



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

**CASE NAME: ROCKY MOUNTAIN RAIL PARK
CASE NO.: PRC2019-00012**

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**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT STAFF REPORT**

Board of County Commissioners

September 1, 2020

CASE No.: PRC2019-00012 CASE NAME: Rocky Mountain Rail Park	
Owner's Name:	Rail Land Company, LLC
Applicant's Name:	Rocky Mountain Industrials, LLC.
Applicant's Address:	4601 DTC Blvd. Ste 130, Denver, CO 80237
Location of Request:	Western side of Petterson Road, East of the Colorado Air and Space Port, Approximately 4,000 feet north of Interstate 70, and south of East 48 th Avenue
Parcel Numbers:	0181700000289, 0181700000290, 0181700000108
Nature of Request:	1. Final Development Plan to establish the Rocky Mountain Rail Park Planned Unit Development on 620 acres; 2. Final Plat to create 11 Lots; 3. Master Development Agreement 4. Waiver from the Subdivision Design Standards
Current Zone District:	Planned Unit Development
Future Land Use:	Industrial
Total Site Area:	Approximately 620 acres
Hearing Date(s):	BoCC: September 1, 2020 / 9:30 am
Report Date:	August 11, 2020
Case Manager:	Nick Eagleson
PC/Staff Recommendations: APPROVAL with 14 Findings-of-Fact, 5 Conditions, and 1 Note	

SUMMARY OF APPLICATIONS

Background:

The applicant, Rail Land Company, LLC, is proposing an industrial business park on the eastern edge of the Colorado Air and Space Port. The site is located on approximately 620 acres. The eastern side of the proposed development borders Petterson Road, the western side borders the Colorado Air and Space Port, 48th Avenue is along the northern side, and the southern boundary is approximately 4,000 feet north of Interstate 70. The intended uses for the property will range from Commercial to Light and Heavy Industrial.

In order to pursue the industrial business park, Rail Land Company, LLC originally submitted four applications: 1) Comprehensive Plan Amendment to change the future land use designation on the property from Mixed-Use Employment to Industrial; 2) Zoning map amendment to change the zoning designation of the property to Planned Unit Development; 3) Preliminary Plat to create 11 lots and 11 associated tracts; 4) Preliminary Development Plan (PDP) for an industrial business park. On June 18, 2019, the Board of County Commissioners approved all four of the associated requests.

As part of the next step in the development process, Rail Land Company, LLC is requesting: 1) A final development plan (FDP) to establish the Rocky Mountain Rail Park Planned Unit Development; 2) A major subdivision final plat that encompasses three existing parcels (approximately 620 acres). The proposed final plat would create 11 lots and 11 tracts; 3) A Master Development Agreement; and 4) A waiver from the Subdivision Design Standards.

Site Characteristics:

The site is currently vacant and is bisected by U.S. Highway 36 (Colfax Avenue) and an existing railroad line. Approximately 470 acres of the proposed development is located north of Highway 36 and the rail line, while 150 acres lies to the south. The proposed development will have access to the rail line and will extend the line into the proposed development. The overall site borders three public roadways: Colfax Avenue, Petterson Road, and East 48th Avenue. The closest access to I-70 is a mile and a half to the southwest, off of Manilla Road.

Development Standards and Regulations

Final Development Plan:

A Final Development Plan (FDP) is a site-specific development plan that describes and establishes the type of intensity of uses for a specific parcel of land. Per Section 2-02-11-01 of the Adams County Development Standards and Regulations, the objective of a PUD is to establish an area of land to be developed under unified control or a unified plan of development for a number of land uses that does not correspond in lot size, bulk, or type of use, density, open space, or other restriction to the existing land use regulations. Per Section 2-02-10-04 of the Adams County Development Standards and Regulations, a Final Plat and Subdivision Improvements Agreement (SIA) are required to be submitted with a Final Development Plan. Due to the scale and complexity of this project, staff and the applicant have developed a Master Development Agreement, which meets the requirements for a SIA, while allowing for flexibility in timing of the development and associated required improvements.

A majority of the proposed lots would be accessed from an internal private street centrally located within the development. The private street will intersect East 48th Avenue on the northern side of the development and Petterson Road on the southern end. Proposed setbacks for the lots will be 40 feet from front property lines (along the private street). Side and rear setbacks are proposed to be 20 feet. The industrial lots located on the eastern edge of the development will be oriented so that Petterson Road will form their rear lot line. The proposed setbacks closely match or exceed required setbacks for the Industrial-2 and Industrial-3 zone districts, with the exception of setbacks from Petterson Road and East 48th Avenue. Setbacks for those property lines are proposed to be 20 feet, rather than the I-2 or I-3 zone district standard of 25 ft.

Below is a summary of some of the characteristics laid out within the Rocky Mountain Rail Park FDP:

Site Design and Uses

The intended uses for the Rocky Mountain Rail Park development will be a mixture of commercial and industrial. An example of some of the permitted uses within the PUD, include:

- Manufacturing
- Development and testing services
- Heavy construction contractors
- Transportation equipment

A number of heavy industrial uses with potential off-site impacts will be conditionally permitted and require review and approval by the Board of County Commissioners. These uses include:

- Hazardous Waste Treatment Facility
- Lubrication and Grease Manufacturing
- Paint and Enamel Manufacturing

This added oversight will allow for public input on proposed heavy industrial uses, as well as discretion by the Board of County Commissioners to determine how the uses might fit in with the growing Air and Space Port.

All proposed uses are subject to regulations by the Colorado Department of Public Health and Environment (CDPHE), as well as the Federal Aviation Administration (FAA). Proposed uses and structures are also subject to the Rocky Mountain Rail Park Design Standards.

Parking

Minimum parking requirements will be in accordance with Section 4-12 of the Adams County Development Standards and Regulations.

Outdoor Storage

No outdoor storage areas shall be located within 20 feet of any public road. Additionally, on an individual lot basis, outdoor storage is limited to a maximum of 80% of the overall lot area.

Colorado Air and Space Port Restrictions

All proposed development within the Rocky Mountain Rail Park shall adhere to Sections 3-34 (Airport Influence Zone) and 3-35 (Airport Noise Overlay) of the Adams County Development Standards and Regulations.

Open Space and Active Recreation

Per Section 3-30-03-05-06 of the County's Development Standards and Regulations, a minimum of 30% open space is required in all PUDs. The approved PDP provided 162.5 acres of open space, however, the applicant is now providing 175 acres of open space. A minimum of 10% of each lot is also required to be designated as open space. Section 3-30-03-05-03 of the County's Development Standards and Regulations also requires that 25% of the open space area be designated for active recreation purposes. The approved PDP provided 43.1 acres, however, the

applicant is now providing 47.2 acres of active recreation in the form of interior detached pathways adjacent to Rail Park Drive, which will create pedestrian connectivity from the north side of the park to the south side of the park. It is anticipated that the Metro District will construct and maintain covered picnic areas to serve as a gathering place for employees within the property. Perimeter pathways around detention areas will provide further walking, jogging, and running opportunities. One modification from the PDP approval and the FDP is the walking trail around the perimeter of the site. Due to concerns for public safety in areas of significant train activity and a desire to minimize rail crossings, the applicant had to eliminate the walking trail along the majority of the perimeter of the site. Open space provided will be maintained by the Rocky Mountain Rail Park Metro District.

Final Plat

Per Section 2-02-19-04 of the County's Development Standards and Regulations, the applicant is requesting approval of a final plat for the proposed development. The 620-acre site would consist of 11 lots and 11 tracts, ranging in size from 12.5 acres to approximately 131 acres. The majority of lots will be approximately 20 acres in size.

The proposed final plat conforms to the criteria for approval outlined in Section 2-02-19-04-05 of the County's Development Standards and Regulations, which include conformance to the approved preliminary plat and the subdivision design standards.

Master Development Agreement

Per Section 5-02-04 of the Adams County Development Standards and Regulations, a Subdivision Improvement Agreement (SIA) is required for the proposed development. In this case, a Master Development Agreement has been prepared for the initial phase, and subsequent SIAs will be provided for future phases of the development. The agreement is required to address the manner and timing of the completion of all subdivision improvements and responsibility for payment of the costs of improvements associated with the development. The SIA outlines the Developer's obligation for required construction and collateral for all public improvements. If any triggered improvements are to be dedicated to another jurisdiction, then the County shall not issue the Lot Development Permit until after the Developer has submitted such application materials to the regulating jurisdiction. The County shall also not issue a Certificate of Occupancy for the development until the regulatory jurisdiction has accepted the triggered improvements. Staff has reviewed the Master Development Agreement and confirmed the proposed agreements are in compliance with the County's Development Standards and Regulations.

Parkland Dedication Requirements

Per Section 5-05-02 of the Adams County Development Standards and Regulations, the Developer shall pay cash-in-lieu for 30.97 acres of the required Regional Parks dedication (representing five percent of the land area of the Subdivision), which totals \$1,539,798. Section 5-05-05-03(3) of the Adams County Development Standards and Regulations allows the payment of cash-in-lieu for regional parks to be split into four payments. The first payment is due prior to recording the final plat, the second payment is due prior to the issuance of a Building Permit which would constitute greater than 25 percent of the development, the third payment is due prior to the issuance of a Building Permit which would constitute greater than 50 percent of

the development, and the fourth payment is due prior to the issuance of a Building Permit which would constitute greater than 75 percent of the development. This type of phasing plan must be approved by the Board of County Commissioners and has been incorporated into the Master Development Agreement.

Waiver from the Subdivision Design Standards

Per Section 5-03-03-09, all lots created by a subdivision shall have access to a County-maintained right-of-way. Section 5-03-03-10 states that if the Board of County Commissioners finds the most logical development of land requires lots to be created which front and are accessed by a private road, the Board of County Commissioners may make findings supporting the use of private roads in the form of a Waiver from the Subdivision Design Standards. The applicant has requested a waiver as part of this application due to hardships and practical difficulties that would result from construction and ongoing maintenance of a public right-of-way to County standards. The adjacent roadways are within the City of Aurora's jurisdiction, so if the applicant were to dedicate the internal road to Adams County, it would result in a stranded piece of road owned by Adams County within the development. It would not be cost effective for the County to provide maintenance for this road to support a small number of lots. The private road would instead be owned and maintained by the Rocky Mountain Rail Park Metro District (RMRPMD). The rail park will also have special requirements as it relates to rail crossings, which would be better managed by the RMRPMD.

Future Land Use Designation/Comprehensive Plan:

As previously mentioned, the future land use designation on the property was recently changed from Mixed-Use Employment to Industrial. The applicant intends to develop the property with uses that may be compatible with the mixed-use employment designation; however, the proposal includes the option for moderate and heavy industrial uses.

