STATE OF COLORADO) COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Government Center in Brighton, Colorado on the 13th day of December, 2016 there were present:

Steve O'Dorisio	Commissioner
Eva J. Henry	Commissioner
Charles "Chaz" Tedesco	Commissioner
Erik Hansen	Commissioner
Jan Pawlowski	Commissioner
Heidi Miller	County Attorney
Erica Hannah	Clerk to the Board

when the following proceedings, among others were held and done, to-wit:

RESOLUTION APPROVING SUBDIVISION IMPROVEMENTS AGREEMENT FOR POMPONIO TERRACE FILING 1

Resolution 2016-586

WHEREAS, it is provided by resolution of the Board of County Commissioners, County of Adams, that where designated the Developer shall have entered into a written agreement with the County to install public and/or private improvements, and to deed land for public purposes or right-of-way or submit cash-in-lieu; and,

WHEREAS, on December 13, 2016, the Board of County Commissioners, in Case No. PRC2016-00004, Pomponio Terrace, approved a Major Subdivision (Final Plat) to allow 74 lots on approximately 11.791 acres in the P-U-D, Planned Unit Development zone district; and,

WHEREAS, the Adams County Community and Economic Development Department recommends approval of the attached Subdivision Improvements Agreement for Pomponio Terrace Filing 1, Case No. PRC2016-00004.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Subdivision Improvements Agreement for Pomponio Terrace Filing 1, a copy of which is attached hereto and incorporated herein by this reference, be approved.

BE IT FURTHER RESOLVED that the Chair of the Board of County Commissioners be authorized to execute this AGREEMENT on behalf of the County of Adams, State of Colorado.

Upon motion duly made and seconded the following vote:	foregoing resolution was adopted by th	e
O'Dorisio	Aye	
Henry	Aye	
Tedesco	Aye	
Hansen	Aye	
Pawlowski	Aye	
Co	mmissioners	
STATE OF COLORADO)		
County of Adams)		

I, <u>Stan Martin</u>, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 13th day of December, A.D. 2016.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Stan Martin:



By:

E-Sighed by Erica Hannah ?

VERIFY authentidity with e-Sign

Deputy

SUBDIVISION IMPROVEMENTS AGREEMENT

THIS AGREEMENT is made and entered into by and between the County of Adams, State of Colorado, hereinafter called "County," and Pomponio Terrace Holdings LLC, a Colorado Limited Liability Company, hereinafter called "Developer."

WITNESSETH:

WHEREAS, Developer is the owner of real property in the County of Adams, State of Colorado, as described in **Exhibit A** attached hereto, and by this reference made a part hereof.

WHEREAS, it is provided by resolution of the Board of County Commissioners, County of Adams, (the "BoCC") that where designated the Developer shall have entered into a written agreement with the County to install public and/or private improvements, and to deed land for public purposes or right-of-way.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto promise, covenant, and agree as follows:

- 1. **Engineering Services.** Developer shall furnish, at its own expense, all engineering and other services in connection with the design and construction of the improvements described and detailed on **Exhibit B** attached hereto, and by this reference made a part hereof.
- 2. **Drawings and Estimates**. The Developer shall furnish drawings and cost estimates for all improvements described and detailed on **Exhibit B** for approval by the County. Upon request, the Developer shall furnish one set of reproducible "as built" drawings and a final statement of construction costs to the County.
- 3. Construction. Developer shall furnish and construct, at its own expense and in accordance with drawings and materials approved by the County, the improvements described and detailed on Exhibit B. Developer will construct the improvements in two phases. First, Developer will construct the improvements described in Exhibit B except for the final/top lift of asphalt on the roads and alleys described in Exhibit B (the "Phase One Improvements"). The Developer will install the final/top lift of asphalt on all roads and alleys described in Exhibit B (the "Phase Two Improvements"), in conjunction with the construction of residential dwellings within Pomponio Terrace Subdivision Filing No. 1.

After granting Preliminary Acceptance of the Phase One Improvements, the County will issue building permits for the construction of residential dwellings within Pomponio Terrace Subdivision Filing No. 1 upon receipt of proper application for such building permits.

