019

OWNER/APPLICANT:

HIDDEN CREEK DEVELOPMENT, LLC
P.O. BOX 33724
DENVER, CO 80233
(303) 469-6878
CONTACT: NICHOLAS L. SCHEIDT

PLANNER/DESIGNER:

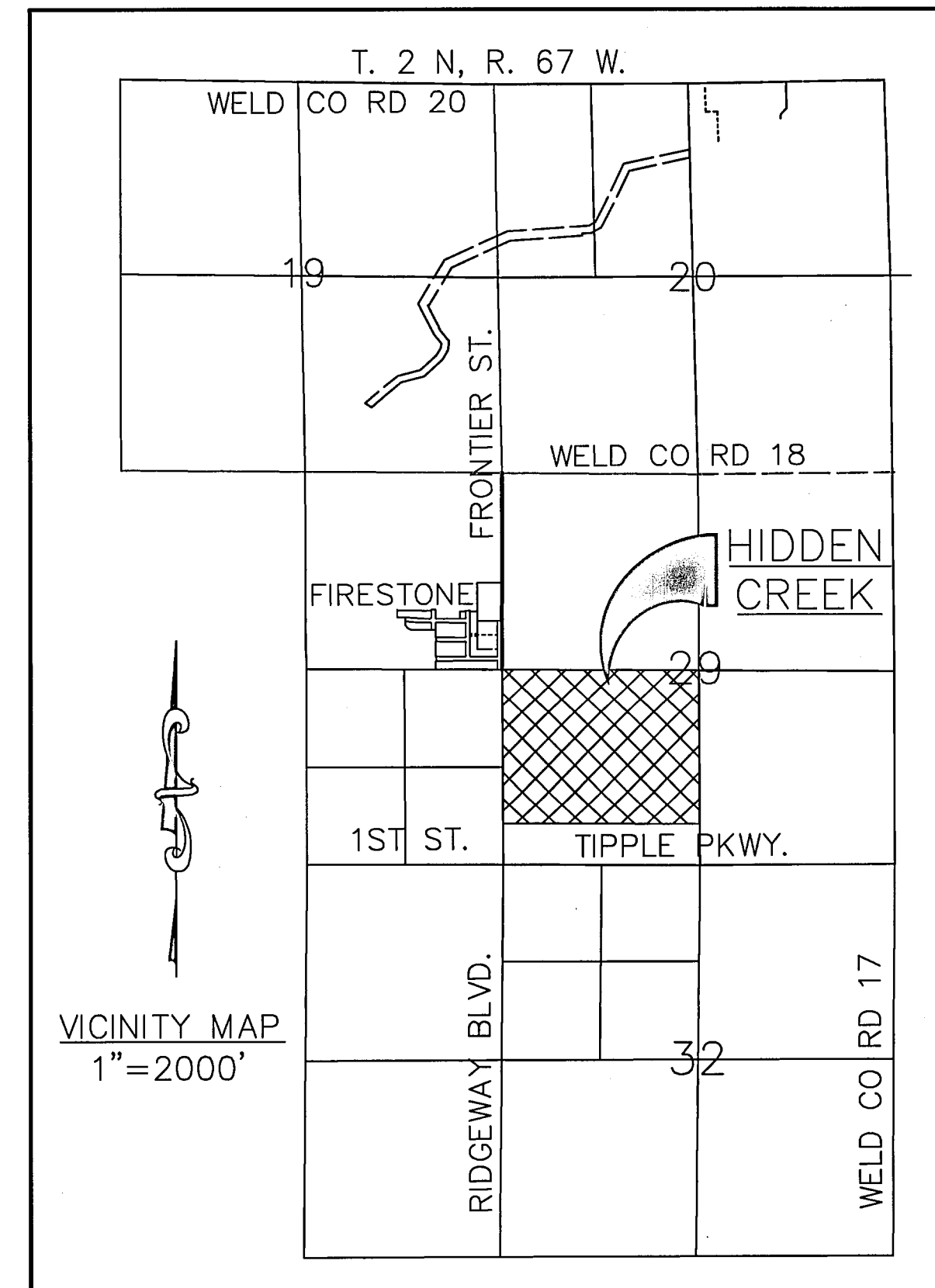
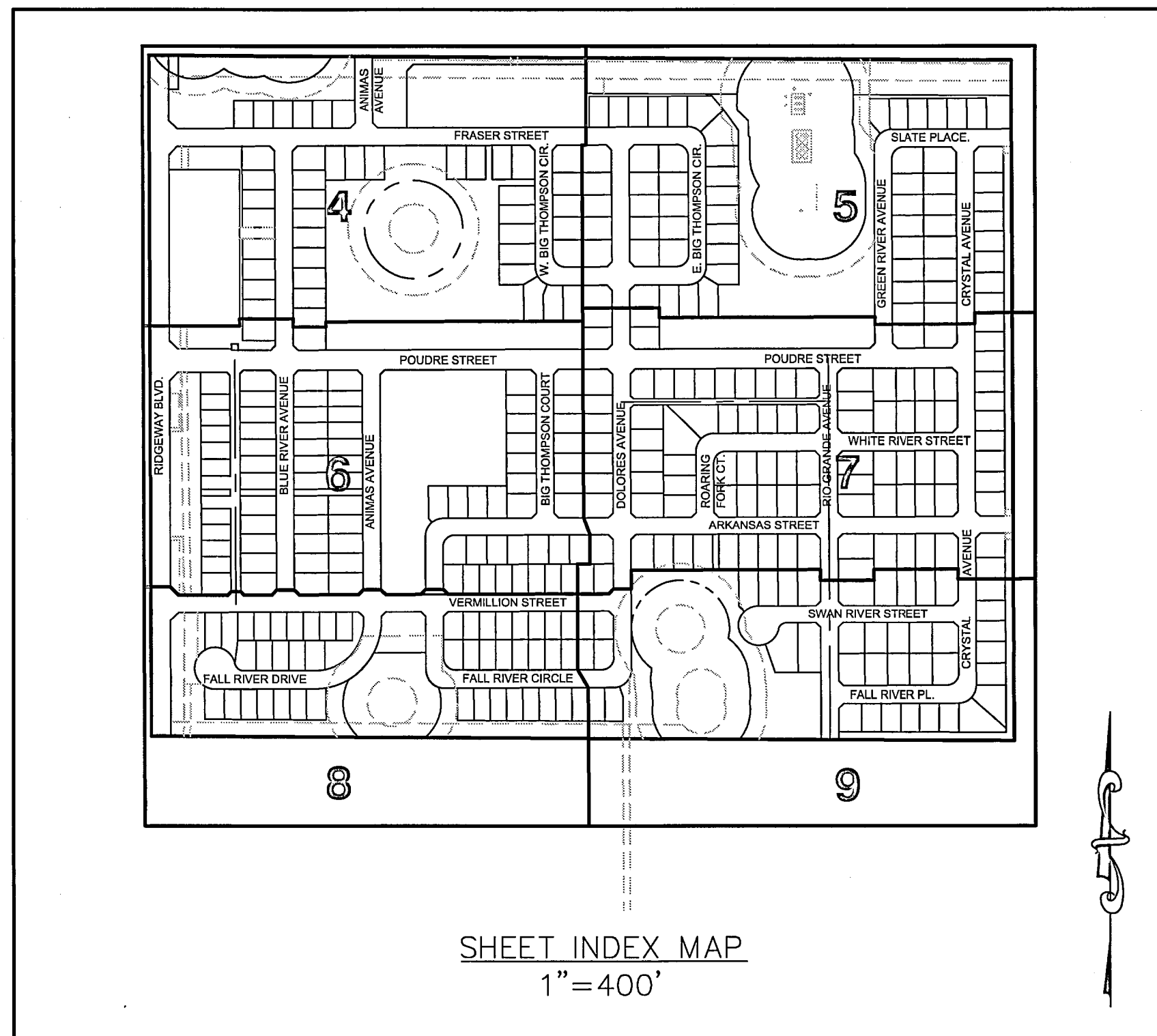
LAI DESIGN GROUP
8201 SOUTHPARK LANE, SUITE 110
LITTLETON, COLORADO 80120
(303) 734-1777
CONTACT: KENNETH J. PUNCERELLI

ENGINEER:

CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112
720-249-3539
CONTACT: MELINDA E. LUNDQUIST, PE

SURVEYOR:

CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112
720-249-3542
CONTACT: WILLIAM F. HESSELBACH, JR., PLS



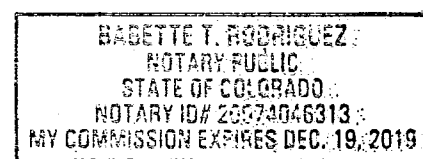
DEED OF TRUST HOLDER:

FIRST NATIONAL BANK OF DENVER, A DIVISION OF FIRST NATIONAL BANK OF SANTA FE, AS HOLDER OF A DEED OF TRUST ON PART OR ALL OF THE HEREIN DESCRIBED REAL PROPERTY, DOES HEREBY AGREE AND CONSENT TO THE RE-PLATTING OF SAID PROPERTY AS SHOWN HEREON.


FIRST NATIONAL BANK OF DENVER,
A DIVISION OF FIRST NATIONAL BANK OF SANTA FE

NOTARY:

STATE OF COLORADO }
COUNTY OF Boulder } SS


BABETTE T. RODRIGUEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20074046313
MY COMMISSION EXPIRES DEC. 13, 2015

THE FOREGOING CERTIFICATE OF DEDICATION WAS ACKNOWLEDGED BEFORE ME BY

Lawrence Scott, AS SVP OF

FIRST NATIONAL BANK OF DENVER, A DIVISION OF FIRST NATIONAL BANK OF SANTA FE,
THIS 30th DAY OF October, 2015.

WITNESS MY HAND AND SEAL: 
NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/19/2019

EASEMENT APPROVAL CERTIFICATE:

UTILITY EASEMENTS ARE ADEQUATE AS SHOWN AND ARE HEREBY APPROVED:

UNITED POWER, INC

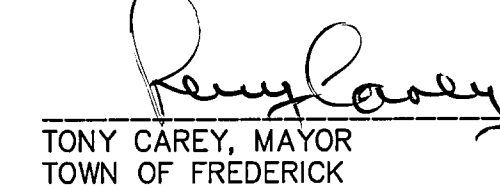
QUEST COMMUNICATIONS INTERNATIONAL INC

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES:

THE HIDDEN CREEK FINAL PLAT AMENDMENT NO. 1 IS APPROVED AND ACCEPTED BY ORDINANCE NO. 12-01, PASSED AND ADOPTED AT THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF TOWN OF FREDERICK, COLORADO, HELD ON October 13, 2015. THE DEDICATIONS OF PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS AND OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES AS SHOWN HEREON, SUCH OTHER EASEMENTS SHOWN HEREON FOR THE PURPOSES SHOWN, AND THE ELECTRIC AND WATER DISTRIBUTION SYSTEMS TO BE INSTALLED IN THE SUBDIVISION, ARE HEREBY ACCEPTED. ALL CONDITIONS, TERMS AND SPECIFICATIONS DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS AND ASSIGNS.

ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING OF STREETS, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS AND WALKWAYS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND OTHER IMPROVEMENTS THAT MAY BE REQUIRED TO SERVICE THE SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE OWNER AND NOT THE TOWN OF FREDERICK. THE CONSTRUCTION OF IMPROVEMENTS BENEFITING THE SUBDIVISION AND THE ASSUMPTION OF MAINTENANCE RESPONSIBILITY FOR SAID IMPROVEMENT BY THE TOWN OF FREDERICK OR OTHER ENTITIES SHALL BE SUBJECT TO A SEPARATE MEMORANDUM OF AGREEMENT FOR PUBLIC IMPROVEMENTS.

THIS ACCEPTANCE OF THE FINAL PLAT DOES NOT GUARANTEE THAT THE SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER CONDITIONS OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT WILL BE ISSUED FOR THAT LOT.

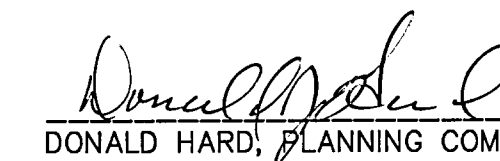

TONY CAREY, MAYOR
TOWN OF FREDERICK

ATTEST:


MEGHAN MARTINEZ, TOWN CLERK
TOWN OF FREDERICK

PLANNING COMMISSION CERTIFICATE OF APPROVAL:

APPROVED BY THE TOWN OF FREDERICK PLANNING COMMISSION THIS 6th DAY OF October, 2015.


DONALD HARD, PLANNING COMMISSION CHAIRMAN

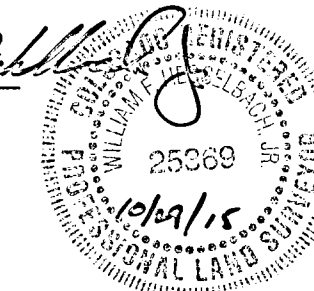

KATHLEEN LARSON, PLANNING COMMISSION SECRETARY

SURVEYOR'S CERTIFICATE:

I, WILLIAM F. HESSELBACH JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE FINAL PLAT MAP SHOWN HEREON IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND.

I FURTHER CERTIFY THAT THIS FINAL PLAT MAP AND LEGAL DESCRIPTION WERE PREPARED UNDER MY PERSONAL SUPERVISION AND IN ACCORD WITH APPLICABLE STATE OF COLORADO REQUIREMENTS ON THIS 29th DAY OF OCTOBER, 2015.

WILLIAM F. HESSELBACH JR., PLS 25369
FOR AND ON BEHALF OF CVL
CONSULTANTS OF COLORADO, INC.



CVL CONSULTANTS						10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546		
						SCALE:	DRAWN BY:	SHEET NO:
						AS SHOWN	MJP	1
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						8130189702	WVF	
						DATE:		
						09/29/15		
No.	Revisions	Date	Init.	Appr.	Date			

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES – 373 TOTAL LOTS
SHEET 2 OF 12

PLAT NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD CVL CONSULTANTS OF COLORADO, INC. RELIED UPON COMMITMENT FILE NUMBER 27445CET VERSION NO. 4 PREPARED BY COLORADO ESCROW AND TITLE SERVICES, LLC AS AGENT FOR WESTCOOR LAND TITLE INSURANCE COMPANY, EFFECTIVE SEPTEMBER 30, 2015 AT 8:00 A.M.

3. THE DOCUMENTS CALLED OUT IN THE ABOVE TITLE COMMITMENT INDICATE THAT THE SUBJECT PROPERTY LIES WITHIN OR PARTIALLY WITHIN THE DESCRIPTION OR EXHIBITS FOUND IN RECORDED INSTRUMENTS AND MAY THEREFORE BE SUBJECT TO THE TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS OBLIGATIONS AND RESERVATIONS CONTAINED THEREIN, THOUGH NOT SPECIFICALLY SHOWN. ALL OF THE DOCUMENTS ARE ON FILE IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE.

4. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., BETWEEN THE 3-1/4" BLU BRASS CAP AT THE W 1/4 CORNER STAMPED "1952", AND THE 2-1/2" ALUMINUM CAP "PLS 24305 1998" AT THE CENTER QUARTER CORNER. SAID LINE BEARS SOUTH 89°40'46" EAST, A DISTANCE OF 2638.10 FEET AS SHOWN HERON.

5. THIS PARCEL DOES NOT LIE WITHIN THE DESIGNATED 100-YEAR FLOOD PLAIN PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 080266 0863, DATED SEPTEMBER 28, 1982.

6. HOUSE BASEMENTS SHALL ONLY BE ALLOWED ON LOTS SPECIFICALLY DESIGNATED ON THE TOWN APPROVED AND PROFESSIONAL ENGINEER STAMPED GRADING PLANS AS CONTAINED WITHIN THE FINAL CONSTRUCTION PLANS FOR THE HIDDEN CREEK SUBDIVISION.

7. UTILITY AND DRAINAGE EASEMENTS. (SEE DETAILS ON THIS SHEET)
A. TEN-FOOT WIDE UTILITY (U.E.) AND DRAINAGE (D.E.) EASEMENTS ARE HEREBY GRANTED ON PRIVATE PROPERTY ADJACENT TO ALL STREET AND ALLEY RIGHT-OF-WAYS SHOWN HEREON. POSTAL FACILITIES SHALL BE ALLOWED IN SAID EASEMENTS.
B. TEN-FOOT WIDE UTILITY (U.E.) AND DRAINAGE (D.E.) EASEMENTS ARE HEREBY GRANTED ON PRIVATE PROPERTY ADJACENT TO ALL REAR LOT LINES SHOWN HEREON.
C. FIVE FOOT WIDE UTILITY (U.E.) AND (D.E.) DRAINAGE EASEMENTS ARE HEREBY GRANTED OF PRIVATE PROPERTY ADJACENT TO SIDE LOT LINES WHERE SHOWN HEREON.

8. THE 75 FOOT NON EXCLUSIVE GAS LINE EASEMENT SHOWN HEREON HAS BEEN DEDICATED TO SINCLAIR OIL CORPORATION FOR THE RIGHT TO REPLACE, MAINTAIN, INSPECT, OPERATE AND REPAIR GAS PIPELINES

9. SURFACE OWNER SHALL RECORD NOTICE WITH THE WELD COUNTY CLERK AND RECORDER THAT:
A. SUCH BUYERS ARE NOT PURCHASING AND DO NOT OWN ANY INTEREST IN THE OIL AND GAS MINERAL ESTATE;
B. THERE MAY BE ONGOING OIL AND GAS OPERATIONS AND PRODUCTION IN THE OIL AND GAS OPERATION AREAS ON THE SURFACE OF THE PROPERTY;
C. THERE MAY BE ADDITIONAL FUTURE WELLS DRILLED AND OIL AND GAS OPERATIONS AND PRODUCTION FROM THE OIL AND GAS OPERATION AREAS THAT AFFECT THE SURFACE OF THE PROPERTY;
D. FUTURE PURCHASERS OF ALL OR A PORTION OF THE PROPERTY, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND ASSUMING THOSE OBLIGATIONS UNDERTAKEN BY SURFACE OWNER PURSUANT TO THIS AGREEMENT; AND
E. HOMEOWNER ASSOCIATIONS AND BUYERS OF INDIVIDUAL LOTS OR HOMES, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO THE WAIVERS CONTAINED IN SECTIONS 3, 10 AND 21 AND THE COVENANTS CONTAINED IN SECTION 3 PROHIBITING THE LOCATION OF ANY BUILDING OR STRUCTURE WITHIN THE OIL AND GAS OPERATION AREAS.

10. ALL ALLEYS WILL BE POSTED "NO PARKING".

11. HIDDEN CREEK DEVELOPMENT, LLC AND KERR-MCGEE ROCKY MOUNTAIN CORPORATION (KMRMC), IT'S SUCCESSORS AND ASSIGNS ARE SUBJECT TO THE SAME OIL AND GAS SURFACE USE AGREEMENT (THIS AGREEMENT) AS RECORDED IN BOOK _____, PAGE _____.

NOTICE TO HOMEOWNERS AND BUILDERS. SURFACE OWNER SHALL FURNISH ALL BUYERS OF THE PROPERTY FROM SURFACE OWNER WITH A PLAT OR MAP SHOWING THE OIL AND GAS OPERATION AREAS. IN ADDITION, SURFACE OWNER SHALL PROVIDE NOTICE TO ALL BUILDERS, HOMEOWNERS AND OTHER BUYERS OF THE PROPERTY AND ALL HOMEOWNER ASSOCIATIONS THAT:
A. SUCH BUYERS ARE NOT PURCHASING AND DO NOT OWN ANY INTEREST IN THE OIL AND GAS MINERAL ESTATE;
B. THERE MAY BE ONGOING OIL AND GAS OPERATIONS AND PRODUCTION IN THE OIL AND GAS OPERATION AREAS ON THE SURFACE OF THE PROPERTY;
C. THERE ARE LIKELY TO BE ADDITIONAL FUTURE WELLS DRILLED AND OIL AND GAS OPERATIONS AND PRODUCTION FROM THE OIL AND GAS OPERATION AREAS THAT AFFECT THE SURFACE OF THE PROPERTY;
D. HEAVY EQUIPMENT WILL BE USED BY OIL AND GAS INTEREST OWNERS FROM TIME TO TIME FOR OIL AND GAS PRODUCTION OPERATIONS AND THAT SUCH OPERATIONS MAY BE CONDUCTED ON A 24 HOUR BASIS;
E. FUTURE PURCHASERS OF ALL OR A PORTION OF THE PROPERTY, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND WILL BE ASSUMING THOSE OBLIGATIONS UNDERTAKEN BY SURFACE OWNER PURSUANT TO THIS AGREEMENT; AND
F. HOMEOWNER ASSOCIATIONS AND BUYERS OF INDIVIDUAL LOTS OR HOMES, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND WILL BE BOUND BY THE COVENANTS, WAIVERS AND OBLIGATIONS IN THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO, THE WAIVERS CONTAINED IN SECTIONS 3, 10 AND 21 AND THE COVENANTS CONTAINED IN SECTION 3 PROHIBITING THE LOCATION OF ANY BUILDING OR STRUCTURE WITHIN THE OIL AND GAS OPERATION AREAS.

12. THE NEIGHBORHOOD PARK (TRACT M) SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (H.O.A.) AFTER BEING DEVELOPED BY THE APPLICANT.

13. DEVELOPER MUST CONSTRUCT ANY STREET/PUBLIC IMPROVEMENTS THAT MAY HAVE OIL AND GAS TRAFFIC TO STANDARDS THAT ACCOMMODATE 104,000 POUNDS GROSS.

14. THE EASTERN PART OF THE SITE IS UNDERMINED BY AN ABANDONED COAL MINE AS SHOWN ON A "SUBSIDENCE INVESTIGATION" PREPARED BY CTL/THOMPSON, INC. JOB NO. 34,325, DATED MARCH 15, 2002, THE LIMITS ARE SHOWN ON THIS PLAT.

15. A 10 FOOT WIDE EASEMENT FOR UTILITY PURPOSES IS PROVIDED AROUND THE PERIMETER OF ALL TRACTS AND IS SHOWN HEREON.

16. A BLANKET DRAINAGE EASEMENT SHALL BE PROVIDED ACROSS ALL TRACTS.

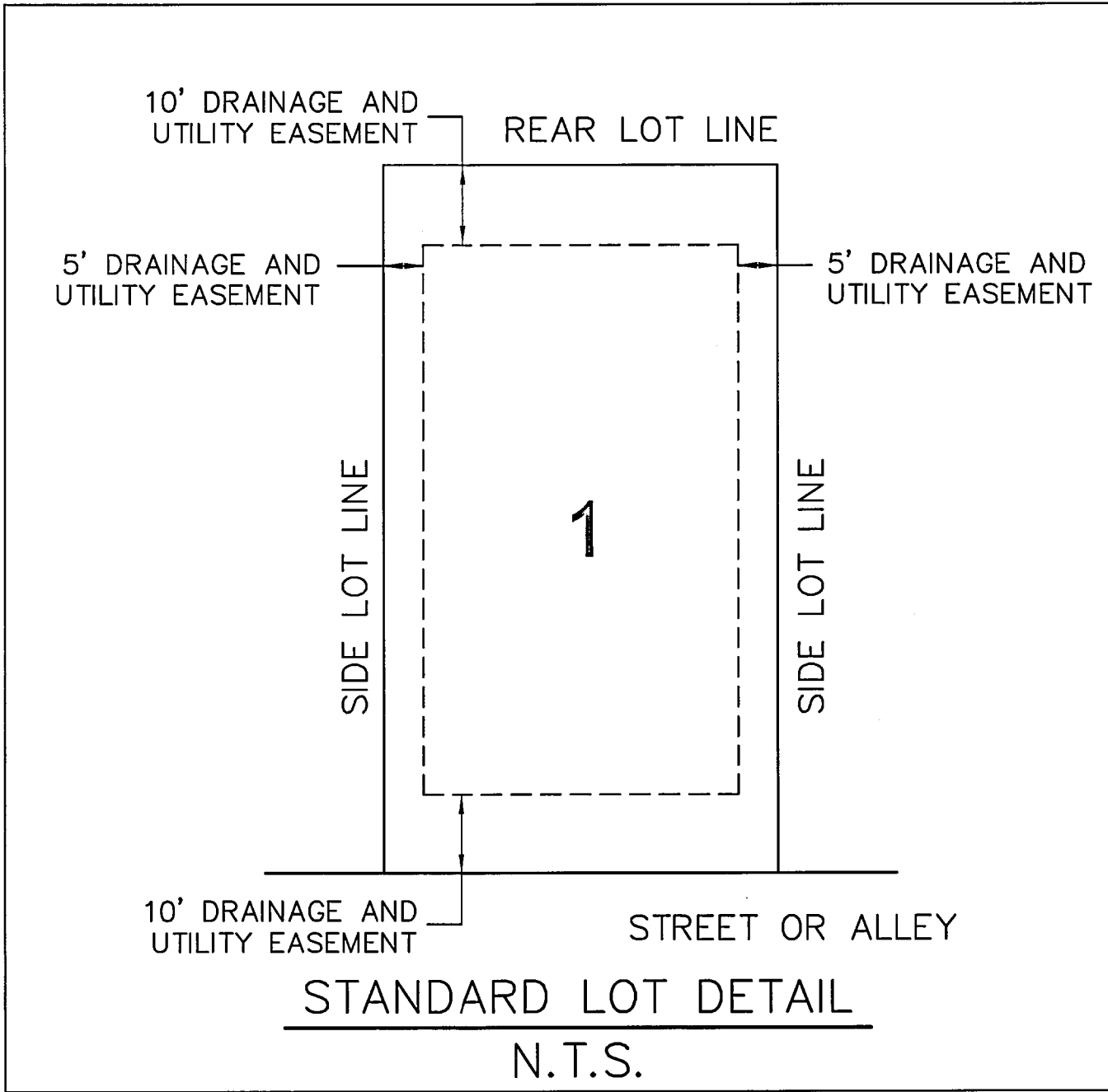
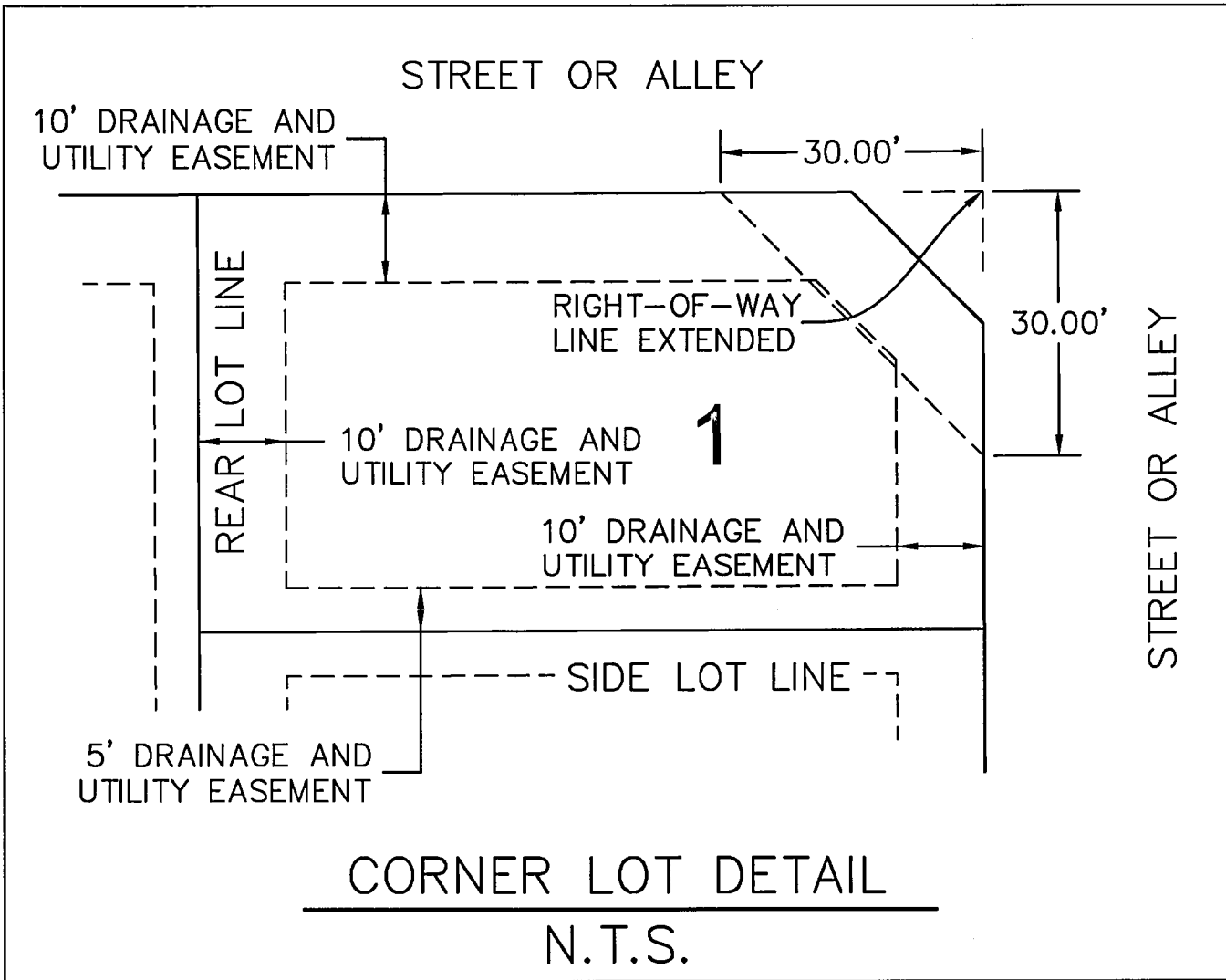
17. HIDDEN CREEK DEVELOPMENT, LLC IS THE OWNER OF THE ENTIRETY OF HIDDEN CREEK, ACCORDING TO THE FINAL PLAT RECORDED SEPTEMBER 28, 2012 AT RECEPTION NO. 3876800, COUNTY OF WELD, STATE OF COLORADO, EXCEPTING THEREFROM ALL DEDICATED STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS AS SHOWN ON THE RECORDED PLAT. THE TOWN OF FREDERICK OWNS THOSE STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS. THIS PLAT MODIFIES PORTIONS OF THOSE PUBLIC HOLDINGS. BY ACCEPTING THIS PLAT THE TOWN OF FREDERICK ACKNOWLEDGES AND ACCEPTS THOSE MODIFICATIONS TO THE PREVIOUSLY DEDICATED PUBLIC STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS.

LAND USE TABLE		
DESCRIPTION	ACRES	PERCENTAGE
DETENTION	4.837 AC	3.82%
DEDICATED PARK	4.213 AC	3.33%
OPEN SPACE **	24.844 AC	19.63%
DEDICATED R.O.W.	29.329 AC	23.20%
SINGLE FAMILY LOTS	51.839 AC	40.97%
OIL LEASE *	11.458 AC	9.05%
FENCED AREAS	0.665 AC	
LANDSCAPED AREAS	10.793 AC	
TOTALS	126.519 AC	100%

OVERALL DENSITY 373 LOTS 3.87 DU/ACRE

* OIL LEASE AREA INCLUDES FENCED AREA AND LANDSCAPED AREA

** OPEN SPACE INCLUDES TRACTS: B,C,E,F,I,J,L,O,Q,R,T,U,V,W,X,Y,Z AND AA



TRACT SUMMARY TABLE				
TRACT	AREA	USE	OWNERSHIP	MAINTENANCE
A	0.675 AC	OIL LEASE	H.O.A.	H.O.A.
B	1.489 AC	OPEN SPACE	H.O.A.	H.O.A.
C	1.943 AC	OPEN SPACE	H.O.A.	H.O.A.
D	2.476 AC	DETENTION	H.O.A.	H.O.A.
E	4.882 AC	OPEN SPACE	H.O.A.	H.O.A.
F	1.200 AC	OPEN SPACE	H.O.A.	H.O.A.
G	4.539 AC	OIL LEASE	H.O.A.	H.O.A.
H	2.381 AC	DETENTION	H.O.A.	H.O.A.
I	0.954 AC	OPEN SPACE, DIRECTOR'S PARCEL	H.O.A.	H.O.A.
J	6.012 AC	OPEN SPACE	H.O.A.	H.O.A.
K	1.623 AC	OIL LEASE	H.O.A.	H.O.A.
L	1.471 AC	OPEN SPACE	H.O.A.	H.O.A.
M	4.213 AC	NEIGHBORHOOD PARK	TOWN OF FREDERICK	TOWN OF FREDERICK
N	1.557 AC	OPEN SPACE	H.O.A.	H.O.A.
O	1.494 AC	OIL LEASE	H.O.A.	H.O.A.
P	0.411 AC	OPEN SPACE	H.O.A.	H.O.A.
Q	1.357 AC	OPEN SPACE	H.O.A.	H.O.A.
R	1.880 AC	OPEN SPACE	H.O.A.	H.O.A.
S	3.127 AC	OIL LEASE	H.O.A.	H.O.A.
T	0.666 AC	OPEN SPACE	H.O.A.	H.O.A.
U	0.648 AC	OPEN SPACE	H.O.A.	H.O.A.
V	0.206 AC	OPEN SPACE	H.O.A.	H.O.A.
W	0.041 AC	PEDESTRIAN CONNECTION, OPEN SPACE	H.O.A.	H.O.A.
X	0.050 AC	PEDESTRIAN CONNECTION, OPEN SPACE	H.O.A.	H.O.A.
Y	0.096 AC	PEDESTRIAN CONNECTION, OPEN SPACE	H.O.A.	H.O.A.