Surrounding Zoning Designations and Existing Use Activity:

<u>Northwest</u> AV Colorado Air & Space Port	<u>North</u> AV/A-3 Colorado Air & Space Port	<u>Northeast</u> A-3 Vacant
<u>West</u> AV Colorado Air & Space Port	<u>Subject Property</u> PUD Vacant	<u>East</u> City of Aurora Vacant
<u>Southwest</u> A-3 Vacant	<u>South</u> A-3 Vacant	<u>Southeast</u> A-3 Single-Family Residential

Compatibility with the Surrounding Area:

A majority of the properties to the east, north, and south of the proposed development are undeveloped vacant land. The Colorado Air and Space Port is directly to the west of the site. Several single-family residential uses can be found along the southeastern corner of the site. The

proposed development plan has located the moderate to heavy industrial uses to the north of Colfax Avenue.

The addition of industrial development, which will be served by a metropolitan district, will help to support the overall development of the Colorado Air and Space Port. The proposed development can serve as headquarters for employment-producing businesses that are needed to help the facility grow and serve as a catalyst for the area overall.

Staff Recommendation:

Based upon the application, the criteria for approval, and a recent site visit, staff recommends approval of this request with 14 findings-of-fact, 5 conditions, and 1 note:

RECOMMENDED FINDINGS-OF-FACT

Major Subdivision (Final Plat):

1. The final plat is consistent and conforms to the approved preliminary plat.
2. The final plat is in conformance with the subdivision design standards.
3. The applicant has provided evidence that a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards.
4. The applicant has provided evidence that a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
5. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
6. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.
7. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or financially guaranteed through cash-in-lieu or a subdivision improvements agreement so the proposed subdivision will not negatively impact the levels of service of the County.

Final Development Plan:

8. The FDP is in general conformity with the Adams County Comprehensive Plan and any applicable area plan.
9. The FDP conforms to the P.U.D. standards.
10. The FDP is consistent with any approved PDP for the property.
11. The FDP construction plans meet the requirements of these standards and regulations and have been approved by the Director of Community and Economic Development, all infrastructure and utility providers, Tri-County Health Department, and all other referral agencies.

Waiver from Subdivision Design Standards:

12. Extraordinary hardships or practical difficulties result from strict compliance with these standards and regulations.
13. The purpose of these standards and regulations are served to a greater extent by the alternative proposal.
14. The waiver does not have the effect of nullifying the purpose of these standards and regulations.

Recommended Conditions of Approval:

1. The applicant shall work with Adams County Facilities and Fleet Management Department on a “through the fence” agreement for future access from the Colorado Air and Space Port to a developable lot on along the western edge of the Rocky Mountain Rail Park site. Any future agreement would go to the Board of County Commissioners for approval.
2. The applicant shall work with Adams County Facilities and Fleet Management on a potential agreement for the rail spur, located on Adams County Property, just outside the southwest portion of the site. If an agreement cannot be made, RMRP will need to come up with an alternative solution for the spur, which does not include going through Adams County property.
3. For any future development along the western edge of the Rocky Mountain Rail Park site, screening shall be provided to mitigate the impact between the site and the Colorado Air and Space Port. The applicant shall also provide an acceptable landscape plan for each lot being developed, prior to any issuance of a building permit.
4. Any development proposed to be greater than 90 feet in height shall work with the Colorado Air and Space Port, as well as the FAA, to ensure any height requirements are met.
5. All Subdivision Improvement Agreements required by the Master Development Agreement shall include the installation of all Open Space and Active Recreation areas directly adjacent to the subject lot(s).

Recommended Note to the Applicant:

1. The applicant shall adhere to all fire, animal, health, zoning, and building codes.

CITIZEN COMMENTS

Notifications Sent	Comments Received
35	2

All property owners and occupants within 2,640 feet of the subject property were notified of the request. As of writing this report, staff has received two comments on the final development plan and final plat applications. Concerns included mosquito abatement and drainage issues from the detention ponds on the parcel south of Colfax Avenue. Berming was also brought up by the neighboring property owner. These concerns were addressed by the applicant to the satisfaction of the adjacent property owner. The other comment relates to increased traffic and infrastructure

improvements to surrounding roadways and intersections. The applicant will be working with Adams County and the City of Aurora to satisfy these requirements, which will be based on traffic studies.

COUNTY AGENCY COMMENTS

Adams County staff reviewed the subject request and determined the proposal complies with the subdivision design standards and the overall purpose and intent outlined in the Development Standards and Regulations. All lot configurations proposed conforms to lot dimensions in the PUD zone district. Evidence of the ability to provide adequate water and sewage facilitates have also been provided.

REFERRAL AGENCY COMMENTS

Responding with Concerns:

Tri-County Health Department (TCHD) - Tri-County Health Department indicated that the applicant should work with The Colorado Department of Public Health and Environment (CDPHE) to provide appropriate water and wastewater systems, including proper locations.

CDPHE – Sufficient information will need to be provided to determine the proposed water supply for the development will result in the system meeting the definition of a public water supply. The system will meet the definition of a public water supply and the applicant has met with CDPHE on multiple occasions with this understanding.

City of Aurora – The City of Aurora requests that coordination occur between Aurora, Adams County, Rocky Mountain Rail Park, Urban Drainage and Flood Control District and Transport, to discuss infrastructure needs relating to traffic, drainage, water and sewer and any other infrastructure. The applicant has been in discussions with each party to discuss coordinating these items and a provision has been added to the Master Development Agreement that necessitates the applicant to meet all City of Aurora engineering requirements prior to issuance of any building permits. The applicant has incorporated the results of the City of Aurora's Northeast Aurora Transportation Study (NEATS) into their recent plat submittal, which was a condition of approval from the approved preliminary plat.

Colorado Department of Transportation (CDOT) – CDOT requests that access permits are required for any access taken from State Highway 36. The applicant is aware and will be applying for access permits when necessary.

Mile High Flood District (MHFD) – MHFD will require the applicant to make all necessary improvements to Crooked Creek.

Responding without Concerns:

Arapahoe County
Colorado Geological Survey
Colorado Division of Water Resources
Xcel Energy

Federal Aviation Administration

Notified but not Responding / Considered a Favorable Response:

Adams County Parks Department

Adams County Sheriff

Bennett Fire Protection

Bennett Parks and Recreation

Bennett School District

Century Link

Colorado Division of Minerals and Geology

Colorado Division of Parks and Wildlife

Comcast

Denver International Airport

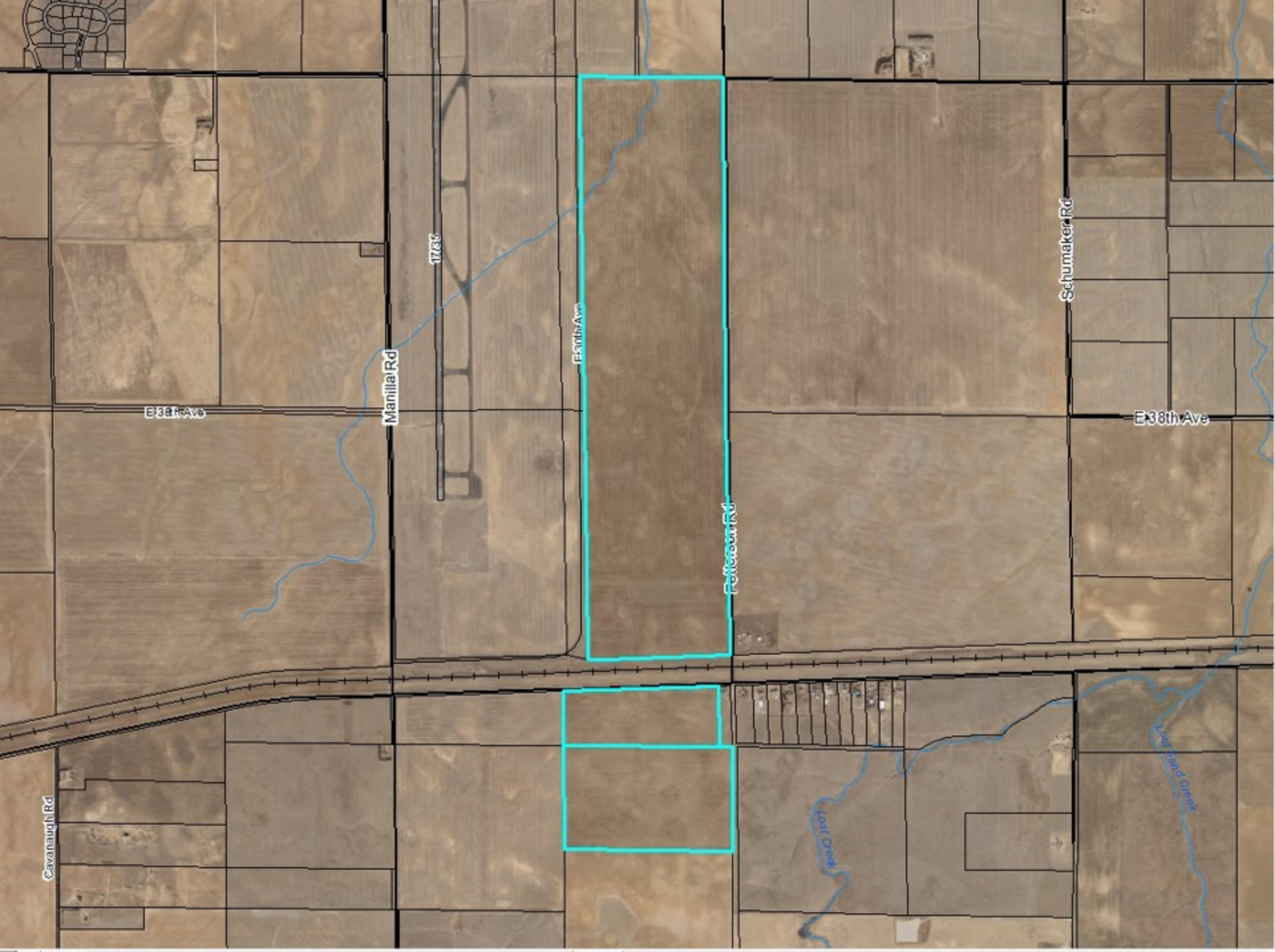
Metro Waste Water

Union Pacific Railroad

US Environmental Protection Agency

US Post Office

Qwest



E 38th Ave

Manila Rd

1786

E 40th Ave

Peltown Rd

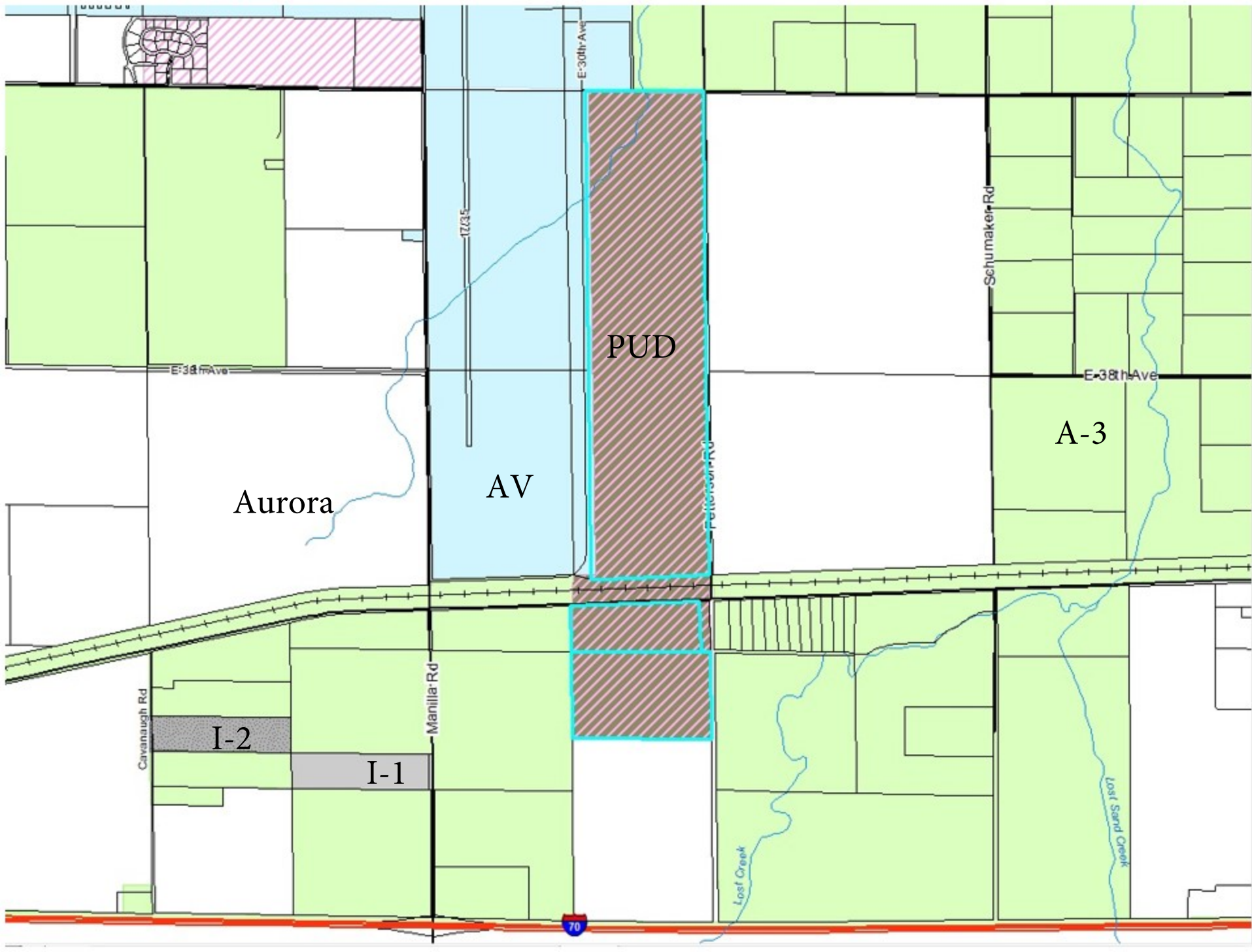
Schumaker Rd

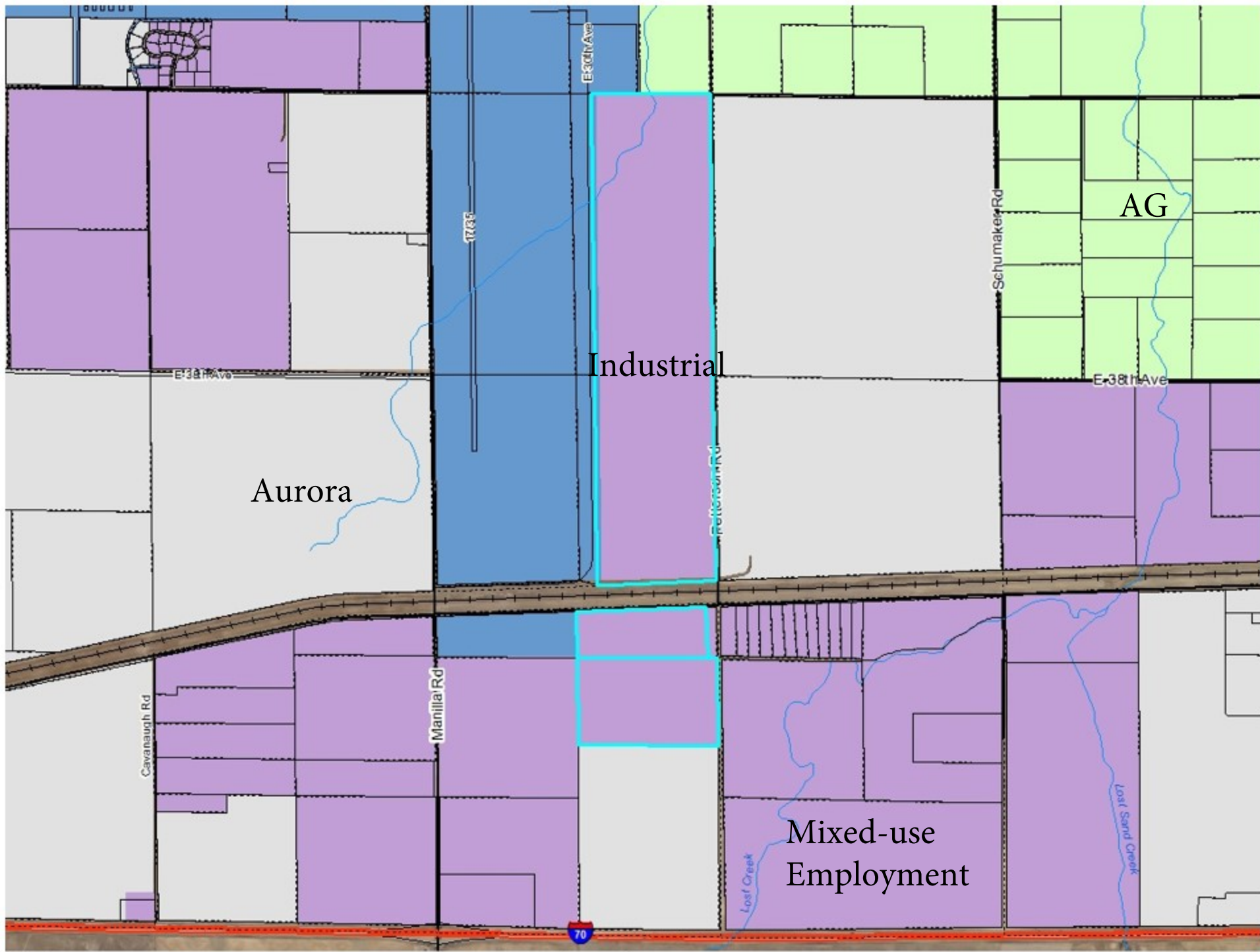
E 38th Ave

Cavanaugh Rd

Lost Creek

Lost Creek





Rail Land Company, LLC

4601 DTC Blvd, Ste 130
Denver, Colorado



Project Info

Project Name: Rocky Mountain Rail Park
Project Location: North of E Colfax Ave between Manilla Road and Petterson Road
Submittal Item: Written Explanation of the Project

October 14, 2019

Adams County Planning Department
4430 S. Adams County Pkwy
Brighton, CO 80601

Dear Mr. Barnes,

Rail Land Company, LLC ("RLC") is pleased to present this written explanation of the Rocky Mountain Rail Park project. The proposed project is an industrial and commercial rail park located in Adams County that includes 11 lots, over 4 miles of rail, and over 3 miles of road on 619.75 acres. The project includes a newly formed metro district that will provide water, sanitary, storm, and landscape services and maintenance, and will be the entity that constructs many of the improvements.

Location

The site is currently located on 2 parcels of land near the Colorado Air and Space Port ("CASP"). Parcel 1 is a 2-mile long parcel that is bounded to the west by CASP, to the south by a Union Pacific main line, to the east by Peterson Rd, and to the north by 48th Avenue. Parcel 2 is bounded to the north by E Colfax Ave, to the east by Petterson Road (and a single residential property in a notch at the NE corner), to the south by un-platted farmland, and to the west by un-platted farmland.

Intent

The Rail Park is intended to provide developable industrial property to future landowners looking to expand their presence in central Adams County. The project is further intended to provide rail access to individual lots so that landowners will have the capability of importing and exporting materials by rail (via rail access to individual properties), by truck (via access to major roadways), or by air (via CASP). The proposed lot sizes are large enough to accommodate most potential landowners including significant storage capability. This will provide excellent capability to support tenants that support infrastructure projects, distribution projects, and countywide development projects.

Background

Private developers, cities, and counties have utilized industrial land for mixed-use, urban renewal projects, and residential infill projects resulting in industrial users like RLC to look further outside the city limits for industrial property. North Denver and Commerce City, the main industrial sections of the greater metropolitan area, were intentionally planned to be far from the more populated residential and commercial centers. As the region's population has grown, most of those industrial properties are being redeveloped for more valuable residential and commercial projects. RLC identified the requirement for new industrially zoned real estate in order to accommodate the heavy industry necessary to supply the growing consumer and residential growth. A decreased availability of industrial property and increased need for affordable construction products created the foundation of RMRP.

The greater Denver marketplace demands efficient and affordable freight distribution to support and enable the high rate of market expansion. Infrastructure materials are the foundation of the industrial economy. If not kept in balance, higher costs for building supplies, roads, homes, and transportation assets can lead to higher taxes and inflation. As part of the solution, RLC chose Adams County as the new center of industry.

Development Considerations

One of the primary considerations with developing industrial property is the need to be a good neighbor to the surrounding community. As a result, RLC spent considerable effort to determine ways to minimize impact to surrounding property. This includes extensive visual screening using berms and walls, significantly lowering the rail grade on the site to minimize noise and visual impacts, and creating development standards that minimize impacts from light.

The project's unique location next to Colorado Air and Space Port affords it the ability to minimize project impacts to other adjacent landowners for two miles along the western and part of northern property line. It's location against the Union Pacific Rail main line to the south further reduces adjacent impacts. Because the site is already within a noise overlay zone with other noise generating uses, the addition of the rail park will not have as significant an impact as it might if it were located away from other potential noise sources.

Regardless of the reduced number of potential adjacent receptors, RMR incorporated design features that minimize impact to the surrounding community. Recognizing that Parcel 2 shares a small section of property line with an existing residential structure, RMR has spoken with these tenants and is making considerable effort to minimize noise impacts and visually screen the property. We have located detention ponds in locations that provide further buffers, and the development does not propose any rail operations south of Colfax Avenue.

Sites with rail operations have extensive design constraints associated with grades, radiuses, crossings, and many legal considerations. RLC has had weekly meetings with the Union Pacific throughout the entire project design phase, and has had separate meetings with other jurisdictional agencies including the Public Utilities Commission, City of Aurora, Urban Drainage Flood Control District, Bennet-Watkins Fire, Rocky Mountain Rail Park Metro

District, CDOT, CDPHE, and others. Beyond the typical design considerations required by Adams County, RLC has worked to incorporate design requirements (and requests) from all jurisdictional agencies.

Utilities

Natural gas and electricity for the project will be provided by Colorado Natural Gas and Xcel Energy, respectively. Water and wastewater service will be provided by the newly created Metro District. This special district will also provide regional stormwater management, road maintenance, landscape maintenance, and utility infrastructure maintenance. Fire protection is provided by the Bennett-Watkins Fire Department.