- 4. **Time for Completion.** Improvements shall be completed according to the terms of this agreement within "construction completion date" appearing in **Exhibit B**. The County may for good cause grant extension of time for completion of any part or all of improvements appearing on said **Exhibit B**. Any extension of time shall be in written form only.
- 5. Guarantee of Compliance. Developer shall furnish to the County a cash escrow deposit or other acceptable collateral, releasable only by the County, to guarantee compliance with this agreement. Said collateral shall be in the amount of \$1,305,658.00, which amount includes twenty percent (20%) to cover administration and five percent (5%) per year for the term of the Agreement to cover inflation. Upon approval of the final plat, completion of said improvements constructed according to the terms of this agreement, and preliminary acceptance of the Phase One Improvements by the Transportation Department in accordance with section 5-02-06-01 of the County's Development Standards and Regulations, a reasonable part of the collateral shall be released. Completion of said improvements shall be determined solely by the County, and a reasonable part of said collateral, up to 20%, may be retained to guarantee maintenance of public improvements for a period of one year from the date of completion.

No building permits shall be issued until said collateral is furnished in the amount required and in a form acceptable to the Board of County Commissioners, and until the final plat has been approved and the Phase One Improvements described in **Exhibit B** have been

preliminarily accepted by the Department of Transportation. No construction permits shall be issued until all collateral required by this SIA is provided and approved by County staff.

6. Preliminary Acceptance.

- a. Phase One Improvements. When the Developer has completed construction of the Phase One Improvements, it will provide the County with written notice of such completion. After granting Preliminary Acceptance of the Phase One Improvements, the County will issue building permits for the construction of residential dwellings within Pomponio Terrace Subdivision Filing No. 1 after receipt of proper application for such a building permit.
- b. Phase Two Improvements. When the Developer has completed construction of the Phase Two Improvements, it will provide the County with written notice of such completion. Preliminary Acceptance of the Phase Two Improvements shall trigger the one (1) year warranty period for the Improvements. Certificate of Occupancy shall not be issued until preliminary acceptance of all Phase Two improvements.

7. Final Acceptance.

- a. Phase Two Improvements. Upon the completion of the one (1) year warranty for the Phase Two Improvements, the Developer will request that the County issue Final Acceptance for the Phase Two Improvements.
- 8. Time for Completion. All Phase One Improvements and Phase Two Improvements shall be completed according to the terms of this Agreement by June 15, 2018, (the "Final Construction Completion Date"). The Developer may for good cause request, and the County may grant, an extension of time for completion of any part, or all, of the improvements appearing on said **Exhibit B**. Any extension of time shall be in writing and agreed to by the parties. The Developer shall be in default of this Agreement if the improvements are not completed by the "final construction completion date," as amended.
- 9. Acceptance and Maintenance of Public Improvements. All improvements designated "public" on Exhibit B shall be public facilities and become the property of the County or other public agencies upon acceptance. During the period of one year from and after the acceptance of public improvements, the Developer shall, at its own expense, make all needed repairs or replacement due to defective materials or workmanship which, in the opinion of the County, becomes necessary. If, within ten days of written notice to the Developer from the County requesting such repairs or replacements, the Developer has not undertaken with due diligence to make the same, the County may make such repairs or replacements at the Developer's expense. In the case of an emergency such written notice may be waived.
- 10. Successors and Assigns. This agreement shall be binding upon the heirs, executors, personal representatives, successors, and assigns of the Developer, and shall be deemed a covenant running with the real property as described in Exhibit A attached hereto.
- 11. **Improvements and Dedication**. The undersigned Developer hereby agrees to provide the following improvements, and to dedicate described property.
- A. Improvements. Designate separately each public and private improvement.

<u>Public Improvements:</u> See <u>Exhibit B</u> for description, estimated quantities and estimated construction costs. The improvements shall be constructed in accordance with all County requirements and specifications in accordance with the approved plans and time schedule as indicated in **Exhibit B**.

Private Improvements: None

B. Public dedication of land for right-of-way purposes or other public purpose. Upon approval of this agreement by the Board of County Commissioners, the Developer hereby agrees to convey by warranty deed to the County of Adams the following described land for right-of-way or other public purposes:

POMPONIO TERRACE SUBDIVISION FILING NO. 1 Case No. PRC2016-00004

Clay Street, Canosa Street, West 67th Street, West 68th Street, and West 69th Street.