TYPE OF DWELLING UNIT											
BLOCK NO.	50' - 59'	50' - 59'	50' - 59'	60' - 69'	60' - 69'	60' - 69'	70' - 79'	70' - 79'	70' - 79'	80' - 89'	TOTALS
	X	X	X	X	X	X	X	X	X	X	
	90' - 99'	100' - 109'	110' +	90' - 99'	100' - 109'	110' +	90' - 99'	100' - 109'	110' +	90' - 99'	
1				5			1				6
2					7			2			9
3					11			2			13
4				1	3	8	1	2			15
5							6			4	10
6							6			4	10
7				1	17		2				20
8					6						6
9				16			2				18
10					14			4			18
11					4	1		4	2		11
12					4	1		4	2		11
13					6			4			10
14				5	11	3	2	3			24
15				10			4				14
16				5	4		2				11
17			12			12					24
18	9			6		6					23
19	11	5	2	1	2						21
20		10									10
21	16			4							20
22	8			8			2				18
23						10		5			15
24						5		6			11
25							6		4		10
26				13			2				15
TOTALS	44	15	20	71	89	46	36	25	15	12	373



10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80112
Tel: (720) 482-9526
Fax: (720) 482-9546

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						AS SHOWN	MJP	
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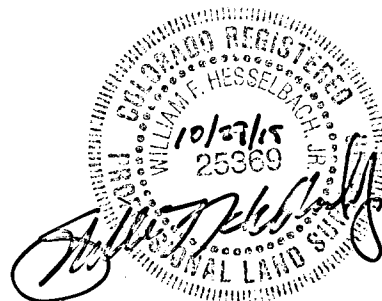
HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES – 373 TOTAL LOTS
SHEET 3 OF 12

LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L1	68.00'	S0°00'00"E
L2	33.85'	S0°00'00"E
L3	38.35'	N0°00'00"E
L4	41.76'	N0°11'58"W
L5	43.71'	N44°00'21"W
L6	53.09'	S1°36'45"E
L7	72.53'	S1°36'45"E
L8	50.04'	S1°36'45"E
L9	56.88'	S1°36'45"E
L10	75.18'	S1°36'45"E
L11	250.78'	S1°36'45"E
L12	149.28'	S1°36'45"E
L13	75.18'	S1°36'45"E
L14	50.04'	S1°36'45"E
L15	56.88'	S1°36'45"E
L16	171.36'	S1°29'43"E
L17	187.11'	S1°30'24"E
L18	23.90'	N89°48'02"E
L19	27.78'	N89°48'02"E
L20	27.00'	N89°48'02"E
L21	23.00'	N89°48'02"E
L22	101.27'	S0°11'58"E
L23	77.75'	S1°26'35"E
L24	50.02'	S1°37'25"E
L25	78.57'	S1°38'26"E
L26	142.52'	S1°38'26"E
L27	39.67'	S1°38'26"E
L28	261.44'	S1°38'26"E
L29	50.02'	S1°37'50"E
L30	75.07'	S1°26'35"E

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	238.27'	150.00'	91°00'40"	N74°52'57"E	214.00'
C2	128.41'	150.00'	49°02'50"	S80°31'44"E	124.52'
C3	180.20'	150.00'	68°49'53"	N87°44'02"E	169.56'
C4	64.76'	150.00'	24°44'12"	S45°28'55"E	64.26'
C5	79.82'	150.00'	30°29'16"	S70°20'44"W	78.88'
C6	296.98'	150.00'	113°25'43"	S1°36'45"E	250.78'
C7	79.82'	150.00'	30°29'16"	S73°34'14"E	78.88'
C8	485.89'	150.00'	185°35'46"	N1°36'45"W	299.64'
C9	119.94'	150.00'	45°48'55"	S26°12'19"W	116.77'
C10	23.16'	150.00'	8°50'42"	S1°07'29"E	23.13'
C11	30.07'	150.00'	11°29'05"	S0°11'43"E	30.02'
C12	7.24'	150.00'	2°45'54"	S40°53'10"E	7.24'
C13	94.38'	150.00'	36°03'01"	S18°01'31"E	92.83'
C14	342.19'	150.00'	130°42'25"	S34°00'44"E	272.67'
C15	259.31'	150.00'	99°02'58"	N49°25'21"E	228.21'
C16	103.42'	150.00'	39°30'13"	N19°51'15"W	101.38'
C17	41.15'	150.00'	15°43'10"	N7°51'35"W	41.02'
C18	28.02'	150.00'	10°42'15"	N5°21'07"E	27.98'
C19	111.39'	150.00'	42°32'46"	N21°16'23"W	108.84'
C20	72.84'	200.00'	20°52'00"	S56°05'51"E	72.44'
C21	176.35'	200.00'	50°31'18"	N88°12'30"E	170.70'
C22	117.06'	200.00'	33°32'10"	S82°24'10"E	115.40'
C23	253.26'	200.00'	72°33'14"	N78°11'34"E	236.68'
C24	70.76'	200.00'	20°16'15"	N31°49'01"E	70.39'
C25	105.97'	200.00'	30°21'31"	N15°10'48"W	104.74'
C26	25.70'	200.00'	7°21'44"	N3°40'52"E	25.68'
C27	43.21'	200.00'	12°22'40"	N6°11'20"W	43.12'
C28	19.88'	200.00'	5°41'48"	N31°16'29"W	19.88'
C29	239.81'	200.00'	68°42'00"	N62°17'43"E	225.70'
C30	416.43'	200.00'	119°17'49"	S37°24'55"E	345.18'

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C31	94.05'	200.00'	26°56'32"	S13°28'16"E	93.18'
C32	8.11'	200.00'	2°19'29"	S35°13'39"E	8.11'
C33	53.59'	200.00'	15°21'07"	S3°31'06"E	53.43'
C34	135.53'	200.00'	38°49'38"	S15°15'22"W	132.95'
C35	642.97'	200.00'	184°11'46"	N1°36'45"W	399.73'
C36	77.52'	200.00'	22°12'29"	S78°24'37"E	77.04'
C37	458.63'	200.00'	131°23'16"	S1°36'45"E	364.54'
C38	77.52'	200.00'	22°12'29"	S75°11'07"W	77.04'
C39	229.72'	200.00'	65°48'37"	S0°10'40"E	217.30'
C40	124.50'	150.00'	47°33'19"	N40°31'47"E	120.96'
C41	6.33'	5.00'	72°32'18"	S36°28'07"E	5.92'
C42	47.49'	50.00'	54°25'17"	N45°31'37"W	45.73'
C43	181.58'	200.00'	52°01'10"	N7°41'36"E	175.41'
C44	172.36'	150.00'	65°50'08"	N14°36'05"E	163.03'
C45	196.35'	150.00'	74°59'59"	S9°23'57"E	182.63'
C46	120.89'	200.00'	34°37'57"	S9°49'36"E	119.06'
C47	24.74'	200.00'	7°05'20"	S3°19'39"E	24.73'
C48	55.90'	200.00'	16°00'49"	S4°38'37"E	55.72'
C49	797.78'	200.00'	228°32'46"	S69°05'25"W	364.64'
C50	158.48'	200.00'	45°23'59"	N22°28'59"W	154.36'
C51	70.30'	200.00'	20°08'24"	N2°34'49"W	69.94'
C52	120.90'	200.00'	34°38'06"	N10°26'44"E	119.07'
C53	124.41'	150.00'	47°31'21"	S13°51'30"E	120.88'
C54	30.53'	150.00'	11°39'39"	S3°27'17"E	30.48'
C55	71.04'	150.00'	27°08'13"	S1°14'26"E	70.38'
C56	141.24'	150.00'	53°56'53"	S27°10'25"E	136.08'
C57	504.04'	150.00'	192°31'39"	N83°56'09"W	298.21'
C58	147.98'	150.00'	56°31'23"	N25°53'09"W	142.05'
C59	64.70'	150.00'	24°42'43"	N2°27'11"W	64.20'
C60	124.42'	150.00'	47°31'30"	N14°28'38"E	120.88'

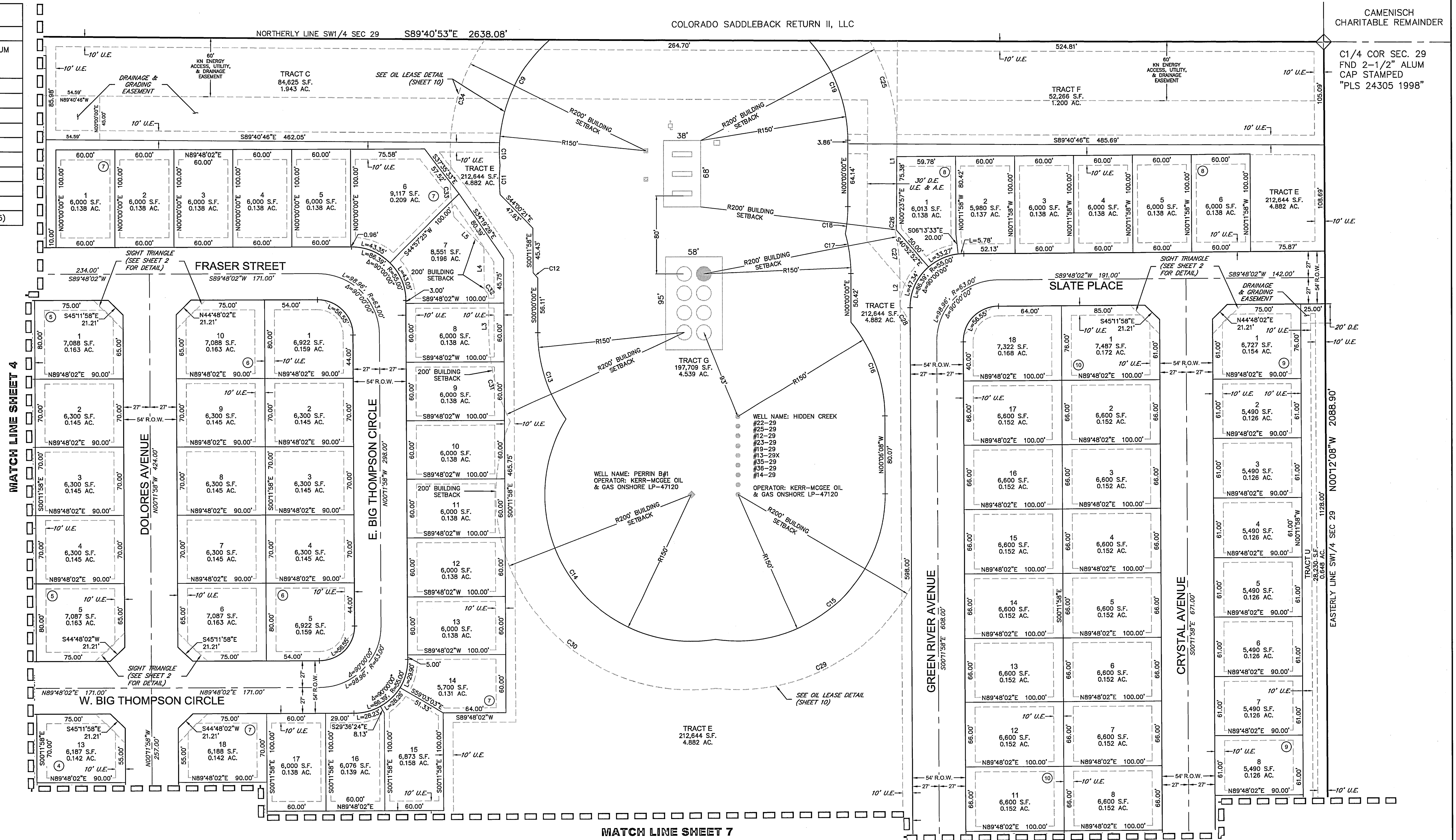


		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546			
No.	Revisions	Date	Init.	Appr.	Date
SCALE:		DRAWN BY:		SHEET NO:	
AS SHOWN		MJP		3	
FILE NO:		CHECKED BY:			
8130189702		WFF			
DATE:		09/29/15			

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

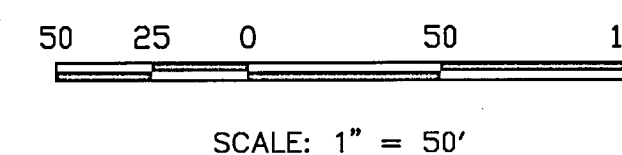
A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES - 373 TOTAL LOTS
SHEET 5 OF 12

LEGEND	
	FND. SECTION CORNER AS DESCRIBED
	SET NO. 6 REBAR, 30" LONG, w/2" ALUMINUM CAP STAMPED CVL LS NO. 25369 UNLESS OTHERWISE NOTED
	BLOCK NUMBER
	D.E. DRAINAGE EASEMENT
	U.E. UTILITY EASEMENT
	D.U.E. DRAINAGE AND UTILITY EASEMENT
	I.E. IRRIGATION EASEMENT
	A.E. ACCESS EASEMENT
	S.W.E. SIDEWALK EASEMENT
	G.E. GAS EASEMENT
	R.O.W. RIGHT-OF-WAY
	WESTERLY LIMITS OF UNDERMINING (NOTE 15)



MATCH LINE SHEET 7

SEE SHEET 3 FOR LINE AND CURVE TABLES

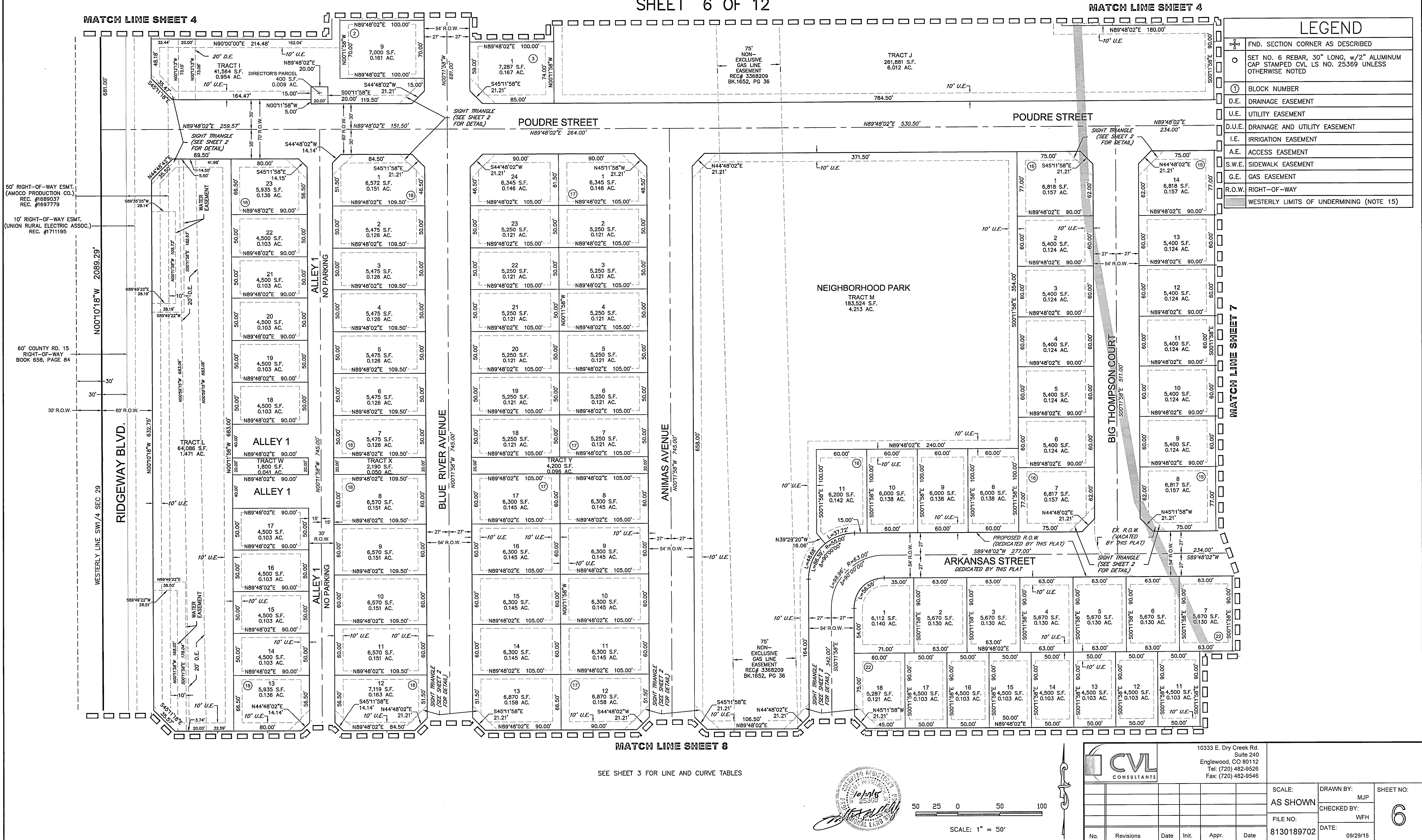


10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80112
Tel: (720) 482-9526
Fax: (720) 482-9546

						SCALE:	DRAWN BY:	SHEET NO:
						AS SHOWN	MJP	5
						FILE NO:	CHECKED BY:	
						8130189702	WFH	
							DATE:	
No.	Revisions	Date	Init.	Appr.	Date		09/29/15	

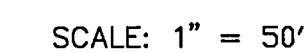
HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES - 373 TOTAL LOTS
SHEET 6 OF 12



A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES — 373 TOTAL LOTS

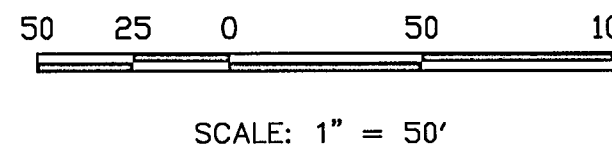
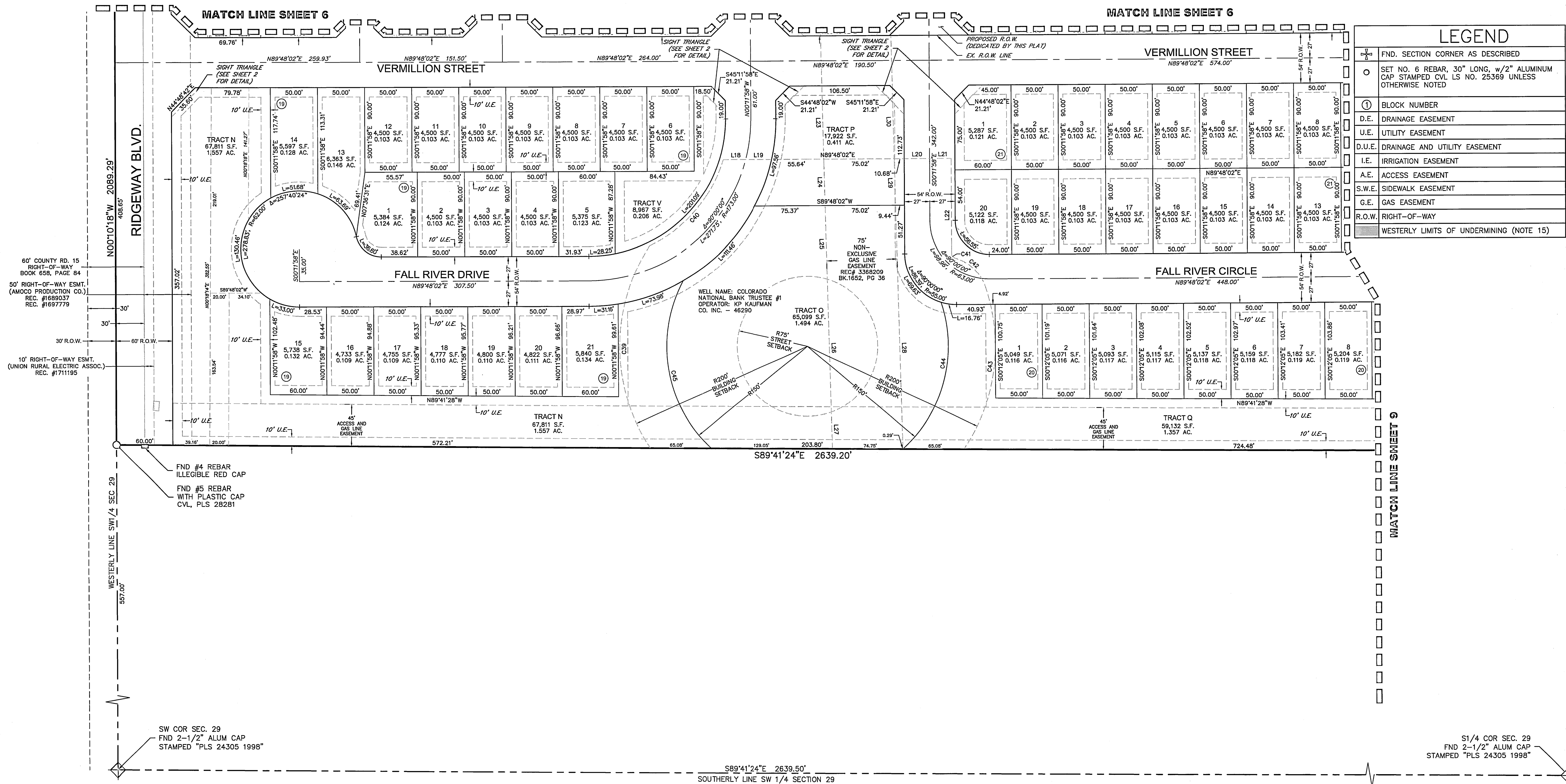
MATCH LINE SHEET 5 SHEET 7 OF 12

[illegible]

		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546				SCALE: AS SHOWN		DRAWN BY: MJP	SHEET NO: 7
						FILE NO: 8130189702		CHECKED BY: WFH	
								DATE: 09/29/15	
No.	Revisions	Date	Init.	Appr.	Date				

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES - 373 TOTAL LOTS
SHEET 8 OF 12



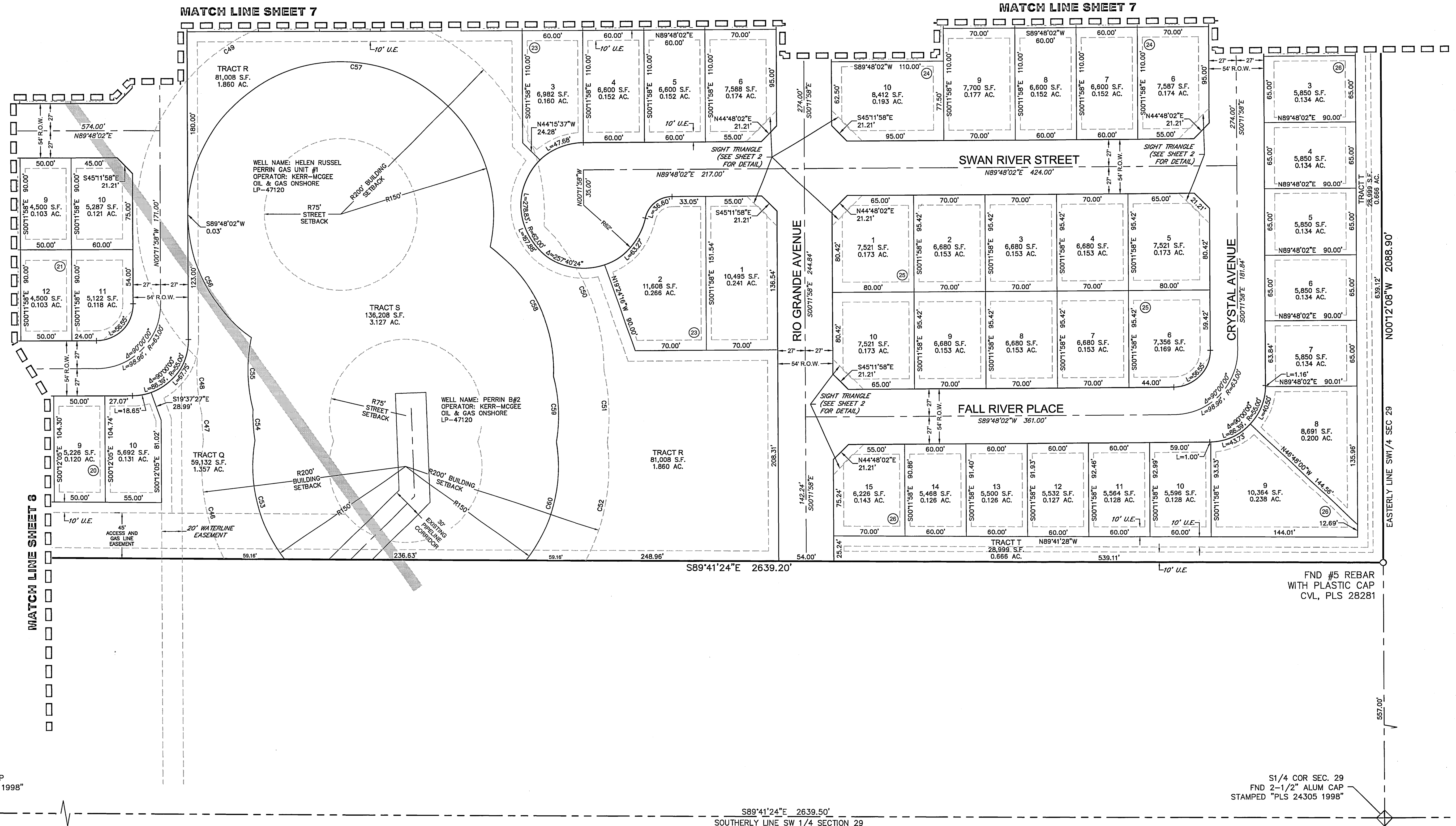
10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80112
Tel: (720) 482-9526
Fax: (720) 482-9546

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No.	Revisions	Date	Init.	Appr.	Date		09/29/15	

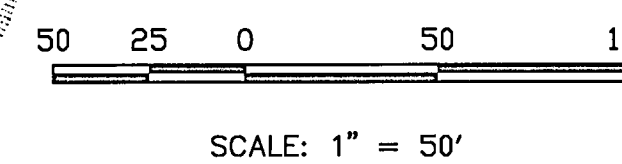
HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES - 373 TOTAL LOTS
SHEET 9 OF 12

LEGEND	
	FND. SECTION CORNER AS DESCRIBED
	SET NO. 6 REBAR, 30" LONG, w/2" ALUMINUM CAP STAMPED CVL LS NO. 25369 UNLESS OTHERWISE NOTED
	BLOCK NUMBER
	D.E. DRAINAGE EASEMENT
	U.E. UTILITY EASEMENT
	D.U.E. DRAINAGE AND UTILITY EASEMENT
	I.E. IRRIGATION EASEMENT
	A.E. ACCESS EASEMENT
	S.W.E. SIDEWALK EASEMENT
	G.E. GAS EASEMENT
	R.O.W. RIGHT-OF-WAY
	WESTERLY LIMITS OF UNDERMINING (NOTE 15)



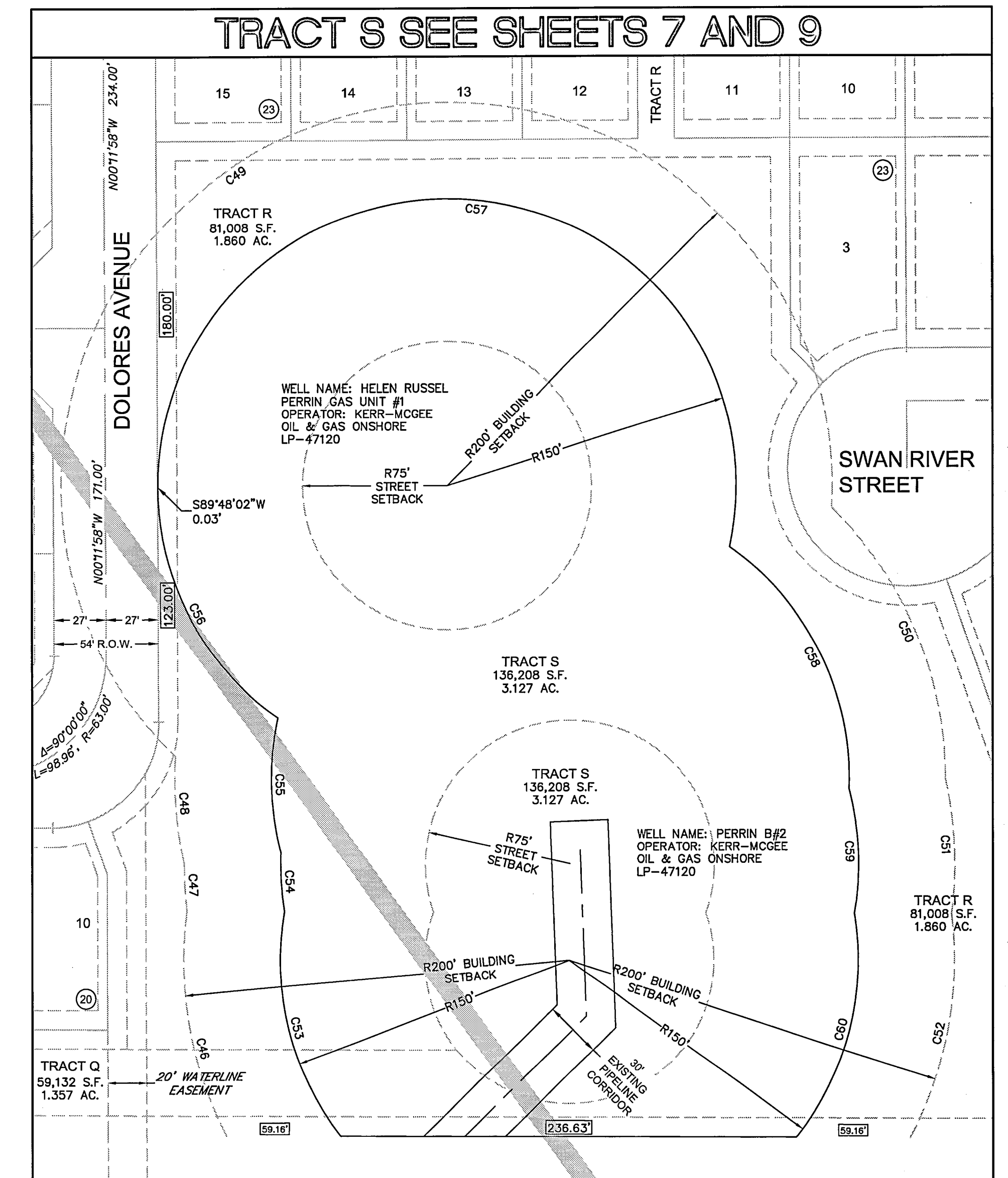
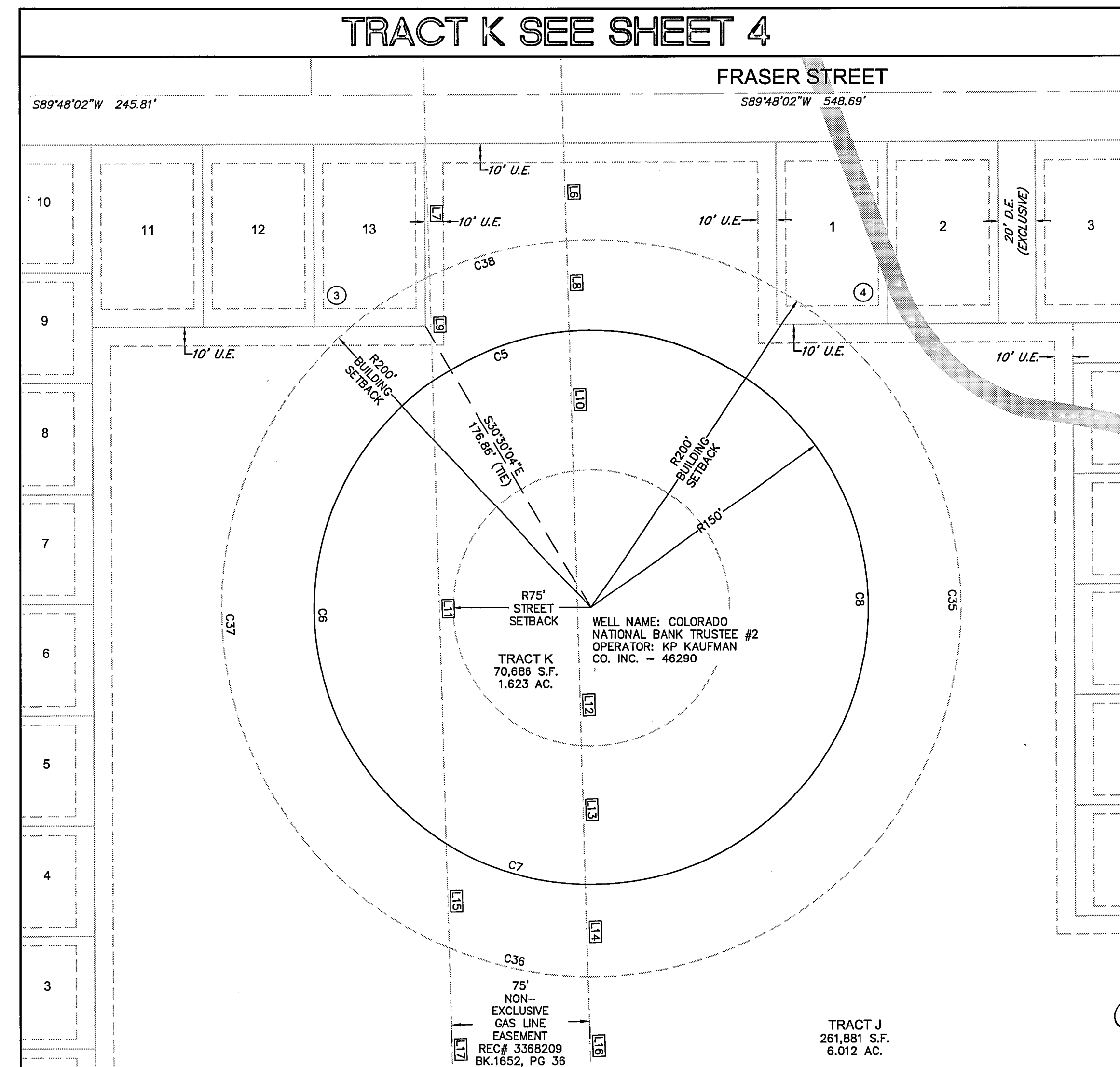
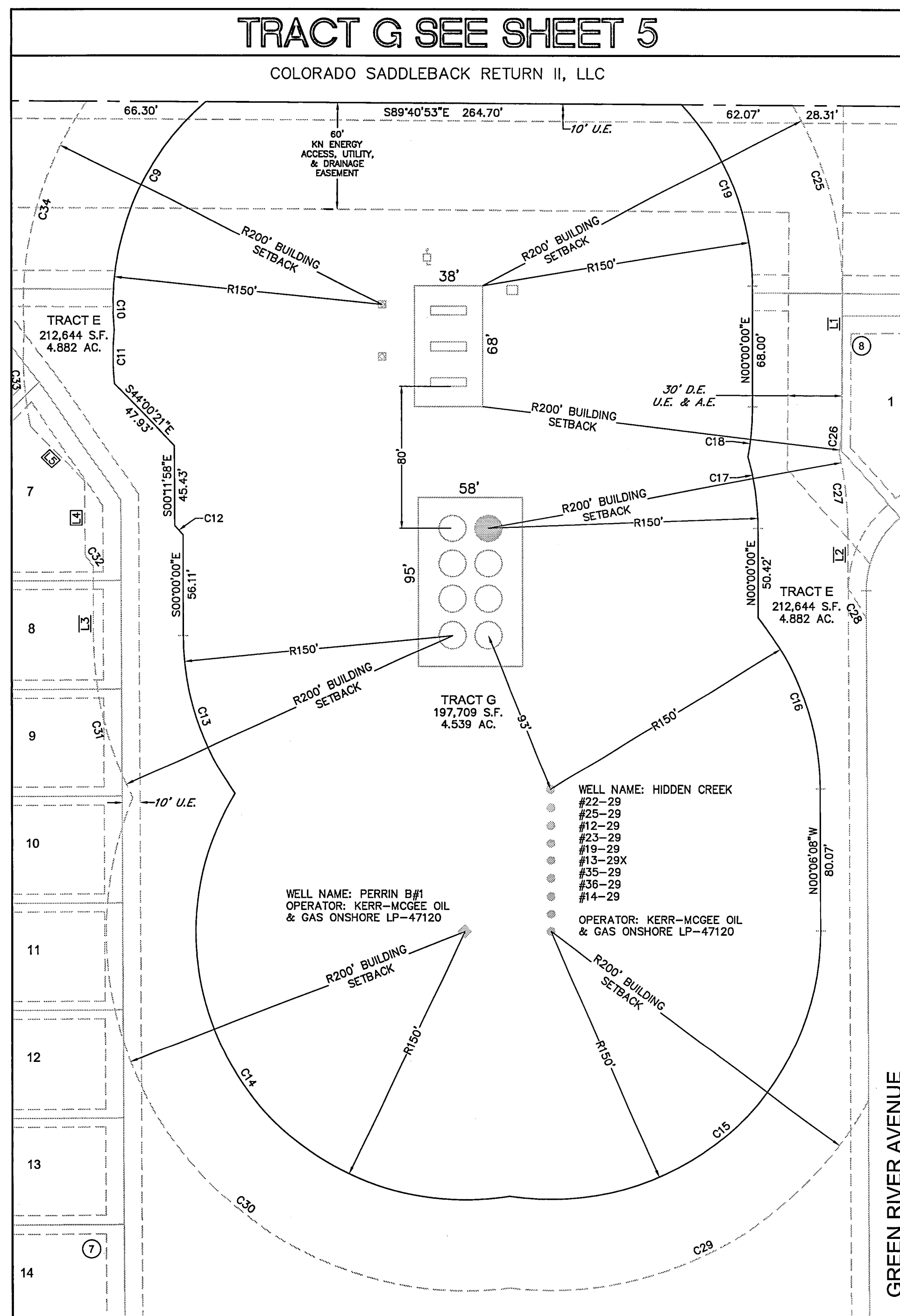
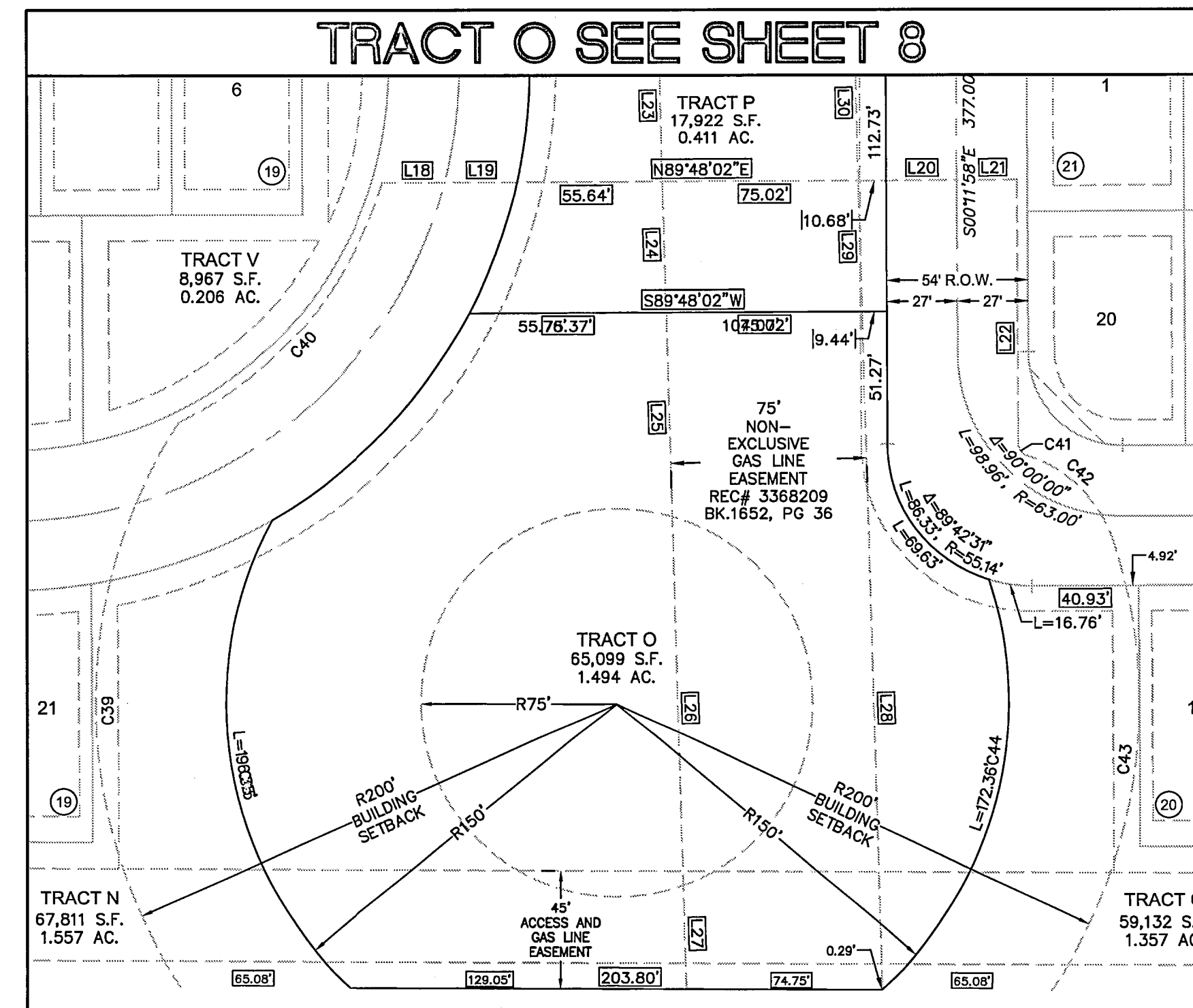
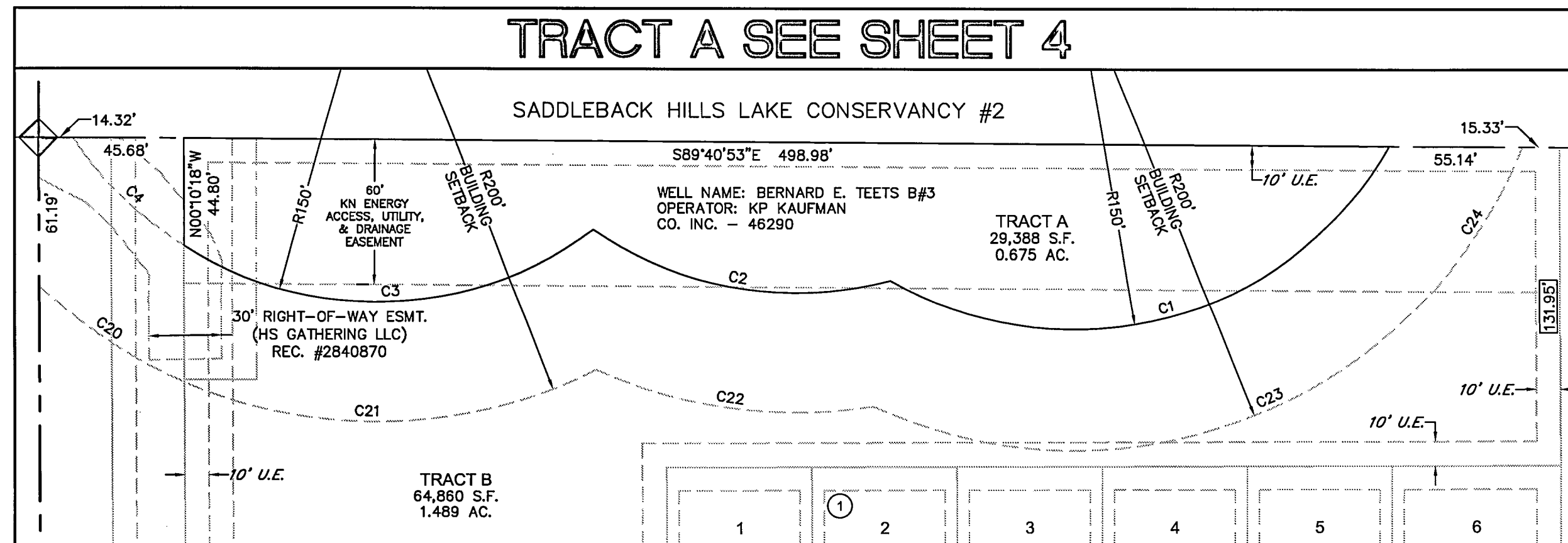
SEE SHEET 3 FOR LINE AND CURVE TABLES