The utilities are described in greater detail in the utility sections of this submittal, however, generally, the site will be self-sufficient by supplying its own water treatment plant, sanitary treatment plant and the associated collection and distribution infrastructure. Adams County will not be required to construct or maintain any infrastructure.

Construction Sequence and Schedule

The project has been under design for almost two years and we anticipate site grading operations to begin in Winter (2019-2020) to Spring 2020. This is contingent upon Adams County approving the proposed Final Development Plan.

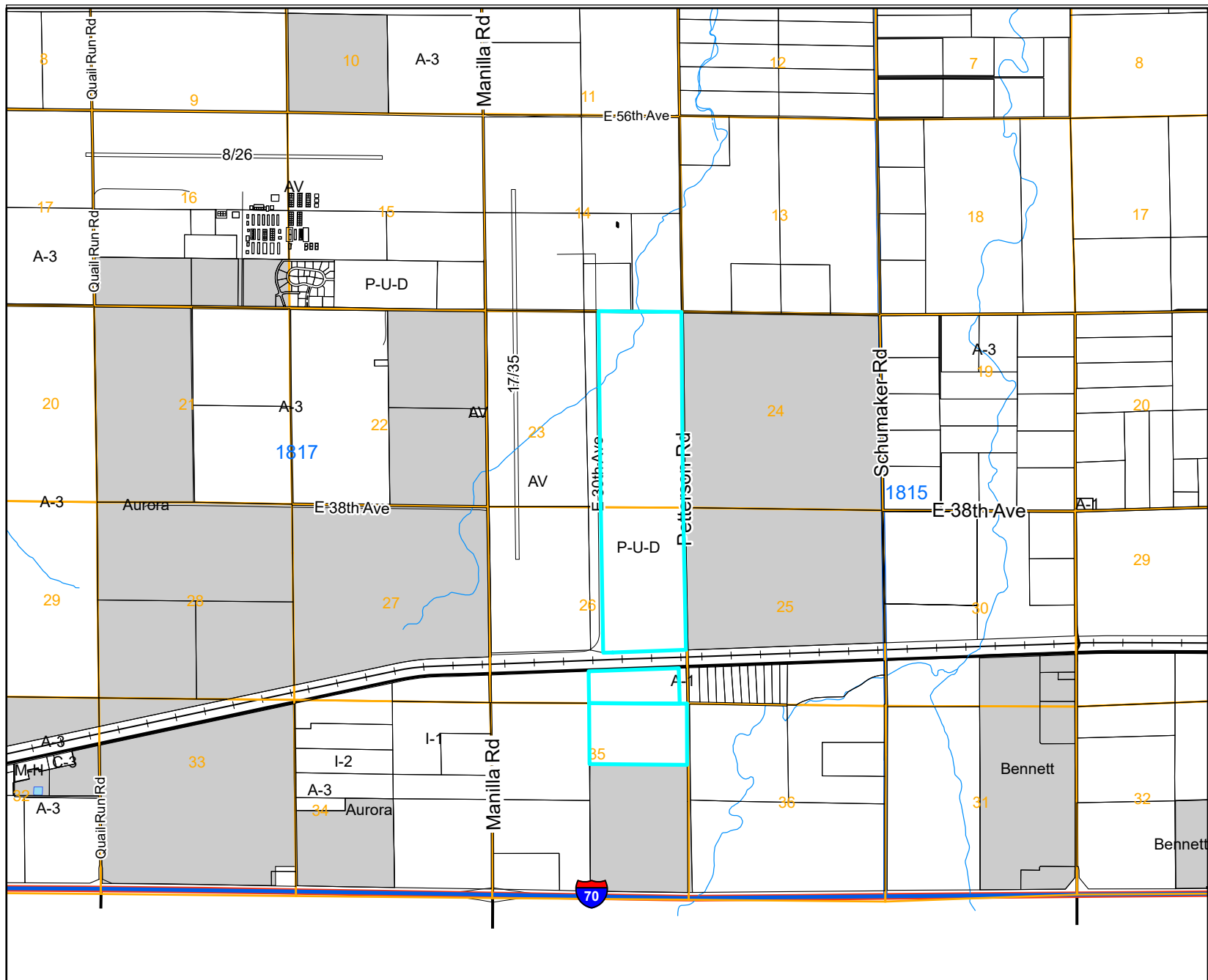
We anticipate that development will occur from the south to north with critical infrastructure being constructed first, and in some cases simultaneously with lot specific development activities. We recognize that this is somewhat atypical for small scale development, but this is common for large construction projects that have longer development timeframes. For example, mass grading activities will take approximately 4 to 6 months and treatment system installation is likely to take 6 months. It will not be possible to wait until infrastructure is completed before building permits on lots are approved. Development on the lots themselves may take upwards of a year during which time infrastructure is being constructed. The included Subdivision Improvement Agreement (SIA) provides more detail regarding how we intend to proceed. We anticipate working closely with Bennett-Watkins Fire and Adams County to make sure that all life-safety requirements are met during development activities.

Rail Land Company appreciates all of the work performed by Adams County as well as the various agencies that have had an impact on this project. We look forward to our continuing relationships as this project moves forward and respectfully request your approval of our Final Development Plan.

Respectfully,

Gregory M. Dangler, President





Legend

- Railroad
- Major Water
- Zoning Line
- Sections

Case Name: Rocky Mountain Rail Park

Case Number: PRC2019-00012



For display purposes only.

AD.

TY

This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy

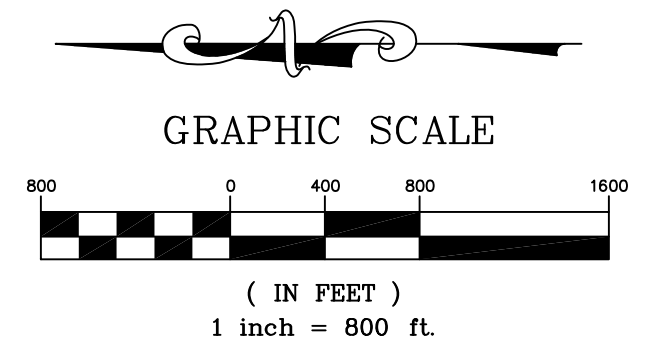
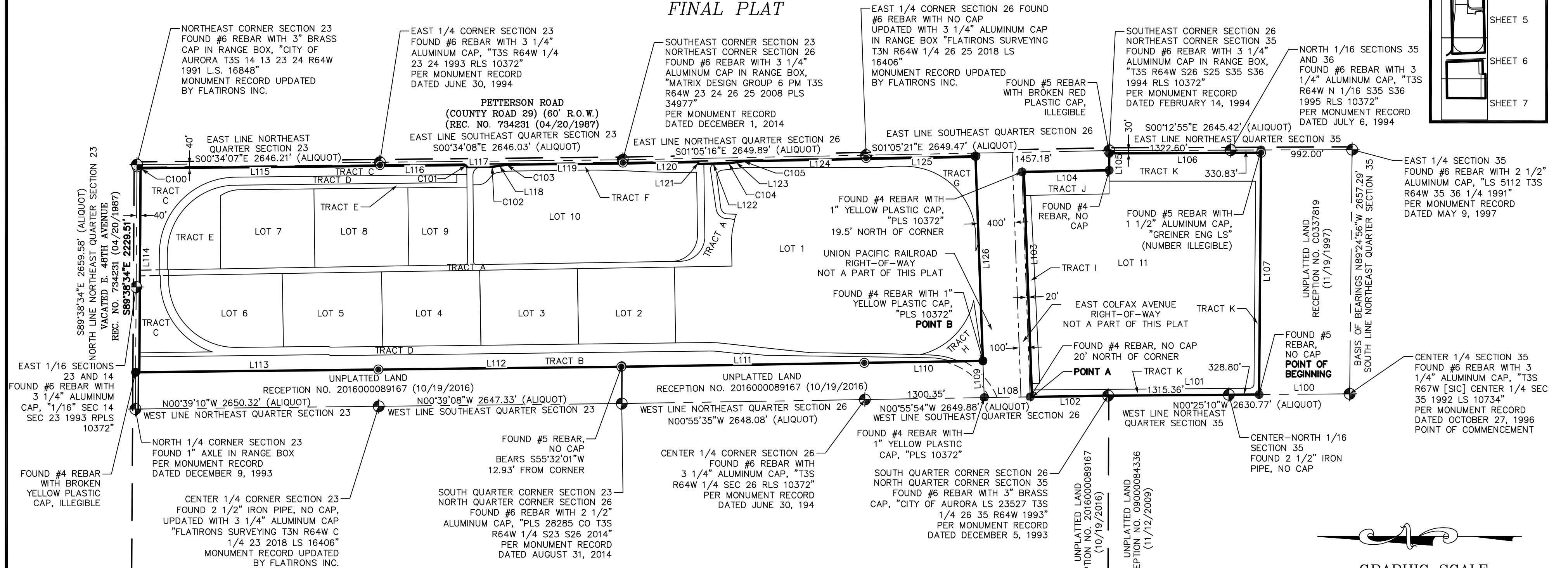
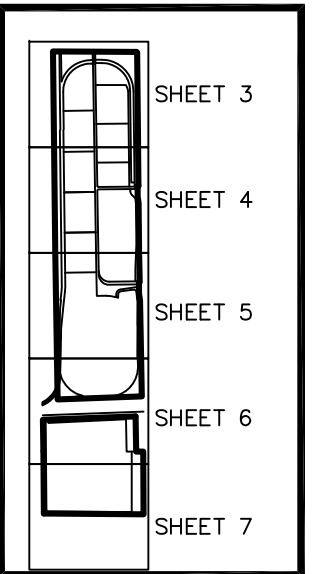
ROCKY MOUNTAIN RAIL PARK FILING NO. 1

PRC2019-00012

LOCATED IN THE EAST HALF OF SECTION 23, THE EAST HALF OF SECTION 26 AND THE
NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH P.M.,
COUNTY OF ADAMS, STATE OF COLORADO

SHEET 2 OF 7
FINAL PLAT

Key Map



OWNERSHIP AND MAINTENANCE TABLE					
LOTS	AREA	OWNER	DEDICATIONS	MAINTENANCE	USE
LOT 1	131.55	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 2	19.98	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 3	19.99	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 4	19.99	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 5	20.00	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 6	19.99	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 7	19.99	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 8	19.99	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 9	12.49	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 10	54.86	RAIL LAND COMPANY, LLC		OWNER	PUD
LOT 11	121.59	RAIL LAND COMPANY, LLC		OWNER	PUD
SUB TOTAL LOT AREA (AC)	460.42				
TRACTS	AREA	OWNER	DEDICATIONS	MAINTENANCE	USE
TRACT A	15.34	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	ACCESS, DRN, LA, OS, U
TRACT B	27.86	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT C	24.13	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT D	25.38	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT E	12.82	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT F	6.90	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT G	9.78	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT H	3.62	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT I	3.66	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT J	5.44	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
TRACT K	18.46	RAIL LAND COMPANY, LLC	RMRPMD	RMRPMD	DRN, LA, OS, U
SUB TOTAL TRACT AREA (AC)	153.39				
TOTAL	613.81				