My commission expires: 12/06/201	<u> </u>
The foregoing instrument was acknowledged before 2016, by James Merlines Mana	
Name:	Name: Title: Manua
By: Huntran LLC	Ву:
Pomponio Terrace Holdings LLC, a Colorado Limited Liability Company	// // -

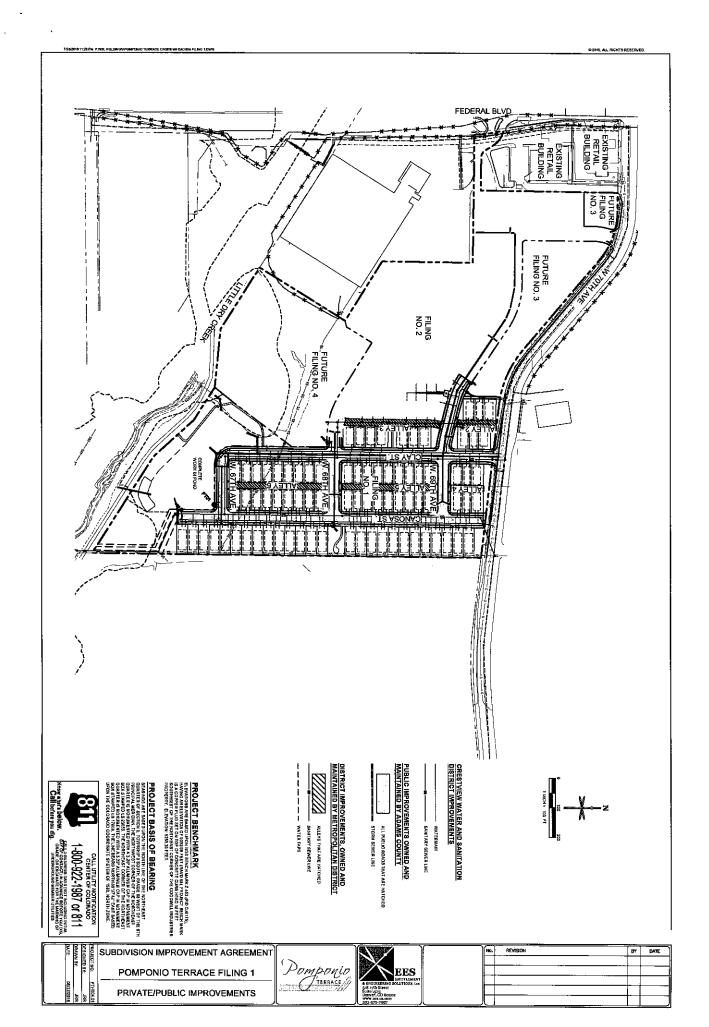
APPROVED BY resolution at the meeting of	December 13	, 2016.
Collateral to guarantee compliance with this shall be required in the amount of said collateral is furnished in the amount recounty Commissioners.	No building permits shal	l be issued until
ATTEST:	BOARD OF COUNTY COLO	
EHANN OF Clerk of the Board	Steven Jobo	risio

APPROVED AS TO FORM
COUNTY ATTORNEY

ATTORNEY

EXHIBIT A

Legal Description: POMPONIO TERRACE SUBDIVISION FILING NO. 1



FILING 1 - Canosa St.

This estimate is prepared as a guide and is subject to possible changes. It has been prepared to a standard of accuracy that, to the best of our knowledge and judgment, is sufficient to satisfy our understanding of the purpose of this estimate.



Entitlement and Engineering Solutions, Inc. 518 17th Street, Suite 1575

Denver, CO 80202

Contact: Joshua R. Root Ph. 303-572-7997

Original Preparation: 8/1/2016

Revised:

Project: Pomponio Terrace Filing 1

Project Location: Adams County, CO

	\$10,886.40					SUBTOTAL	
		\$8,640.00	EA	\$4,320.00	2		Inlet Structure (Type R - 5 foot)
		\$2,246.40	F	\$62.40	36		18" RCP Pipe
Comments/Assumptions	Subtotal	Unit Cost	Unit:	Unit Price	Quantity		STORM DRAINAGE
	\$165,765.50					SUBTOTAL	
		\$94,562.00	YS	\$26.00	3,637		Asphalt (Full Depth 6.5")
		\$1,419.00	ΕA	\$473.00	w		Handicap Ramp (18' Length)
		\$3,624.00	ĒΑ	\$604.00	6	~	Curb Return with Handicap Ramp (17' Radius)
		\$33,412.50	Ş	\$3.75	8,910		5' Wide Concrete Walk
		\$11,364.00	3	\$3.00	3,788		Subgrade Prep at Sidewalk and Road
		\$21,384.00	Ę	\$12.00	1,782		6" Vertical Curb and Gutter (2' Pan)
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		Interior Roadway Improvements

FILING 1 - Clay St.

This estimate is prepared as a guide and is subject to possible changes. It has been prepared to a standard of accuracy that, to the best of our knowledge and judgment, is sufficient to staisfy our understanding of the purpose of this estimate.

estimate. Entitlement and Engineering Solutions, Inc. (EES) makes no warranty, either expressed or implied, as to the accuracy of this estimate.

Entitlement and Engineering Solutions, Inc.

Denver, CO 80202

Ph. 303-572-7997

518 17th Street, Suite 1575

Contact: Joshua R. Root

Original Preparation: 8/1/2016

Revised:

Project: Pomponio Terrace Filing 1

Project Location: Adams County, CO

SUBTOTAL	18" RCP Pipe 185 24" RCP Pipe 98 36" RCP Pipe 362 42" RCP Pipe 258 5' DIA Manhole 1 6' DIA Manhole 3	STORM DRAINAGE Quantity	Subgrade Prep at Sidewalk and Road 5' Vertical Curb and Gutter (2' Pan) Subgrade Prep at Sidewalk and Road 5' Wide Concrete Walk Curb Return with Handicap Ramp (17' Radius) Asphalt (Full Depth 6.5") SUBTOTAL SUBTOTAL
	\$62.40 \$69.60 \$114.00 \$174.00 \$3,120.00 \$3,120.00	Unit Price L	\$12.00 \$3.00 \$3.75 \$3.75 \$604.00 \$26.00
	**************************************	Unit	
	\$11,544,00 \$6,820.80 \$41,268.00 \$44,892.00 \$3,120.00 \$9,360.00	Unit Cost	\$10,116.00 \$10,116.00 \$9,131.25 \$6,040.00 \$84,162.00
\$117,004.80		Subtotal	\$126,981.25
		Comments/Assumptions	- SOUTH THE PROPERTY OF

FILING 1 - W 67th Ave.

This estimate is prepared as a guide and is subject to possible changes. It has been prepared to a standard of accuracy that, to the best of our knowledge and judgment, is sufficient to satisfy our understanding of the purpose of this estimate.

estimate. Entitlement and Engineering Solutions, Inc. (EES) makes no warranty, either expressed or implied, as to the accuracy of this estimate.



Entitlement and Engineering Solutions, Inc. 518 17th Street, Suite 1575
Denver, CO 80202

Contact: Joshua R. Root Ph. 303-572-7997

Original Preparation: 8/1/2016 Revised:

Project: Pomponio Terrace Filing 1
Project Location: Adams County, CO

Project #: PTH004.01

20	\$36,031.20					SUBTOTAL	
		\$6,240.00 \$12,960.00	E A	\$3,120.00 \$4,320.00	3		5' DIA Manhole Inlet Structure (Type R - 5 foot)
		\$2,853.60	۳	\$69.60	41		24" RCP Pipe
١		\$13,977.60	듀	\$62.40	224		18" RCP Pipe
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		STORM DRAINAGE
00.	\$1,250.00					SUBTOTAL	
		\$500.00	E 5	\$250,00	2		Stop Sign Roadway Sign
		\$500.00	,	\$250.00	. 2		Road Name Signs
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		TRAFFIC SIGNAGE AND STRIPING
50	\$32,924.50			:		SUBTOTAL	
		\$19,604.00	YS	\$26.00	754		Asphalt (Full Depth 6.5")
		\$840.00	ΕA	\$840.00	1	,	Alley Curb Cut/Approach
		\$1,208,00	ΕA	\$604.00	2	Radius)	Curb Return with Handicap Ramp (17' Radius)
		\$5,437.50	ş	\$3,75	1,450		5' Wide Concrete Walk
		\$2,355.00	Q	\$3.00	785		Subgrade Prep at Sidewalk and Road
		\$3,480.00	두	\$12.00	290		6" Vertical Curb and Gutter (2' Pan)
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		Interior Roadway Improvements

\$70,205.70

FILING 1 - Decatur St/W. 68th Ave.