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						AS SHOWN	MJP		
						CHECKED BY:	WFH		
						FILE NO:	DATE:		
No.	Revisions	Date	Init.	Appr.	Date	8130189702	09/29/15		

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES - 373 TOTAL LOTS
SHEET 10 OF 12



50 25 0 50 100
SCALE: 1" = 50'

SEE SHEET 3 FOR LINE AND CURVE TABLES

		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546						
						SCALE:	DRAWN BY:	SHEET NO: 10
						AS SHOWN	MJP	
						CHECKED BY:	WFH	
						FILE NO:	DATE:	
No.	Revisions	Date	Init.	Appr.	Date	8130189702	09/29/15	

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES — 373 TOTAL LOTS
SHEET 11 OF 12

BLOCK 7000
PRIORITY 1
SECTION 000

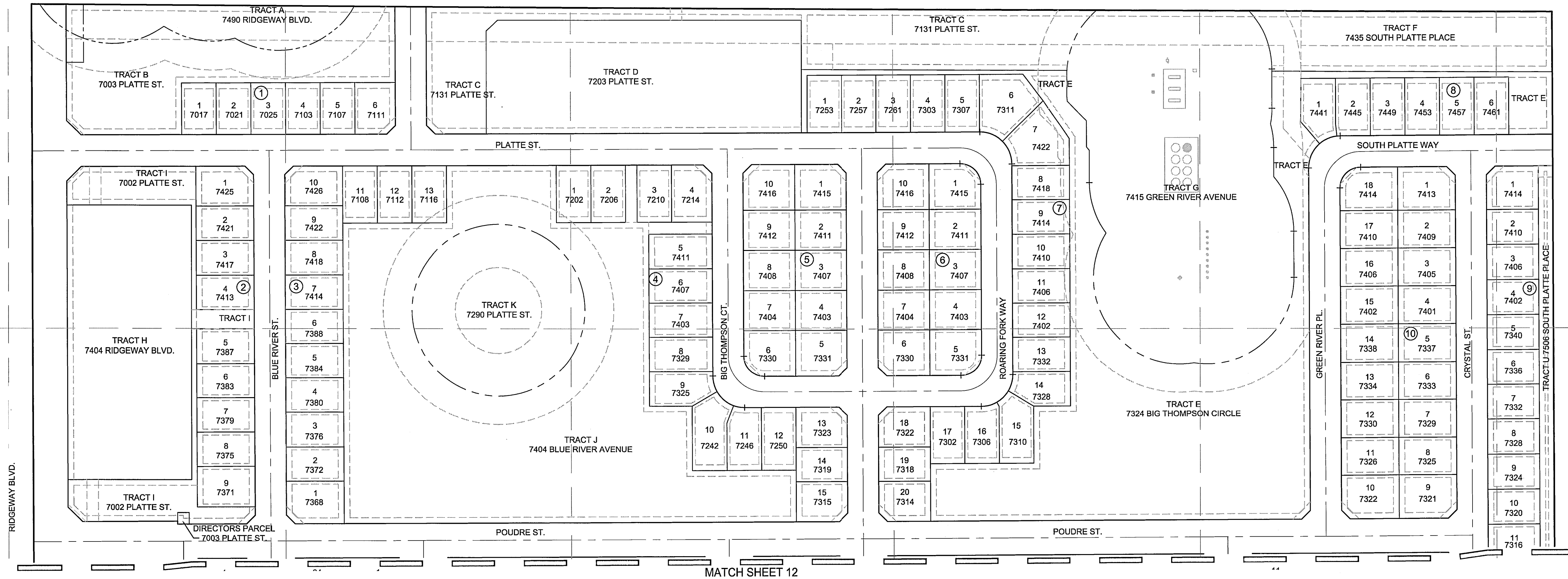
BLOCK 7000
PRIORITY 2
SECTION 100

BLOCK	7000
PRIORITY	2
SECTION	200

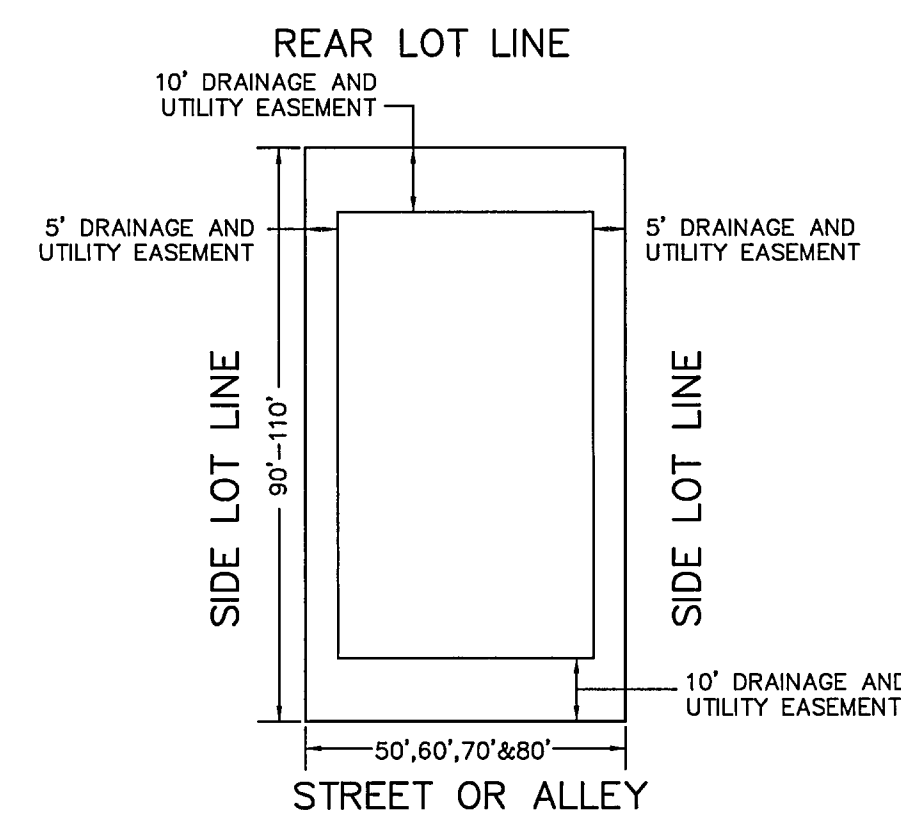
BLOCK 7000
PRIORITY 2
SECTION 300

BLOCK 7000
PRIORITY 2
SECTION 400

BLOCK	7000
PRIORITY	2
SECTION	500

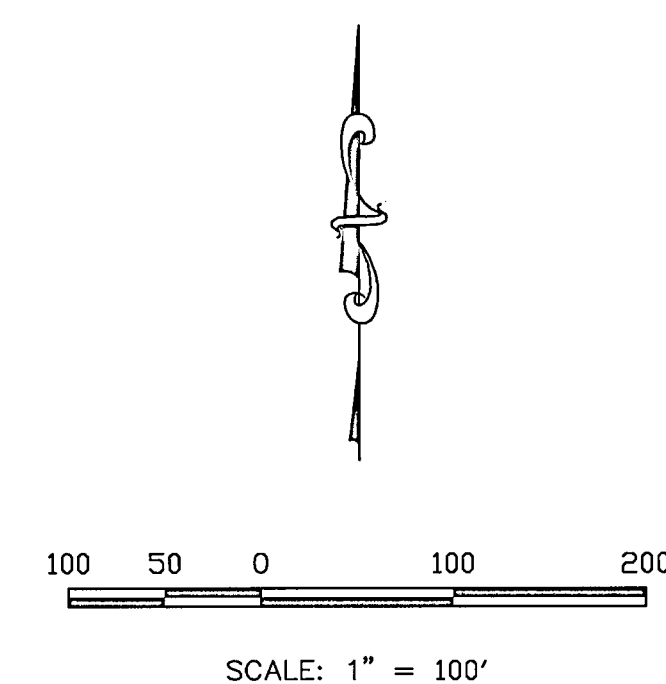


BLOCK 7000
PRIORITY 2
SECTION 400



LEGEND

- | | |
|-----------|-------------------|
| ===== | LOT LINE |
| ----- | STREET GRID |
| - - - - - | OIL WELL LOT LINE |
| ===== | STREET CENTERLINE |



ADDRESS PLAT

	10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546				
SCALE: AS SHOWN		DRAWN BY: MJP		11	
FILE NO: 8130189702		CHECKED BY: WFH			
		DATE: 09/29/15			
No.	Revisions	Date	Init.	Appr.	Date

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 126.519 ACRES - 373 TOTAL LOTS
SHEET 12 OF 12

MATCH SHEET 11



BLOCK 7000
PRIORITY 2
SECTION 300

BLOCK 7000
PRIORITY 2
SECTION 200

BLOCK 7000
PRIORITY 2
SECTION 100

BLOCK 7000
PRIORITY 1
SECTION 000

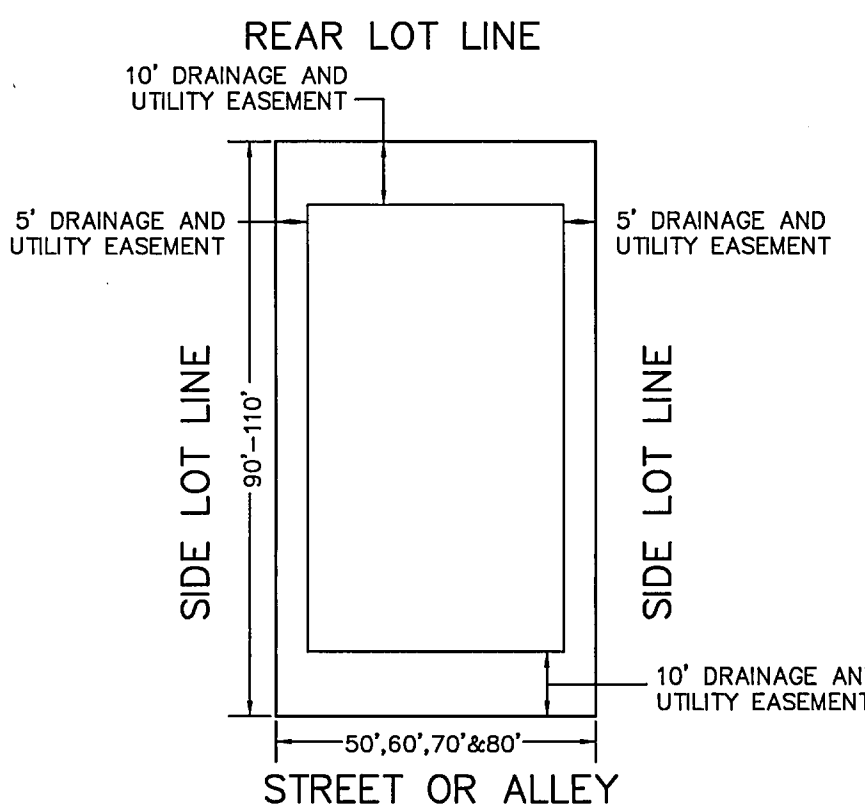
BLOCK 7000
PRIORITY 2
SECTION 100

BLOCK 7000
PRIORITY 2
SECTION 200

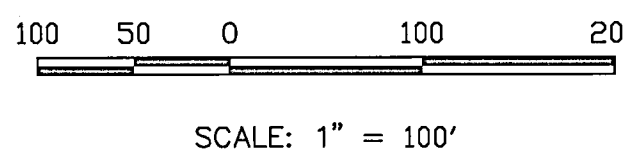
BLOCK 7000
PRIORITY 2
SECTION 300

BLOCK 7000
PRIORITY 2
SECTION 400

BLOCK 7000
PRIORITY 2
SECTION 500



- LEGEND
- LOT LINE
 - STREET GRID
 - OIL WELL LOT LINE
 - STREET CENTERLINE



		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546						
						SCALE:	DRAWN BY:	SHEET NO: 12
						AS SHOWN	MJP	
						CHECKED BY:	WFH	
						FILE NO:	DATE:	
						8130189702	09/29/15	
No.	Revisions	Date	Init.	Appr.	Date			

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 2

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 8.638 ACRES – 49 TOTAL LOTS
SHEET 1 OF 4

CERTIFICATE OF VACATION:

KNOW ALL MEN BY THESE PRESENTS THAT CERTAIN STREETS, RIGHTS-OF-WAY, AND EASEMENTS DEDICATED TO THE TOWN OF FREDERICK, CO. BY THE HIDDEN CREEK FINAL PLAT AMENDMENT NO. 1 DATED AUGUST 30, 2012, RECORDED ON _____, 20____, HAVING NEVER BEEN DEVELOPED, IN ACCORDANCE WITH C.R.S. 43-2-302 (e), HAS CAUSED SAID STREETS, RIGHTS-OF-WAY AND EASEMENTS TO BE VACATED TO THE OWNER, HIDDEN CREEK DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, BY THIS REPLAT OF THE SUBDIVISION.

TONY CAREY, MAYOR
TOWN OF FREDERICK

ATTEST:

MEGHAN MARTINEZ, TOWN CLERK
TOWN OF FREDERICK

STATE OF COLORADO)
) SS
COUNTY OF _____)

THE FOREGOING CERTIFICATE OF VACATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016 BY TONY CAREY, AS MAYOR AND MEGHAN MARTINEZ, AS TOWN CLERK OF THE TOWN OF FREDERICK.

WITNESS MY HAND AND SEAL: _____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CERTIFICATE OF DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT HIDDEN CREEK DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF CERTAIN LANDS IN FREDERICK, COLORADO, DESCRIBED HEREIN, HAS CAUSED SAID LAND TO BE FINAL PLATTED IN TO LOTS, TRACTS, BLOCKS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME OF HIDDEN CREEK FINAL PLAT - AMENDMENT NO. 2, AND DO HEREBY DEDICATE TO THE PUBLIC SUCH PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS AND OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES AS SHOWN HEREON AND SUCH OTHER EASEMENTS SHOWN HEREON FOR THE PURPOSES SHOWN. THE ENTITIES NAMED ON THE EASEMENT, OR RESPONSIBLE FOR THE SERVICES AND/OR UTILITIES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR THE PURPOSES NAMED ON THE EASEMENT OR FOR THE INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES. THE PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS, OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES SHOWN HEREON AND THE ELECTRIC AND WATER DISTRIBUTION SYSTEMS TO BE INSTALLED IN THE SUBDIVISION ARE DEDICATED AND CONVEYED TO TOWN OF FREDERICK, COLORADO, IN FEE SIMPLE ABSOLUTE, WITH MARKETABLE TITLE FOR PUBLIC USE AND PURPOSES. ALL CONDITIONS, TERMS AND SPECIFICATIONS DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS AND ASSIGNS. THE SIGNATURE OF ANY REPRESENTATIVE OF ANY PARTNERSHIP OR CORPORATE ENTITY INDICATES THAT ALL REQUIRED PARTNERSHIP OR CORPORATE APPROVALS HAVE BEEN OBTAINED.

A PARCEL OF LAND BEING LOTS 1 – 24, BLOCK 17; LOTS 1–23, BLOCK 18; TRACTS W, X AND Y; ALLEY 1; TOGETHER WITH THE RIGHTS OF WAY OF BLUE RIVER AVENUE AND ANIMAS AVENUE, HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1, ACCORDING TO THE FINAL PLAT RECORDED _____, 20____, AT RECEPTION NO. _____ IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, SAID PARCEL LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
THENCE NORTH 00°0'18" WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1018.02 FEET;
THENCE NORTH 00°00'00" EAST, A DISTANCE OF 60.00 FEET;
THENCE SOUTH 45°11'18" EAST, A DISTANCE OF 35.57 FEET;
THENCE NORTH 89°48'02" EAST, A DISTANCE OF 69.76 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 13, BLOCK 1, SAID POINT BEING THE POINT OF BEGINNING;
THENCE NORTH 00°11'58" WEST, A DISTANCE OF 663.00 FEET;
THENCE NORTH 89°48'02" EAST, A DISTANCE OF 125.00 FEET;
THENCE NORTH 44°48'02" EAST, A DISTANCE OF 7.07 FEET;
THENCE NORTH 89°48'02" EAST, A DISTANCE OF 432.50 FEET;
THENCE SOUTH 44°48'02" WEST, A DISTANCE OF 21.21 FEET;
THENCE SOUTH 00°11'58" EAST, A DISTANCE OF 658.00 FEET;
THENCE SOUTH 45°11'58" EAST, A DISTANCE OF 21.21 FEET;
THENCE SOUTH 89°48'02" WEST, A DISTANCE OF 562.50 FEET;

SAID PARCEL CONTAINING A CALCULATED AREA OF 376,268 SQUARE FEET OR 8.638 ACRES, MORE OR LESS.

NOTARY:

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS _____ DAY OF _____, 2016.

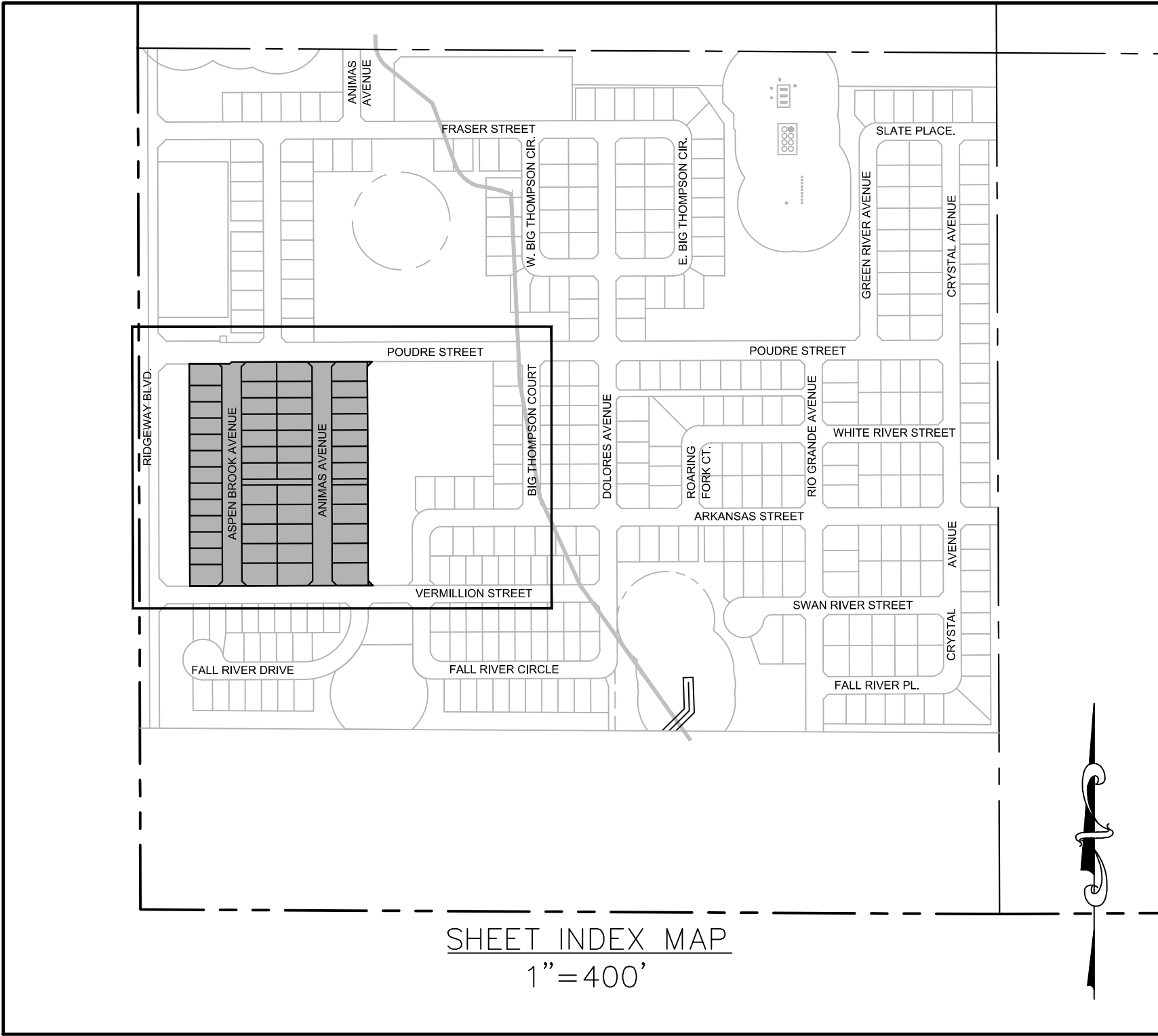
NICHOLAS L. SCHEIDT, MANAGER

STATE OF COLORADO)
) SS
COUNTY OF _____)

THE FOREGOING CERTIFICATE OF DEDICATION WAS ACKNOWLEDGED BEFORE ME BY NICHOLAS L. SCHEIDT, AS MANAGER OF HIDDEN CREEK DEVELOPMENT, LLC, THIS _____ DAY OF _____, 2016.

WITNESS MY HAND AND SEAL: _____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



DEED OF TRUST HOLDER:

FIRST NATIONAL BANK OF DENVER, A DIVISION OF FIRST NATIONAL BANK OF SANTA FE, AS HOLDER OF A DEED OF TRUST ON PART OR ALL OF THE HEREIN DESCRIBED REAL PROPERTY, DOES HEREBY AGREE AND CONSENT TO THE RE-PLATTING OF SAID PROPERTY AS SHOWN HEREON.

FIRST NATIONAL BANK OF DENVER,
A DIVISION OF FIRST NATIONAL BANK OF SANTA FE

AS

NOTARY:

STATE OF COLORADO)
) SS
COUNTY OF _____)

THE FOREGOING CERTIFICATE OF DEDICATION WAS ACKNOWLEDGED BEFORE ME BY _____, AS _____ OF _____

FIRST NATIONAL BANK OF DENVER, A DIVISION OF FIRST NATIONAL BANK OF SANTA FE,

THIS _____ DAY OF _____, 2016.

WITNESS MY HAND AND SEAL: _____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER/APPLICANT:

HIDDEN CREEK DEVELOPMENT, LLC
P.O. BOX 33724
DENVER, CO 80233
(303) 469-6878
CONTACT: NICHOLAS L. SCHEIDT

ENGINEER:

CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112
720-249-3539
CONTACT: MELINDA E. LUNDQUIST, PE

SHEET INDEX:

- | | |
|-----|----------------|
| NO. | SHEET |
| 1. | COVER SHEET |
| 2. | TABLES & NOTES |
| 3. | PLAT SHEET |
| 4. | ADDRESS PLAT |

SURVEYOR'S CERTIFICATE:

I, WILLIAM F. HESSELBACH JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE FINAL PLAT MAP SHOWN HEREON IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND.

I FURTHER CERTIFY THAT THIS FINAL PLAT MAP AND LEGAL DESCRIPTION WERE PREPARED UNDER MY PERSONAL SUPERVISION AND IN ACCORD WITH APPLICABLE STATE OF COLORADO REQUIREMENTS ON THIS _____ DAY OF _____, 2016.

WILLIAM F. HESSELBACH JR., PLS 25369
FOR AND ON BEHALF OF CVL
CONSULTANTS OF COLORADO, INC.

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES:

THE HIDDEN CREEK FINAL PLAT AMENDMENT NO. 2 IS APPROVED AND ACCEPTED BY ORDINANCE NO. _____, PASSED AND ADOPTED AT THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF TOWN OF FREDERICK, COLORADO, HELD ON _____, 20____. THE DEDICATIONS OF PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS AND OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES AS SHOWN HEREON, SUCH OTHER EASEMENTS SHOWN HEREON FOR THE PURPOSES SHOWN, AND THE ELECTRIC AND WATER DISTRIBUTION SYSTEMS TO BE INSTALLED IN THE SUBDIVISION, ARE HEREBY ACCEPTED. ALL CONDITIONS, TERMS AND SPECIFICATIONS DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS AND ASSIGNS.

ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING OF STREETS, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS AND WALKWAYS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND OTHER IMPROVEMENTS THAT MAY BE REQUIRED TO SERVICE THE SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE OWNER AND NOT THE TOWN OF FREDERICK. THE CONSTRUCTION OF IMPROVEMENTS BENEFITING THE SUBDIVISION AND THE ASSUMPTION OF MAINTENANCE RESPONSIBILITY FOR SAID IMPROVEMENT BY THE TOWN OF FREDERICK OR OTHER ENTITIES SHALL BE SUBJECT TO A SEPARATE MEMORANDUM OF AGREEMENT FOR PUBLIC IMPROVEMENTS.

THIS ACCEPTANCE OF THE FINAL PLAT DOES NOT GUARANTEE THAT THE SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER CONDITIONS OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT WILL BE ISSUED FOR THAT LOT.

TONY CAREY, MAYOR
TOWN OF FREDERICK

ATTEST:

MEGHAN MARTINEZ, TOWN CLERK
TOWN OF FREDERICK

PLANNING COMMISSION CERTIFICATE OF APPROVAL:

APPROVED BY THE TOWN OF FREDERICK PLANNING COMMISSION THIS _____ DAY OF _____, 2016.

DONALD HARD, PLANNING COMMISSION CHAIRMAN

KATHLEEN LARSON, PLANNING COMMISSION SECRETARY

		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546				HIDDEN CREEK FINAL PLAT AMENDMENT NO. 2		
						SCALE: AS SHOWN	DRAWN BY: MJP	SHEET NO: 1
						CHECKED BY:	WFH	
						FILE NO: 8130189702	DATE: 12/03/15	
No.	Revisions	Date	Init.	Appr.	Date			

HIDDEN CREEK – FINAL PLAT – AMENDMENT NO. 2

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 8.638 ACRES – 49 TOTAL LOTS
SHEET 2 OF 4

PLAT NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD CVL CONSULTANTS OF COLORADO, INC. RELIED UPON COMMITMENT FILE NUMBER _____ NEED TITLE _____

3. THE DOCUMENTS CALLED OUT IN THE ABOVE TITLE COMMITMENT INDICATE THAT THE SUBJECT PROPERTY LIES WITHIN OR PARTIALLY WITHIN THE DESCRIPTION OR EXHIBITS FOUND IN RECORDED INSTRUMENTS AND MAY THEREFORE BE SUBJECT TO THE TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS OBLIGATIONS AND RESERVATIONS CONTAINED THEREIN, THOUGH NOT SPECIFICALLY SHOWN. ALL OF THE DOCUMENTS ARE ON FILE IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE.

4. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., BETWEEN THE 3-1/4" BLM BRASS CAP AT THE W 1/4 CORNER STAMPED "1952", AND THE 2-1/2" ALUMINUM CAP "PLS 24305 1998" AT THE SOUTHWEST CORNER. SAID LINE BEARS SOUTH 00°10'18" EAST, A DISTANCE OF 2646.29 FEET AS SHOWN HERON.

5. THIS PARCEL DOES NOT LIE WITHIN THE DESIGNATED 100-YEAR FLOOD PLAIN PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 080266 0863, DATED SEPTEMBER 28, 1982.

6. HOUSE BASEMENTS SHALL ONLY BE ALLOWED ON LOTS SPECIFICALLY DESIGNATED ON THE TOWN APPROVED AND PROFESSIONAL ENGINEER STAMPED GRADING PLANS AS CONTAINED WITHIN THE FINAL CONSTRUCTION PLANS FOR THE HIDDEN CREEK SUBDIVISION.

7. UTILITY AND DRAINAGE EASEMENTS. (SEE DETAILS ON THIS SHEET)

A. TEN-FOOT WIDE UTILITY (U.E.) AND DRAINAGE (D.E.) EASEMENTS ARE HEREBY GRANTED ON PRIVATE PROPERTY ADJACENT TO ALL STREET AND ALLEY RIGHT-OF-WAYS SHOWN HEREON. POSTAL FACILITIES SHALL BE ALLOWED IN SAID EASEMENTS.
B. TEN-FOOT WIDE UTILITY (U.E.) AND DRAINAGE (D.E.) EASEMENTS ARE HEREBY GRANTED ON PRIVATE PROPERTY ADJACENT TO ALL REAR LOT LINES SHOWN HEREON.
C. FIVE FOOT WIDE UTILITY (U.E) AND (D.E.) DRAINAGE EASEMENTS ARE HEREBY GRANTED OF PRIVATE PROPERTY ADJACENT TO SIDE LOT LINES WHERE SHOWN HEREON.

8. THE 75 FOOT NON EXCLUSIVE GAS LINE EASEMENT SHOWN HEREON HAS BEEN DEDICATED TO SINCLAIR OIL CORPORATION FOR THE RIGHT TO REPLACE, MAINTAIN, INSPECT, OPERATE AND REPAIR GAS PIPELINES

9. SURFACE OWNER SHALL RECORD NOTICE WITH THE WELD COUNTY CLERK AND RECORDER THAT:

A. SUCH BUYERS ARE NOT PURCHASING AND DO NOT OWN ANY INTEREST IN THE OIL AND GAS MINERAL ESTATE;
B. THERE MAY BE ONGOING OIL AND GAS OPERATIONS AND PRODUCTION IN THE OIL AND GAS OPERATION AREAS ON THE SURFACE OF THE PROPERTY;
C. THERE MAY BE ADDITIONAL FUTURE WELLS DRILLED AND OIL AND GAS OPERATIONS AND PRODUCTION FROM THE OIL AND GAS OPERATION AREAS THAT AFFECT THE SURFACE OF THE PROPERTY;
D. FUTURE PURCHASERS OF ALL OR A PORTION OF THE PROPERTY, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND ASSUMING THOSE OBLIGATIONS UNDERTAKEN BY SURFACE OWNER PURSUANT TO THIS AGREEMENT; AND
E. HOMEOWNER ASSOCIATIONS AND BUYERS OF INDIVIDUAL LOTS OR HOMES, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO THE WAIVERS CONTAINED IN SECTIONS 3, 10 AND 21 AND THE COVENANTS CONTAINED IN SECTION 3 PROHIBITING THE LOCATION OF ANY BUILDING OR STRUCTURE WITHIN THE OIL AND GAS OPERATION AREAS.

10. ALL ALLEYS WILL BE POSTED "NO PARKING".

11. HIDDEN CREEK DEVELOPMENT, LLC AND KERR-MCGEE ROCKY MOUNTAIN CORPORATION (KMRMC), IT'S SUCCESSORS AND ASSIGNS ARE SUBJECT TO THE SAME OIL AND GAS SURFACE USE AGREEMENT (THIS AGREEMENT) AS RECORDED IN BOOK_____, PAGE_____

NOTICE TO HOMEOWNERS AND BUILDERS. SURFACE OWNER SHALL FURNISH ALL BUYERS OF THE PROPERTY FROM SURFACE OWNER WITH A PLAT OR MAP SHOWING THE OIL AND GAS OPERATION AREAS. IN ADDITION, SURFACE OWNER SHALL PROVIDE NOTICE TO ALL BUILDERS, HOMEOWNERS AND OTHER BUYERS OF THE PROPERTY AND ALL HOMEOWNER ASSOCIATIONS THAT:

A. SUCH BUYERS ARE NOT PURCHASING AND DO NOT OWN ANY INTEREST IN THE OIL AND GAS MINERAL ESTATE;
B. THERE MAY BE ONGOING OIL AND GAS OPERATIONS AND PRODUCTION IN THE OIL AND GAS OPERATION AREAS ON THE SURFACE OF THE PROPERTY;
C. THERE ARE LIKELY TO BE ADDITIONAL FUTURE WELLS DRILLED AND OIL AND GAS OPERATIONS AND PRODUCTION FROM THE OIL AND GAS OPERATION AREAS THAT AFFECT THE SURFACE OF THE PROPERTY;
D. HEAVY EQUIPMENT WILL BE USED BY OIL AND GAS INTEREST OWNERS FROM TIME TO TIME FOR OIL AND GAS PRODUCTION OPERATIONS AND THAT SUCH OPERATIONS MAY BE CONDUCTED ON A 24 HOUR BASIS;
E. FUTURE PURCHASERS OF ALL OR A PORTION OF THE PROPERTY, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND WILL BE ASSUMING THOSE OBLIGATIONS UNDERTAKEN BY SURFACE OWNER PURSUANT TO THIS AGREEMENT; AND
F. HOMEOWNER ASSOCIATIONS AND BUYERS OF INDIVIDUAL LOTS OR HOMES, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND WILL BE BOUND BY THE COVENANTS, WAIVERS AND OBLIGATIONS IN THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO, THE WAIVERS CONTAINED IN SECTIONS 3, 10 AND 21 AND THE COVENANTS CONTAINED IN SECTION 3 PROHIBITING THE LOCATION OF ANY BUILDING OR STRUCTURE WITHIN THE OIL AND GAS OPERATION AREAS.

12. THE NEIGHBORHOOD PARK (TRACT M – HIDDEN CREEK FINAL PLAT AMENTMENT NO. 1) AND TRACTS CC & DD AS SHOWN HEREON SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION (H.O.A.) AFTER BEING DEVELOPED BY THE APPLICANT.

13. DEVELOPER MUST CONSTRUCT ANY STREET/PUBLIC IMPROVEMENTS THAT MAY HAVE OIL AND GAS TRAFFIC TO STANDARDS THAT ACCOMMODATE 104,000 POUNDS GROSS.

14. THE EASTERN PART OF HIDDEN CREEK FINAL PLAT AMENDMENT NO. 1 IS UNDERMINED BY AN ABANDONED COAL MINE AS SHOWN ON A "SUBSIDENCE INVESTIGATION" PREPARED BY CTL/THOMPSON, INC. JOB NO. 34,325, DATED MARCH 15, 2002, THE LIMITS ARE SHOWN ON THIS PLAT.

15. A BLANKET DRAINAGE EASEMENT SHALL BE PROVIDED ACROSS ALL TRACTS.

16. HIDDEN CREEK DEVELOPMENT, LLC IS THE OWNER OF THE ENTIRETY OF HIDDEN CREEK, ACCORDING TO THE FINAL PLAT RECORDED SEPTEMBER 28, 2012 AT RECEPTION NO. 3876800 & THE FINAL PLAT AMENDMENT NO. 1 RECORDED _____ AT RECEPTION NO. _____, COUNTY OF WELD, STATE OF COLORADO, EXCEPTING THEREFROM ALL DEDICATED STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS AS SHOWN ON THE RECORDED PLAT. THE TOWN OF FREDERICK OWNS THOSE STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS. THIS PLAT MODIFIES PORTIONS OF THOSE PUBLIC HOLDINGS. BY ACCEPTING THIS PLAT THE TOWN OF FREDERICK ACKNOWLEDGES AND ACCEPTS THOSE MODIFICATIONS TO THE PREVIOUSLY DEDICATED PUBLIC STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS.

17. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

18. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

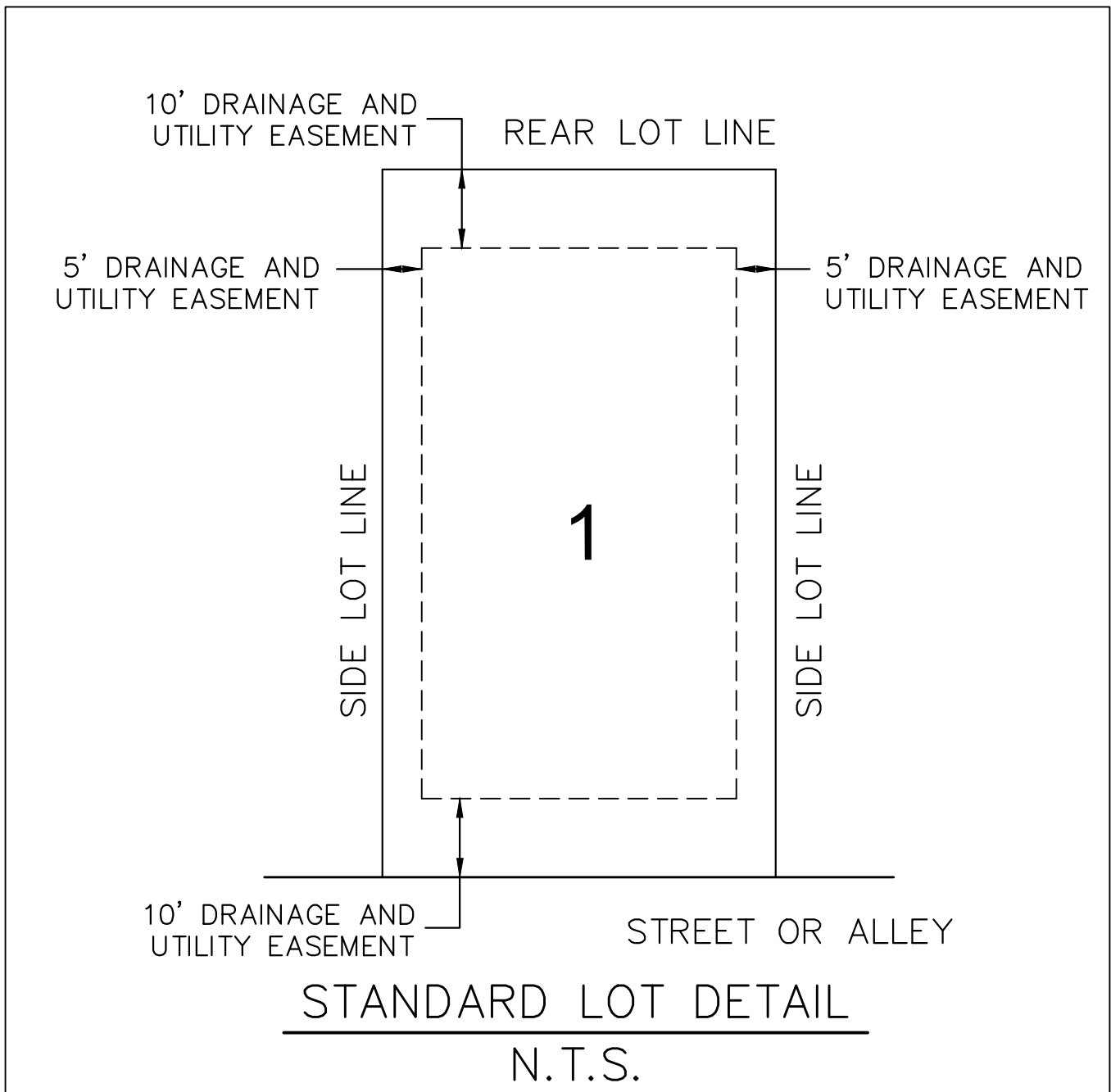
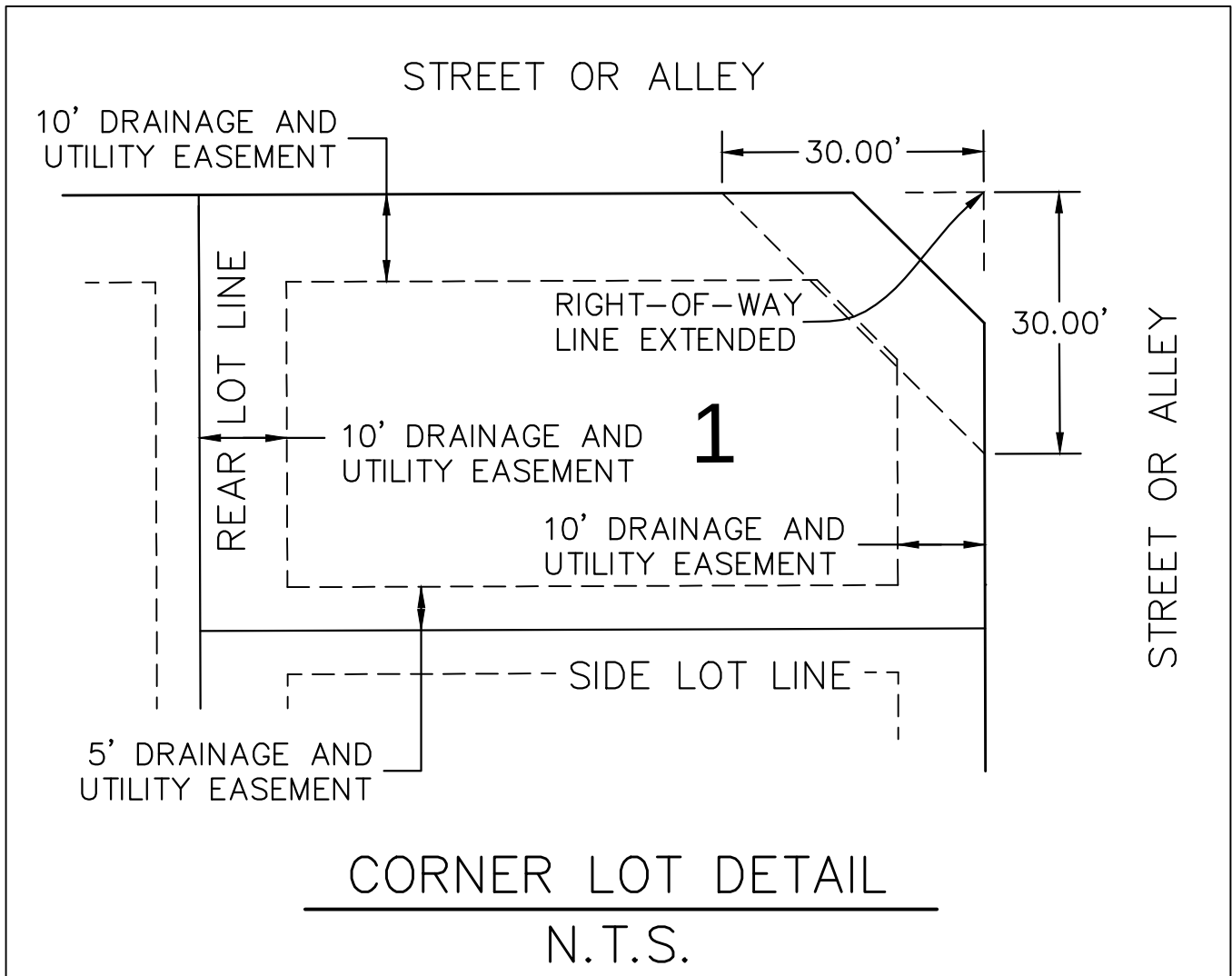
LAND USE TABLE		
DESCRIPTION	ACRES	PERCENTAGE
DEDICATED PARK	0.005 AC	0.06%
OPEN SPACE **	0.140 AC	1.62%
DEDICATED R.O.W.	1.911 AC	22.12%
SINGLE FAMILY LOTS	6.582 AC	76.20%
TOTALS	8.638 AC	100%

OVERALL DENSITY 49 LOTS _____ DU/ACRE

**OPEN SPACE INCLUDES TRACTS: A, B, C & D

TRACT SUMMARY TABLE				
TRACT	AREA	USE	OWNERSHIP	MAINTENANCE
AA	0.090 AC	OPEN SPACE	H.O.A.	H.O.A.
BB	0.045 AC	OPEN SPACE	H.O.A.	H.O.A.
CC	0.003 AC	NEIGHBORHOOD PARK	TOWN OF FREDERICK	H.O.A.
DD	0.003 AC	NEIGHBORHOOD PARK	TOWN OF FREDERICK	H.O.A.

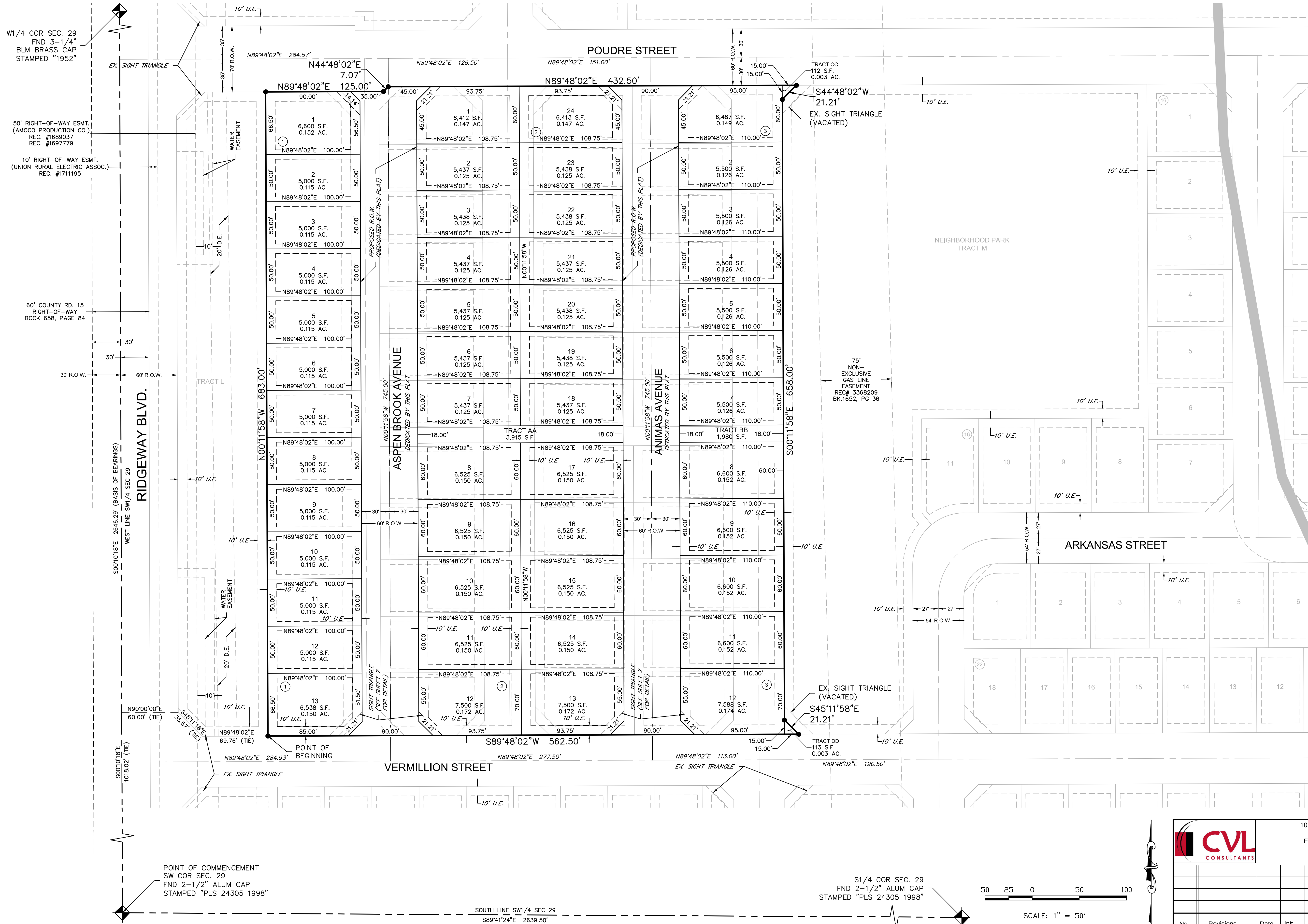
TYPE OF DWELLING UNIT											
BLOCK NO.											
	50' - 59'	50' - 59'	50' - 59'	60' - 69'	60' - 69'	60' - 69'	70' - 79'	70' - 79'	70' - 79'	80' - 89'	TOTALS
	X	X	X	X	X	X	X	X	X	X	
	90' - 99'	100' - 109'	110' +	90' - 99'	100' - 109'	110' +	90' - 99'	100' - 109'	110' +	90' - 99'	
1		11			2						13
2		12			10			2			24
3			6			5			1		12
TOTALS	0	23	6	0	12	5	0	2	1	0	49



		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546				HIDDEN CREEK FINAL PLAT AMENDMENT NO. 2		
						SCALE:	DRAWN BY:	SHEET NO:
						AS SHOWN	MJP	2
						CHECKED BY:	WFH	
						FILE NO:	DATE:	
No.	Revisions	Date	Init.	Appr.	Date	8130189702	12/03/15	

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 2

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 8.638 ACRES - 49 TOTAL LOTS
SHEET 3 OF 4



LEGEND	
	FND. SECTION CORNER AS DESCRIBED
	SET NO. 6 REBAR, 30" LONG, w/2" ALUMINUM CAP STAMPED CVL LS NO. 25369 UNLESS OTHERWISE NOTED
①	BLOCK NUMBER
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
D.U.E.	DRAINAGE AND UTILITY EASEMENT
I.E.	IRRIGATION EASEMENT
A.E.	ACCESS EASEMENT
S.W.E.	SIDEWALK EASEMENT
G.E.	GAS EASEMENT
R.O.W.	RIGHT-OF-WAY
	WESTERLY LIMITS OF UNDERMINING (NOTE 14)

N:\PROJECTS\30189702 - HIDDEN CREEK 2014\CAD\SURVEY\PLAT AMENDMENT 2\PLAT SHEETS\WORKING DWG. MATHEW.P. 12/09/15

10333 E. Dry Creek Rd.
Suite 240
Englewood, CO 80112
Tel: (720) 482-9526
Fax: (720) 482-9546

**HIDDEN CREEK FINAL PLAT
AMENDMENT NO. 2**

SCALE: AS SHOWN	DRAWN BY: MJP	SHEET NO: 3			
FILE NO: 8130189702	CHECKED BY: WFH				
No.	Revisions	Date	Init.	Appr.	Date

DATE:
12/03/15

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 2

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 8.638 ACRES - 49 TOTAL LOTS
SHEET 4 OF 4



BLOCK 7000
PRIORITY 2
SECTION 300

BLOCK 7000
PRIORITY 2
SECTION 200

BLOCK 7000
PRIORITY 2
SECTION 100

BLOCK 7000
PRIORITY 1
SECTION 000

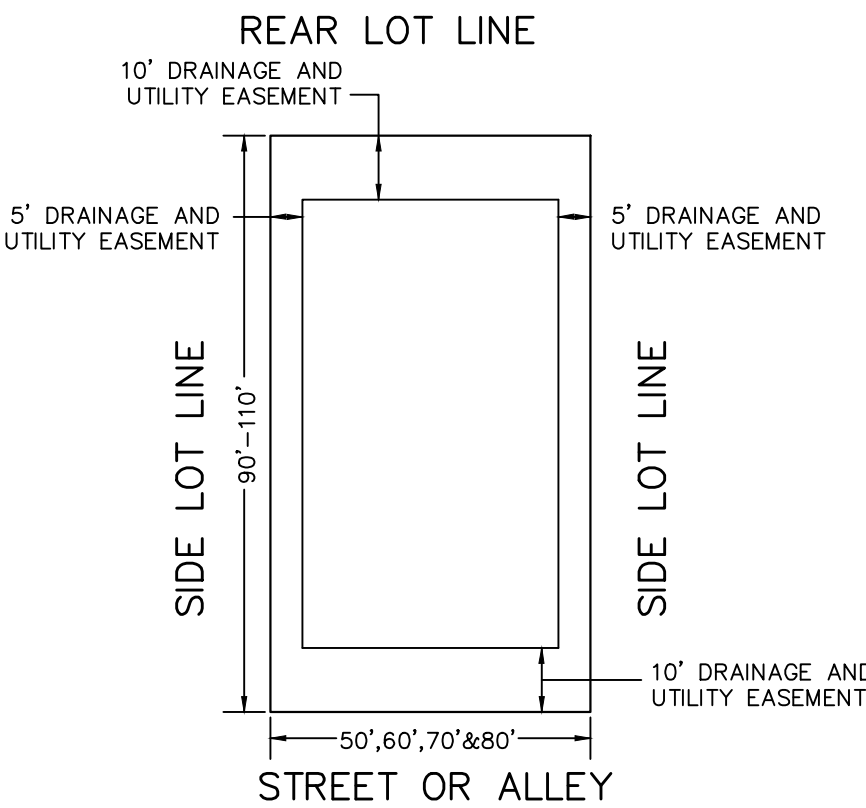
BLOCK 7000
PRIORITY 2
SECTION 100

BLOCK 7000
PRIORITY 2
SECTION 200

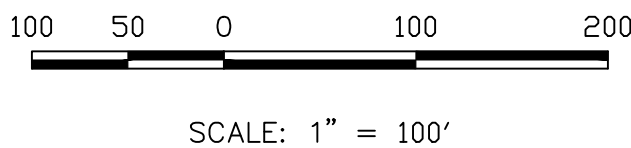
BLOCK 7000
PRIORITY 2
SECTION 300

BLOCK 7000
PRIORITY 2
SECTION 400

BLOCK 7000
PRIORITY 2
SECTION 500



LEGEND	
—	EX. LOT LINE
—	NEW LOT LINE
—	STREET GRID
---	OIL WELL LOT LINE
- - -	EX. STREET CENTERLINE
- - -	NEW STREET CENTERLINE



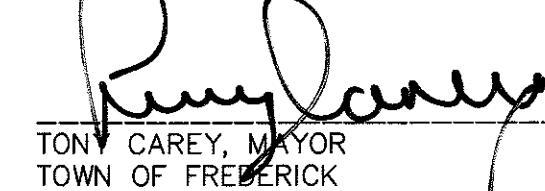
		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546				HIDDEN CREEK FINAL PLAT AMENDMENT NO. 2		
						SCALE:	DRAWN BY:	SHEET NO:
						AS SHOWN	MJP	4
						FILE NO:	CHECKED BY:	
						8130189702	WFH	
							DATE:	
No.	Revisions	Date	Init.	Appr.	Date		12/03/15	

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 3

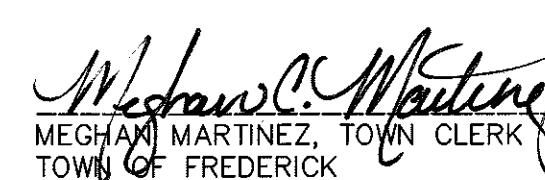
A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 3.826 ACRES - 24 TOTAL LOTS
SHEET 1 OF 4

CERTIFICATE OF VACATION:

KNOW ALL MEN BY THESE PRESENTS THAT CERTAIN STREETS, RIGHTS-OF-WAY, AND EASEMENTS DEDICATED TO THE TOWN OF FREDERICK, CO. BY THE HIDDEN CREEK FINAL PLAT AMENDMENT NO. 1, RECORDED AT RECEPTION NO. 4177101 ON JANUARY 27, 2016, HAVING NEVER BEEN DEVELOPED, IN ACCORDANCE WITH C.R.S. 43-2-302 (e), HAS CAUSED SAID STREETS, RIGHTS-OF-WAY AND EASEMENTS TO BE VACATED TO THE OWNER, HIDDEN CREEK DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, BY THIS REPLAT OF THE SUBDIVISION.


TONY CAREY, MAYOR
TOWN OF FREDERICK

ATTEST:

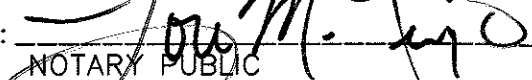

MEGHAN MARTINEZ, TOWN CLERK
TOWN OF FREDERICK



NOTARY:

STATE OF COLORADO)
COUNTY OF Weld) SS

THE FOREGOING CERTIFICATE OF VACATION WAS ACKNOWLEDGED BEFORE ME BY TONY CAREY, ACTING IN HIS CAPACITY AS MAYOR OF THE TOWN OF FREDERICK AND BY MEGHAN MARTINEZ, AS TOWN CLERK OF THE TOWN OF FREDERICK THIS 17 DAY OF November, 2017.

WITNESS MY HAND AND SEAL: 
NOTARY PUBLIC

MY COMMISSION EXPIRES: Oct. 19, 2019

LORI MICHELLE TREJO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154041174
My Commission Expires Oct. 19, 2019

CERTIFICATE OF DEDICATION:

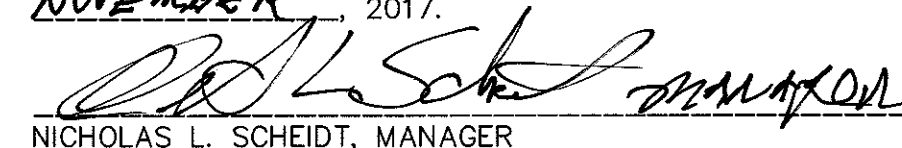
KNOW ALL MEN BY THESE PRESENTS THAT HIDDEN CREEK DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF CERTAIN LANDS IN FREDERICK, COLORADO, DESCRIBED HEREIN, HAS CAUSED SAID LAND TO BE FINAL PLATTED INTO LOTS, BLOCKS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME OF HIDDEN CREEK FINAL PLAT - AMENDMENT NO. 3, AND SUCH EASEMENTS SHOWN HEREON FOR THE PURPOSES SHOWN, THE ENTITIES NAMED ON THE EASEMENT, OR RESPONSIBLE FOR THE SERVICES AND/OR UTILITIES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR THE PURPOSES NAMED ON THE EASEMENT OR FOR THE INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES. THE PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS, OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES SHOWN HEREON AND THE ELECTRIC AND WATER DISTRIBUTION SYSTEMS TO BE INSTALLED IN THE SUBDIVISION ARE DEDICATED AND CONVEYED TO THE TOWN OF FREDERICK, COLORADO, IN FEE SIMPLE ABSOLUTE, WITH MARKETABLE TITLE FOR PUBLIC USE AND PURPOSES. ALL CONDITIONS, TERMS AND SPECIFICATIONS DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS AND ASSIGNS. THE SIGNATURE OF ANY REPRESENTATIVE OF ANY PARTNERSHIP OR CORPORATE ENTITY INDICATES THAT ALL REQUIRED PARTNERSHIP OR CORPORATE APPROVALS HAVE BEEN OBTAINED.

A PARCEL OF LAND BEING LOTS 1 - 24, BLOCK 14; TOGETHER WITH ALLEY 7, HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1, ACCORDING TO THE FINAL PLAT RECORDED JANUARY 27, 2016 AT RECEPTION NO. 4176526, IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, SAID PARCEL LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
THENCE SOUTH 89°40'53" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1489.79 FEET;
THENCE SOUTH 00°19'07" WEST, A DISTANCE OF 952.20 FEET TO A POINT BEING THE NORTHWESTERLY CORNER OF SAID LOT 1, BLOCK 14, SAID POINT BEING THE POINT OF BEGINNING;
THENCE NORTH 89°48'02" EAST, A DISTANCE OF 548.87 FEET;
THENCE SOUTH 45°11'58" EAST, A DISTANCE OF 21.21 FEET;
THENCE SOUTH 00°11'58" EAST, A DISTANCE OF 170.00 FEET;
THENCE SOUTH 44°48'02" WEST, A DISTANCE OF 21.21 FEET;
THENCE SOUTH 89°48'02" WEST, A DISTANCE OF 308.87 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 55.00 FEET, A CENTRAL ANGLE OF 90°00' 00", AN ARC LENGTH OF 86.39 FEET, THE CHORD OF WHICH BEARS SOUTH 44°48'02" WEST, 77.78 FEET;
THENCE SOUTH 00°11'58" EAST, A DISTANCE OF 184.00 FEET;
THENCE SOUTH 44°48'02" WEST, A DISTANCE OF 21.21 FEET;
THENCE SOUTH 89°48'02" WEST, A DISTANCE OF 170.00 FEET;
THENCE NORTH 45°11'58" WEST, A DISTANCE OF 21.21 FEET;
THENCE NORTH 00°11'58" WEST, A DISTANCE OF 424.00 FEET;
THENCE NORTH 44°48'02" EAST, A DISTANCE OF 21.21 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING A CALCULATED AREA OF 166,661 SQUARE FEET OR 3.826 ACRES, MORE OR LESS.

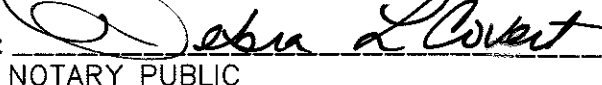
IN WITNESS WHEREOF, I HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 24 DAY OF NOVEMBER, 2017.


NICHOLAS L. SCHEIDT, MANAGER

NOTARY:

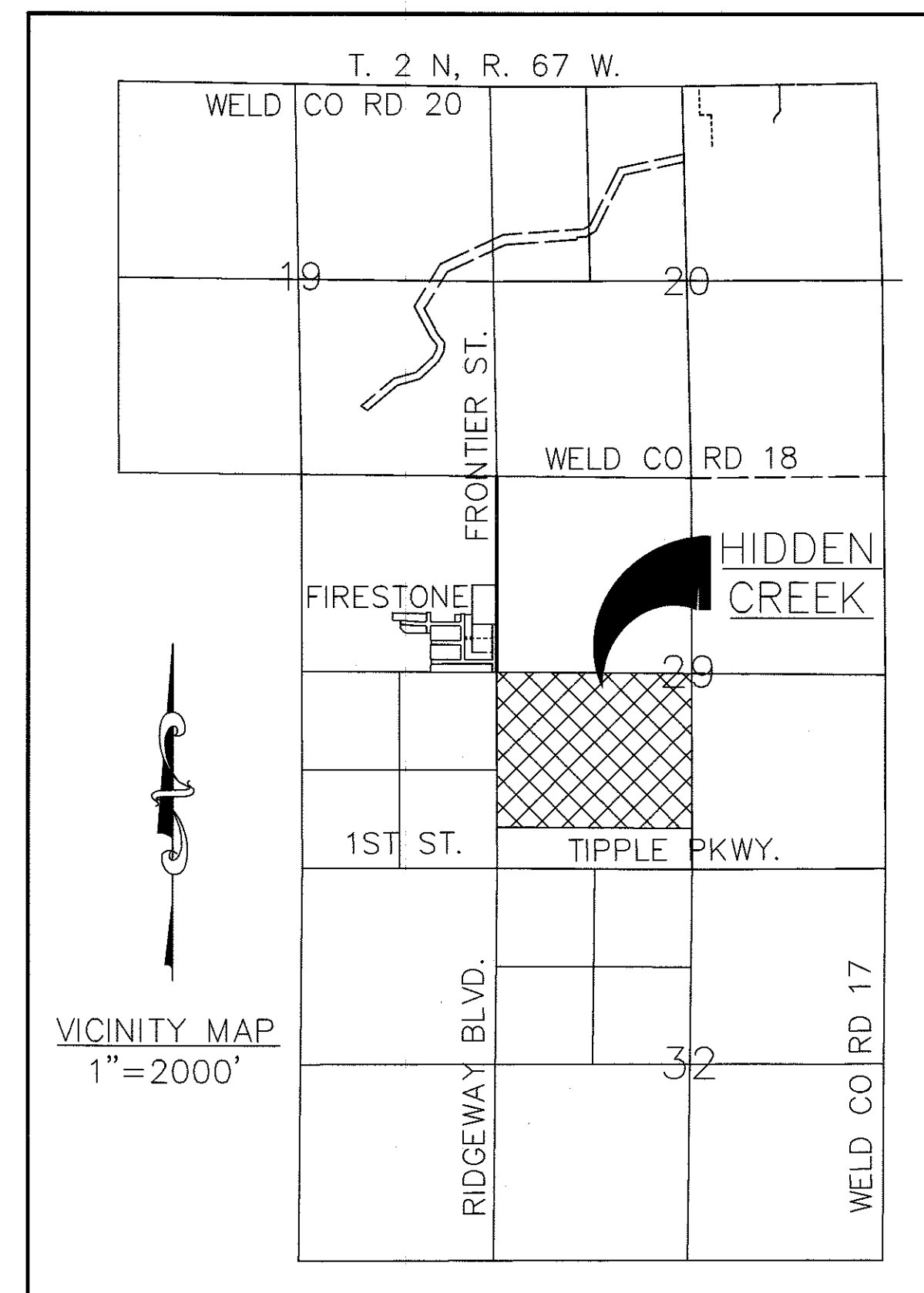
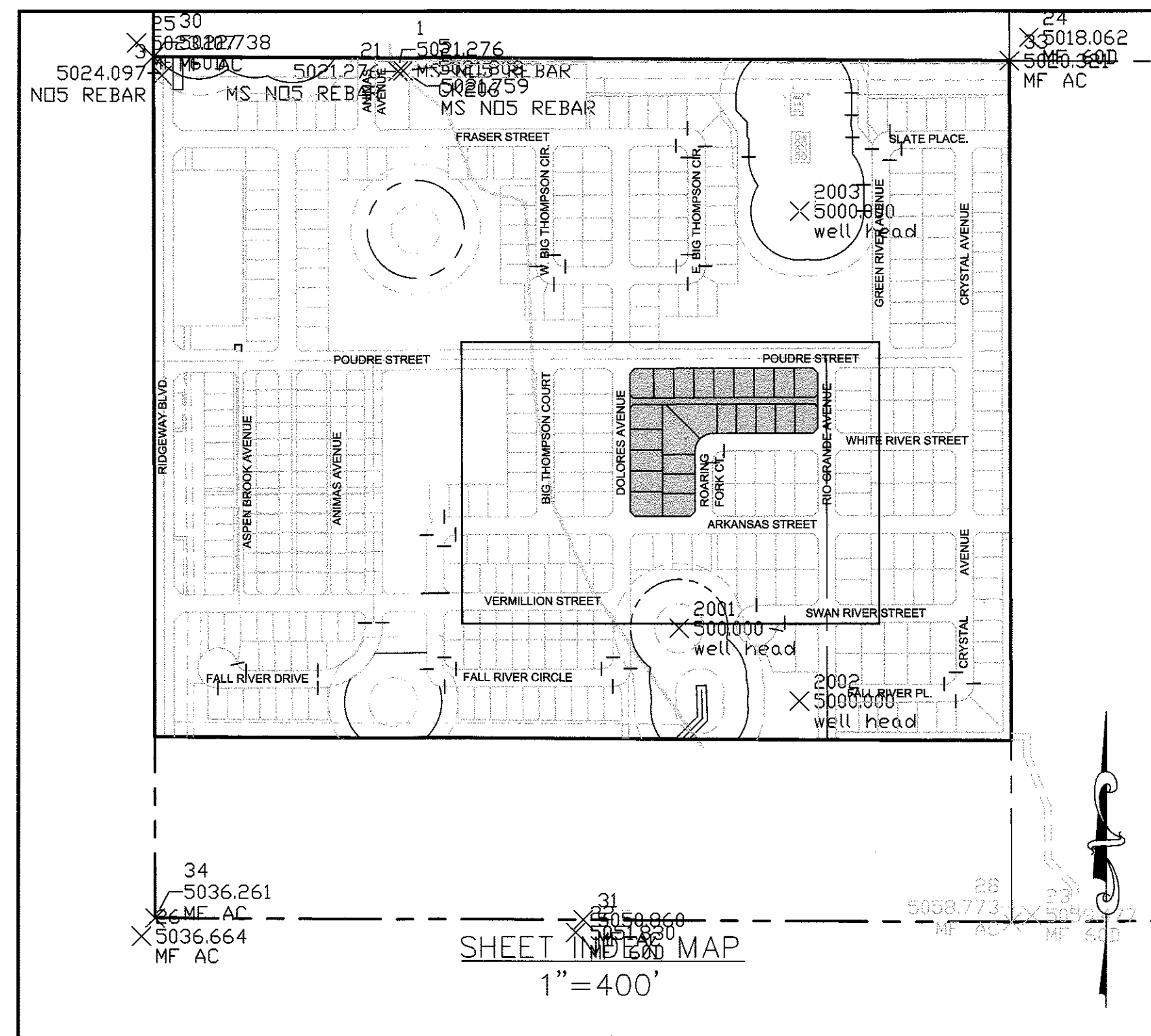
STATE OF COLORADO)
COUNTY OF Weld) SS

THE FOREGOING CERTIFICATE OF DEDICATION WAS ACKNOWLEDGED BEFORE ME BY NICHOLAS L. SCHEIDT, ACTING IN HIS CAPACITY AS MANAGER OF HIDDEN CREEK DEVELOPMENT, LLC, THIS 24 DAY OF November, 2017.

WITNESS MY HAND AND SEAL: 
NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/18/17

DEBRA L. COVERT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19934018996
MY COMMISSION EXPIRES DEC. 18, 2017



DEED OF TRUST HOLDER:

WARREN FEDERAL CREDIT UNION, C/O CENTENNIAL LENDING, LLC, AS HOLDER OF A DEED OF TRUST ON PART OR ALL OF THE HEREIN DESCRIBED REAL PROPERTY, DOES HEREBY AGREE AND CONSENT TO THE RE-PLATTING OF SAID PROPERTY AND TO THE VACATION OF THE ALLEYWAY AS SHOWN HEREON.


WARREN FEDERAL CREDIT UNION,
C/O CENTENNIAL LENDING, LLC

EVP Centennial Lending LLC as
Signing Agent for Warren FCU

NOTARY:

STATE OF COLORADO)
COUNTY OF Weld) SS

THE FOREGOING CERTIFICATE OF DEDICATION WAS ACKNOWLEDGED BEFORE ME BY Kirk Wiebusch, ACTING IN THEIR CAPACITY AS Signing Agent OF WARREN FEDERAL CREDIT UNION, C/O CENTENNIAL LENDING, LLC, THIS 24 DAY OF November, 2017.

WITNESS MY HAND AND SEAL: 
NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/18/17

DEBRA L. COVERT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19934018996
MY COMMISSION EXPIRES DEC. 18, 2017

SHEET INDEX:

- | NO. | SHEET |
|-----|----------------|
| 1. | COVER SHEET |
| 2. | TABLES & NOTES |
| 3. | PLAT SHEET |
| 4. | ADDRESS PLAT |

SURVEYOR'S CERTIFICATE:

I, WILLIAM F. HESSELBACH, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE FINAL PLAT MAP SHOWN HEREON IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND.

I FURTHER CERTIFY THAT THIS FINAL PLAT MAP AND LEGAL DESCRIPTION WERE PREPARED UNDER MY PERSONAL SUPERVISION AND IN ACCORD WITH APPLICABLE STATE OF COLORADO REQUIREMENTS ON THIS 24th DAY OF October, 2017.

WILLIAM F. HESSELBACH JR., PLS 25369
FOR AND ON BEHALF OF CVL
CONSULTANTS OF COLORADO, INC.

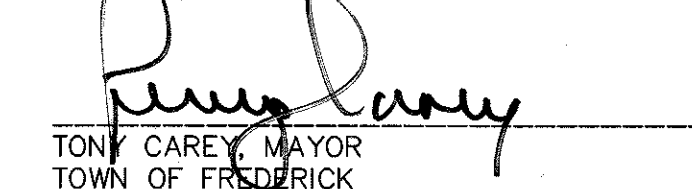


CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES:

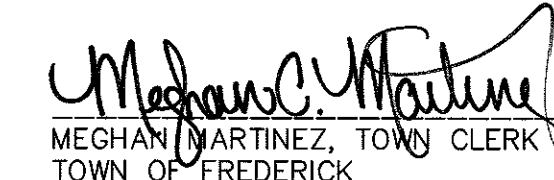
THE FINAL PLAT AMENDMENT NO. 3 MAP OF HIDDEN CREEK IS APPROVED AND ACCEPTED BY ORDINANCE NO. 1216, PASSED AND ADOPTED AT THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF FREDERICK, COLORADO, HELD ON October 10, 2017. THE DEDICATIONS OF PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS AND OTHER PLACES DESIGNATED OR DESCRIBED FOR PUBLIC USES AS SHOWN HEREON, SUCH OTHER EASEMENTS SHOWN HEREON FOR THE PURPOSES SHOWN, AND THE ELECTRIC AND WATER DISTRIBUTION SYSTEMS TO BE INSTALLED IN THE SUBDIVISION, ARE HEREBY ACCEPTED. ALL CONDITIONS, TERMS AND SPECIFICATIONS DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS AND ASSIGNS.

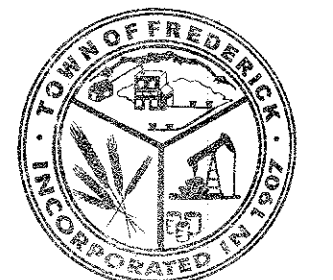
ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING OF STREETS, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS AND WALKWAYS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES AND OTHER IMPROVEMENTS THAT MAY BE REQUIRED TO SERVICE THE SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE OWNER(S) AND NOT THE TOWN. THE CONSTRUCTION OF IMPROVEMENTS BENEFITING THE SUBDIVISION AND THE ASSUMPTION OF MAINTENANCE RESPONSIBILITY FOR SAID IMPROVEMENT BY THE TOWN OF FREDERICK OR OTHER ENTITIES SHALL BE SUBJECT TO A SEPARATE MEMORANDUM OF AGREEMENT FOR PUBLIC IMPROVEMENTS.