**RMRPMD = ROCKY MOUNTAIN RAIL PARK METRO DISTRICT
RLC, LLC = RAIL LAND COMPANY, LLC

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L100	986.62	N00°25'10"W
L101	1644.15	N00°25'10"W
L102	829.46	N00°55'54"W
L103	2449.56	N87°55'30"E
L104	929.60	S01°04'32"E
L105	184.56	S89°44'09"E
L106	1653.32	S00°12'55"E
L107	2630.74	N89°31'58"W
L108	520.07	N00°55'54"W
L109	400.10	N87°55'30"E
L110	1292.35	N00°55'54"W
L111	2646.15	N00°55'37"W
L112	2647.33	N00°39'08"W
L113	2603.27	N00°39'07"W

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L114	2196.82	S89°38'33"E
L115	2584.22	S00°34'06"E
L116	923.12	S00°34'07"E
L117	268.06	S00°34'07"E
L118	147.82	S08°23'52"E
L119	1258.36	S00°34'07"E
L120	821.89	S01°05'16"E
L121	20.00	S89°12'16"W
L122	324.35	S01°05'16"E
L123	148.79	S08°12'46"E
L124	1331.48	S01°05'16"E
L125	1191.75	S01°05'20"E
L126	2222.37	S87°55'30"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C100	35.76	23.00	89°04'27"	S45°06'20"E	32.26
C101	35.13	23.00	87°30'29"	S43°11'07"W	31.81
C102	15.99	117.00	7°49'45"	S04°29'00"E	15.97
C103	11.34	83.00	7°49'45"	S04°29'00"E	11.33
C104	14.55	117.00	7°07'30"	S04°39'01"E	14.54
C105	10.32	83.00	7°07'30"	S04°39'01"E	10.31

Legend

- FOUND ALIQUOT MONUMENT AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- BOUNDARY LINE
- ADJACENT PROPERTY LINE
- LOT AND/OR TRACT LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE

Overall Boundary

Flatirons, Inc.
Surveying, Engineering & Geomatics
www.FlatironsInc.com



3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830

JOB NUMBER:
18-71,096
DATE:
08/17/2020
DRAWN BY:
M. VOYLES
CHECKED BY:
BO/JZG/JK/ETB

After Recording Return To:
Jill Jennings Golich, Director
Adams County Community and Economic Development
1st Floor, Suite W2000A
4430 South Adams County Parkway
Brighton, Colorado 80601

MASTER DEVELOPMENT AGREEMENT FOR ROCKY MOUNTAIN RAIL PARK

THIS MASTER DEVELOPMENT AGREEMENT FOR ROCKY MOUNTAIN RAIL PARK (“MASTER AGREEMENT”) is made and entered into by and between the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, State of Colorado, hereinafter “COUNTY,” and RAIL LAND COMPANY, LLC d/b/a ROCKY MOUNTAIN RAIL PARK, a Colorado limited liability company, hereinafter “DEVELOPER” (each a “PARTY,” or collectively, the “PARTIES”).

RECITALS

WHEREAS, Developer is the owner of approximately 619.45 acres 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 (“PROPERTY”), commonly known as the Rocky Mountain Rail Park (“SUBDIVISION”);

WHEREAS, the Subdivision will facilitate the development of a rail park adjacent to the Colorado Air and Space Port (“CASP”), and is designed to allow rail delivery to individual end users and further the economic development of the County;

WHEREAS, the subdivision statutes of the State of Colorado, C.R.S. § 30-28-137, and the subdivision resolution of the County authorize the execution of an agreement between the County and Developer whereby Developer agrees to construct any required public improvements for the Subdivision, and to provide security for completion of the public improvements that are within the County’s jurisdiction;

WHEREAS, due to the size and complexity of the Subdivision, as well as economic cycles and market conditions that will impact the term of absorption, this Agreement provides for the completion of certain public improvements (“FUTURE IMPROVEMENTS”) within the Subdivision and outside of the Subdivision when warranted by development activities within the Subdivision;

WHEREAS this Master Agreement will serve to ensure that the Future Improvements are completed concurrently with, or before, the completion of development within the Subdivision that creates the impacts that create the demand for such improvements, and that security and warranties will be provided to the County according to the County’s adopted requirements, which are included in the form Development Agreement (“DA”) attached as **Exhibit B**;

WHEREAS, this Master Agreement is consistent with the purpose of Planned Unit Development (“PUD”) zoning for the Subdivision, which is to permit detailed development planning as development occurs to allow flexibility in adapting to market demands while protecting and promoting the public health, safety, and welfare of existing and future residents of Adams County, and relieving the County from the cost of completing the Future Improvements; and

WHEREAS, the Parties agree that the impacts of the Subdivision as approved will be fully addressed by this Master Agreement and the subsequent Development Agreements between the County, and the Parties acknowledge that surety may be required for Future Improvements as detailed in those subsequent Development Agreements.

NOW, THEREFORE, in consideration of the foregoing and upon approval and recordation of the final plat of the Subdivision, the parties hereto promise, covenant, and agree as follows:

1. **Incorporation of Recitals.** The Recitals above are fully incorporated herein and made a part hereof.
2. **Future Improvements.**
 - 2.1 *Generally.* The Parties agree that the Future Improvements are not yet warranted and are likely to be influenced by specific development plans proposed by subsequent purchasers of individual lots within the Subdivision (“LOTS”). Future Improvements will be required if and when certain thresholds (“THRESHOLDS”) identified in Master Traffic Impact Study, as defined in Section 2.2, below, are met. If and when a Threshold is met, Developer shall design and construct the Future Improvements as set forth herein.
 - 2.2 *Master Traffic Impact Study.* Developer submitted for review, and the County approved, a Master Traffic Impact Study (“MASTER STUDY”). The Master Study analyzes the entire Subdivision at full build-out of all Lots. The Master Study identifies the Future Improvements that are necessary to mitigate for impacts of the fully developed Subdivision and identifies traffic count Thresholds for when specific Future Improvements will be required (when thresholds are met or exceeded, such Future Improvements will be referred to herein as “TRIGGERED IMPROVEMENTS”). The Master Study was prepared at Developer’s sole cost and expense. A summary of the Future Improvements contemplated by the Master Study is attached as **Exhibit C**. To the extent of any conflict between the Master Study and Exhibit C, the Master Study shall control.
 - 2.3 *Development of Lots.* THE DEVELOPER ACKNOWLEDGES THAT THE TIME REQUIRED FOR PROCESSING APPLICATIONS FOR LOT DEVELOPMENT PERMITS, AS DEFINED BELOW, MAY BE EXTENDED BY A REASONABLE PERIOD DUE TO THE ADDITIONAL PROCESSING REQUIREMENTS OF THIS SECTION, AND THAT SAID EXTENTION OF TIME IS NECESSARY TO ACCOMMODATE THE DEVELOPER’S REQUEST (AND THE COUNTY’S AGREEMENT) TO ALLOW FOR THE TIMING OF CONSTRUCTION OF FUTURE IMPROVEMENTS AS PROVIDED IN

THIS AGREEMENT. Along with any application for construction, building, or change-in-use permits for a Lot that may result in an increase in trip generation (each, a “LOT DEVELOPMENT PERMIT”), the Developer shall prepare a Traffic Impact Study (“TIS”), at the Developer’s sole cost and expense, and submit the TIS to the County for review and approval (a TIS is not required for subsequent applications for Lot Development Permits that generate traffic that was previously accounted for in a prior TIS). The TIS shall be used to determine whether Triggered Improvements are required. The TIS must include a Trip Generation analysis for the subject Lot, address its cumulative impacts with all previously developed Lots, and provide analysis regarding whether the proposed development or use requires the construction of Triggered Improvements. Actual traffic counts shall be used (in lieu of Trip Generation calculations) for previously developed Lots, if Certificates of Occupancy have been issued for those Lots and a use is established such that their traffic impacts may be measured. If Triggered Improvements are not required, the Developer may apply for a Lot Development Permit in accordance with the County’s Development Standards and Regulations. If Triggered Improvements are required, the TIS must identify them with particularity, and *in addition to all other applicable requirements for issuance of a Lot Development Permit*:

2.3.1 If the Triggered Improvements are to be dedicated to or otherwise under control of the County, then Developer shall submit an executed DA and collateral to the County as provided in Section 5, below.

2.3.2 If the Triggered Improvements are to be dedicated to another jurisdiction (“REGULATING JURISDICTION”), then County shall not issue the Lot Development Permit until after the Developer has submitted such application materials to the Regulating Jurisdiction as its adopted regulations require for construction of such Triggered Improvements; and the County shall not issue a Certificate of Occupancy for the development or use authorized by the Lot Development Permit until the Regulatory Jurisdiction has accepted the Triggered Improvements (preliminary acceptance, subject to Developer warranty, shall be considered acceptance for the purposes of this provision).

2.4 *Drainage Improvements.*

2.4.1 SUB-AREAS FOR DRAINAGE PURPOSES. The Subdivision is separated into two distinct development areas, divided by Colfax Avenue. For the purposes of describing the drainage improvement, the “North Area” is defined as the area north of Colfax Avenue, and the “South Area” is defined as the area south of Colfax Avenue.

2.4.2 Prior to or simultaneously with the development of the first Lot in the North Area, Developer shall complete all required drainage improvements in the North Area and the swales to the east and west of the development (*i.e.*, Crooked Run and Crooked Run East). Alternatively, the County may administratively approve a series of temporary drainage improvements if it finds that they adequately address the demands of proposed

development, and allow for sequential construction of the permanent drainage system as approved for the Subdivision.

2.4.3 Prior to or simultaneously with the development of the first Lot in the South Area, Developer shall complete all required drainage improvements in the South Area.

3. **Engineering Services.** Developer shall furnish or cause to have furnished, without cost to the County, all engineering services in connection with the design and construction of Triggered Improvements that are required pursuant to this Master Agreement when construction of such Triggered Improvements is required. Developer shall obtain, or cause to have obtained the approval from the County or other applicable Regulating Jurisdiction for all construction plans and engineering reports in connection with the design and construction of said Triggered Improvements. It is the Developer's responsibility to satisfy the requirements of Section 2.3.2 by notifying the County of its application to a Regulating Jurisdiction and the subsequent acceptance by the Regulating Jurisdiction of completed Triggered Improvements. The Developer shall promptly provide such interim documentation (e.g., construction permits, inspection reports, etc.) regarding construction of Triggered Improvements as the County may request from time to time, provided such documentation is then available to the Developer.
4. **Drawings and Estimates.** At or before the time that a TIS associated with a Lot Development Permit identifies that one or more Triggered Improvements are required, Developer shall furnish, or cause to have furnished, drawings and cost estimates for the Triggered Improvements that are then warranted, to (and for approval by) the County or other Regulating Jurisdiction, as applicable. Nothing in this Section 4 shall be interpreted to require Developer to furnish more or less information to the Regulating Jurisdiction than it would otherwise require.
5. **Development Agreement.**
 - 5.1 *Generally.* DAs that are required by this Agreement shall be submitted in the form attached hereto as **Exhibit B**, in order to provide for construction and (as applicable) warranty of the Triggered Improvements then required, according to the drawings and materials approved by the County.
 - 5.2 *Cost of Construction Exhibit.* Developer shall attach to the DA the design and a corresponding Engineer's Opinion of Probable Cost ("EOPC") (together, the "COST OF CONSTRUCTION EXHIBIT") for the applicable Triggered Improvement, to detail the costs used in determining the Surety requirement as defined in the DA. Construction costs shall be estimated by a registered Colorado Engineer, who must sign and stamp the EOPC exhibit.
 - 5.3 *Public Improvement Construction Schedule Exhibit.* The Cost of Construction Exhibit shall include a completion deadline for all of the improvements included therein. Developer shall not commence construction prior to approval of the DA for that Lot and all prerequisites to

construction outlined in the DA, and receipt of the appropriate Grading Permit, Access Permit, and/or Right-of-Way ("ROW") Permit from the County.