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estimate. Entitlement and Engineering Solutions, Inc. (EES) makes no warranty, either expressed or implied, as to the accuracy of this estimate.

D 55 EE

Entitlement and Engineering Solutions, Inc. 518 17th Street, Suite 1575

Denver, CO 80202

Contact: Joshua R. Root Ph. 303-572-7997

Original Preparation: 8/1/2016

Revised:

Project: Pomponio Terrace Filing 1

Project Location: Adams County, CO

	\$44,930.40					SUBTOTAL	
		\$17,640.00	E !	\$5,880.00	ш		Inlet Structure (Type R - 10 foot)
		\$4.320.00	₩ :	\$4,320.00	1		Inlet Structure (Type R - 5 foot)
		\$8,424.00		\$62,40	200		18 KCF Pipe
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		STORM DRAINAGE
	\$1,750.00					SUBTOTAL	
		\$750.00	EA	\$250.00	w		Stop Signs
		\$1,000.00	ĒΑ	\$250.00	4		Road Name Signs
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity	-	TRAFFIC SIGNAGE AND STRIPING
	\$35,323.50					SUBTOTAL	
		\$22,074.00	SY	\$26.00	849		Asphalt (Full Depth 6.5")
		\$1,680.00	EA	\$840.00	2		Alley Curb Cut/Approach
		\$5,437.50	ŞF	\$3.75	1,450		5' Wide Concrete Walk
		\$2,652.00	5	\$3.00	884		Subgrade Prep at Sidewalk and Road
		\$3,480.00	두	\$12.00	290		6" Vertical Curb and Gutter (2' Pan)
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		Interior Roadway Improvements

FILING 1 - W. 69th Ave.

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Entitlement and Engineering Solutions, Inc. 518 17th Street, Suite 1575 Denver, CO 80202

Contact: Joshua R. Root Ph. 303-572-7997

Original Preparation: 8/1/2016 Revised:

Project Location: Adams County, CO Project: Pomponio Terrace Filing 1

Project #: PTH004.01

· ·	\$70,699.20			No.	ļ.	SUBTOTAL	·
		\$3,120.00	₩ 5	\$3,120.00	P→ F		Manhole - 6' Diameter
		\$3,120.00	E E	\$3,120.00	- -		Manhole - 4' Diameter
		\$12,960.00	E	\$4,320.00	ω		Inlet Structure (Type R - 5 foot)
		\$32,832.00	Ŧ	\$114.00	288		30" RCP Pipe
		\$2,505.60	q	\$69.60	36		24" RCP Pipe
		\$13,041.60	F	\$62.40	209		18" RCP Pipe
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		STORM DRAINAGE
						-	
	\$1,750.00					SUBTOTAL	
		\$750.00	ΕA	\$250.00	3		Stop Signs
		\$1,000.00	ΕA	\$250.00	4		Road Name Signs
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		TRAFFIC SIGNAGE AND STRIPING
C. C	\$66,940.50					SUBTOTAL	
		\$40,014.00	SY	\$26,00	1,539		Asphalt (Full Depth 6,5")
		\$3,360.00	ΕA	\$840.00	4		Alley Curb Cut/Approach
		\$11,437.50	¥	\$3.75	3,050		5' Wide Concrete Walk
		\$4,809.00	ঽ	\$3.00	1,603		Subgrade Prep at Sidewalk and Road
		\$7,320.00	두	\$12,00	610		6" Vertical Curb and Gutter (2' Pan)
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		Interior Roadway Improvements

\$139,389.70

FILING 1 - W. 70th Ave.

This estimate is prepared as a guide and is subject to possible changes. It has been prepared to a standard of accuracy that, to the best of our knowledge and judgment, is sufficient to satisfy our understanding of the purpose of this estimate. Entitlement and Engineering Solutions, Inc. (EES) makes no warranty, either expressed or implied, as to the accuracy of this estimate.