THIS ACCEPTANCE OF THE FINAL PLAT DOES NOT GUARANTEE THAT THE SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER CONDITIONS OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT WILL BE ISSUED FOR THAT LOT.


TONY CAREY, MAYOR
TOWN OF FREDERICK

ATTEST:


MEGHAN MARTINEZ, TOWN CLERK
TOWN OF FREDERICK



PLANNING COMMISSION CERTIFICATE OF APPROVAL:

APPROVED BY THE TOWN OF FREDERICK PLANNING COMMISSION WITH PLANNING COMMISSION RESOLUTION 2017-09A THIS 19th DAY OF September, 2017.


DONALD HARD, PLANNING COMMISSION CHAIRMAN


KATHLEEN LARSON, PLANNING COMMISSION SECRETARY

OWNER/APPLICANT:

HIDDEN CREEK DEVELOPMENT, LLC
P.O. BOX 33724
DENVER, CO 80233
(303) 469-6878
CONTACT: NICHOLAS L. SCHEIDT

ENGINEER:

CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112
720-249-3539
CONTACT: MELINDA E. LUNDQUIST, PE

SURVEYOR:

CVL CONSULTANTS OF COLORADO, INC.
10333 E. DRY CREEK ROAD, SUITE 240
ENGLEWOOD, CO 80112
720-249-3542
CONTACT: WILLIAM F. HESSELBACH, JR., PLS

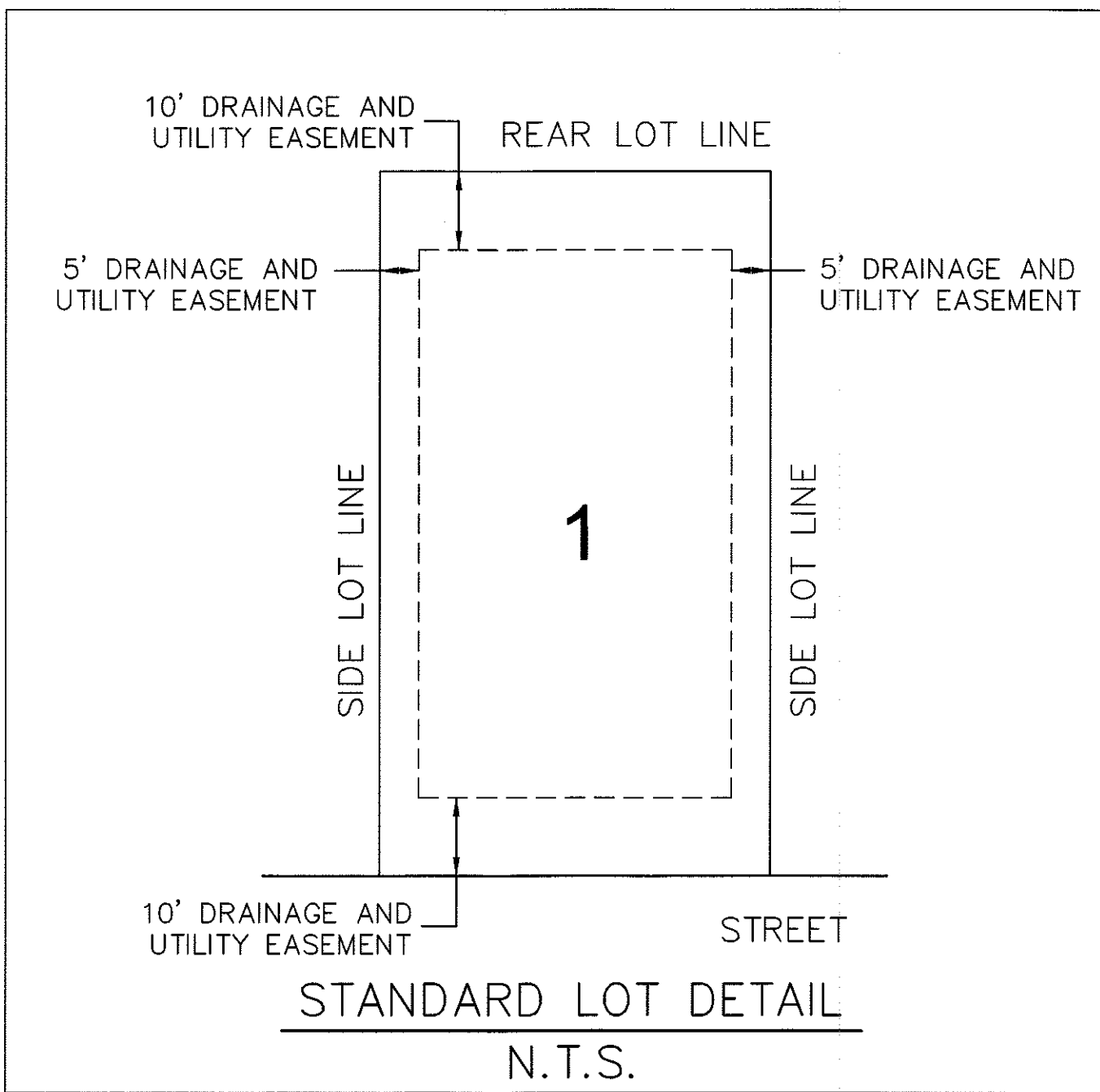
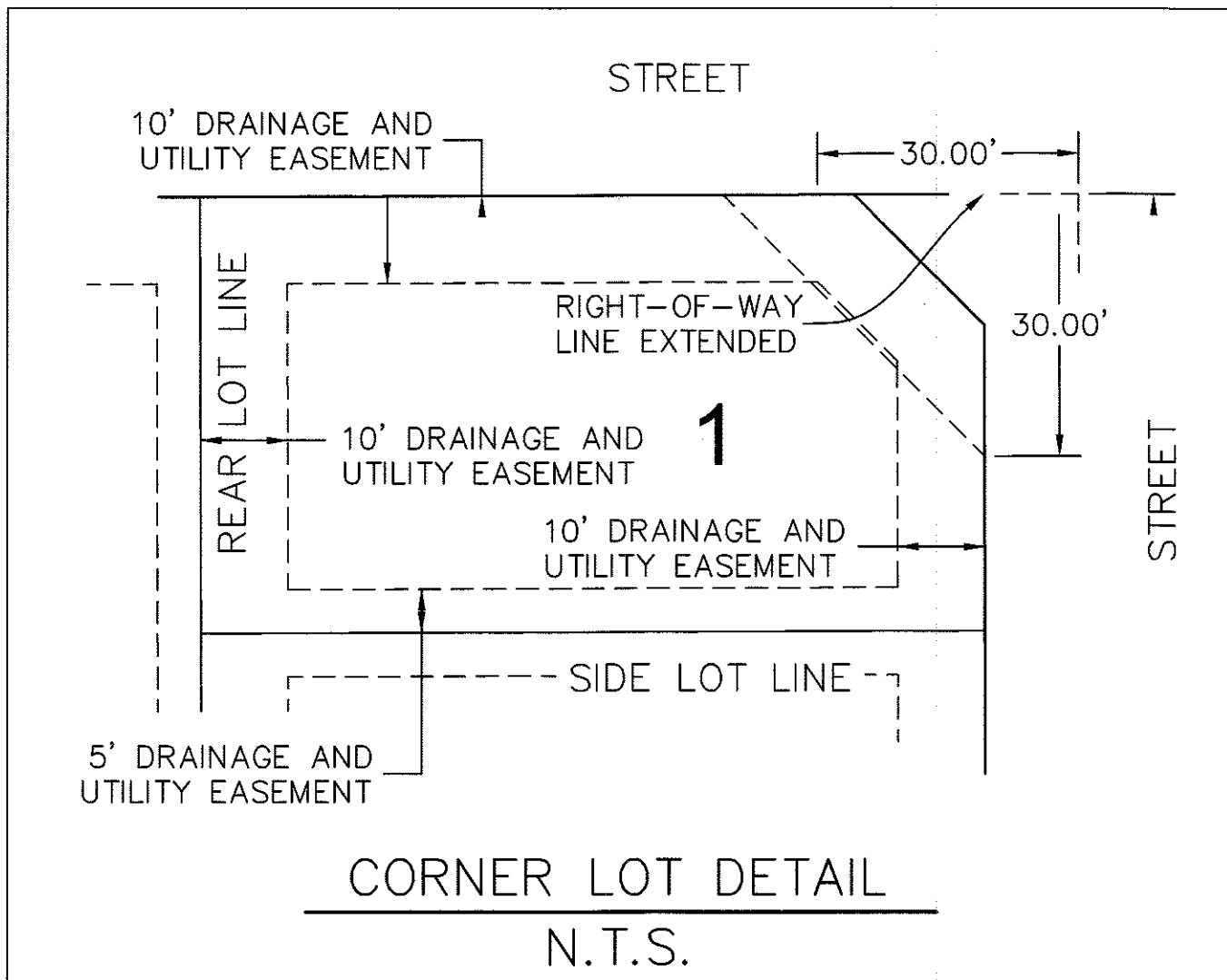
CVL CONSULTANTS		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546	HIDDEN CREEK FINAL PLAT AMENDMENT NO. 3		
			SCALE: AS SHOWN	DRAWN BY: MJP	SHEET NO: 1
			FILE NO: 8130189702	CHECKED BY: WFH	
			DATE: 02/28/2017		
No.	Revisions	Date	Init.	Appr.	Date

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 3

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 3.826 ACRES – 24 TOTAL LOTS
SHEET 2 OF 4

PLAT NOTES:

- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD CVL CONSULTANTS OF COLORADO, INC. RELIED UPON COLORADO ESCROW AND TITLE SERVICES, LLC AS AGENT FOR WESTCOR LAND TITLE INSURANCE COMPANY COMMITMENT FILE NUMBER 29516CET, VERSION NO: 1, EFFECTIVE APRIL 27, 2017 AT 8:00 AM.
- THE DOCUMENTS CALLED OUT IN THE ABOVE TITLE COMMITMENT INDICATE THAT THE SUBJECT PROPERTY LIES WITHIN OR PARTIALLY WITHIN THE DESCRIPTION OR EXHIBITS FOUND IN RECORDED INSTRUMENTS AND MAY THEREFORE BE SUBJECT TO THE TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS OBLIGATIONS AND RESERVATIONS CONTAINED THEREIN, THOUGH NOT SPECIFICALLY SHOWN. ALL OF THE DOCUMENTS ARE ON FILE IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE.
- BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., BETWEEN THE 3-1/4" BLM BRASS CAP AT THE W 1/4 CORNER STAMPED "1952", AND THE 2-1/2" ALUMINUM CAP "PLS 24305 1998" AT THE SOUTHWEST CORNER. SAID LINE BEARS SOUTH 00°10'18" EAST, A DISTANCE OF 2646.29 FEET AS SHOWN HEREON.
- THIS PARCEL DOES NOT LIE WITHIN THE DESIGNATED 100-YEAR FLOOD PLAIN PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 080266 0863, DATED SEPTEMBER 28, 1982.
- HOUSE BASEMENTS SHALL ONLY BE ALLOWED ON LOTS SPECIFICALLY DESIGNATED ON THE TOWN APPROVED AND PROFESSIONAL ENGINEER STAMPED GRADING PLANS AS CONTAINED WITHIN THE FINAL CONSTRUCTION PLANS FOR THE HIDDEN CREEK SUBDIVISION.
- UTILITY AND DRAINAGE EASEMENTS. (SEE DETAILS ON THIS SHEET)
A. TEN-FOOT WIDE UTILITY (U.E.) AND DRAINAGE (D.E.) EASEMENTS ARE HEREBY GRANTED ON PRIVATE PROPERTY ADJACENT TO ALL STREETS SHOWN HEREON. POSTAL FACILITIES SHALL BE ALLOWED IN SAID EASEMENTS.
B. TEN-FOOT WIDE UTILITY (U.E.) AND DRAINAGE (D.E.) EASEMENTS ARE HEREBY GRANTED ON PRIVATE PROPERTY ADJACENT TO ALL REAR LOT LINES SHOWN HEREON.
C. FIVE FOOT WIDE UTILITY (U.E) AND (D.E.) DRAINAGE EASEMENTS ARE HEREBY GRANTED OF PRIVATE PROPERTY ADJACENT TO SIDE LOT LINES WHERE SHOWN HEREON.
- SURFACE OWNER SHALL RECORD NOTICE WITH THE WELD COUNTY CLERK AND RECORDER THAT:
A. SUCH BUYERS ARE NOT PURCHASING AND DO NOT OWN ANY INTEREST IN THE OIL AND GAS MINERAL ESTATE;
B. THERE MAY BE ONGOING OIL AND GAS OPERATIONS AND PRODUCTION IN THE OIL AND GAS OPERATION AREAS ON THE SURFACE OF THE PROPERTY;
C. THERE MAY BE ADDITIONAL FUTURE WELLS DRILLED AND OIL AND GAS OPERATIONS AND PRODUCTION FROM THE OIL AND GAS OPERATION AREAS THAT AFFECT THE SURFACE OF THE PROPERTY;
D. FUTURE PURCHASERS OF ALL OR A PORTION OF THE PROPERTY, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND ASSUMING THOSE OBLIGATIONS UNDERTAKEN BY SURFACE OWNER PURSUANT TO THIS AGREEMENT; AND
E. HOMEOWNER ASSOCIATIONS AND BUYERS OF INDIVIDUAL LOTS OR HOMES, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO THE WAIVERS CONTAINED IN SECTIONS 3, 10 AND 21 AND THE COVENANTS CONTAINED IN SECTION 3 PROHIBITING THE LOCATION OF ANY BUILDING OR STRUCTURE WITHIN THE OIL AND GAS OPERATION AREAS.
- HIDDEN CREEK DEVELOPMENT, LLC AND KERR-MCGEE ROCKY MOUNTAIN CORPORATION (KMRMC), IT'S SUCCESSORS AND ASSIGNS ARE SUBJECT TO THE SAME OIL AND GAS SURFACE USE AGREEMENT (THIS AGREEMENT) AS RECORDED AT RECEPTION NO. 3791059.
NOTICE TO HOMEOWNERS AND BUILDERS. SURFACE OWNER SHALL FURNISH ALL BUYERS OF THE PROPERTY FROM SURFACE OWNER WITH A PLAT OR MAP SHOWING THE OIL AND GAS OPERATION AREAS. IN ADDITION, SURFACE OWNER SHALL PROVIDE NOTICE TO ALL BUILDERS, HOMEOWNERS AND OTHER BUYERS OF THE PROPERTY AND ALL HOMEOWNER ASSOCIATIONS THAT:
A. SUCH BUYERS ARE NOT PURCHASING AND DO NOT OWN ANY INTEREST IN THE OIL AND GAS MINERAL ESTATE;
B. THERE MAY BE ONGOING OIL AND GAS OPERATIONS AND PRODUCTION IN THE OIL AND GAS OPERATION AREAS ON THE SURFACE OF THE PROPERTY;
C. THERE ARE LIKELY TO BE ADDITIONAL FUTURE WELLS DRILLED AND OIL AND GAS OPERATIONS AND PRODUCTION FROM THE OIL AND GAS OPERATION AREAS THAT AFFECT THE SURFACE OF THE PROPERTY;
D. HEAVY EQUIPMENT WILL BE USED BY OIL AND GAS INTEREST OWNERS FROM TIME TO TIME FOR OIL AND GAS PRODUCTION OPERATIONS AND THAT SUCH OPERATIONS MAY BE CONDUCTED ON A 24-HOUR BASIS;
E. FUTURE PURCHASERS OF ALL OR A PORTION OF THE PROPERTY, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND WILL BE ASSUMING THOSE OBLIGATIONS UNDERTAKEN BY SURFACE OWNER PURSUANT TO THIS AGREEMENT; AND
F. HOMEOWNER ASSOCIATIONS AND BUYERS OF INDIVIDUAL LOTS OR HOMES, AS SUCCESSORS IN INTEREST TO SURFACE OWNER, WILL BE ACQUIRING A PROPORTIONATE INTEREST IN SURFACE OWNER'S RIGHTS UNDER THIS AGREEMENT AND WILL BE BOUND BY THE COVENANTS, WAIVERS AND OBLIGATIONS IN THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO, THE WAIVERS CONTAINED IN SECTIONS 3, 10 AND 21 AND THE COVENANTS CONTAINED IN SECTION 3 PROHIBITING THE LOCATION OF ANY BUILDING OR STRUCTURE WITHIN THE OIL AND GAS OPERATION AREAS.
- DEVELOPER MUST CONSTRUCT ANY STREET/PUBLIC IMPROVEMENTS THAT MAY HAVE OIL AND GAS TRAFFIC TO STANDARDS THAT ACCOMMODATE 104,000 POUNDS GROSS.
- THIS PLAT OF HIDDEN CREEK FINAL PLAT AMENDMENT NO. 3 IS NOT WITHIN THE AREA OF THE UNDERMINING OF THE ABANDONED COAL MINE AS SHOWN ON A "SUBSIDENCE INVESTIGATION" PREPARED BY CTL/THOMPSON, INC. JOB NO. 34,325, DATED MARCH 15, 2002, THE LIMITS ARE SHOWN ON THIS PLAT FOR INFORMATIONAL PURPOSES ONLY.
- A BLANKET DRAINAGE EASEMENT SHALL BE PROVIDED ACROSS ALL TRACTS.
- HIDDEN CREEK DEVELOPMENT, LLC IS THE OWNER OF THE ENTIRETY OF HIDDEN CREEK, ACCORDING TO THE FINAL PLAT RECORDED SEPTEMBER 28, 2012 AT RECEPTION NO. 3876800 & THE FINAL PLAT AMENDMENT NO. 1 RECORDED JANUARY 27, 2016 AT RECEPTION NO. 4176526, AND A FINAL PLAT AMENDMENT NO. 2 RECORDED DECEMBER 9, 2016 AT RECEPTION NO 4260508 COUNTY OF WELD, STATE OF COLORADO. EXCEPTING THEREFROM ALL DEDICATED STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS AS SHOWN ON THE RECORDED PLAT. THE TOWN OF FREDERICK OWNS THOSE STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS. THIS PLAT MODIFIES PORTIONS OF THOSE PUBLIC HOLDINGS. BY ACCEPTING THIS PLAT THE TOWN OF FREDERICK ACKNOWLEDGES AND ACCEPTS THOSE MODIFICATIONS TO THE PREVIOUSLY DEDICATED PUBLIC STREETS, PUBLIC RIGHTS OF WAY AND PUBLIC EASEMENTS.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.



LAND USE TABLE		
DESCRIPTION	ACRES	PERCENTAGE
SINGLE FAMILY LOTS	3.826 AC	100.00%
TOTALS	3.826 AC	100%

OVERALL DENSITY 24 LOTS 7.06 DU/ACRE

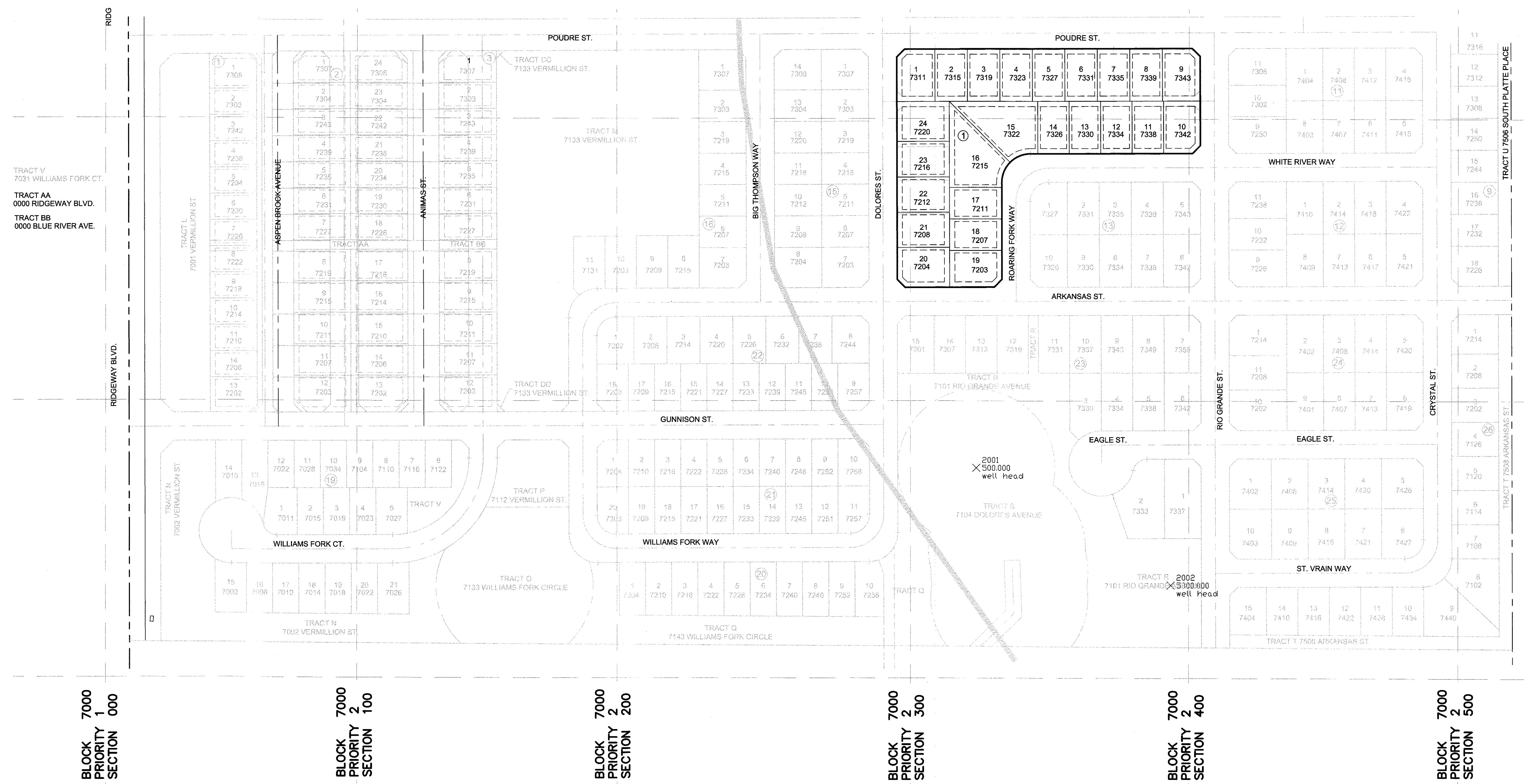
TYPE OF DWELLING UNIT					
BLOCK NO.	60' - 69'	70' - 79'	11,000 - 11,999 SF	12,000 - 12,999 SF	TOTALS
	X	X			
	100'	100'			
1	16	6	1	1	24
TOTALS	16	6	1	1	24



	10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9526 Fax: (720) 482-9546					HIDDEN CREEK FINAL PLAT AMENDMENT NO. 3		
						SCALE:	DRAWN BY:	SHEET NO:
						AS SHOWN	MJP	2
						CHECKED BY:	WFH	
						FILE NO:	8130189702	
No.	Revisions	Date	Init.	Appr.	Date	DATE:	02/28/2017	

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 3

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO
CONTAINS 3.826 ACRES - 24 TOTAL LOTS
SHEET 4 OF 4



BLOCK 7000
PRIORITY 2
SECTION 300

BLOCK 7000
PRIORITY 2
SECTION 200

BLOCK 7000
PRIORITY 2
SECTION 100

BLOCK 7000
PRIORITY 1
SECTION 000

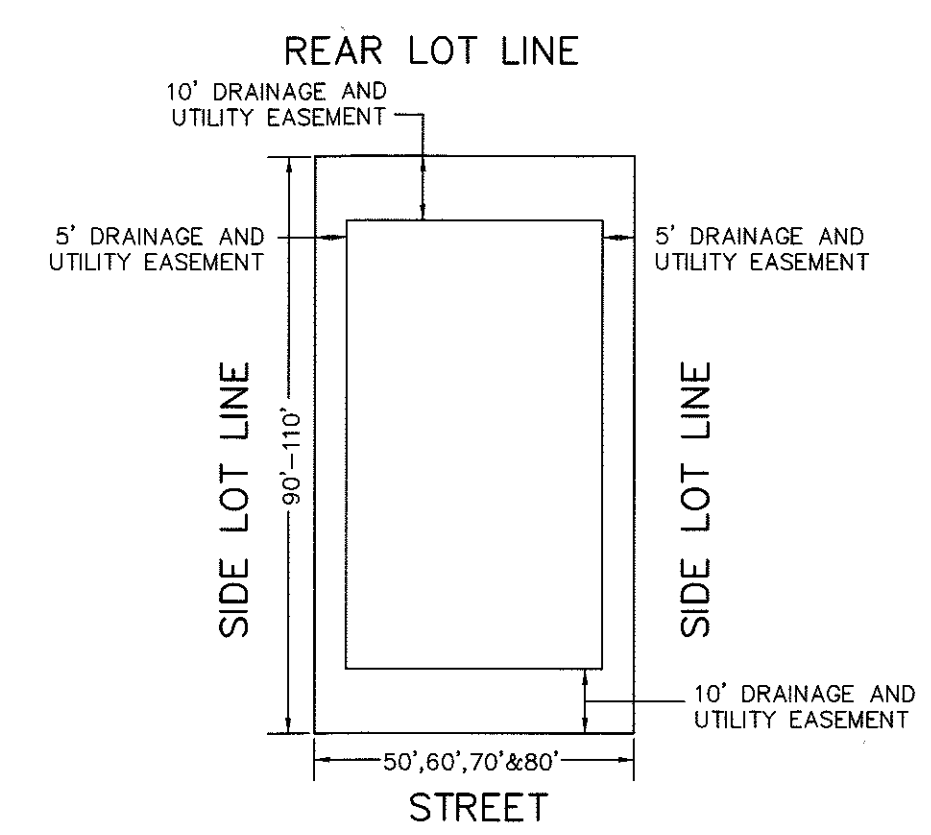
BLOCK 7000
PRIORITY 2
SECTION 100

BLOCK 7000
PRIORITY 2
SECTION 200

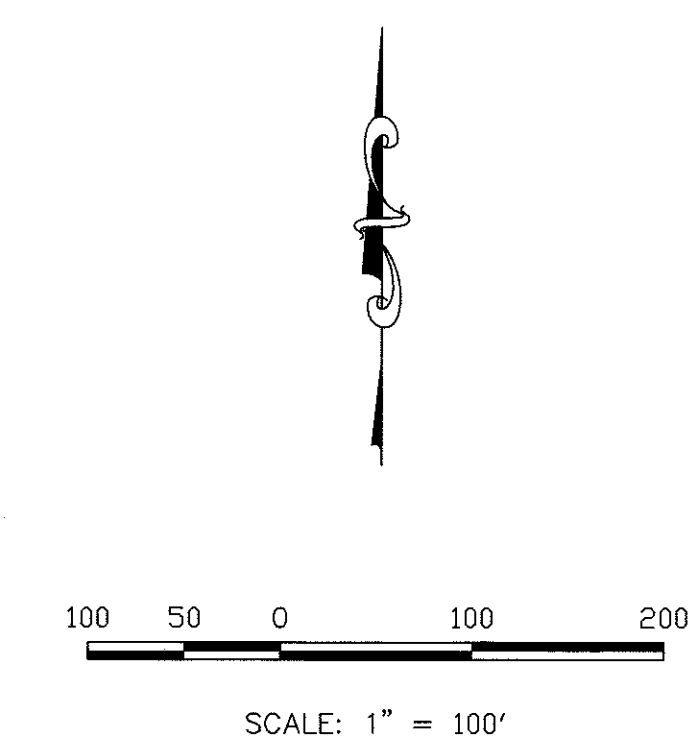
BLOCK 7000
PRIORITY 2
SECTION 300

BLOCK 7000
PRIORITY 2
SECTION 400

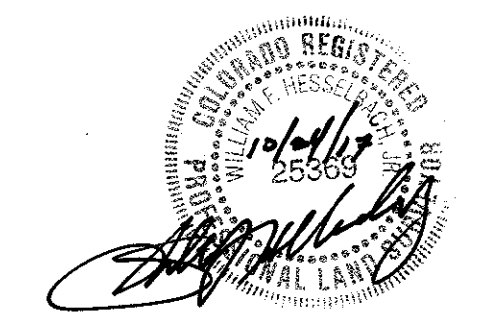
BLOCK 7000
PRIORITY 2
SECTION 500



LEGEND	
	EX. LOT LINE
	NEW LOT LINE
	STREET GRID
	OIL WELL LOT LINE
	EX. STREET CENTERLINE
	NEW STREET CENTERLINE



		10333 E. Dry Creek Rd. Suite 240 Englewood, CO 80112 Tel: (720) 482-9528 Fax: (720) 482-9546		HIDDEN CREEK FINAL PLAT AMENDMENT NO. 3		
SCALE:	AS SHOWN	DRAWN BY:	MJP	CHECKED BY:	WFH	SHEET NO:
FILE NO:	8130189702	DATE:	02/28/2017			4
No.	Revisions	Date	Init.	Appr.	Date	



HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 4

A REPLAT OF: HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1, LOTS 1-20 OF BLOCK 7,
LOTS 1-15 OF BLOCK 23 AND TRACTS C, D, E, F, G AND R
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO

CERTIFICATE OF OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS THAT LGI HOMES - COLORADO, LLC, A COLORADO LIMITED LIABILITY COMPANY
BEING THE OWNER OF CERTAIN LANDS IN FREDERICK, COLORADO, DESCRIBED AS FOLLOWS:

TWO PARCELS OF LAND BEING LOTS 1 - 20, BLOCK 7; LOTS 1 - 15, BLOCK 23; AND TRACTS C, D, E, F, G AND R, HIDDEN CREEK - FINAL
PLAT - AMENDMENT NO. 1, ACCORDING TO THE FINAL PLAT RECORDED JANUARY 27, 2016 AT RECEPTION NO. 4176526, IN THE RECORDS OF
WELD COUNTY CLERK AND RECORDER, SAID PARCEL LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67
WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1 (BLOCK 1)
COMMENCING AT THE WEST QUARTER CORNER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
THENCE ALONG THE NORTH LINE OF SAID SECTION 29 SOUTH 89°40'53" EAST, A DISTANCE OF 683.45 FEET TO A POINT ON THE EAST
RIGHT-OF-WAY LINE OF ANIMAS AVENUE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE
SOUTH 89°40'53" EAST, A DISTANCE OF 2638.08 FEET TO THE C1/4 CORNER OF SAID SECTION 29; THENCE ALONG THE EAST LINE OF THE
SOUTHWEST QUARTER OF SAID SECTION 29 SOUTH 00°12'08" EAST, A DISTANCE OF 213.78 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY
LINE OF SLATE PLACE; THENCE DEPARTING SAID EAST LINE AND ALONG SAID NORTH RIGHT-OF-WAY LINE SOUTH 89°48'02" WEST, A
DISTANCE OF 75.87 FEET TO THE SOUTHEAST CORNER OF BLOCK 8, HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1; THENCE ALONG THE
EAST LINE OF SAID BLOCK 8 NORTH 00°11'58" WEST, A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 8; THENCE
ALONG THE NORTH LINE OF SAID BLOCK 8 SOUTH 89°48'02" WEST, A DISTANCE OF 359.78 FEET TO THE NORTHWEST CORNER OF SAID
BLOCK 8; THENCE ALONG THE WEST LINE OF SAID BLOCK 8 THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 00°23'57" WEST, A DISTANCE OF 75.38 FEET;
- 2) THENCE SOUTH 40°52'52" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF GREEN RIVER AVENUE;
THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:
1) 47.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 55.00 FEET, AN INCLUDED ANGLE OF 49°19'06" BEING
SUBTENDED BY A CHORD BEARING SOUTH 24°27'35" WEST, A DISTANCE OF 45.89 FEET;
- 2) THENCE SOUTH 00°11'58" EAST, A DISTANCE OF 598.00 FEET;
- 3) THENCE SOUTH 44°48'02" WEST, A DISTANCE OF 21.21 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF POUDE STREET;
THENCE ALONG SAID NORTH RIGHT-OF-WAY SOUTH 89°48'02" WEST, A DISTANCE OF 718.87 FEET TO A POINT ON THE EAST RIGHT-OF-WAY
LINE OF DOLORES AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 45°11'58" WEST, A DISTANCE OF 21.21 FEET;
- 2) THENCE NORTH 00°11'58" WEST, A DISTANCE OF 170.00 FEET;
- 3) THENCE NORTH 44°48'02" EAST, A DISTANCE OF 21.21 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF E. BIG THOMPSON
CIRCLE;

THENCE ALONG THE SOUTHERLY AND EASTERLY RIGHT-OF-WAY LINE OF E. BIG THOMPSON CIRCLE AND THE NORTH RIGHT-OF-WAY LINE OF
FRASER STREET THE FOLLOWING FIVE (5) COURSES:

- 1) NORTH 89°48'02" EAST, A DISTANCE OF 164.00 FEET TO A POINT OF CURVATURE;
- 2) THENCE 86.39 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 55.00 FEET, AN INCLUDED ANGLE OF 90°00'00"
BEING SUBTENDED BY A CHORD BEARING NORTH 44°48'02" EAST, A DISTANCE OF 77.78 FEET;
- 3) THENCE NORTH 00°11'58" EAST, A DISTANCE OF 368.00 FEET TO A POINT OF CURVATURE;
- 4) THENCE 86.39 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 55.00 FEET, AN INCLUDED ANGLE OF 90°00'00"
BEING SUBTENDED BY A CHORD BEARING NORTH 45°11'58" WEST, A DISTANCE OF 77.78 FEET;
- 5) THENCE SOUTH 89°48'02" WEST, A DISTANCE OF 946.69 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ANIMAS AVENUE;
THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:
1) NORTH 45°11'58" WEST, A DISTANCE OF 21.21 FEET;
- 2) THENCE NORTH 00°11'58" WEST, A DISTANCE OF 206.46 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 29, SAID POINT ALSO
BEING THE POINT OF BEGINNING.

PARCEL 2 (BLOCK 2)
COMMENCING AT THE WEST QUARTER CORNER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
THENCE SOUTH 45°20'40" EAST, A DISTANCE OF 2089.33 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STREET, SAID
POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°48'02" EAST, A DISTANCE OF
548.87 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RIO GRANDE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE
FOLLOWING THREE (3) COURSES:

- 1) SOUTH 45°11'58" EAST, A DISTANCE OF 21.21 FEET;
- 2) THENCE SOUTH 00°11'58" EAST, A DISTANCE OF 190.00 FEET;
- 3) THENCE SOUTH 44°48'02" EAST, A DISTANCE OF 21.21 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SWAN RIVER STREET;
THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES:
1) SOUTH 89°48'02" WEST, A DISTANCE OF 175.00 FEET TO A POINT OF CURVATURE;
- 2) THENCE 278.83 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 62.00 FEET, AN INCLUDED ANGLE OF 257°40'24"
BEING SUBTENDED BY A CHORD BEARING SOUTH 39°02'10" EAST, A DISTANCE OF 96.59 FEET TO A POINT OF REVERSE CURVATURE;
- 3) THENCE 36.60 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 27.00 FEET, AN INCLUDED ANGLE OF 77°40'24"
BEING SUBTENDED BY A CHORD BEARING NORTH 50°57'50" EAST, A DISTANCE OF 33.86 FEET;
- 4) THENCE NORTH 89°48'02" EAST, A DISTANCE OF 88.05 FEET;
- 5) THENCE SOUTH 45°11'58" EAST, A DISTANCE OF 21.21 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RIO GRANDE AVENUE;
THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00°11'58" EAST, A DISTANCE OF 344.85 FEET TO A POINT ON THE SOUTH LINE OF
HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1 SUBDIVISION; THENCE ALONG SAID SOUTH LINE NORTH 89°41'24" WEST, A DISTANCE OF
248.96 FEET TO A POINT OF CURVATURE AND THE EASTERLY LINE OF TRACT S, HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 1; THENCE
ALONG SAID LINE THE FOLLOWING FOUR (4) COURSES:

- 1) 124.42 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, AN INCLUDED ANGLE OF 47°31'30" BEING
SUBTENDED BY A CHORD BEARING NORTH 14°28'38" EAST, A DISTANCE OF 120.88 FEET TO A POINT OF NON-TANGENT CURVATURE;
 - 2) THENCE 64.70 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, AN INCLUDED ANGLE OF 24°42'43"
BEING SUBTENDED BY A CHORD BEARING NORTH 02°27'11" WEST, A DISTANCE OF 64.20 FEET TO A POINT OF NON-TANGENT CURVATURE;
 - 3) THENCE 147.98 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, AN INCLUDED ANGLE OF 56°31'23"
BEING SUBTENDED BY A CHORD BEARING NORTH 25°53'09" WEST, A DISTANCE OF 142.05 FEET TO A POINT OF NON-TANGENT CURVATURE;
 - 4) THENCE 504.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET, AN INCLUDED ANGLE OF 192°31'39"
BEING SUBTENDED BY A CHORD BEARING NORTH 83°56'09" WEST, A DISTANCE OF 298.21 FEET;
- THENCE SOUTH 89°48'02" WEST, A DISTANCE OF 0.03 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DOLORES AVENUE; THENCE
ALONG SAID EAST RIGHT-OF-WAY NORTH 00°11'58" WEST, A DISTANCE OF 275.00 FEET; THENCE NORTH 44°48'02" EAST, A DISTANCE OF
21.21 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING.