- 5.4 *Provisions for Surety.* Surety to the County shall be in an amount equal to estimated cost to construct the Future Improvement plus twenty percent (20%) to cover administration and five percent (5%) per year of the term of the DA to cover inflation. Draws under any such Surety shall follow the procedures set out in the Surety and the requirements of the Adams County Development Standards and Regulations ("ACDS&R"), which shall be consistent with the DA. Release of Surety shall be in accordance with the requirements of the Adams County Development Standards and Regulations.
- 5.5 *Other Regulating Jurisdictions.* Developer shall follow such protocols as adopted by other Regulating Jurisdictions with regarding to permitting and surety for Future Improvements within their jurisdictions. The County will not require the Developer to provide Surety to the County for Future Improvements to be constructed in or for other Regulating Jurisdictions.
6. **Public Land Dedication.** Pursuant to Section 5-05-05-02-01, ACDS&R, Developer shall pay cash-in-lieu for 30.9725 acres of regional parks (representing five percent of the land area of the Subdivision), totaling one million five hundred thirty-nine thousand seven hundred ninety-eight and no / 100 dollars (**\$1,539,798.00**). Pursuant to Section 5-05-05-03(3), ACDS&R, the payment of cash-in-lieu for regional parks shall be split into four payments. The first payment is due prior to recording the final plat, the second payment is due prior to the issuance of a Building Permit which would constitute greater than 25 percent of the development, the third payment is due prior to the issuance of a Building Permit which would constitute greater than 50 percent of the development, and the fourth payment is due prior to the issuance of a Building Permit which would constitute greater than 75 percent of the development. The cash-in-lieu set out in this Section 6 shall represent the maximum cash-in-lieu required from the Subdivision for regional parks; however, if the County amends the ACDS&R at any time prior to the fourth payment, to provide for: (a) a lower cash-in-lieu payment for property that is comparable to the Subdivision due to either industrial or PUD zoning that allows comparable uses; or (b) an appeal or individual calculation methodology to reduce amounts due based on the individual characteristics of a development, then Developer may apply for a reduction of its total payment according to such updated or amended County regulations and apply that reduction to the balance due to the County.
7. **Default by Developer.** A default by Developer under this Master Agreement shall exist after notice and an opportunity to cure of not less than 10 days, as hereinafter provided, if: (a) Developer fails to cure any noncompliance specified in any written notice of noncompliance from the County within a reasonable time after receipt of the notice of noncompliance; (b) Developer otherwise breaches or fails to comply with any obligation of Developer under this Agreement; or (c) Developer becomes insolvent, files a voluntary petition in bankruptcy, is adjudicated a bankrupt pursuant to an involuntary petition in bankruptcy, or a receiver is appointed for Developer. An administrative determination by the County that the Developer is in default shall be appealable to the Board of County Commissioners.

8. **Protection of Innocent Purchasers.** This Agreement is entered into pursuant to the requirements of the ACDS&R and C.R.S. § 30-28-137(1)(b). It is therefore subject to the provisions of C.R.S. § 30-28-137.
9. **Successors and Assigns.** This Agreement shall be binding upon the heirs, executors, personal representatives, successors, and assigns of Developer, and shall be deemed a covenant running with the real property as described in **Exhibit A** attached hereto.

10. Assignability.

- 10.1 *Assignment to District.* County acknowledges that the Rocky Mountain Rail Park Metro District (“DISTRICT”) has been formed for the purpose of constructing and maintaining certain improvements within the Property. The County hereby consents to the performance by the District of any of the obligations of the Developer hereunder. Upon the assignment by the Developer of all or a portion of the Developer’s obligations hereunder to the District and the assumption of such obligation by the District, the Developer shall be released from such assigned obligation, and the County will accept performance of such assigned obligation from the District.
- 10.2 *Assignment to Others.* Developer may assign its rights and obligations under this Agreement to a party who is the successor or assignee of Developer in its capacity as developer of the Subdivision without the consent of the County; provided, however, that: (a) Developer notifies the County of the assignment and of the name and address of the successor developer; and (b) the successor Developer assumes the obligations of Developer under this Agreement. Unless otherwise agreed by County, Developer shall remain liable for performance of the obligations of Developer under this Agreement. The County shall release a surety furnished by Developer if the County accepts new security from any successor Developer of the Subdivision.

11. Miscellaneous.

- 11.1 *Notices.* Any notice or communication required under this Agreement must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, the same will be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (b) five days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice will be deemed to have been given when delivered to the party to whom it is addressed. Any party hereto may at any time, by giving written notice to the other party hereto as provided in this Section, designate additional persons to whom notices or communications will be given and designate any other address in substitution of the address to which such notice or communication will be given. Such notices or communications will be given to the parties at their addresses set forth below:

If to the County:

Board of County Commissioners
County of Adams
4430 South Adams County Parkway
Brighton, CO 80601
Attention: Chair

With a required copy to:
Adams County Attorney
4430 South Adams County Parkway
Brighton, CO 80601
Attention: County Attorney

If to Owner:

Rail Land Company, LLC
d/b/a Rocky Mountain Rail Park
4601 DTC Boulevard, Suite 130
Denver, CO 80237

With a required copy to:
Fairfield and Woods, P.C.
1801 California Street, Suite 2600
Denver, Colorado 80203
Attention: Rita Connerly, Esq.

- 11.2 *Further Assurances.* At any time, and from time to time, upon request of either Party, the other Party agrees to make, execute and deliver or cause to be made, executed and delivered to the requesting Party any and all further instruments, certificates, or documents consistent with the provisions of this Agreement as may, in the reasonable opinion of the requesting party, be necessary or desirable in order to effectuate, complete, or perfect the right of the Parties under this Agreement.
- 11.3 *Binding Effect.* Subject to Section 9, above, this Agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
- 11.4 *Headings for Convenience.* All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this Agreement.
- 11.5 *Severability.* If any provision of this Agreement is declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this Agreement as a whole or any part thereof other than the part declared to be invalid and there shall be substituted for the affected provision, a valid and enforceable provision as similar as possible to the affected provision.

- 11.6 *No Waiver of Governmental Immunity.* Nothing contained in this Agreement shall constitute a waiver of the governmental immunity under applicable state law.
- 11.7 *Consent to Jurisdiction and Venue.* Personal jurisdiction and venue for any civil action commenced by either party to this Agreement with respect to this Agreement or a surety shall be proper only if such action is commenced in the District Court for Adams County, Colorado.
- 11.8 *Third-Party Beneficiaries.* This Master Agreement is intended to provide for the construction of infrastructure to support development within unincorporated Adams County, Colorado, and while non-parties are named in this Master Agreement, it is intended only for the benefit of the Parties hereto and their respective permitted successors and assigns, and is not for the benefit of, nor may any provision hereof be enforced by, any other person, organization, entity, or political subdivision.
- 11.9 *Force Majeure.* Neither party shall be liable for failure to perform hereunder if such failure is the result of Force Majeure and any time limit expressed in this Agreement shall be extended for the period of any delay resulting from any Force Majeure. "Force Majeure" shall mean causes beyond the reasonable control of a party such as, but not limited to, weather conditions, acts of God, acts of terrorism, strikes, work stoppages, unavailability of or delay in receiving labor or materials, faults by contractors, subcontractors, utility companies or third parties, fire or other casualty, pandemic disease, or action of government authorities.
- 11.10 *Entire Agreement.* This Agreement, and any agreement or document referred to herein, constitutes the entire understanding between the parties with respect to the subject matter hereof and all other prior understandings or agreements shall be deemed merged in this Agreement.

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

[Signature Pages Follow]

RAIL LAND COMPANY, LLC,
a Colorado limited liability company

By:

Authorized Signatory

STATE OF COLORADO }
 } ss.
CITY AND COUNTY OF DENVER }

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by _____ as authorized signatory for Rail Land Company, LLC, a Colorado limited liability company.

My commission expires: _____

Address: _____

Notary Public

APPROVED BY resolution at the meeting of _____, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Clerk of the Board

Chair

APPROVED AS TO FORM:

County Attorney

EXHIBIT A

LEGAL DESCRIPTION ROCKY MOUNTAIN RAIL PARK

EXHIBIT "A"

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

CONSIDERING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 35 TO BEAR NORTH 89°24'01" WEST, A DISTANCE OF 2657.29 FEET BETWEEN THE EAST QUARTER CORNER OF SECTION 35, BEING A FOUND #6 REBAR WITH 2 1/2" ALUMINUM CAP, "LS 5112 T3S R64W 35 36 1/4 1991" AND THE CENTER QUARTER OF SECTION 35, BEING A FOUND #6 REBAR WITH 3 1/4" ALUMINUM CAP, "T3S R67W [SIC] CENTER 1/4 SEC 35 1992 LS 10734" WITH ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.