Entitlement and Engineering Solutions, Inc. 518 17th Street, Suite 1575

Denver, CO 80202 Contact: Joshua R. Root Ph. 303-572-7997

Original Preparation: 8/1/2016

Revised:

Project: Pomponio Terrace Filing 1
Project Location: Adams County, CO

Project #: PTH004.01

	\$38,716.80					SUBTOTAL	
		\$3,120.00	EA	\$3,120.00	1		Manhole - 5' Diameter
		\$8,640.00	Ē	\$4,320.00	2		Inlet Structure (Type R - 5 foot)
		\$26,956.80	두	\$62.40	432		18" RCP Pipe
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity		STORM DRAINAGE
	\$133,910.50					SUBTOTAL	
		\$85,800.00	SY	\$26.00	3,300		Asphalt (Full Depth 6.5")
		\$2,416.00	Ē	\$604.00	4	tadius)	Curb Return with Handicap Ramp (17' Radius)
		\$22,627.50	Ş	\$3.75	6,034		5' Wide Concrete Walk
		\$8,583.00	5	\$3.00	2,861		Subgrade Prep at Sidewalk and Road
		\$14,484.00	두	\$12.00	1,207		6" Vertical Curb and Gutter (2' Pan)
Comments/Assumptions	Subtotal	Unit Cost	Unit	Unit Price	Quantity	. *	Roadway Improvements

\$172,627.30

FILING 1 - Detention Pond

This estimate is prepared as a guide and is subject to possible changes. It has been prepared to a standard of accuracy that, to the best of our knowledge and judgment, is sufficient to satisfy our understanding of the purpose of this estimate.

estimate. Entitlement and Engineering Solutions, Inc. (EES) makes no warranty, either expressed or implied, as to the accuracy of this estimate.

X

Entitlement and Engineering Solutions, Inc. 518 17th Street, Suite 1575

Denver, CO 80202 Contact: Joshua R. Root

Ph. 303-572-7997

Original Preparation:

8/31/2016

Revised:

Project: Pomponio Terrace Filing 1

Project Location: Adams County, CO

FILING 1 - Trail Connection to Little Dry Creek Trail

This estimate is prepared as a guide and is subject to possible changes. It has been prepared to a standard of accuracy that, to the best of our knowledge and judgment, is sufficient to staisfy our understanding of the purpose of this estimate.

Estimate. Entitlement and Engineering Solutions, Inc. (EES) makes no warranty, either expressed or implied, as to the accuracy of this estimate.

Entitlement and Engineering Solutions, Inc. 518 17th Street, Suite 1575

Denver, CO 80202

Ph. 303-572-7997 Contact: Joshua R. Root

Original Preparation: Revised:

8/24/2016

Project: Pomponio Terrace Filing 1

Project Location: Adams County, CO

	STORM DRAINAGE 5' Wide Concrete Walk
SUBTOTAL	Quantity 2,260
	y Unit Price Unit Unit Cost Subtota \$3.75 SF \$8,475.00
	Unit Cost \$8,475.00
\$8,475.00	Subtotal
	Comments/Assumptions

OPINION OF PROBABLE COST - SUMMARY (CONCEPTUAL)

This estimate is prepared as a guide and is subject to possible changes. It has been prepared to a standard of accuracy that, to the best of our knowledge and judgment, is sufficient to satisfy our understanding of the purpose of this estimate.

Of this estimate. Entitlement and Engineering Solutions, Inc. (EES) makes no warranty, either expressed or implied, as to the accuracy of this estimate.



Entitlement and Engineering Solutions, Inc. 518 17th Street, Suite 1575

Denver, CO 80202

Contact: Joshua R. Root

Ph. 303-572-7997

Original Preparation: 8/1/2016
Revised:

Project: Pomponio Terrace Filing 1

Project Location: Adams County, CO

			FINIS I GIGIN I VIGI
\$1.205.658			Cibra 1 Orana Tatal
\$62,174		inistration	Inflation Per Year - 5% of Total with 20% Administration
\$207,247			Administration - 20% of Total
\$1,036,236			Filing 1 Public Improvements Total
PROJECTIOTALS			Filing 1
The state of the s	The same of the sa		