SAID PARCELS CONTAINING 973,447 SQ. FT. OR 22.35 ACRES MORE OR LESS.

HAVE LAID OUT THIS SUBDIVISION AMENDMENT PLAT OF THE ABOVE DESCRIBED LAND UNDER THE NAME AND STYLE OF HIDDEN CREEK -
FINAL PLAT - AMENDMENT NO. 4, THUS DESCRIBED SUBDIVISION AMENDMENT PLAT CONTAINS 22.35 ACRES MORE OR LESS, TOGETHER WITH
AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

EXECUTED THIS 11th DAY OF September, 2020


OWNER

N/A
MORTGAGE OR LIENHOLDER

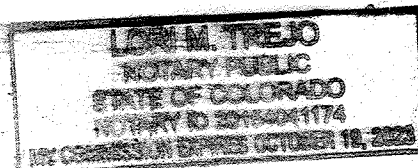
STATE OF COLORADO }
COUNTY OF WELD } SS

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME BY Timothy Bruceman, ACTING IN HIS CAPACITY AS
Vice President of LGI Homes Colorado LLC, THIS 11th DAY OF September, 2020

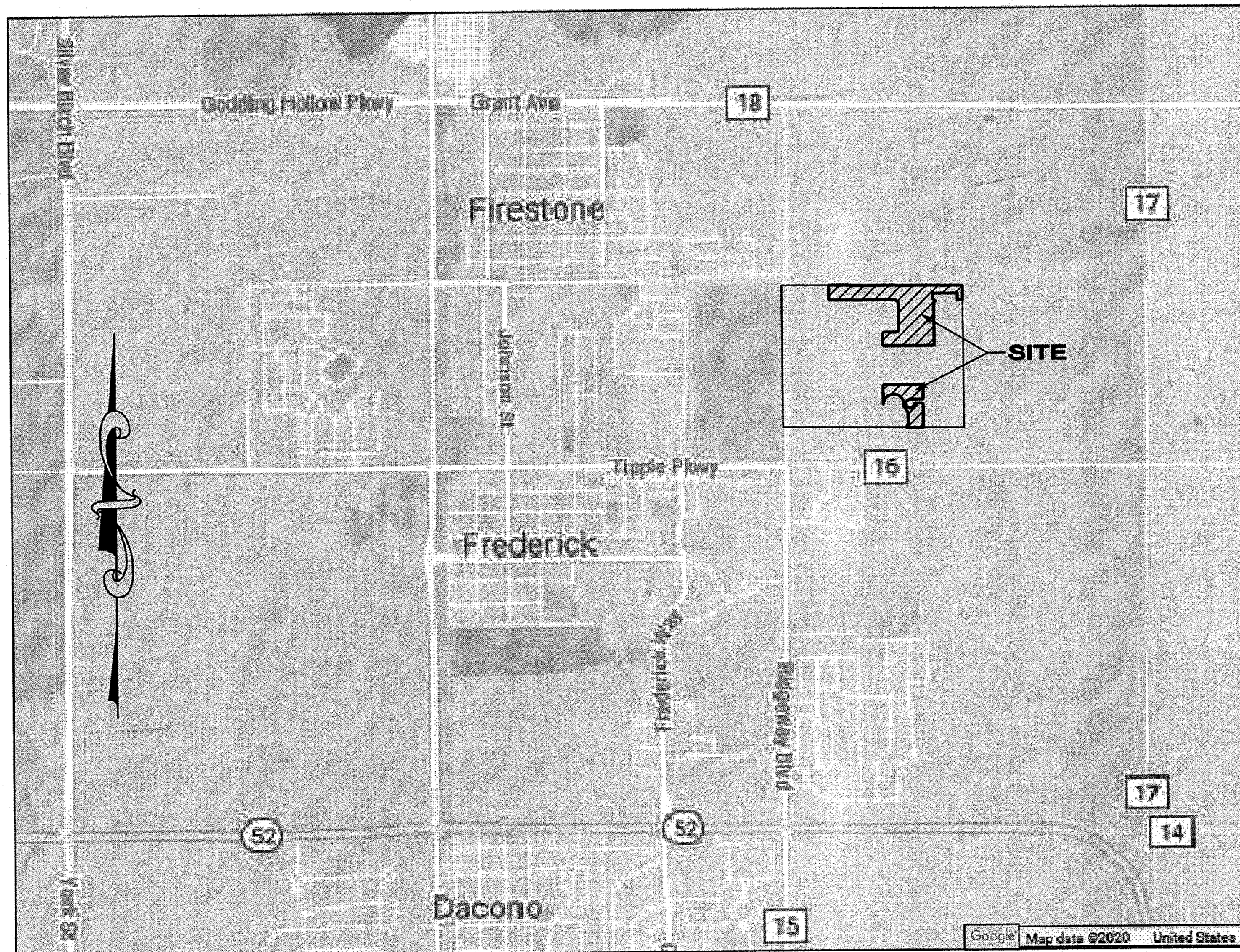
WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES Oct. 19, 2023

NOTARY PUBLIC



TOTAL AREA
973,447 SQ FT, OR 22.35 ACRES,
MORE OR LESS
SHEET 1 OF 6

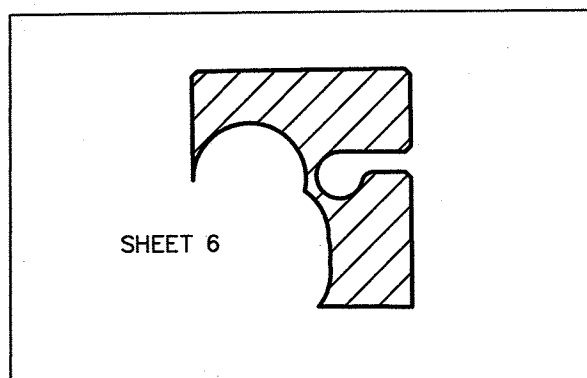
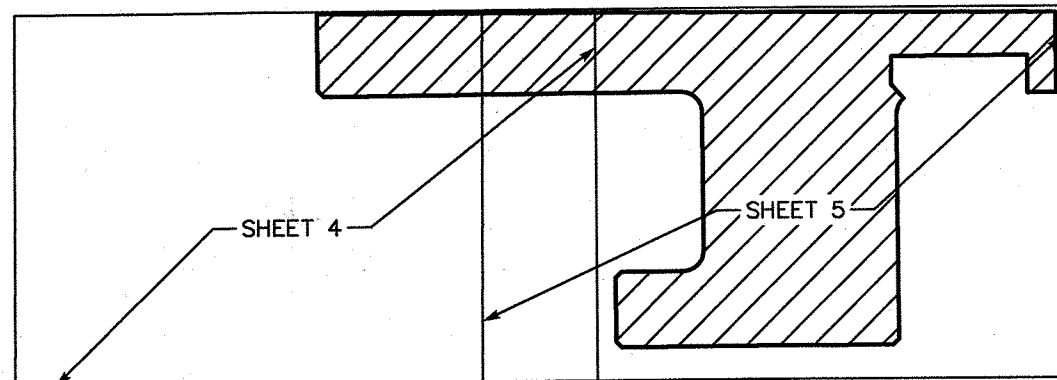


Vicinity Map
SCALE: 1"=2000'

SHEET INDEX:

- 1-COVER SHEET
- 2-TABLES AND NOTES
- 3-OUTER BOUNDARY DETAIL
- 4-PLAT SHEET AND EASEMENT DETAILS
- 5-PLAT SHEET (BLOCK 1)
- 6-PLAT SHEET (BLOCK 2)

SHEET LAYOUT KEY



SURVEYOR CERTIFICATE:

I, JOHN B. GUYTON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF
COLORADO, DO HEREBY CERTIFY THAT THE PLAT AMENDMENT SHOWN HEREON IS A
CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND.

I FURTHER CERTIFY THAT THIS PLAT AMENDMENT AND LEGAL DESCRIPTION WERE PREPARED
UNDER MY PERSONAL SUPERVISION AND IN ACCORD WITH APPLICABLE STATE OF COLORADO
REQUIREMENTS ON THIS 11th DAY OF September, 2020



BY JOHN B. GUYTON COLORADO P.L.S. #16406
CHAIRMAN & CEO EMERITUS, FLATIRON, INC.

STAFF CERTIFICATE OF APPROVAL:

THIS SUBDIVISION AMENDMENT PLAT OF THE HIDDEN CREEK - FINAL PLAT -
AMENDMENT NO. 4 IS APPROVED AND ACCEPTED BY THE TOWN OF
FREDERICK PLANNING DEPARTMENT THIS 11th DAY OF September, 2020, IN
ACCORDANCE WITH SECTION 4.11.2 OF THE LAND USE CODE FOR
SUBDIVISION AMENDMENTS.


PLANNING DIRECTOR

CERTIFICATE OF VACATION:

KNOW ALL MEN BY THESE PRESENTS THAT CERTAIN STREETS,
RIGHTS-OF-WAY, AND EASEMENTS DEDICATED TO THE TOWN OF FREDERICK,
CO. BY THE HIDDEN CREEK FINAL PLAT AMENDMENT NO. 1, RECORDED AT
RECEPTION NO. 4177101 ON JANUARY 27, 2016, HAVING NEVER BEEN
DEVELOPED, IN ACCORDANCE WITH C.R.S. 43-2-302 (e), HAS CAUSED SAID
STREETS, RIGHTS-OF-WAY AND EASEMENTS TO BE VACATED TO THE
OWNER, HIDDEN CREEK DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY
COMPANY, BY THIS REPLAT OF THE SUBDIVISION.

TRACIE CRITES, MAYOR
TOWN OF FREDERICK

ATTEST:

MEGHAN C. MARTINEZ, CMC, TOWN CLERK
TOWN OF FREDERICK

NOTARY:

STATE OF COLORADO }
COUNTY OF WELD } SS

THE FOREGOING CERTIFICATE OF VACATION WAS ACKNOWLEDGED BEFORE ME
BY TRACIE CRITES, ACTING IN HER CAPACITY AS MAYOR OF THE TOWN OF
FREDERICK AND BY MEGHAN C. MARTINEZ, CMC, AS TOWN CLERK OF THE
TOWN OF FREDERICK THIS 11th DAY OF September, 2020.

WITNESS MY HAND AND SEAL: _____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

REVISION	DATE
1-REVISION PER TOWN COMMENTS	8/11/2020
2-REVISION PER TOWN COMMENTS	8/11/2020
3-REVISION PER TOWN COMMENTS	8/11/2020
4-REVISION PER TOWN COMMENTS	8/11/2020
5-REVISION PER TOWN COMMENTS	8/11/2020
6-REVISION PER TOWN COMMENTS	8/11/2020
7-REVISION PER TOWN COMMENTS	8/11/2020
8-REVISION PER TOWN COMMENTS	8/11/2020
9-REVISION PER TOWN COMMENTS	8/11/2020

HIDDEN CREEK - FINAL PLAT -
AMENDMENT NO. 4

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4501 LOGAN ST.
DENVER, CO 80216
PH: (303) 936-6997
FAX: (303) 923-3180



JOB NUMBER:
20-74,236
DATE:
03-11-2020
DRAWN BY:
B. OELKE
CHECKED BY:
EP/JZG/JK

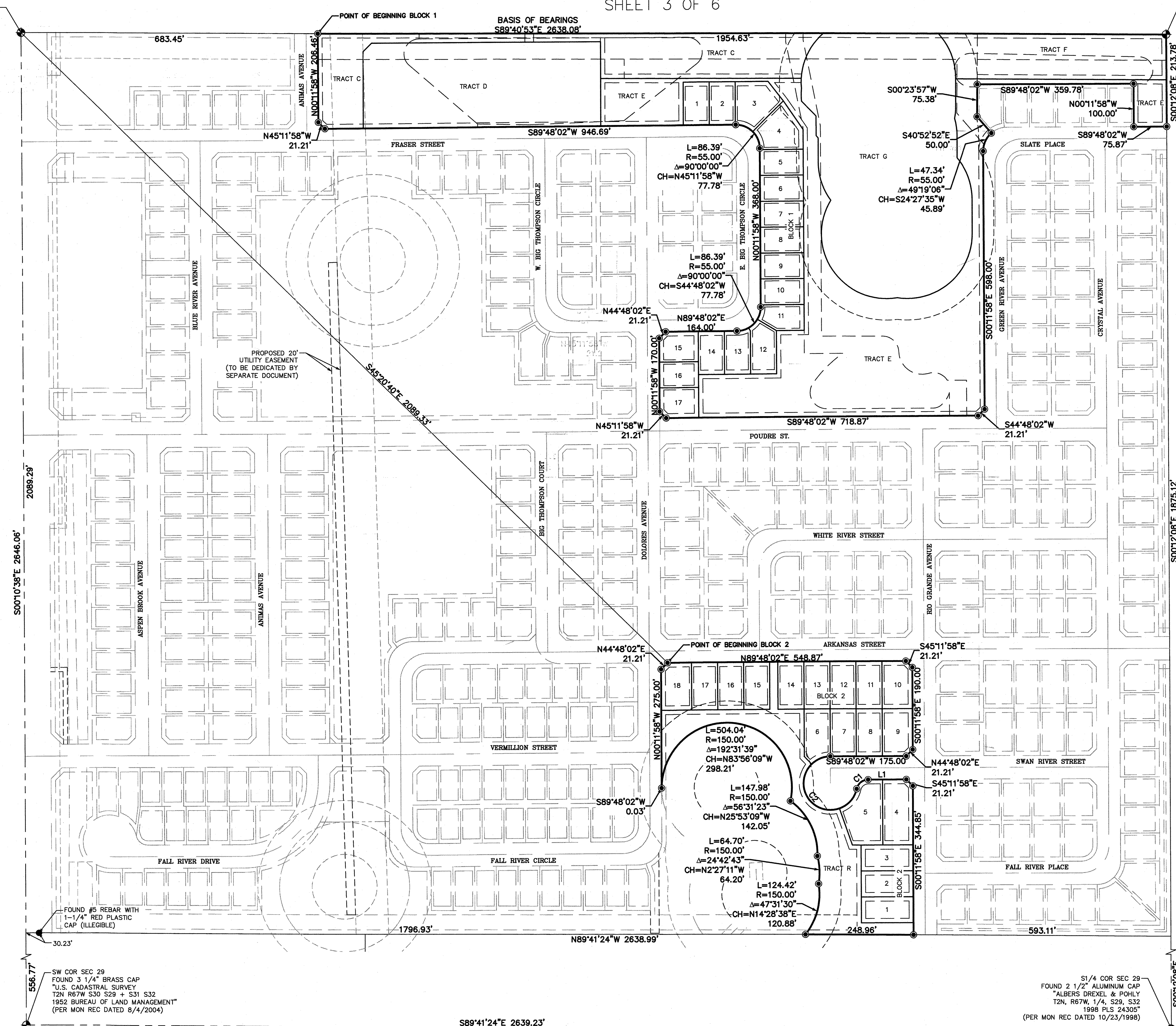
SHEET 1 OF 6

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 4

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO

SHEET 3 OF 6

POINT OF COMMENCEMENT
W 1/4 COR SEC 29 FOUND 3 1/4"
BRASS CAP "U.S. CADASTRAL SURVEY
PENALTY \$250 FOR REMOVAL S30 + S29
1952 BUREAU OF LAND MANAGEMENT"
(PER MON REC DATED 12/23/1998)



C1/4 COR SEC 29
FOUND 2 1/2" ALUMINUM CAP
"ALBERS DREXEL & POHLY, T2N,
R67W, C1/4, S29, 2001, PLS
24305 1998"
(PER MON REC DATED 3/19/2002)

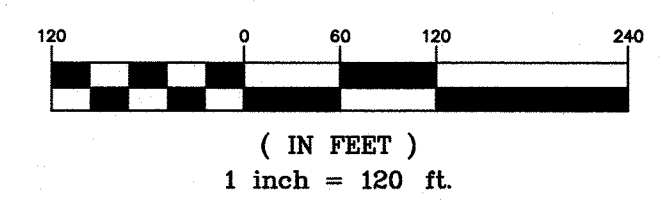
PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	88.05	N89°48'02"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	36.60	27.00	77°40'24"	N50°57'50"E	33.86
C2	278.83	62.00	257°40'24"	S39°02'10"E	96.59

Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP
"FLATIRON SURV 16406"
- EXTERIOR BOUNDARY
- INTERIOR LOT LINES
- ADJACENT LOT LINES OUTSIDE OF THE PLAT

GRAPHIC SCALE



DATE	REVISION
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

HIDDEN CREEK - FINAL PLAT -
AMENDMENT NO. 4

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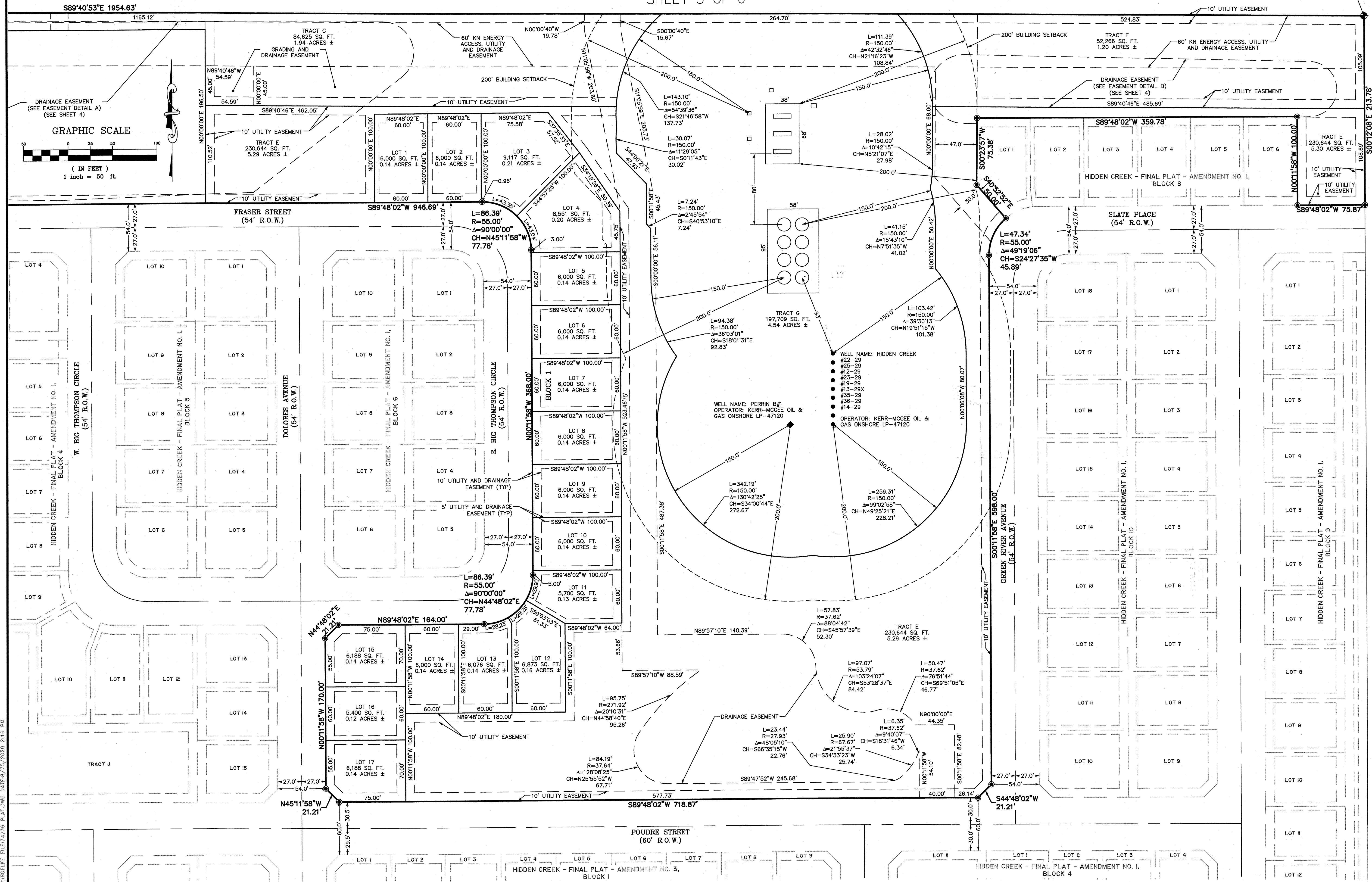
JOB NUMBER:
20-74,236
DATE:
03-11-2020
DRAWN BY:
B. OELKE
CHECKED BY:
EP/JJG/JK
SHEET 3 OF 6

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 4

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO

SHEET 5 OF 6

FOUND 2 1/2" ALUMINUM CAP
W. C1/4, S29, 2001, PLS 24305 1998"
(PER MON REC DATED 3/19/2002)



DATE	REVISION	DESCRIPTION
09/14/2020	1	REVISION FOR COMMENTS
09/14/2020	2	REVISION FOR COMMENTS
09/14/2020	3	REVISION FOR COMMENTS
09/14/2020	4	REVISION FOR COMMENTS
09/14/2020	5	REVISION FOR COMMENTS
09/14/2020	6	REVISION FOR COMMENTS
09/14/2020	7	REVISION FOR COMMENTS
09/14/2020	8	REVISION FOR COMMENTS
09/14/2020	9	REVISION FOR COMMENTS

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 4

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FAX: (303) 776-4355

4501 LOGAN ST
DENVER, CO 80216
PH: (303) 936-6997
FAX: (303) 923-3180

PROFESSIONAL LAND SURVEYOR
16406
82520

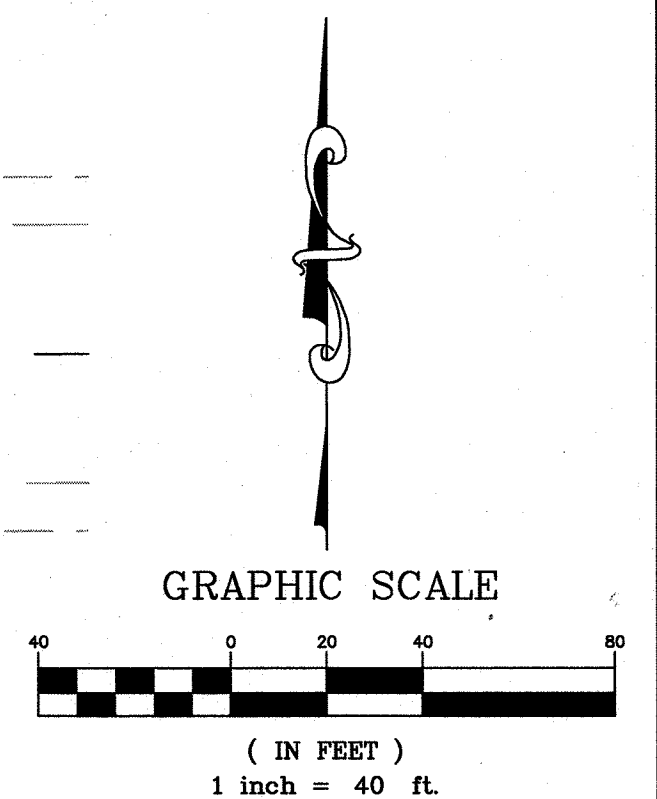
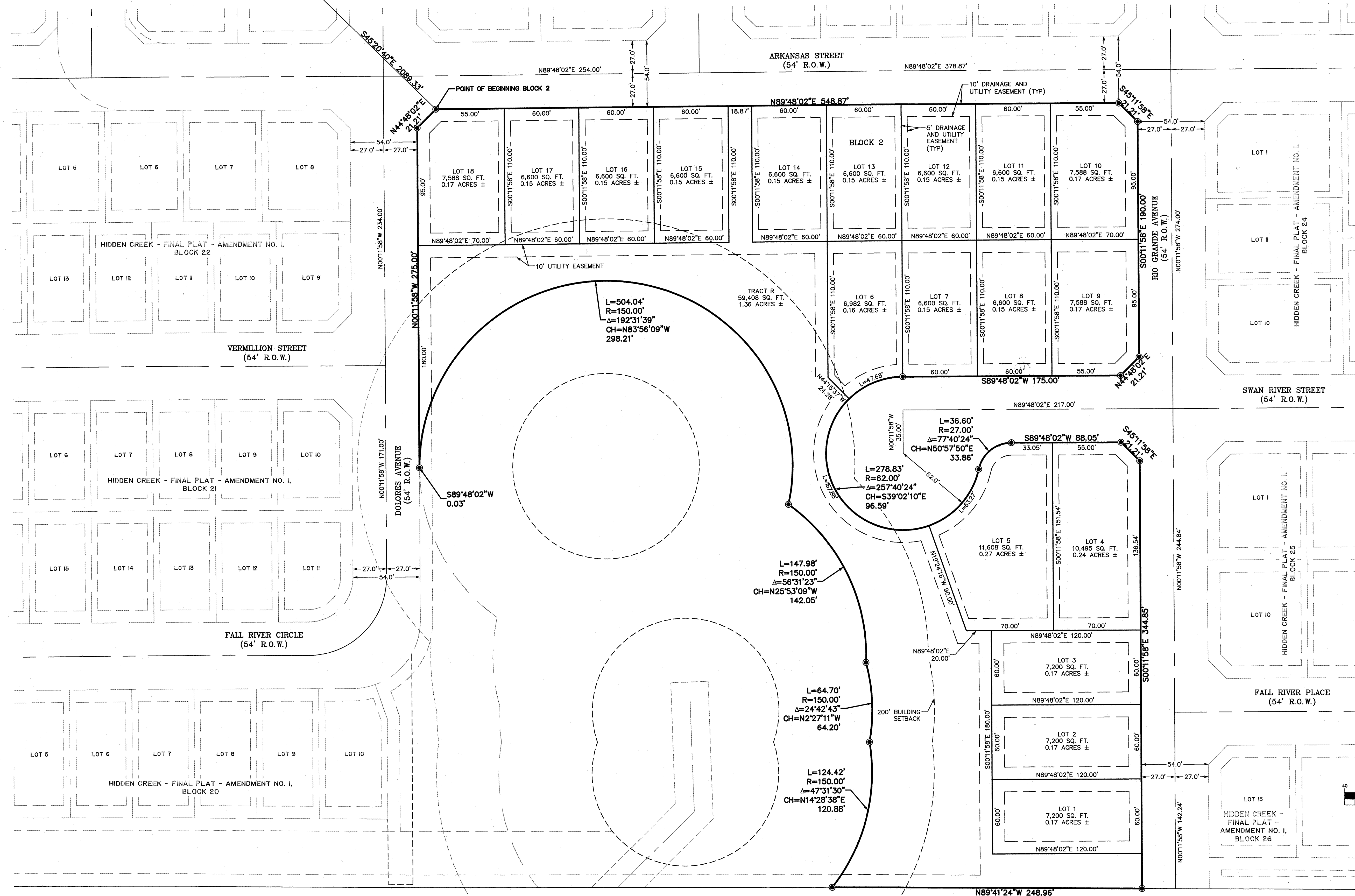
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SHEET 5 OF 6

HIDDEN CREEK - FINAL PLAT - AMENDMENT NO. 4

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO

SHEET 6 OF 6

POINT OF COMMENCEMENT
W 1/4 COR SEC 29 T2N R67W
BRASS CAP "U.S. CADASTRAL SURVEY
PENALTY \$250 FOR REMOVAL S30 + S29
1952 BUREAU OF LAND MANAGEMENT"
(PER MON REC DATED 12/23/1998)



REVISION	DATE
1 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020
2 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020
3 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020
4 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020
5 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020
6 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020
7 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020
8 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020
9 - REVISE PER TOWN COMMENTS	B. OELKE 6/11/2020

HIDDEN CREEK - FINAL PLAT -
AMENDMENT NO. 4

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JOB NUMBER:
20-74,236
DATE:
03-11-2020
DRAWN BY:
B. OELKE
CHECKED BY:
EP/JZG/JK

SHEET 6 OF 6

EXHIBIT B-2

Public Improvements to be Constructed

EXHIBIT B

PUBLIC IMPROVEMENTS TO BE CONSTRUCTED

DESCRIPTION OF IMPROVEMENT	UNIT	QUANTITY	UNIT PRICE	TOTAL
HIDDEN CREEK PHASE 2 (98 LOTS) - ON SITE IMPROVEMENTS				
WATER SYSTEM				
8" PVC Waterline	lf	5,600	\$ 65.38	\$ 366,128.00
8" Gate Valve	ea	25	\$ 3,135.70	\$ 78,392.50
8" Bends	ea	6	\$ 859.82	\$ 5,158.92
8" Tee	ea	5	\$ 1,297.72	\$ 6,488.60
8" Cross	ea	3	\$ 1,584.49	\$ 4,753.47
8" Plug	ea	3	\$ 3,335.16	\$ 10,005.48
8" Depression	ea	4	\$ 4,211.60	\$ 16,846.40
Fire Hydrant	ea	13	\$ 11,112.64	\$ 144,464.32
3/4" Service	ea	98	\$ 2,852.01	\$ 279,496.98
WATER SYSTEM TOTAL				\$ 911,734.67
SANITARY SEWER SYSTEM				
8" PVC Sanitary Sewer	lf	6,351	\$48.43	\$ 307,578.93
4' Sanitary Sewer Manhole	ea	30	\$3,975.51	\$ 119,265.30
4" Sanitary Sewer Service	ea	98	\$1,797.40	\$ 176,145.20
MH Locking Lid and Carsonite Marker	ea	6	\$540.98	\$ 3,245.88
SANITARY SEWER SYSTEM TOTAL				\$ 606,235.31
STORM SEWER SYSTEM				
14" x 23" HERCP CL 3	lf	125	\$ 133.80	\$ 16,725.00
14" x 23" HERCP FES	ea	3	\$ 3,467.30	\$ 10,401.90
24" FES	ea	1	\$ 3,730.23	\$ 3,730.23
24" RCP	lf	1,168	\$ 109.10	\$ 127,428.80
18" RCP	lf	51	\$ 78.63	\$ 4,010.13
10' Type R Inlet	ea	2	\$ 8,723.97	\$ 17,447.94
15' Type R Inlet	ea	3	\$ 11,958.32	\$ 35,874.96
20' Type R Inlet	ea	1	\$ 15,923.68	\$ 15,923.68
Outlet Structure Pond E1	ea	1	\$ 24,595.76	\$ 24,595.76
5' MH	ea	5	\$ 4,229.14	\$ 21,145.70
Soiled Rip Rap Type L	ton	320	\$ 64.63	\$ 20,681.60
STORM SEWER SYSTEM TOTAL				\$ 297,965.70
CONCRETE				
30" Vertical C&G	lf	1,770	\$ 19.74	\$ 34,939.80
Mountable Curbwalk	lf	8,568	\$ 45.12	\$ 386,588.16
5' Detached Walk	lf	1,460	\$ 30.46	\$ 44,471.60
8' Walk (tract)	lf	1,605	\$ 44.56	\$ 71,518.80
ADA Ramps	ea	30	\$ 2,208.97	\$ 66,269.10
Crosspan	sf	4,183	\$ 10.15	\$ 42,457.45
Subgrade Prep	sf	88,683	\$ 1.41	\$ 125,043.03
CONCRETE TOTAL				\$ 771,287.94
STREETS				
4.5"HBP over 10" ABC	sy	4,452	\$ 33.78	\$ 150,388.56
4" HBP over 10" ABC	sy	16,345	\$ 26.62	\$ 435,103.90
Finegrade	sy	20,797	\$ 3.38	\$ 70,293.86
Adjust Manholes	ea	29	\$ 733.19	\$ 21,262.51
Adjust Valves	ea	24	\$ 282.00	\$ 6,768.00
STREETS TOTAL				\$ 683,816.83
SIGNS				
Turn Lane Signs	ea	10	\$ 310.20	\$ 3,102.00
Type 3 Barricade	ea	4	\$ 1,917.58	\$ 7,670.32
Signs	ea	46	\$ 518.87	\$ 23,868.02
Cross Walk Thermoplastic	lf	740	\$ 13.54	\$ 10,019.60

4" Double Yellow	lf	2,400	\$ 0.85	\$ 2,040.00
8" Solid White Epoxy	lf	250	\$ 0.90	\$ 225.00
4" Yellow Epoxy	sy	3,000	\$ 0.51	\$ 1,530.00
SIGNS				\$ 48,454.94
MISCELLANEOUS				
Street and Park Landscape & Irrigation	ls	1	\$784,000.00	\$ 784,000.00
Electric (incl. Street lights), CATV, Telephone Service	ls	1	\$192,000.00	\$ 192,000.00
Natural Gas Service	ls	1	\$162,000.00	\$ 162,000.00
MISCELLANEOUS TOTAL				\$ 1,138,000.00
HIDDEN CREEK PHASE 2 - OFF SITE IMPROVEMENTS				
POTABLE WATER EXTENSION				
8" PVC with 3/4" Rock	lf	3,960	\$ 80.74	\$ 319,730.40
8" Gate Valve	ea	5	\$ 3,135.69	\$ 15,678.45
8" Bend	ea	8	\$ 855.46	\$ 6,843.68
Asphalt Removal	sy	40	\$ 62.28	\$ 2,491.20
Asphalt Replacement	sy	40	\$ 202.52	\$ 8,100.80
Traffic Control	ls	1	\$ 14,663.83	\$ 14,663.83
Flow Fill Trench	cy	100	\$ 206.69	\$ 20,669.00
POTABLE WATER EXTENSION TOTAL				\$ 388,177.36
HIDDEN CREEK PHASE 2 TOTAL				
				\$ 4,845,672.75

HIDDEN CREEK PHASE 3 (139 LOTS) - ON SITE IMPROVEMENTS

WATER SYSTEM				
8" PVC Waterline	lf	7,545	\$ 65.38	\$ 493,292.10
8" Gate Valve	ea	31	\$ 3,135.69	\$ 97,206.39
8" Bends	ea	4	\$ 859.82	\$ 3,439.28
8" Tee	ea	7	\$ 1,297.72	\$ 9,084.04
8" Cross	ea	4	\$ 1,584.49	\$ 6,337.96
8" Plug	ea	3	\$ 4,211.60	\$ 12,634.80
8" Depression	ea	2	\$ 3,335.16	\$ 6,670.32
Fire Hydrant	ea	21	\$ 11,112.64	\$ 233,365.44
3/4" Service	ea	139	\$ 2,852.01	\$ 396,429.39
WATER SYSTEM TOTAL				\$ 1,258,459.72
SANITARY SEWER SYSTEM				
8" SDR 35	lf	6,833	\$ 47.36	\$ 323,610.88
4' manhole	ea	32	\$ 3,909.67	\$ 125,109.44
4" San service	ea	139	\$ 1,797.40	\$ 249,838.60
MH Locking Lid & Carsonite Marker	ea	1	\$ 540.98	\$ 540.98
SANITARY SEWER SYSTEM TOTAL				\$ 699,099.90
STORM SEWER SYSTEM				
30" FES w/ Trash Rack	ea	1	\$ 5,244.51	\$ 5,244.51
24" FES w/ Trash Rack	ea	2	\$ 3,730.23	\$ 7,460.46
18" FES w/ Trash Rack	ea	4	\$ 1,933.46	\$ 7,733.84
30" RCP	lf	148	\$ 142.98	\$ 21,161.04
24" RCP	lf	300	\$ 109.10	\$ 32,730.00
18" RCP	lf	2,147	\$ 78.63	\$ 168,818.61
5' Type R Inlet	ea	1	\$ 7,716.57	\$ 7,716.57
10' Type R Inlet	ea	3	\$ 8,723.97	\$ 26,171.91
15' Type R Inlet	ea	1	\$ 11,958.32	\$ 11,958.32
20' Type R Inlet	ea	2	\$ 15,923.68	\$ 31,847.36
Outlet Structure Pond E2	ea	2	\$ 16,114.11	\$ 32,228.22
5' MH	ea	9	\$ 4,229.14	\$ 38,062.26
6' MH	ea	1	\$ 5,969.13	\$ 5,969.13
8' MH	ea	1	\$ 11,580.54	\$ 11,580.54
Soiled Rip Rap Type L	ton	210	\$ 64.63	\$ 13,572.30
STORM SEWER SYSTEM TOTAL				\$ 422,255.07
CONCRETE				
30" Vertical C&G	lf	1,339	\$ 19.74	\$ 26,431.86
Mountable Curbwalk	lf	11,633	\$ 45.12	\$ 524,880.96
5' Detached Walk	lf	1,320	\$ 30.46	\$ 40,207.20
8' Walk (tract)	lf	2,790	\$ 44.56	\$ 124,322.40
ADA Ramps	ea	38	\$ 2,181.76	\$ 82,906.88
Crosspans	sf	3,220	\$ 10.15	\$ 32,683.00
Flatwork Park 6" Thick	sf	1,360	\$ 6.37	\$ 8,663.20
Subgrade Prep	sf	41,580	\$ 1.41	\$ 58,627.80
CONCRETE TOTAL				\$ 898,723.30
STREETS				
4.5"HBP over 10" ABC	sy	7,350	\$ 33.78	\$ 248,283.00
4" HBP over 10" ABC	sy	18,412	\$ 26.62	\$ 490,127.44
Finegrade	sy	25,762	\$ 3.38	\$ 87,075.56
Adjust Manholes	ea	37	\$ 733.19	\$ 27,128.03

Adjust Valves	ea	29	\$ 282.00	\$ 8,178.00
STREETS TOTAL				\$ 860,792.03
SIGNS				
Type 3 Barricade	ea	3	\$ 1,917.58	\$ 5,752.74
W16-17p Ped Arrow Sign	ea	14	\$ 310.20	\$ 4,342.80
Cross Walk Thermoplastic	lf	1,560	\$ 13.54	\$ 21,122.40
4" Double Yellow	lf	2,000	\$ 0.85	\$ 1,700.00
8" Channel	lf	215	\$ 0.90	\$ 193.50
SIGNS				\$ 33,111.44
MISCELLANEOUS				
Street and Park Landscape & Irrigation	ls	1	\$1,080,000.00	\$ 1,080,000.00
Electric (incl. Street lights), CATV, Telephone Service	ls	1	\$271,000.00	\$ 271,000.00
Natural Gas Service	ls	1	\$231,000.00	\$ 231,000.00
MISCELLANEOUS TOTAL				\$ 1,582,000.00
HIDDEN CREEK PHASE 3 ON SITE TOTAL				\$ 5,754,441.46

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 22-R-04**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO
AUTHORIZING THE MAYOR TO EXECUTE THE SECOND
AMENDMENT TO THE HIDDEN CREEK MEMORANDUM OF
AGREEMENT FOR PUBLIC IMPROVEMENTS**

WHEREAS, the Town and the previous developer, Hidden Creek Development, LLC, executed a Memorandum of Agreement for Public Improvements dated August 30, 2012; and

WHEREAS, LGI Homes – Colorado, LLC, acquired the title and development obligations set forth in the Memorandum of Agreement for Public Improvements from Hidden Creek Development, LLC, on October 31, 2019; and

WHEREAS, LGI Homes – Colorado, LLC, and the Town entered into a First Amendment to the Memorandum of Agreement for Public Improvements on December 17, 2019; and

WHEREAS, in preparation for construction of Phases 2 and 3 of the Hidden Creek subdivision, LGI Homes – Colorado, LLC, is required to update Exhibits A and B of the MOAPI for the purpose of satisfying Section 1.12 - Financing and Improvement Guarantees, which necessitates a second amendment to the MOAPI, which is acceptable to the Town.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Frederick, Colorado, that:

Section 1. The attached Second Amendment to the Memorandum of Agreement for Public Improvements is approved and the Mayor is authorized to execute the same.