COMMENCING AT SAID CENTER QUARTER CORNER OF SECTION 35; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 35, NORTH 00°24'15" WEST, A DISTANCE OF 986.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°24'15" WEST, A DISTANCE OF 1644.15 FEET TO THE SOUTH QUARTER CORNER OF SECTION 26; THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 26, NORTH 00°54'59" WEST, A DISTANCE OF 849.46 FEET TO POINT ON THE SOUTH RIGHT-OF-WAY LINE OF EAST COLFAX AVENUE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 87°56'25" EAST, A DISTANCE OF 2449.51 FEET; THENCE SOUTH 01°03'37" EAST, A DISTANCE OF 949.60 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG SAID SECTION LINE, SOUTH 89°43'06" EAST, A DISTANCE OF 184.57 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF PETERSON ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00°12'00" EAST, A DISTANCE OF 1653.32 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, NORTH 89°31'02" WEST, A DISTANCE OF 2630.74 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 35, SAID POINT ALSO BEING THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 6,545,869 SQ. FT. OR 150.27 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS



FSI JOB NO. 18-71,096

JOB NUMBER: 18-71,096 DRAWN BY: M. VOYLES DATE: APRIL 17, 2018 (PARCEL 1)
THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics



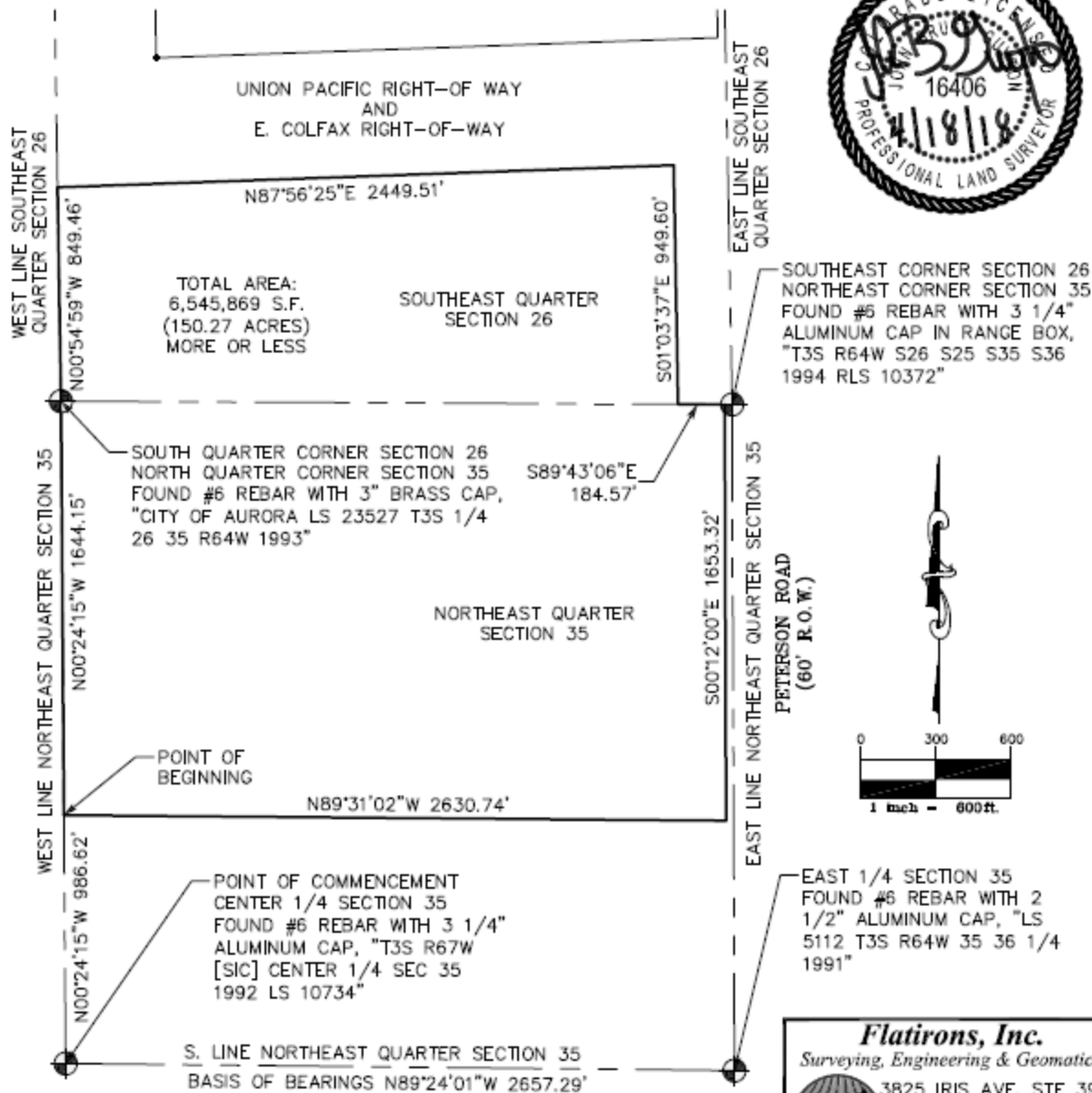
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

BT:MYUTLES FILE:71096_LEGAL DESCRIPTIONS.DWG DATE:4/18/2018 12:47 PM

EXHIBIT "A"

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 2 OF 2



JOB NUMBER: 18-71,096 DRAWN BY: M. VOYLES DATE: APRIL 17, 2018 (PARCEL 1)
THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

EXHIBIT "A"

LOCATED IN THE EAST HALF OF SECTIONS 26 AND 23, TOWNSHIP 3 SOUTH,
RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF ADAMS, STATE OF COLORADO
SHEET 1 OF 2

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTIONS 26 AND 23, TOWNSHIP 3 SOUTH,
RANGE 64 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 35 AS BEARING NORTH
89°24'01" WEST, A DISTANCE OF 2657.29 FEET BETWEEN THE EAST QUARTER CORNER OF SECTION
35, BEING A FOUND #6 REBAR WITH 2 1/2" ALUMINUM CAP, "LS 5112 T3S R64W 35 36 1/4 1991"
AND THE CENTER QUARTER OF SECTION 35, BEING A FOUND #6 REBAR WITH 3 1/4" ALUMINUM CAP,
"T3S R67W [SIC] CENTER 1/4 SEC 35 1992 LS 10734" WITH ALL BEARINGS SHOWN HEREON ARE
RELATIVE THERETO.

COMMENCING AT SAID CENTER QUARTER CORNER OF SECTION 35; THENCE ALONG THE WEST LINE OF
THE NORTHEAST QUARTER OF SECTION 35, NORTH 00°24'15" WEST, A DISTANCE OF 2630.77 FEET TO
THE SOUTH QUARTER CORNER OF SECTION 26; THENCE ALONG THE WEST LINE OF THE SOUTHEAST
QUARTER OF SECTION 26, NORTH 00°54'59"W, A DISTANCE OF 1349.52 FEET TO POINT ON THE
NORTH RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE ALONG SAID NORTH
RIGHT-OF-WAY LINE, NORTH 87°56'25"E, A DISTANCE OF 400.05 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 00°54'59"W, A DISTANCE OF 1292.35 FEET; THENCE NORTH 00°54'42"W, A DISTANCE
OF 2647.11 FEET; THENCE NORTH 00°38'13"W, A DISTANCE OF 2646.37 FEET; THENCE NORTH
00°38'12"W, A DISTANCE OF 2643.27 FEET; TO A POINT ON THE NORTH LINE OF THE NORTHEAST
QUARTER OF SECTION 23; THENCE ALONG SAID NORTH LINE, THENCE SOUTH 89°37'39"E, A DISTANCE
OF 2229.51 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF PETERSON ROAD; THENCE
ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 00°33'11"E, A DISTANCE OF 2646.70 FEET;
- 2) THENCE SOUTH 00°33'13"E, A DISTANCE OF 2646.16 FEET;
- 3) THENCE SOUTH 01°04'21"E, A DISTANCE OF 2650.03 FEET;
- 4) THENCE SOUTH 01°04'25"E, A DISTANCE OF 1191.58 FEET TO A POINT ON SAID NORTH
RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE,
SOUTH 87°56'25" WEST, A DISTANCE OF 2232.37 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 20,437,415 SQ. FT. OR 469.18 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR
AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING
MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE
REQUEST OF THE CLIENT AND ARE INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR
SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 18-71,096

JOB NUMBER: 18-71,096 DRAWN BY: M. VOYLES DATE: APRIL 17, 2018 (PARCEL 2)
THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS
NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD
INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.



Flatirons, Inc.

Surveying, Engineering & Geomatics



3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830

www.FlatironsInc.com

BY: MVOYLES FILE: 71096_LEGAL DESCRIPTIONS.DWG DATE: 4/18/2018 1:04 PM

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EXHIBIT A

EXHIBIT B

FORM OF DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 20__, between _____, a _____ corporation qualified to do business in Colorado (“Developer”), whose address is _____ and the Board of County Commissioners of the County of Adams, State of Colorado (“County”), whose address is 4430 S. Adams County Parkway, Brighton, CO 80601.

WITNESSETH:

WHEREAS, Developer is the owner of real property in the County of Adams, State of Colorado, within the Rocky Mountain Rail Park Subdivision, such real property as described in Exhibit “A” attached hereto, and by this reference made a part hereof.

WHEREAS, Real property within the Rocky Mountain Rail Park Subdivision is subject to the terms of that certain Master Development Agreement for Rocky Mountain Rail Park, dated _____, 2020 and recorded in the Public Records of Adams County on _____, 2020 at Reception No. _____ (“Master Agreement”).

WHEREAS, this Development Agreement implements the requirements of the Master Agreement.

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.

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 (“Improvements”).
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”.

4. **Time for Completion.** Improvements shall be completed according to the terms of this agreement within "construction completion date" appearing in Exhibit "B". The Director of Community and Economic Development Department may for good cause grant extension of time for completion of any part or all of improvements appearing on said Exhibit "B". Any extension greater than 180 days may be approved only by the Board of County Commissioners. All extensions of time shall be in written form only.
5. **Warranties of Developer.** Developer warrants that the Improvements shall be installed in good workmanlike manner and in substantial compliance with the Plans and requirements of this Agreement and shall be substantially free of defects in materials and workmanship. These warranties of Developer shall remain in effect until Preliminary Acceptance of the improvements by the County.
6. **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 \$<XXXXXX>, including 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 by the Director of Public Works in accordance with section 5-02-05-01 of the County's Development Standards and Regulations, 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 preliminary acceptance.

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 improvements described in Exhibit "B" have been preliminarily accepted by the Department of Public Works.

7. **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.
8. **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.

9. **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.

Public Improvements:

(General description of construction.) See Exhibit "B" 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".

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:

(General description of right-of-way).

Name/s

Developer

By: _____
Name, Title

State of Colorado }
 } ss:
County of _____ }

The foregoing instrument was acknowledged before me this _____ day of _____, 20____
by _____, as _____ of _____, a
_____, on behalf of the _____.

[SEAL]

My Commission Expires: _____

Notary Public

APPROVED BY resolution at the meeting of _____, 20____.