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

Section 3. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 25TH DAY OF
JANUARY, 2022.**

ATTEST:

By _____
Meghan C. Martinez, MMC, Town Clerk

TOWN OF FREDERICK

By _____
Tracie Crites, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Dan March, Mayor Pro Tem
Mark Lamach, Trustee
Adam Mahan, Trustee

Tracie Crites, Mayor

Rusty O'Neal, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

Carbon Valley Emergency Management Agency IGA Amendment

Agenda Date: Town Board Meeting - January 25, 2022

Attachments:

- a. Carbon Valley EMA IGA (FFFPD Signed)
- b. Signature Page

Finance Review:

Finance Director

Submitted by:

Justin Glantz_____
Police Commander

Approved for Presentation:


Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

Amendment to the previously approved Carbon Valley Emergency Management Agency Intergovernmental Agreement that originated in September of 2018. The amendment removes the Mountain View Fire Department as a participating jurisdiction within the Carbon Valley Emergency Management Agency.

Detail of Issue/Request:

In 2021, in compliance with Section 6 of the original agreement, Mountain View Fire Protection District provided written documentation and elected not to continue its participation with the Carbon Valley Emergency Management Agency. In doing so, this decreased the total number of cost sharing jurisdictions from five agencies down to four. Staff was made aware of this in early 2021 and planned for the increase in the 2022 budget. The total cost for 2022, with all participating agencies paying an equal amount, is \$33,000, which is an increase of \$5,578 from 2021.

The decision by the Mountain View Fire Department to remove themselves from the IGA was due to a recent merger that greatly increased the overall size of their district. In doing so, Mountain View Fire Department will be establishing their own Emergency Management section within their department.

Legal Comments:

The Town of Frederick Attorney has reviewed and approved the amended IGA.

Alternatives/Options:

The board may choose not to approve the IGA. However, this is an amended resolution from the original agreement established on September 10, 2018. The structure of the resolution hasn't changed other than the removal of Mountain View Fire Protection District and the slight increase in yearly funding.

If the board doesn't approve of the amended IGA, the Town of Frederick would need to explore other options to fulfill any future emergency management obligations.

Financial Considerations:

The Town of Frederick will incur a cost increase as this increase was approved as part of the overall 2022 budget. The Police Department will plan accordingly in the future and all involved jurisdictions will continue to pay an equal amount each year.

Staff Recommendation:

Staff recommends approval of the amended IGA.

**AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT FOR
ESTABLISHMENT OF AN EMERGENCY MANAGEMENT SERVICE AREA, AN
EMERGENCY MANAGEMENT COORDINATOR, AND FOR SHARING
ASSOCIATED COSTS**

THIS AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT (“Agreement”), effective the 1st day of January 2022 (“Effective Date”), is made and entered into by and among the City of Dacono (“Dacono”), Town of Firestone (“Firestone”), Town of Frederick (“Frederick”), and Frederick-Firestone Fire Protection District (“FFFPD”) (each individually referred to as a “Party” and jointly referred to as the “Parties”).

WHEREAS, pursuant to C.R.S. § 24-33.5-707(1), each political subdivision of the state shall be within the jurisdiction of, and served by, a local or interjurisdictional agency responsible for disaster preparedness and coordination of response; and

WHEREAS, Dacono, Firestone, Frederick, FFFPD, and the Mountain View Fire Protection District (“MVFPD”) are parties to that certain Intergovernmental Agreement, dated September 10, 2018 (the “Original Agreement”), which Original Agreement established an Emergency Management Service Area, an Emergency Management Coordinator position hired by FFFPD, and provided for the sharing of associated costs among the Parties; and

WHEREAS, MVFPD has provided the Parties with written notice, pursuant to and in compliance with Section 6 of the Original Agreement, that MVFPD has elected not to continue its participation in the Original Agreement, effective December 31, 2021; and

WHEREAS, Dacono, Firestone, Frederick, and FFFPD desire to enter into this Amended and Restated Agreement to reflect MVFPD’s nonparticipation; and

WHEREAS, the Parties agree that it is in their best interests, and will promote the public safety and welfare of the current and future residents and property owners within their mutual boundaries, to provide for FFFPD to serve as the local agency responsible for disaster preparedness and coordination of response within the Service Area (defined below); and

WHEREAS, the Parties desire that FFFPD hire an Emergency Management Coordinator to ensure the Parties’ compliance with state and federal laws regarding disaster preparedness and coordination of response, including the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, and to have all the powers and duties set forth herein; and

WHEREAS, the Parties further desire to set forth their agreement as to the sharing of costs in connection with disaster preparedness and coordination of response; and

WHEREAS, the Parties further desire that the terms and conditions of this Amended and Restated Agreement shall supersede and replace the terms and conditions of the Original Agreement; and

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to C.R.S. § 29-1-201, *et seq.*

NOW, THEREFORE, the Parties covenant and agree as follows:

1. **Service Area.** There is hereby established the *Carbon Valley Emergency Management Service Area* (the “Service Area”). The Service Area shall include each of the municipal Parties’ corporate boundaries, including any properties later annexed, and the jurisdictional boundaries of FFFPD, including any properties later included into FFFPD, and excluding any properties later excluded from FFFPD’s jurisdiction, except that the Service Area shall not include any unincorporated county land. The Service Area also shall not include the municipal boundaries of the Towns of Erie and Mead.
2. **Hiring of Emergency Management Coordinator.** The Advisory Board (defined in Section 3, below) shall develop a job description (“Job Description”) for an Emergency Management Coordinator (“EMC”), who shall be responsible for coordinating with the Advisory Board on matters concerning disaster preparedness and emergency response with respect to the Service Area. After the Job Description has been finalized by the Advisory Board, and approved by FFFPD’s Board of Directors, FFFPD shall advertise and hire for the position of EMC, who shall have all the powers and perform all the duties of such position as set forth in the Job Description. The EMC’s salary shall be as set forth in the Job Description, and shall be paid by FFFPD, subject to partial reimbursement by the other Parties as provided in Section 4. The EMC shall be an employee of FFFPD, and shall be subject to all FFFPD’s rules, policies and procedures.
3. **Advisory Board.** There is hereby established the Carbon Valley Emergency Management Advisory Board consisting of the Police Chief of the City of Dacono, the Police Chief of the Town of Firestone, the Police Chief of the Town of Frederick, and the Fire Chief of FFFPD (collectively, the “Advisory Board”, and each a “Party Representative”). The Advisory Board shall provide input and feedback to the EMC on matters concerning disaster preparedness and coordination of response; provided that, the Advisory Board shall not oversee the actual work or instruct the EMC as to how the EMC’s job will be performed. The Advisory Board may meet periodically upon request of the FFFPD Fire Chief or otherwise to provide input and feedback on the EMC’s job performance, evaluations, compensation and/or Job Description changes.
4. **Cost Sharing, Non-Appropriation.** Each of the Parties shall contribute equally to the EMC’s compensation, benefits, and other costs incidental to the EMC’s employment (“Contribution”). FFFPD shall invoice each Party the first quarter of each calendar year for the Party’s Contribution. Such invoices shall be paid within thirty (30) days of receipt thereof. Any invoices not paid within thirty (30) days shall accrue interest at the rate of 8% per annum until paid in full. The foregoing notwithstanding, all financial obligations of the Parties under this Agreement are contingent on funds being budgeted, appropriated, or otherwise made available by the governing body of the respective Party. In the event of a non-appropriation by the governing body of a Party, such Party’s participation in this Agreement shall terminate at the end of the then-current fiscal year, and the remaining Parties’ Contributions will be increased in

proportion to the total number of Parties to the Agreement, such that each remaining Party bears an equal share of the costs; except that, this Agreement shall terminate at the end of the then-current fiscal year in the event of a non-appropriation by the FFFPD Board of Directors. Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of any of the Parties within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. In the event of a Party's non-appropriation, that Party shall only be financial liable for Contributions for which it has previously appropriated funds.

5. **Additional Parties.** Other municipalities and fire protection districts may become a party to this Agreement by written amendment signed by all of the then-Parties; provided that, the governing body of the joining party must first adopt the Plan (defined in Section 9, below). Upon the joining of an additional party(ies), each Party's Contribution shall be reduced in proportion to the total number of parties to the Agreement, such that each Party, including the joining Party(ies), bears an equal share of the Contribution. Each joining Party shall have a Party Representative on the Advisory Board; provided that, such Party Representative shall be either a fire or police chief.

6. **Term.** This Agreement shall commence on the Effective Date and shall continue until December 31, 2022. Thereafter, the Agreement shall automatically renew for up to ten (10) successive one-year terms; provided, however, that a Party may elect not to renew its participation in the Agreement by providing written notice of withdrawal to each of the other Parties, through each respective Party Representative, at least 180 days in advance of the end of the then-current term. Upon withdrawal by any Party in accordance with this Section, the remaining Parties' Contributions will be increased in proportion to the total number of remaining Parties to the Agreement, such that each Party bears an equal share of the costs; except that, this Agreement shall immediately terminate without further notice upon withdrawal by FFFPD. In addition, this Agreement shall terminate as to a Party in the event of non-appropriation by that Party pursuant to Section 4, above.

7. **Advisory Board Input.** The Parties agree that the development and implementation of any policies by the EMC or the FFFPD Board regarding disaster preparedness and emergency response shall be undertaken with input from the Advisory Board.

8. **Contracts.** FFFPD agrees that each Party shall be given the opportunity, through notice to each Party Representative, to join any contract proposed for adoption by the FFFPD Board regarding coordinated disaster preparedness and emergency response within the Service Area or any portion thereof.

9. **Emergency Management Plan.** One of the EMC's job duties will be to maintain the Carbon Valley Emergency Operations Plan (the "Plan") in accordance with federal and state requirements. It is the intent of the Parties that the Plan be adopted by the governing body of each Party to this Agreement. If the governing body of a Party, or any joining Party, has not yet adopted the Plan, the Party may do so by reference to the Plan as adopted by FFFPD in accordance with applicable state law. The Plan may be amended if approved by a majority of the members of the Advisory Board. Each Plan amendment shall be adopted by the FFFPD Board,

and then adopted by reference to the Plan as amended and adopted by FFFPD by the governing bodies of the other Parties in accordance with applicable state law.

10. **Employee Liability.** Nothing in this Agreement is intended to or shall be construed to create an employer-employee relationship between the EMC and any of the Parties except FFFPD. Any employment liability arising out of or connected with FFFPD's employment of the EMC, including, without limitation, liability for workers' compensation benefits, unemployment benefits, or failure to withhold state or federal income taxes, shall be borne solely by FFFPD.

11. **Records.** FFFPD shall maintain in its records system, in accordance with FFFPD's applicable records retention policies, records created in whole or in part by the EMC relating to emergency management, disaster preparedness and coordination of response ("EMC Records"). EMC Records does not include any personnel records related to FFFPD's employment of the EMC, except to the extent such records would otherwise constitute public records under the Colorado Open Records Act, CRS 24-72-200.1, *et. seq.* For so long as it is a party to this Agreement, a Party shall have reasonable access to the EMC Records during normal business hours, which access shall be granted by FFFPD at no charge. A former Party to this Agreement shall be entitled to EMC Records in accordance with the Colorado Open Records Act.

12. **Training Provided by EMC.** One of the EMC's job duties, as set forth in the Job Description, is to conduct emergency management training and education programs for employees of the Parties. The members of the Advisory Board and the EMC shall coordinate to schedule such programs.

13. **Confidentiality.** Each Party acknowledges and agrees that during the term of this Agreement it may be furnished with or otherwise have access to confidential information of another Party. The Party that has received confidential information (the "Receiving Party"), in fulfilling its obligations under this Section, shall exercise the same degree of care and protection with respect to the confidential information of the Party that has disclosed confidential information to the Receiving Party (the "Disclosing Party") that it exercises with respect to its own confidential information, but in no event shall the Receiving Party exercise less than a reasonable standard of care. The Receiving Party shall only use, access and disclose confidential information as necessary to fulfill its obligations or exercise its rights under this Agreement; except that, disclosure is permitted if the disclosure is required under the Colorado Open Records Act, or pursuant to a valid and effective subpoena or order issued by a court of law.

14. **Periodic Meetings.** The EMC and Advisory Board shall meet at the FFFPD Administration Building, located at 8426 Kosmerl Place, Frederick, CO, or at another location agreed to by the Party Representatives, on a periodic or as needed basis. At each meeting, the EMC shall update the Advisory Board on disaster preparedness and coordination of response efforts in the previous quarter, and expectations for disaster preparedness and coordination of response efforts in the upcoming quarter.

15. **Services Specifically Not Included.** Nothing in this Agreement shall obligate any Party to dispatch personnel, equipment, or other assistance, or otherwise respond to an emergency or disaster situation within the Service Area. The respective interjurisdictional incident response

obligations of the Parties, if any, are as set forth in the various mutual aid agreements between or among the Parties.

16. **Third-Party Liability.** The EMC will be an employee of FFFPD and answer to the FFFPD Fire Chief. As such, Dacono, Firestone, and Frederick (and any joining parties) will have no direct control or supervision over the day-to-day operations or performance of the EMC's powers and duties. Dacono, Firestone, and Frederick (and any joining parties) shall not be responsible for any liability for any injury, loss, or damage caused by the negligent act, omission, or other fault of the EMC or FFFPD. FFFPD's obligation under this Section shall not be construed to extend to any injury, loss, or damage which is caused by the negligent act, omission, or other fault of any Party other than FFFPD.

17. **Governmental Immunity.** The Parties are "public entities" within the meaning of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended (the "Act"), and the Parties understand and agree that each of the Parties is relying on and does not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Act, or otherwise available to the Parties, their officers, or their employees.

18. **Entire Agreement; Amendment.** This Agreement represents the entire Agreement among the Parties and there are no oral or collateral agreements or understandings. This Agreement shall supersede and replace that certain Intergovernmental Agreement, dated September 10, 2018, by and among the Parties and MVFPD. This Agreement may be amended by the Parties at any time during its term, provided that any such amendment is agreed to in writing and signed by the representatives of the Parties executing this Agreement as set forth in the signature portion below. Course of performance, no matter how long, shall not constitute an amendment to this Agreement.

19. **Severability.** Should any provision of this Agreement be held invalid or unenforceable, then the remaining provisions shall remain in full force and effect as though the invalid provision were not included; provided, however, that should the invalidity or unenforceability go to the essence of the Agreement, then any Party that would have received the benefit of the invalid or unenforceable provision shall have the option to terminate this Agreement.

20. **Governing Law and Venue.** This Agreement shall be deemed entered into in Weld County, Colorado, and shall be governed by and interpreted under the laws of the State of Colorado. Any action arising out of, in connection with, or relating to this Agreement shall be filed in the District Court of Weld County of the State of Colorado, and in no other court.

21. **No Third-Party Beneficiaries.** It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person or entity not included in this Agreement. It is the express intention of the Parties that any entity other than the Parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.

22. **Assignment.** No Party shall assign or delegate this Agreement or any portion thereof, or any monies due or that become due hereunder without the express written consent of each of the other then-Parties to this Agreement. Any assignment or delegation in violation of this Section shall be void.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first written above.

[Signatures on following pages]

CITY OF DAcono, COLORADO

By: _____
Adam Morehead, Mayor

ATTEST:

Valerie Taylor, City Clerk

TOWN OF FIRESTONE, COLORADO

By: _____
Bobbi Sindelar, Mayor

ATTEST:

Jessica Koenig, CMC, Town Clerk

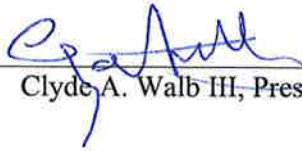
TOWN OF FREDERICK, COLORADO

By: _____
Tracie Crites, Mayor

ATTEST:

Meghan C. Martinez, CMC, Town Clerk

FREDERICK-FIRESTONE FIRE PROTECTION
DISTRICT

By: 
Clyde A. Walb III, President

ATTEST:


Christopher R. Vigil, Secretary



**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 22-R-05**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO
APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR
EMERGENCY MANAGEMENT**

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, pursuant to Colorado statute, is vested with the authority of administering the affairs of Frederick, Colorado; and,

WHEREAS, the Board has been presented with an Amended and Restated Intergovernmental Agreement between the Frederick Firestone Fire Protection District, Town of Firestone and City of Dacono for the shared responsibility for emergency management in the area; and,

WHEREAS, the Town of Frederick has previously participated in previous agreements for emergency management but one of the former participants has determined not to continue participation which requires a new agreement to be reached; and,

WHEREAS, continued coordinated emergency management services will provide important services to all of the involved entities and the Carbon Valley region.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Frederick, Colorado:

- 1) The AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT FOR ESTABLISHMENT OF AN EMERGENCY MANAGEMENT SERVICE AREA, AN EMERGENCY MANAGEMENT COORDINATOR, AND FOR SHARING ASSOCIATED COSTS attached hereto as Exhibit A is hereby approved.
- 2) The Mayor is authorized to execute the agreement.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 25th DAY OF JANUARY, 2022.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, MMC, Town Clerk

By _____
Tracie Crites, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Dan March, Mayor Pro Tem
Mark Lamach, Trustee
Adam Mahan, Trustee

Tracie Crites, Mayor

Rusty O'Neal, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

Consideration to Limit the Weight Given to the Comprehensive Plan in Land Use Decision-Making

Agenda Date: Town Board Meeting - January 25, 2022

Attachments:

- a. Planning Commission Minutes
- b. PCR-2022-04A
- c. Ordinance

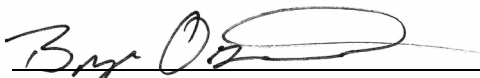
Finance Review:

Finance Director

Submitted by:

Ali van Deutekom
Senior Planner

Approved for Presentation:


Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Summary Statement:

This is a request to consider emergency amendments to the Land Use Code to limit the weight given to the comprehensive plan in land use decision-making after it has been in effect without comprehensive review and update or re-approval for a period of 5 years or more, and to remove consideration of the Comprehensive Plan from certain decision-making procedures in which compliance with the land development code without further reference to the comprehensive plan provides an appropriate standard.

Detail of Issue/Request:

Background Information:

Built on What Matters.

A comprehensive plan sets forth goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within a community. Best practices in comprehensive planning suggest comprehensive plans should be updated at minimum, every ten years. In the case of a rapidly growing community, updates may need to take place every five years. The Board of Trustees has recognized that our current comprehensive plan, which was adopted on March 15, 2016, has not been reviewed and updated since its adoption. Thus, many of the policy provisions may be out of date and contrary to the Town's interests. The Board of Trustees has allocated resources for an update to the comprehensive plan in 2022. Until the update is complete, the Board is requesting the emphasis on compliance with the comprehensive plan be amended to reduce its weight in land use decision-making.

This ordinance should be applied prospectively. All applications that were filed with the Town prior to the effective date of this ordinance shall not be affected by the amendments enacted by this ordinance.

Request:

Please see the attached ordinance for the specific code amendment language.

Review Criteria:

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendments will satisfy criteria number 3. These amendments allow time to update the comprehensive plan to align with current policies and interests of the Town.

Public Notice: This project was properly noticed according to the requirements found in C.R.S. §24-6-402(2)(c).

Legal Comments:

The application has been reviewed by the Town's Land Use Attorney, whose comments have been incorporated accordingly.

Planning Commission:

A Planning Commission meeting was held on January 20, 2022. The Planning Commission recommended approval by approving PCR-2022-04A. motion passed with the vote of 5-0.

Alternatives/Options:

The Board of Trustees may enact the request, decline to enact the request, or amend the request.

Ordinance No. 1371

Enact:

I move that Ordinance No. 1371 be approved.

Amendments:

I move that the following language be (added to / removed from) from Ordinance No. 1371.

Decline to Enact:

I move that Ordinance No. 1371 not be approved at this time.

Note: a failed motion to enact has the same effect.

Financial Considerations:

Not Applicable.



401 Locust Street • P.O. Box 435 • Frederick, CO 80530-0435

Phone: (720) 382-5500 • Fax: (720) 382-5520

www.frederickco.gov

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
MEETING CONDUCTED IN PERSON AND VIA ZOOM
JANUARY 20, 2022
6:00 PM

CALL TO ORDER: At 6:05 p.m. Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, Vice Chair TeVelde, Commissioner Conroy, and Commissioner Scott.
 - Commissioner Stark joined the meeting at 6:11 P.M.
- Staff: Planner Ali van Deutekom, Planner Maureen Welsh, and Deputy Town Clerk Taylor Kittilson.

APPROVAL OF AGENDA: There were no changes to the agenda as presented.

APPROVAL OF DECEMBER 16, 2021 MINUTES: Motion by Commissioner Conroy and seconded by Vice Chair TeVelde to approve the December 16, 2021 Minutes. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF 3 MILE PLAN:

Planner Ali van Deutekom presented the proposed plan.

At 6:11 Chairperson Moe opened the public hearing.

At 6:12 Chairperson Moe closed the public hearing.

Motioned by Commissioner Scott and seconded by Vice Chair TeVelde to approve PCR-2022-01A. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF BEAR INDUSTRIAL REPLAT 1 BLOCK 2 LOT 2 CONDITIONAL USE FOR CRUISE AMAERICA:

Planner Maureen Welsh presented the proposed conditional use.

The applicant, Callan Miller (5660 Iris Parkway, Frederick, CO, 80504) was present and addressed the commission.

At 6:26 Chairperson Moe opened the public hearing.

At 6:27 Chairperson Moe closed the public hearing.

Built on What Matters.

Motioned by Vice Chair TeVelde and seconded by Commissioner Stark to approve PCR-2022-02A. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF AN EMERGENCY ORDINANCE RELATED TO THE COMPREHENSIVE PLAN:

Planner Ali van Deutekom presented the proposed ordinance.

The applicant, Christine Francescani (1801 California Street, Suite 2600, Denver, CO 80202) was present and addressed the commission with a short presentation.

Motioned Commissioner Conroy and seconded by Commissioner Stark to approve PCR-2022-04A. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF CLEARVIEW VILLAGES:

Planner Ali van Deutekom presented the proposed.

Planner Ali van Deutekom read a letter of opposition that was received from a neighbor.

The applicant, Jennifer Carpenter with LAI Design Group (88 Inverness Circle E, Building J, Suite 101, Englewood, CO) was present and addressed the commission with a short presentation.

The developer, Louis Conrad (9075 Gaylord Street, Houston, TX, 77024) was present and addressed the commission.

Motioned by Commissioner Conroy and seconded by Vice Chair TeVelde to approve PCR-2022-03A. Upon roll call vote, motion passed unanimously.

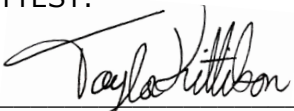
OTHER BUSINESS:

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 7:18 PM.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:



Taylor Kittilson, Deputy Town Clerk

**A Resolution of the Planning Commission Recommending Approval of
Amendments to the Town of Frederick Land Use Code Articles 1, 2, 4, 8 and 12**

Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

1.1 Amendments to Land Use Code Sections 1, 2, 4, 8 and 12 to limit the weight given to the comprehensive plan in land use decision making.

1.2 Said amendments generally conform with the applicable requirements of Section 4.7.9.b. of the Frederick Land Use Code.

Section 2. This resolution constitutes the written report, findings and decision of the Town of Frederick Planning Commission.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends approval of the application.

This resolution approved this 20th day of January, 2022, by a vote of 5 to 0.



Tracy Moe, Chairman, Planning Commission

TOWN OF FREDERICK, COLORADO

ORDINANCE NO. 1371

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING ARTICLES 1, 2, 4, 8, AND 12 OF THE FREDERICK LAND USE CODE, SPECIFICALLY SECTIONS 1.9, 1.15, 2.4, 2.11, 4.1, 4.2, 4.7, 4.9, 4.11, 8.12, 12.6, AND 12.10, TO LIMIT THE WEIGHT GIVEN TO THE COMPREHENSIVE PLAN IN LAND USE DECISION-MAKING AFTER IT HAS BEEN IN EFFECT WITHOUT COMPREHENSIVE REVIEW AND UPDATE OR RE-APPROVAL FOR A PERIOD OF FIVE YEARS OR MORE, AND TO REMOVE CONSIDERATION OF THE COMPREHENSIVE PLAN FROM CERTAIN DECISION-MAKING PROCEDURES IN WHICH COMPLIANCE WITH THE LAND DEVELOPMENT CODE WITHOUT FURTHER REFERENCE TO THE COMPREHENSIVE PLAN PROVIDES AN APPROPRIATE STANDARD.

WHEREAS, the Board of Trustees of the Town of Frederick (“Board”) finds that more than five years have elapsed since the current Town of Frederick Comprehensive Plan has been comprehensively reviewed and updated, and therefore its policy provisions may be out-of-date; and

WHEREAS, the Board has allocated resources for an update to the Comprehensive Plan, to commence in 2022; and

WHEREAS, the Board seeks to update the Land Use Code to reflect that: (1) Comprehensive Plans that have not been comprehensively reviewed and updated for a period of more than five years will not be relied upon for certain land use decisions, in order to avoid the application of outmoded policies that may be contrary to the Town’s interests; and (2) in some cases, compliance with the Comprehensive Plan is not an appropriate standard for development review in any event; and

WHEREAS, the Board intends that this Ordinance be applied prospectively, such that applications that were filed with the Town prior to the effective date hereof shall not be affected by the amendments enacted by this Ordinance.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO, AS FOLLOWS:

Section 1. Section 1.9, Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

It is the intent (but not the obligation) of the Town that a Comprehensive Plan Update occur at intervals of not more than five years. When more than five years elapses between Comprehensive Plan Updates, it is the policy of the Town that the plan shall be given less weight in certain land use decisions (as specifically provided in this Code) until the next Comprehensive Plan Update occurs.

1. Requirement for Comprehensive Plan amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan Map, Transportation Plan Map or Parks and Open Space Map in the Comprehensive Plan.

2. Criteria for evaluating amendment proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in Article 4 of the Land Use Code.

Section 2. Section 1.15, Town of Frederick Land Use Code, is amended to add the following definition after the definition of the phrase “Comprehensive Plan” (double underline is added text):

Comprehensive Plan Update means an update to or replacement of the Comprehensive Plan that is adopted by the Planning Commission and approved by the Board. The phrase Comprehensive Plan Update also includes ratification of an existing Comprehensive Plan by resolution of the Board after a review of the plan in its entirety.

Section 3. Section 2.4., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

2. *General provisions.*

a. The Town has established a Comprehensive Plan and adopted a cooperative planning area policy by Ordinance 571, Uniform Baseline Standards for Weld County, Firestone, Frederick and Dacono, dated September 7, 1998. The purpose of these documents is to direct growth within the established planning area. No development shall be approved unless, in addition to the other applicable standards of this Code, it is located within the established planning area and is consistent with the Town of Frederick Comprehensive Plan Land Use Map, adopted April 20, 2006, as amended from time to time.

* * *

Section 4. Section 2.11., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

*5. Types of parks and open space by use and zoning district. * * **

* * *

*c. Neighborhood parks. * * **

* * *

(3) Developers providing land shall submit a conceptual design for the park to demonstrate that it meets the intent of Article 2, Community Design Principles and Development Standards, and applicable Town plans regarding parks, open space, and trails~~the Frederick Comprehensive Plan~~ at preliminary plat and a final design at final plat.

Section 5. Section 4.1., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

3. These Regulations in conjunction with the Zoning Code, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan (as provided herein) and with adopted regulations, policies, and other guidelines.

Section 6. Section 4.2., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:

1. Encouraging new subdivision developments to relate to the Town's historic development pattern.
2. Promoting compact, well-defined, sustainable neighborhoods that enhance the Town's character.
3. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
4. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring that streets facilitate safe, efficient and pleasant walking, biking and driving.
5. Providing a variety of lot sizes and housing types in every neighborhood.

6. Protecting sensitive natural and historic areas and the Town's environmental quality.
7. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and for the avoidance of congestion of population.
8. Providing open spaces for adequate storm water management.
9. Providing adequate spaces for educational facilities.
10. Providing protection from geologic hazards and flood prone areas.
11. Ensuring compliance with this Code, ~~the Comprehensive Plan, and the~~ Community Design Principles and Development Standards (Article 2 of this Code), and consistency with the Comprehensive Plan to the extent such consistency is provided for herein.
12. Regulating such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public.

Section 7. Section 4.7.2., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

d. *Review Criteria.* For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

- (1) To correct a manifest error in an ordinance establishing the zoning for a specific property;
- (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;
- (3) ~~The land to be rezoned was zoned in error and as presently zoned is inconsistent with~~ To bring the official zoning map into conformity with the policies and goals of the Comprehensive Plan, provided that if a Comprehensive Plan Update has not occurred in the five years preceding the application date, the Board specifically finds that the public health, safety, and welfare will be advanced by amending the official zoning map to conform to the Comprehensive Plan;
- (4) ~~The proposed rezoning is necessary to~~ To provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and which specifically advances public health, safety, or welfare by optimizing the delivery of necessary services or amenities that the Town Board determines are a high priority~~the rezoning will be consistent with the policies and goals of the Comprehensive Plan;~~

~~(5) To encourage development or redevelopment of an area that has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment in accordance with an amended official zoning map; The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or~~

~~(6) A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.~~

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

* * *

Section 8. Section 4.7.3., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

c. *Sketch plan review criteria.* The Town shall use the following criteria to evaluate the applicant's sketch plan application:

(1) The land use mix within the project conforms to the Town's Zoning District Map and ~~Comprehensive Land Use Map and~~ further the following planning objectives; goals and policies of the Comprehensive Plan, including:

(a) The proposed development promotes the Town's small-town, rural character, or implements a Board-approved sub-area, corridor, or urban renewal plan, however titled;

(b) Proposed residential development adds diversity to the Town's housing supply;

(c) Proposed commercial development will benefit the Town's economic base;

(d) Parks and open space are incorporated into the site design, as appropriate to the proposed principal use or uses of the land;

(e) The proposed project protects the Town's environmental quality; and

(f) The development enhances cultural, historical, educational and/or human service opportunities.

(2) The sketch plan represents a functional system of land use and is consistent with the ~~rational and~~ criteria set forth in this Code ~~and the Comprehensive Plan.~~

(3) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(5) There is a need or desirability within the community for the applicant's development, and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.

* * *

Section 9. Section 4.7.4., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

b. *Preliminary plat review criteria.* The Town shall use the following criteria to evaluate the applicant's request:

(1) The preliminary plat ~~represents~~provides for a functional system of land use and is consistent with the ~~rationale and~~ criteria set forth in this Code ~~and the Comprehensive Plan.~~

(2) The application is consistent with the approved sketch plan and incorporates the Planning Commission's recommendations and conditions of approval.

(3) The land use mix within the project conforms to the Town's Zoning District Map ~~and Comprehensive Land Use Map~~ and furthers the following planning objectives: goals and policies of the Comprehensive Plan, including:

(a) The proposed development promotes the Town's small-town, rural character, or implements a Board-approved sub-area, corridor, or urban renewal plan, however titled;

(b) Proposed residential development adds diversity to the Town's housing supply;

(c) Proposed commercial development will benefit the Town's economic base;

(d) Parks and open space are incorporated into the site design, as appropriate to the proposed principal use or uses of the land;

(e) The proposed project protects the Town's environmental quality; and

(f) The development enhances cultural, historical, educational and/or human service opportunities.

(4) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(5) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(6) There is a need or desirability within the community for the applicant's development, and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.

* * *

Section 10. Section 4.7.5., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

e. *Preliminary development plan review criteria.* The following review criteria will be used to evaluate a preliminary development plan application.

(1) The proposed benefits offset the proposed exceptions to the Zoning and Subdivision standards, and that such exceptions are in the best interest of the public health, safety, and welfare of the community.

(2) The proposed development plan does not conflict with the restrictions on development plans, and the proposed zoning is compatible with the surrounding land uses.

(3) The development plan proposes creative and innovative design and high quality development, thereby protecting and promoting public safety, convenience, health, and general welfare.

(4) The uses and densities in the proposed development plan are compatible, and will be effectively integrated with adjacent neighborhoods which now exist or are proposed in the future.

(5) The proposed development plan is in general conformance with the Comprehensive Plan

~~(6) One (1) or more of the criteria for amendment of the official zoning map has been satisfied (See Section 4.7.2).~~

* * *

Section 11. Section 4.7.7., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

7. *Appeals and Variances.*

a. *Purpose.* The Board of Trustees, sitting as a Board of Adjustment, shall hear and decide appeals from any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Code. In addition, the Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Code. Such variance shall not be granted if it would be

detrimental to the public good, ~~create a conflict with the Comprehensive Plan~~ or impair the intent and purpose of this Code.

* * *

c. *Variance application.* Any person of interest or an officer or department of the Town may apply to the Board for a variance from the literal interpretation of the provisions this Code.

(1) Variances requests in conjunction with other applications. In addition to the submittal requirements found in Appendix A, the Applicant shall submit the following to the Planning Department in conjunction with the other application:

(a) Explanation letter, identifying the variance being requested.

(b) A citation of the portion of this Code from which relief is requested and explaining what exceptional condition, practical difficulty or unnecessary hardship exists to require the variance.

(c) A letter addressing how the variance, if granted, will not be detrimental to the public good, ~~create a conflict with the Comprehensive Plan~~ or impair the intent and purpose of this Code.

(2) Stand-alone variance requests. If the variance request is not accompanying another application which graphically depicts the variance, the applicant shall submit the following to the Planning Department in addition to the requirements found in Appendix A:

(a) Explanation letter addressing how the variance, if granted, will not be detrimental to the public good, ~~create a conflict with the Comprehensive Plan~~ or impair the intent and purpose of this Code.

* * *

d. *Appeal criteria for approval.* The Board, in hearing an appeal from an interpretation of this Code, shall consider:

(1) The technical meaning of the provision being appealed;

(2) Evidence of the manner in which the provision has been interpreted in the past;

(3) The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and

(4) The intent of the provision in implementing the Comprehensive Plan, provided that if a Comprehensive Plan Update has not occurred in the five years preceding the application date, the Board may consider the level of benefit that will be created by granting the appeal against the level of risk to current Town planning priorities that the Board determines may be created by granting the appeal.

In approving a requested interpretation, the Board shall provide a written record of its findings, including determinations of current planning priorities pursuant to subsection 4.7.7.d.(4), above, if any, and the staff shall use it to propose amendments that address future interpretation problems.

* * *

Section 12. Section 4.7.8., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

8. *Waivers.*

a. *Purpose.* The Board of Trustees authorizes waivers from the Land Use Code as provided in this subsection 8. ~~in cases where, due to exceptional conditions peculiar to the site, practical difficulties or an unnecessary hardship is placed on the landowner. Such waiver shall not be granted if it would be detrimental to the public good, create a conflict with the Comprehensive Plan, or impair the intent and purpose of this Code.~~

b. *Waiver application; waiver requests in conjunction with other applications.* In addition to the requirements of Appendix A, the Applicant shall submit the following to the Planning Department in conjunction with another application:

(1) Explanation letter, identifying the waiver being requested and explaining what exceptional condition, practical difficulty or unnecessary hardship exists to require the waiver. The letter shall also address how the waiver, if granted, will not be detrimental to the public good, ~~create a conflict with the Comprehensive Plan~~ or impair the intent and purpose of this Code.

c. *Waiver criteria for approval.* The condition of any waiver authorized shall be stated in writing in the minutes of the Board of Trustees with the justifications set forth. Waivers may be granted only if ~~they meet the following criteria:~~ all of the following criteria are met:

(1) The waiver, if granted, will not be detrimental to the public good.

(2) Due to exceptional conditions peculiar to the site, practical difficulties or an unnecessary hardship is placed on the landowner, and such practical difficulties or unnecessary hardship has not been created by the applicant.

(3) The waiver, if granted, does not create a conflict with a Comprehensive Plan that has been the subject of a Comprehensive Plan Update within the five years preceding the application.

(4) The waiver, if granted, does not impair the intent and purpose of this Code.

~~(4)~~5) The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.

(26) The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question.

~~(3) Such practical difficulties or unnecessary hardship has not been created by the applicant.~~

* * *

Section 13. Section 4.9.4, Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

c. *Conditional use review criteria.* The Town shall use the following criteria to evaluate the Applicant's request:

(1) The conditional use will satisfy all applicable provisions of this Code and subdivision regulations unless a variance is being requested.

(2) The conditional use will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan, provided that if a Comprehensive Plan Update has not occurred in the five years preceding the application date, the Board may consider instead the impacts of the conditional use on public health, safety, and welfare, including but not limited to its anticipated impacts on the balance of land uses in the Town and the need for the conditional use in the context in which it is proposed.

(3) The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

(4) The conditional use will not substantially alter the basic character of the district in which it is located or jeopardize the development or redevelopment potential of the district.

(5) The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(6) Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

(a) Traffic;

(b) Activity levels;

- (c) Light;
 - (d) Noise;
 - (e) Odor;
 - (f) Building type, style and scale;
 - (g) Hours of operation;
 - (h) Dust; and
 - (i) Erosion control.
- (7) The applicant has submitted evidence that all applicable local, state, and federal permits have been or will be obtained.

* * *

Section 14. Section 4.11.4., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

d. *Review criteria.* The Planning Director may approve minor modifications only upon finding that:

- (1) The modification is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the Federal Fair Housing Amendments Act; or
- (2) The modification is necessary to eliminate a substantial burden on religious exercise as guaranteed by the federal RLUIPA of 2000; or
- (3) All of the following criteria have been met:
 - (a) The requested modification ~~is generally consistent with the Frederick Comprehensive Plan and~~ is consistent with the stated purposes of this Land Use Code;
 - (b) As applicable, the requested modification is consistent with the approved final plan or plat;
 - (c) The requested modification eliminates an unnecessary inconvenience or practical difficulty to the applicant and will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public;
 - (d) Any adverse impacts resulting from the minor modification will be mitigated to the maximum extent practical; and

(e) The requested minor modification is either:

- i) Of a technical nature and is required to compensate for some practical difficulty or unusual aspect of the site or the proposed development that is not shared by landowners in general; or
- ii) An alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard sought to be modified.

Practical difficulties. In determining practical difficulty, the Planning Director shall consider and apply the factors stated in Section 4.7.7.e of the Land Use Code (review criteria for variances).

Section 15. Section 4.11.6., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

6. Temporary use.

a. *General.* Operation or establishment of a temporary use or structure shall be conditioned upon full prior compliance with the provisions stated in this subsection.

b. *Review procedure.* All applications for temporary use shall follow the core procedure for review of administrative applications, stated in Section 4.10, except for the following modifications:

(1) *Permit required.* An approved temporary use shall be issued a Temporary Use Permit that shall include the duration of the approval and shall include or reference all conditions of approval.

(2) *Conditions of approval.* In approving a temporary use, the Planning Director may impose conditions including but not limited to control of nuisance factors (e.g., glare, noise, smoke, dust), provision of security and safety measures, and limitations on hours of operation, storage, and parking, provided such conditions are reasonably necessary to:

(a) Satisfy the review criteria of this subsection and the specific purposes of the zoning district in which the temporary use will be located, ~~or to be consistent with the Comprehensive Plan;~~

(b) Protect the public health, safety, and general welfare; or

(c) Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

* * *

d. *Review criteria.* An application for a temporary use or structure shall demonstrate compliance with the general standards stated in this subsection and all of the following criteria:

- (1) The proposed site for the temporary use or structure is adequate in size and shape to accommodate the temporary use.
- (2) The proposed temporary use will be located, operated, and maintained in a manner consistent with the ~~Comprehensive Plan and the~~ provisions of the Land Use Code.
- (3) The operation of the requested use at the proposed location and within the time period specified will not create adverse impacts on surrounding properties or neighborhoods.
- (4) To the maximum extent feasible, site design, including but not limited to location of parking, structures, and lighting, shall assure compatibility with surrounding uses.
- (5) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
- (6) The Applicant or operator shall be responsible for obtaining any other required permits, such as health department permits.
- (7) Permanent alterations to the site are prohibited.

Section 16. Section 8.12., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

* * *

2. Approval or denial of a Development Permit by the Town Engineer shall be based on all of the provisions of this Article and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

- h. The necessity to the facility of a waterfront location, where applicable; and
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
- ~~j. The relationship of the proposed use to the Comprehensive Plan for that area.~~

Section 17. Section 12.6., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

a. *Form of submitted materials.* The applicant shall submit the required information to the Town Clerk on paper and by electronic media as required. Accompanying the submission shall be a filing fee as established by the current fee schedule and a signed fee agreement form. The submission shall be reviewed by the Town staff for completeness and compliance with the provisions of ~~the Comprehensive Plan,~~ the Municipal Code and this Article. The applicant shall be notified of any deficiencies or inadequacies. An incomplete submission shall not be processed or be considered by the Planning Commission or Board of Trustees.

* * *

6. *Project summary.* Except for individual items as may be waived in whole or in part by the Town Clerk, the applicant shall submit a written project summary that completely addresses the following:

* * *

~~(k) Compliance with the Comprehensive Plan; and~~

(k4) Provide a chart titled "Comparison Analysis" on 8 1/2" x 11" paper comparing elements in the proposed MH Park development plan to the corresponding requirements for those elements in the then-current zone for the property as contained in this Code.

* * *

d. MH District review and approval criteria. In addition to the criteria set forth for zoning amendments (Section 3.11(d)), the following criteria shall be considered by the Planning Commission and Board of Trustees in the review of MH District zoning applications:

1. Whether the application is in compliance with the requirements of this Subsection;
2. Whether the proposed zoning is compatible with the surrounding land uses; and
3. Whether the subject land is suitable for the intended use and is compatible with the natural environment; and

~~4. Whether the MH district is compatible with the Comprehensive Plan and related plans and documents.~~

Section 18. Section 12.10., Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text, double underline is added text, * * * represents large blocks of text that are not changed by this Ordinance):

a. *Form of submitted materials.* The applicant shall submit the required information to the Town Clerk on paper and by electronic media as required. Accompanying the submission shall be a filing fee as established by the current fee schedule and a signed fee agreement form. The submission shall be reviewed by the Town staff for completeness and compliance with ~~the provisions of the Comprehensive Plan,~~ the Municipal Code and this Article. The applicant shall be notified of any deficiencies or inadequacies. An incomplete submission shall not be processed or considered by the Planning Commission or Board of Trustees.

* * *

d. *MFH District review and approval criteria.* In addition to the criteria set forth for zoning amendments (Section 3.11(d)), the following criteria shall be considered by the Planning Commission and Board of Trustees in the review of MFH District zoning applications:

1. Whether the application is in compliance with the requirements of this Subsection;
2. Whether the proposed zoning is compatible with the surrounding land uses; and
3. Whether the subject land is suitable for the intended use and is compatible with the natural environment; and

~~4. Whether the MFH District is compatible with the Comprehensive Plan and related plans and documents.~~

* * *

Section 19. Effective Date. This Ordinance shall become effective immediately.

Section 20. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 21. Necessity. The Board of Trustees of the Town of Frederick finds that this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Frederick.

Section 22. Certification. The Town Clerk shall certify to the passage of this ordinance to the Weld County Clerk and Recorder's office, and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ____
DAY OF _____, 2022.**

ATTEST:

TOWN OF FREDERICK

By _____
Meghan Martinez, MMC, Town Clerk

By _____
Tracie Crites, Mayor



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Dan March, Mayor Pro Tem
Mark Lamach, Trustee
Adam Mahan, Trustee

Tracie Crites, Mayor

Rusty O'Neal, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

Annual Perpetual Use Section 131 Contract for Colorado-Big Thompson Units

Agenda Date: Town Board Meeting - January 25, 2022

Attachments:

- a. Resolution 22-R-06
- b. Application to Northern Colorado Water Conservancy District for Annually Renewable Perpetual Water Contract for Right to Use Colorado-Big Thompson Project Water
- c. Application to Northern Colorado Water Conservancy District for Cancellation of Temporary Use Permit

Finance Review:

Finance Director

Submitted by:

Sarah Watson

Civil Engineer I

Approved for Presentation:



Town Manager

☐ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

Northern Colorado Water Conservation District requires the Town to convert any Temporary Use Permits to permanent use after the Town acquires new Colorado-Big Thompson units. The Town must complete this process for the 11 units that were dedicated to the Town in 2021.

Detail of Issue/Request:

In 2003 the Northern Water Board approved a policy that does not allow the Town to apply for renewal of Temporary Use Permits. In accordance with that policy the Town is required to convert Temporary Use Permits to perpetual use through a Section 131 contract before the expiration of the Temporary Use

Built on What Matters.

Permit. This process must be done annually by Resolution. Only 11 CBT units were dedicated to the Town in 2021 that require the conversion to perpetual use.

Legal Comments:

The Town Attorney has reviewed the Northern Water Section 131 Application documents and prepared the proposed resolution.

Alternatives/Options:

If the Town does not apply for the Section 131 Contract the Town will lose use of the 11 units.

Financial Considerations:

Any funds required for the Section 131 Contract will be expensed from the Water Fund.

Staff Recommendation:

It is Staff's recommendation to approve Resolution 22-R-xx.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 22-R-06**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO
AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR
AN ANNUALLY RENEWABLE PERPETUAL WATER CONTRACT FOR
RIGHT TO USE C-BT SHARES**

WHEREAS, the Town of Frederick had previously obtained a Temporary Use Permit for the use of 11 units of Colorado-Big Thompson water shares ("C-BT"); and,

WHEREAS, the Northern Colorado Water Conservancy District ("Northern Water") policies require the transition of Temporary Use Permits to a more permanent "Section 131" contract for continued use of the water shares; and,

WHEREAS, the Town of Frederick desires to apply for the Section 131 agreement.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

1. The Board of Trustees authorizes the Mayor to sign the APPLICATION TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR ANNUALLY RENEWABLE PERPETUAL WATER CONTRACT FOR RIGHT TO USE COLORADO-BIG THOMPSON PROJECT WATER UNDER C.R.S. 37-45-131 attached hereto as Exhibit A.
2. The Board of Trustees authorizes the Mayor to sign the APPLICATION TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR CANCELLATION OF TEMPORARY USE PERMIT attached hereto as Exhibit B.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 25TH DAY OF JANUARY,
2022.**

TOWN OF FREDERICK

By _____
Tracie Crites, Mayor

ATTEST:

By _____
Meghan C. Martinez, MMC, Town Clerk

APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR ANNUALLY RENEWABLE
PERPETUAL WATER CONTRACT FOR RIGHT TO USE
COLORADO-BIG THOMPSON PROJECT WATER
UNDER C.R.S. 37-45-131

Applicant, Town of Frederick, a Colorado municipal corporation acting in its governmental capacity or a water activity enterprise (circle capacity in which applicant is acting), hereby applies to Northern Water, a political subdivision of the State of Colorado, organized and existing by virtue of Title 37, Article 45, Colorado Revised Statutes, for a contract for the right to beneficially use Colorado-Big Thompson Project water under the following terms and conditions:

1. The quantity of water herein requested by Applicant for annual application to beneficial use is 11 acre-feet to be used so long as the Applicant fully complies with all of the terms, conditions, and obligations hereinafter set forth.
2. It is understood and agreed by the Applicant that any water provided for use under this contract by the Board of Directors of Northern Water shall be primarily for municipal, domestic, irrigation, or industrial use within or through facilities or upon lands owned or served by said Applicant, provided however, that all lands, facilities, and serviced areas which receive benefit from the use of water (whether water service is provided by direct delivery, by exchange, or otherwise) shall be situated within the boundaries of Northern Water.
3. Applicant agrees that an acre-foot of water as referred to herein is defined as being one-three-hundred-ten-thousandth ($1/310,000$) of the quantity of water annually declared by the Board of Directors of Northern Water to be available for delivery from the water supplies of Northern Water. Applicant agrees that such water shall be delivered from the works of Northern Water at such existing Northern Water delivery point or points as may be specified by the Applicant and that the water delivery obligation of Northern Water shall terminate upon release of water from said works. Further, the Applicant agrees that on November 1 of each year, any water undelivered from the annual quantity made available to the Applicant shall revert to the water supplies of Northern Water.
4. Applicant agrees to pay annually in advance for the amount of water herein provided for use under this contract by the Board of Directors of Northern Water at a price per acre-foot to be fixed annually by said Board; and, further, agrees that the initial annual payment shall be made, in full, within fifteen (15) days after the date of notice from Northern Water that the initial payment is due hereunder. Said notice will advise the Applicant, among other things, of the water year to which the initial payment shall apply and the price per acre-foot which is applicable to that year. Annual payments for each water year thereafter shall be made in advance by the Applicant on or before each October 1, 31 days prior to the start of the water year, at the rate per acre-foot

established by the Board for municipal water use in that water year. For the purpose of this water contract, the water year is defined to be from November 1 to October 31 of the following year.

If an annual payment as herein provided is not made by due date, written notice thereof, by certified mail, will be given by Northern Water to the Applicant at the following address: P.O. Box 435, Frederick, Colorado 80530.

Water deliveries shall be suspended as of November 1 of the new water year until payment of the delinquency is made. If payment is not made within ninety (90) days after the date of mailing of said written notice, Applicant shall have no further right, title, or interest under this contract; and the right of use of water as herein made, shall be disposed of at the discretion of the Board of Directors of Northern Water. Any proceeds from any sale of the right of use to another allottee shall be paid to Applicant over and above Northern Water's actual expense in terminating and disposing of the contract right of use.

5. This right of use shall be perpetual on an annually renewable basis. If the annual payment is made as provided in this application, the right of use shall be automatically renewed another water year without any further notice of Northern Water; if the annual payment is not timely made, as provided above, the right of use shall terminate.
6. Applicant agrees that the water allocation shall be beneficially used for the purposes and in the manner specified herein, and that this right of use is made for the exclusive benefit of the Applicant and shall not inure to the benefit of any successors or assigns of said Applicant without prior specific approval of the Board of Directors of Northern Water.
7. Applicant agrees to be bound by the provisions of the Water Conservancy Act of Colorado; the rules, regulations and policies of the Board of Directors of Northern Water as they now exist or as they exist in the future; and by the Repayment Contract of July 5, 1938, between Northern Water and the United States and all amendments thereof and supplements thereto.
8. Applicant agrees, as a condition of this contract, to enter into an "Operating Agreement" with Northern Water if and when the Board of Northern Water finds and determines that such an agreement is required by reason of additional or special services requested by the Applicant and provided by Northern Water. Said agreement may contain, but not be limited to, provision for water delivery at times or by means not provided within the terms of standard contracts of Northern Water; additional annual monetary consideration for extension of Northern Water delivery services and for additional administration, operation and maintenance costs; or for other costs to Northern Water which may arise through provision of services to the Applicant.

9. Acquisition of this annually renewable perpetual right of use water contract for the Colorado-Big Thompson Project water from Northern Water and the right to the beneficial use of water thereunder by the Applicant is necessary; the continued acquisition and use of this water supply is essential for the well-being of the community and for the preservation of the public peace, health, and safety; and the adequate protection of the health of the inhabitants of the community.
10. The governing body of Applicant has duly approved this Application in accordance with all legally required procedures.

Signed this _____ day of _____, A.D., 2022.

TOWN OF FREDERICK

By _____

ATTEST:

(SEAL)

ORDER ON APPLICATION

Application having been made by or on behalf of all parties interested in this allocation of the right to use Colorado-Big Thompson Project water and after a Hearing by the Board, it is hereby ORDERED that the above application be granted and an allotment contract for 11 acre-feet of water is hereby made to the Town of Frederick, a Colorado municipal corporation, for the beneficial uses set forth in said application upon the terms, conditions, and manner of payment as therein specified.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT

By _____
President

I hereby certify that the above Order was entered by the Directors of Northern Colorado Water Conservancy District on the _____ day of _____, A.D., 2022.

ATTEST: _____
Secretary

**APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR CANCELLATION OF TEMPORARY USE PERMIT**

The Town of Frederick hereby applies for the cancellation of the following Temporary Use Permit:

<u>Permits Dated</u>	<u>Acre-Feet</u>
October 14, 2021	<u>11</u>
Total Quantity to be Released	11

Dated at Frederick, Colorado this _____ day of _____, 20____.

TOWN OF FREDERICK

ATTEST:

By_____

(SEAL)

ORDER ON APPLICATION

Application having been made by the Town of Frederick for the cancellation of the above Temporary Use Permit, and Hearing having been held by the Board of Directors of Northern Colorado Water Conservancy District, it is hereby ORDERED that the above Temporary Use Permit be canceled.

Dated the _____ day of _____, _____.

**NORTHERN COLORADO WATER
CONSERVANCY DISTRICT**

ATTEST:

President

Secretary

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 22-R-06**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO
AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR
AN ANNUALLY RENEWABLE PERPETUAL WATER CONTRACT FOR
RIGHT TO USE C-BT SHARES**

WHEREAS, the Town of Frederick had previously obtained a Temporary Use Permit for the use of 11 units of Colorado-Big Thompson water shares ("C-BT"); and,

WHEREAS, the Northern Colorado Water Conservancy District ("Northern Water") policies require the transition of Temporary Use Permits to a more permanent "Section 131" contract for continued use of the water shares; and,

WHEREAS, the Town of Frederick desires to apply for the Section 131 agreement.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

1. The Board of Trustees authorizes the Mayor to sign the APPLICATION TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR ANNUALLY RENEWABLE PERPETUAL WATER CONTRACT FOR RIGHT TO USE COLORADO-BIG THOMPSON PROJECT WATER UNDER C.R.S. 37-45-131 attached hereto as Exhibit A.
2. The Board of Trustees authorizes the Mayor to sign the APPLICATION TO NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR CANCELLATION OF TEMPORARY USE PERMIT attached hereto as Exhibit B.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 25TH DAY OF JANUARY,
2022.**

TOWN OF FREDERICK

By _____
Tracie Crites, Mayor

ATTEST:

By _____
Meghan C. Martinez, MMC, Town Clerk



TOWN OF FREDERICK

Board of Trustees

Action Memorandum

Dan March, Mayor Pro Tem
Mark Lamach, Trustee
Adam Mahan, Trustee

Tracie Crites, Mayor

Rusty O'Neal, Trustee
Kevin Brown, Trustee
Windi Padia, Trustee

To Consider Amending the Service Area of Wildflower Metropolitan Districts No. 2

Agenda Date: Town Board Meeting – January 25, 2022

Attachments:

- a. Memo from Jim Hunsaker, Special Counsel, dated xxx
- b. Request from Applicant dated December 2, 2021
- c. Resolution

Finance Review:

Finance Director

Submitted by:

Ryan Johnson
Assistant Town Manager

Approved for Presentation:

Town Manager

☒ Quasi-Judicial

☐ Legislative

☐ Administrative

Strategic Plan Alignment:

- Community and Economic Vitality

Summary Statement:

The Board of Trustees must review any proposed changes to a metropolitan district's service area. This is required pursuant to the service plan that is in place.

Detail of Issue/Request:

The applicant, (Wildflower Metropolitan District Number 2) is requesting to amend the area served by the metropolitan district by excluding land to be purchased by United Power. This request would remove three lots from the existing Wildflower Metropolitan District Number 2. These lots are currently undeveloped and do not have any improvements on them.

Built on What Matters.

United Power is considering acquisition of these three lots as part of a proposed development that would improve service delivery to residents in Frederick. To date, no formal applications have been made to the Town for this development by United Power or their representatives. Considering the current zoning designation on the property, the proposed development would be permitted within the zone district. As such, if an application is made, review would include a site plan review and administrative approval.

Legal Comments:

Please see the attached memo from Special Counsel Hunsaker for further details.

Alternatives/Options:

While this request will ultimately be considered and decided by the District Court, the Board has multiple options for consideration. One option is to approve the request as presented. This is the preferred alternative and does not impact the Town negatively.

Another option is to deny this request. Under this alternative, moving forward with the exclusion would be a “material modification” of the Districts’ service plan and allow the Town to seek a judicial order prohibiting the exclusion. A material modification of the Districts’ service plan would have significant negative impact on the Districts’ ability to issue bonds or re-finance bonds (among other things). The District Court is very unlikely to approve an exclusion without the Town’s consent.

The Board could choose to take no action at this time. This alternative is not recommended for a couple of reasons. This item had been previously scheduled to go to the Board in late 2021 and was rescheduled due to the quantity of other requests going forward at that time. Additionally, the current landowner has been working with United Power for the better part of the last year in trying to structure this project. This is a necessary step before United Power can move forward and have this request heard by the District Court.

Financial Considerations:

There are no fiscal components to this request at this time that would impact the Town either positively or negatively.

Staff Recommendation:

Staff recommends approving the request.



273 NORTH GRANT STREET • CANBY, OR 97013
(O) 503-266-3456 (F) 503-266-8555
VISIT US ONLINE AT CANBYLAW.COM

James M. Hunsaker
jim@canbylaw.com
* licensed in Oregon, Washington, and Colorado

MEMORANDUM

From: James M. Hunsaker
Special Counsel to the Town

To: Board of Trustees
Town of Frederick

Re: Request for Approval for
Exclusion of Property from Wildflower Metropolitan District

Date: January 19, 2022

I have reviewed the letter from Mr. Bill Ankele referenced as: "Request for Administrative Consent to Boundary Adjustment at the December 14, 2021, Regular Board of Trustee Meeting." I have also reviewed the proposed Town Resolution related to the exclusion request. Further, in relation thereto, I have reviewed the Consolidated Service Plan for Wildflower Metropolitan District Nos. 1,2 And 3, Intergovernmental Agreement with the Wildflower Districts, the Frederick Land Use Code, and the Colorado Revised Statutes. Based on the foregoing, I note:

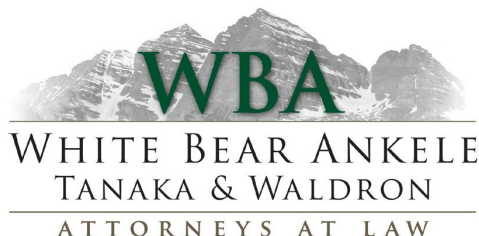
1. The Service Plan and IGA require that the exclusion receive "prior written approval" of the Board of Trustees. The language allows the approval be "given administratively by resolution of Frederick." The IGA specifically calls for a resolution.
2. Additionally, the Service Plan provides that:

"Any exclusion may be on the condition that there is no detriment to the remaining residents and taxpayers within the District, or to the Districts' bondholders, and on such other conditions as Frederick may impose."
3. It does not appear that the exclusion would harm current residents/taxpayers of the District or the Districts' bondholders.
4. The Process: A general overview of the exclusion process is:
 - A petition for exclusion is filed by the landowner with the District Board of Directors;

- The Board publishes notice of a hearing to consider the exclusion and holds a public hearing to consider the exclusion;
 - If the Board of Directors is opposed to the exclusions, the process stops there;
 - If the Board of Directors is supportive of the exclusion, The Board will request Town consent;
 - Assuming the Town consents, the District will file a Motion to Exclude Property with the District Court;
 - The District Court will review the Motion, Petition, and related documents to ensure that the statutory requirements have been met. Assuming all of the requirements have been met, the Court will issue an order excluding the property.
5. Conditional Approval: I was asked if the Town's consent could be "conditioned" on the closing of the proposed sale. I do not believe that is practical because of the exclusion process. If the Town's consent was "conditional", the District Court would not be able to sign an order excluding the real property.
6. Long Term Implications: I am not aware of any specific long-term implications if the exclusion is approved; even if the transaction does not close.
7. The developer is under contract to sell the highlighted parcels and the buyer is requiring that the property be excluded from the district as a part of the transaction.
8. Because the developer owns the property to be excluded, there are no concerns about how the landowner(s) feel about or will be impacted by the proposed exclusion.
9. I don't believe that the exclusion would require an "amendment" to the Service Plan, so the process in the Land Use Code would not apply.
10. The Colorado Revised Statutes do not require any specific action from the Town (unless we have an objection). That is one of the reasons we require them to get our consent.

I do not believe that there are any objections to the exclusion and recommend that the Board of Trustees approve the proposed resolution consenting to the exclusion.

WILLIAM P. ANKELE, JR.
JENNIFER GRUBER TANAKA
CLINT C. WALDRON
KRISTIN BOWERS TOMPKINS
ROBERT G. ROGERS
BLAIR M. DICKHONER
GEORGE M. ROWLEY



OF COUNSEL:
KRISTEN D. BEAR
K. SEAN ALLEN
TRISHA K. HARRIS
ZACHARY P. WHITE
HEATHER L. HARTUNG
MEGAN J. MURPHY

EVE M. G. VELASCO
AUDREY G. JOHNSON
CAREY S. SMITH V
ERIN K. STUTZ
JON L. WAGNER

December 2, 2021

VIA E-MAIL – JSIMMONS@FREDERICKCO.GOV

Jennifer Simmons, Planning Director
Town of Frederick
401 Locust St.
Frederick, CO 80530

Re: Request for Administrative Consent to Boundary Adjustment at the December 14,
2021, Regular Board of Trustee Meeting

Dear Ms. Simmons:

This office serves as general counsel to the Wildflower Metropolitan District Nos. 1, 2 & 3 (the “Districts”), which were organized on December 5, 2005.

We have been contacted by owner of three tracts of land within Wildflower Metropolitan District No. 2 (“District No. 2”) proposing to exclude these tracts from District No. 2 in connection with a pending sale of the property to a third party. The owner of the property is MRFR III LLLP. Attached as Exhibit I is a map that depicts the overall boundaries of the Districts, marked to show an “Exclusion Area,” depicting the three tracts of land proposed to be excluded.

Under the Consolidated Service Plan for the Districts, in Section III.B., pages 7–8, written approval from the Town of Frederick is required to exclude property that was previously described in the Service Plan from any of the District boundaries. Any exclusion may be on the condition that there is no detriment to the remaining residents and taxpayers within the District, or to the District’s bondholders (as applicable), and on such other conditions as Frederick may impose. The Service Plan allows the boundary adjustment to be given by administrative resolution of Frederick.

Please be advised that there are no residents within District No. 2, and that the property is zoned for commercial use. Additionally, District No. 2 has no debt outstanding.

Attached as Exhibit II, please find a Petition for Exclusion that has been filed with District No. 2. Following approval of the exclusion by the Town, District No. 2 would proceed to publish notice of a public hearing on the exclusion, following which the Board of Directors of District No.

Jennifer Simmons, Planning Director

December 2, 2021

Page 2

2 may approve the exclusion and file proceedings with the District Court to obtain a Court order confirming the exclusion.

Please consider this correspondence as the formal request of District No. 2, as required by its Service Plan, for the Town's administrative consent of the exclusion of area described in the attached Petition for Exclusion.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON

A handwritten signature in blue ink, appearing to read "William P. Ankele, Jr.", is written over a light gray rectangular background.

William P. Ankele, Jr., Esq.

Shareholder

Attachment

cc: James M. Hunsaker, Esq. (via E-Mail to jim@canbylaw.com)

EXHIBIT I

MAP DEPICTING EXCLUSION AREA

A PART OF THE SOUTH 1/2 OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 68 WEST
OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF FREDERICK, COUNTY OF WELD,
STATE OF COLORADO
329.77 ACRES

DISTRICT #2

DISTRICT #2

DISTRICT #1

DISTRICT #3

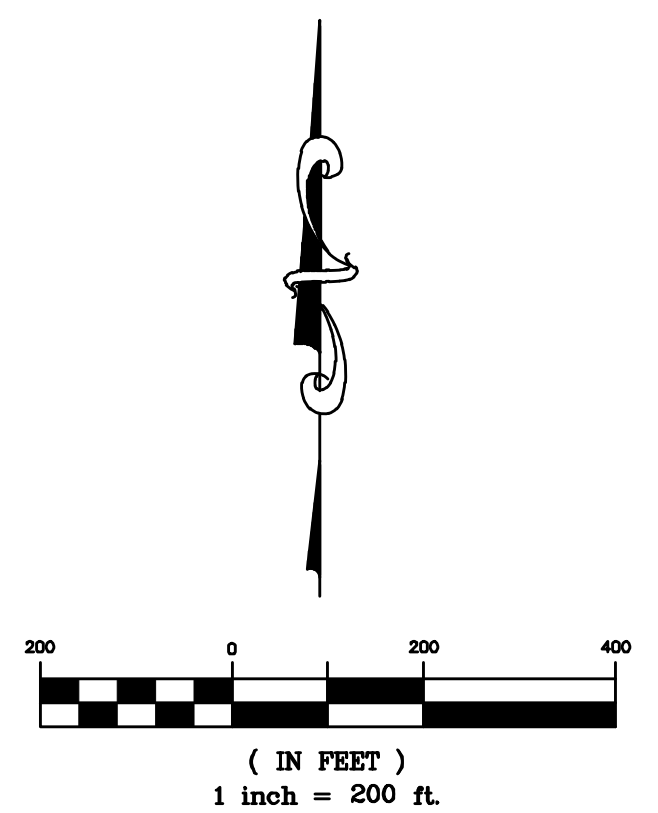
DISTRICT #3

DISTRICT #1

DISTRICT #2

DISTRICT #3

EXCLUSION AREA



PROJECT NO.: 01.10
DATE: 09/19/2017



C:\01.10\COMBETS\DISTRICT MAP.DWG 9/19/2017 9:49 AM ROXANNE FOSTER

CAD FILE: DISTRICT MAP.DWG

Jennifer Simmons, Planning Director
December 2, 2021
Page 5

EXHIBIT II
PETITION FOR EXCLUSION

PETITION FOR EXCLUSION OF PROPERTY

(21.33 Acres from District No. 2 Boundaries)

TO: THE BOARD OF DIRECTORS OF THE
WILDFLOWER METROPOLITAN DISTRICT NO. 2,
CITY OF FREDERICK, WELD COUNTY, COLORADO

Pursuant to the provisions of §§ 32-1-501, *et seq.*, C.R.S., **MRFR III, LLLP**, a Colorado limited liability limited partnership (the "Petitioner") hereby respectfully requests that **WILDFLOWER METROPOLITAN DISTRICT NO. 2** (the "District"), by and through its Board of Directors, exclude the real property described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), from the boundaries of the District.

The Petitioner hereby represents and warrants to the District that it is the one hundred percent (100%) fee owner of the Property and that no other person, persons, entity or entities own an interest therein except as beneficial holders of encumbrances, if any. The Petitioner hereby assents to the exclusion of the Property from the boundaries of the District and to the entry of an Order by the District Court in and for Weld County, excluding the Property from the boundaries of the District.

The Petitioner hereby acknowledges that, without the consent of the Board of Directors of the District, it cannot withdraw its Petition once the notice of a public hearing on the Petition has been published.

Pursuant to § 32-1-501(1), C.R.S., the Petitioner agrees to pay all costs associated with the exclusion proceedings.

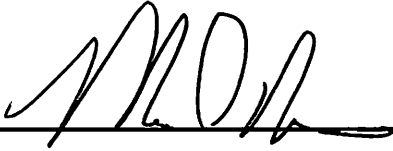
The name and address of the Petitioner is as follows:

MRFR III, LLLP
200 W. Hampden Ave., Suite 201
Englewood, CO 80110

Remainder of page intentionally left blank. Signature page follows.

PETITIONER:

MRFR III, LLLP, a Colorado limited liability limited partnership



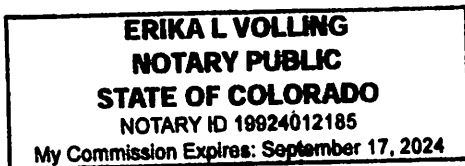
Printed Name: Michael Richardson

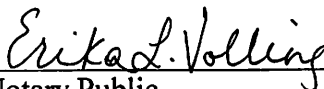
Title: General Partner

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

The above and foregoing instrument was acknowledged before me this 30th day of November, 2021 by Michael Richardson, as General Partner of MRFR III, LLLP.

WITNESS my hand and official seal.





Notary Public

My commission expires: 9.17.24

***Signature Page to Petition for Exclusion of Real Property
(21.33 Acres from District No. 2 Boundaries)***

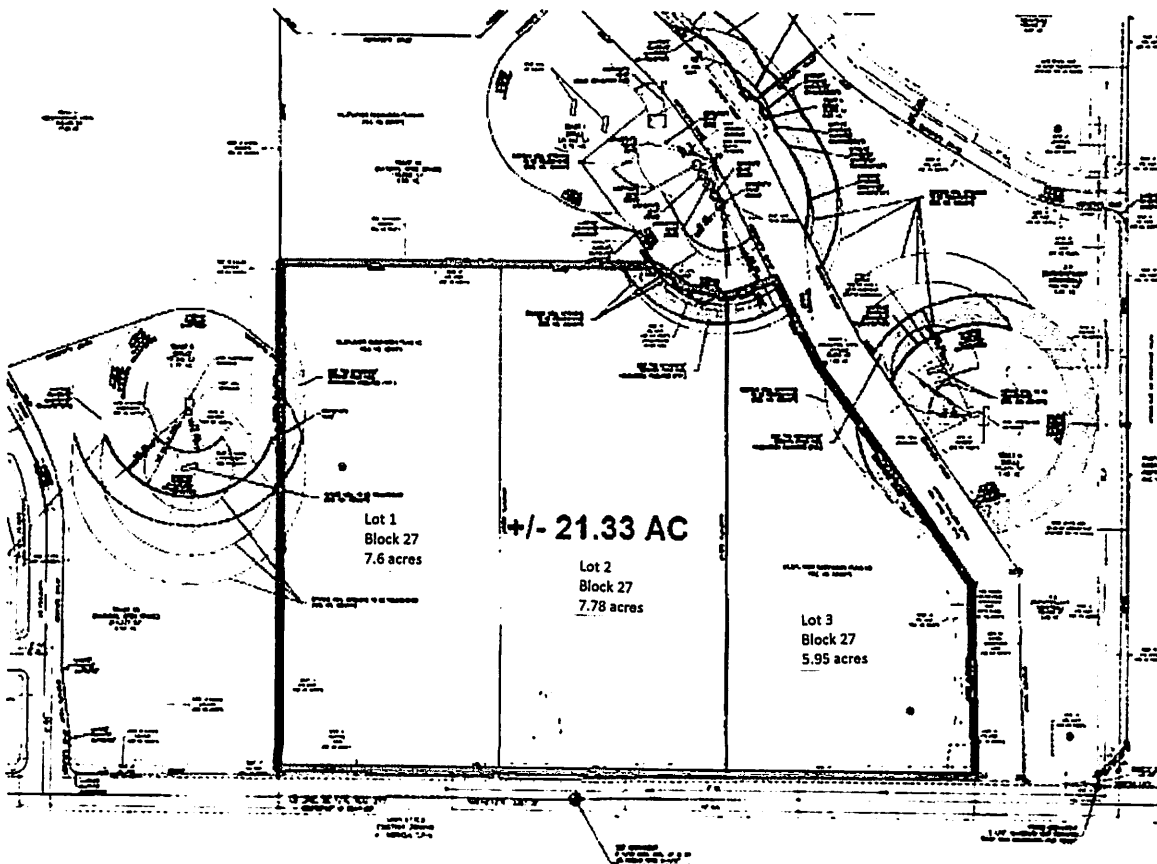
EXHIBIT A
(The Property)

Lot 1, Block 27, Wildflower Subdivision, Filing No. 1 Amendment No. 1, Weld County, Colorado
(7.6 acres)

Lot 2, Block 27 Wildflower Subdivision, Filing No. 1 Amendment No. 1, Weld County, Colorado
(7.78 acres)

Lot 3, Block 27 Wildflower Subdivision, Filing No. 1 Amendment No. 1, Weld County, Colorado
(5.95 acres)

Totalling approximately 21.33 acres



TOWN OF FREDERICK, COLORADO

RESOLUTION NO. 22-R-07

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO APPROVING A
PETITION FOR THE EXCLUSION OF LAND IN WILDFLOWER METROPOLITAN
DISTRICT NO. 2**

WHEREAS, Wildflower Metropolitan District No. 2 (the “District”) is a Title 32 district located wholly within the boundaries of the Town of Frederick, Colorado (the “Town”); and

WHEREAS, the Town approved by resolution the Consolidated Service Plan for Wildflower Metropolitan District Nos. 1, 2, and 3 (the “Service Plan”) on September 8, 2005; and

WHEREAS, Section III.B, pages 7-8 of the Service Plan requires that the Town approve any exclusion of property from the existing boundaries of the District; and

WHEREAS, MRFR III LLP, has petitioned the District to exclude certain property from the boundaries of said District No. 2; and

WHEREAS, the District has asked the Board of Trustees of the Town to give its consent to the proposed exclusion of the property described in such petition for exclusion; and

WHEREAS, the Board of Trustees finds that it is in the best interests of the Town to consent to such exclusion.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT:**

Section 1. The Board of Trustees hereby administratively approves the exclusion of the property described in the petition for exclusion by MRFR III LLP, from the Wildflower Metropolitan District No. 2.

Section 2. This resolution shall become effective immediately upon adoption.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS _____ DAY OF
_____, 2021.**

TOWN OF FREDERICK

By: _____
Tracie Crites, Mayor

ATTEST:

By: _____
Meghan C. Martinez, CMC, Town Clerk