Collateral to guarantee compliance with this agreement and construction of public improvements shall be required in the amount of _____. 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.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Clerk of the Board

Chair

APPROVED AS TO FORM:

County Attorney

EXHIBIT A
TO DEVELOPMENT AGREEMENT

Legal Description:

EXHIBIT B
TO DEVELOPMENT AGREEMENT

Public Improvements: Street Name/s

<u>Description</u>	<u>Est. Quantity</u>	<u>Est. Unit Cost</u>	<u>Est. Construct. Cost</u>
--------------------	----------------------	-----------------------	-----------------------------

Construction Completion Date:

Initials or signature of Developer:_____

EXHIBIT C

Table 9 – Summary of Short-Term 2030 and Long-Term 2045 Intersection Improvements

Intersection	Improvements	Project Threshold ADT
Colfax Avenue & Manilla Road	<ul style="list-style-type: none"> Construct Eastbound Left Turn Lane (400-ft + 220-ft Taper) * Construct Westbound Left Turn Lane (770-ft + 220-ft Taper) * Construct Northbound to Eastbound Acceleration Lane (740-ft + 220-ft Taper) * 	<ul style="list-style-type: none"> • ## • # • 250 ADT
Colfax Avenue & Petterson Road	<ul style="list-style-type: none"> Construct Eastbound Left Turn Lane (685-ft + 220-ft Taper) * Construct Westbound Right Turn Deceleration Lane (380-ft + 220-ft Taper) * Construct Southbound to Westbound Acceleration Lane (740-ft + 220-ft Taper) * 	<ul style="list-style-type: none"> • 90 ADT NP • 2,050 ADT NP • 496 ADT NP
Colfax Avenue South Parcel West Access	<ul style="list-style-type: none"> Construct Eastbound Right Turn Deceleration Lane (380-ft + 220-ft Taper) * Construct Westbound Left Turn Lane (390-ft + 220-ft Taper) * 	<ul style="list-style-type: none"> • 322 ADT SP • 794 ADT SP
Colfax Avenue South Parcel East Right-in/Right-out Access	<ul style="list-style-type: none"> Construct Eastbound Right Turn Deceleration Lane (380-ft + 220-ft Taper) * 	<ul style="list-style-type: none"> • 642 ADT SP
I-70 Westbound Ramps & Manilla Rd	<ul style="list-style-type: none"> Construct Southbound Right Turn Lane (275-ft + 160-ft Taper) Construct Westbound Right Turn Lane (100-ft + 160-ft Taper) * Traffic Signal 	<ul style="list-style-type: none"> • # • 682 ADT • ###
I-70 Eastbound Ramps & Manilla Rd	<ul style="list-style-type: none"> Construct Eastbound Left Turn Lane (275-ft + 160-ft Taper) * 	<ul style="list-style-type: none"> • #

Improvement Warranted Based on Existing Traffic;

Improvement Not Related to Project;

= Long Term Improvement Not Needed with Full Project Development

* = These improvements are within CDOT jurisdiction and will be either funded or constructed as required by CDOT. County will advise developer if an access permit triggers these improvements.

NP = North Parcel; SP = South Parcel;

Notes:

- The timing of the City of Aurora improvements will be in accordance with Aurora requirements.
- The County and Developer acknowledge that fair share reimbursement is allowed for required offsite County improvements in accordance with the Adams County Development Standards and Regulations, Section 5-02-04. Reimbursement may be provided for in the Development Agreements pursuant to this Master Agreement.
- All improvements needed by near-term study horizon 2030 other than signalization of the I-70 WB Ramp which was found to be needed by 2045.

Commenting Division: Planner Review

Name of Reviewer: Nick Eagleson

Date: 11/20/2019

Email:

Resubmittal required

PLN01: County staff, the applicant, and the FAA should work together on some sort of future access to the CASP. This should be spelled out in the SIA.

PLN02: Submit SIA with your next resubmittal.

PLN03: An agreement will need to be in place prior to approval of the Final Plat and FDP for the section of track at the southwest corner of the site, which currently travels through County owned property.

PLN04: Parkland dedication fees have been calculated and total \$1,539,797.84. See attached .pdf for calculation. There is the potential to dedicate land for a regional park at a minimum of 50 acres, which can be non-contiguous to the site. However, the BOCC decides whether cash-in-lieu or land dedication is most appropriate. You can also have the land appraised to see if the assessed value comes in under the \$49,715/acre assessed by the County. The payments can also be phased, per section 5-05-05-03 from the Adams County Development Standards. This should be included as part of the SIA.

PLN05: A certificate of taxes paid from the County Treasurer's office is required.

PLN06: Is there still a walking path/trail located around the perimeter of the site?

PLN07: Please coordinate a meeting between yourself, the City of Aurora, and Adams County to discuss infrastructure needs.

Final Plat:

PLN08: The plat does not appear to be consistent and does not conform to the approved preliminary plat.

PLN09: The plat is in conformance with the subdivision design standards

PLN10: Evidence of sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards. The Colorado Division of Water resources acknowledged there is no concern.

PLN11: The applicant has provided evidence that adequate sewage disposal will be provided and complies with state and local laws and regulations.

PLN12: The applicant has provided evidence that the proposed uses of the areas are compatible with the soil or topographical conditions.

PLN13: The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.

PLN14: Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision will either be constructed, or financially guaranteed through cash-in-lieu or a subdivision improvement agreement so the proposed subdivision will not negatively impact the levels of service of the County.

Final Development Plan:

PLN15: Remove the signature block titled "Staff Review."

PLN16: The FDP is in general conformity with the Adams County Comprehensive Plan and any applicable area plan.

PLN17: The FDP conforms to the PUD standards.

PLN18: The FDP is consistent with the approved PDP.

PLN19: The FDP construction plans meet the requirements of these standards and regulations and have been approved by the Director of Community and Economic Development, all infrastructure and utility providers, Tri-County Health Department, and all other referral agencies.

Commenting Division: Environmental Analyst Review

Name of Reviewer: Katie Keefe

Date: 11/19/2019

Email:

Resubmittal Required

ENV1. Due to the proximity of the parcels to Denver International Airport (DIA), they are covered by the Airport Height Overlay (AHO), which restricts some building height and certain development. More information can be found in Section 3-32 of the Adams County Development Standards and Regulations.

- Landowners may be required to install, operate, and maintain, at the owner's expense, such markers and lights which may be necessary to indicate to flyers the presence of a hazard which affects the aviation facility. This marking and lighting requirement may also extend to objects of natural growth (trees, primarily) on site. (3-32-04-03 LANDOWNERS TO INSTALL MARKERS)

- An FAA aeronautical study may be required to determine if the proposed development could be a hazard to air navigation. (3-32-04-01 PROPOSED DEVELOPMENT TO COMPLETE AERONAUTICAL STUDY)

ENV2. Due to the proximity of the parcels to Front Range Airport, it is covered by the Airport Noise Overlay (ANO). The portions of the commercial or industrial structures devoted to office uses, or occupied by members of the public must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB on the A-weighted scale.

ENV3: If fill material will be imported to the site for site development, the applicant must obtain a temporary use permit for inert fill operations. The applicant shall provide details of the source material certifying that all fill material brought onsite is clean. This may be satisfied by submitting a signed letter from the owner of the fill certifying that it is clean, providing a due diligence report demonstrating no recognized environmental concerns are associated with the source site, or providing results of a soils test following guidance provided by the Department. Please contact kkeefe@adcogov.org for more information on soils sampling plans and required analysis if a soils test is performed.

Commenting Division: ROW Review

Name of Reviewer: Marissa Hillje

Date: 11/19/2019

Email: mhillje@adcogov.org

Resubmittal Required

ROW1. Submit a title commitment which should be used to depict the applicable recordings on the plat. Send Adams County a copy of the title commitment with your application dated no later than 30 days to review in order to ensure that any other party's interests are not encroached upon.

ROW2. Incorporate this language into Note 11: "By this plat, a tract is created for use by the owners of the lots for access onto Picadilly Road and E 48th Ave. The construction and maintenance of a private road within the Tract A is the full and complete responsibility of the property owner(s) of the subdivision, in perpetuity. Adams County assumes no responsibility or liability regarding the private road, and will not perform maintenance operations including snow removal."

ROW3. See redlines for labels needed for the private road.

ROW4. Edit the Legal description- see redlines

ROW5. The Tract table is different than the preliminary plat. Add Access in the use portion where applicable. This plat is not a conveyance document- clarify what the dedication column is meant for.

ROW6. The Right-of-way dedication to City of Aurora should be done prior to the approval of this plat. It can be done if there is a condition placed on the approval. The City of Aurora usually does not sign plats as it is usually dedicated by deed. The County will need verification from City of Aurora on how they would like it to be done. The county will work with developer on timing and how it should be shown on the plat.

ROW7. LOT 1 is shown different on this plat than the prelim. The County suggest editing lot 1 and creating a tract for the rail portion- see redlines.

ROW8. Is there any lots/tracts that are specifically drainage? The table is not specific. The county needs to make sure that there is drainage detention pond delineated on the plat as well as access to the pond

ROW9. The 60ft access easement on Lot 11- what is this for? Is there a private road there?

ROW10. The public access easement can be dedicated by the plat- specific language should be added to the notes section on what the access is for- who can use it and who will maintain it.

ROW11. See redlines on plat attached. Additional redline comments may be needed on next submittal.

Commenting Division: Development Engineering Review

Name of Reviewer: Matthew Emmens

Date: 11/13/2019

Email: memmens@adcogov.org

Resubmittal Required

Review complete with comments. Resubmittal required. See doc #6004789.

Commenting Division: Addressing Review

Name of Reviewer: Marissa Hillje

Date: 11/13/2019

Email: mhillje@adcogov.org

Resubmittal Required

Each lot being created shall have an address. Addresses can be assigned on the plat.

PRC2019—00012
Rocky Mountain Rail Partners
Engineering Review Comments

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0695H), Federal Emergency Management Agency, January 20, 2016. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required.

ENG2: LOW IMPACT DEVELOPMENT (LID) STANDARDS AND REQUIREMENTS Section 9-01-03-14:

All construction projects shall reduce drainage impacts to the maximum extent practicable, and implement practices such as:

1. On-site structural and non-structural BMPs to promote infiltration, evapo-transpiration or use of stormwater,
2. Minimization of Directly Connected Impervious Area (MDCIA),
3. Green Infrastructure (GI),
4. Preservation of natural drainage systems that result in the infiltration, evapo-transpiration or use of stormwater in order to protect water quality and aquatic habitat.
5. Use of vegetation, soils, and roots to slow and filter stormwater runoff.
6. Management of stormwater as a resource rather than a waste product by creating functional, attractive, and environmentally friendly developments.
7. Treatment of stormwater flows as close to the impervious area as possible.

LID shall be designed and maintained to meet the standards of these Regulations and the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3.

ENG3: Sustainable Development Practices Section **3-27-06-05-07-08**:

To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

1. Opportunities for the integration of renewable energy features in the design of buildings or sites, such as: solar, wind, geothermal, biomass, or low-impact hydro sources;
2. Energy-efficient materials, including recycled materials that meet the requirements of these regulations;
3. Materials that are produced from renewable resources;
4. Low-Impact Development (LID) stormwater management features;
5. A green roof, such as a vegetated roof, or a cool roof;
6. Materials and design meeting the U.S. Green Building Council's LEED-NC certification requirements;
7. A greywater recycling system.

ENG4: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area; an Adams County Stormwater Quality Permit (SWQ) is NOT required. The installation of erosion and sediment control BMPs are expected.

ENG5: Prior to scheduling the final plat/FDP BOCC hearing, the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, onsite and public improvements construction

plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents. The development review fee for an Engineering Review is dependent on the type of project and/or the size of the project. The Development Review fee can be found in the Development Services Fee Schedule, located on the following web page: <http://www.adcogov.org/one-stop-customer-center>.

The applicant has submitted construction drawings for review. The Construction documents are not approved at this time.

ENG6: The developer is required to construct roadway improvements adjacent to the proposed site. Roadway improvements will consist of curb, gutter and sidewalk adjacent to the site and, any roadway improvements as required by the approved traffic impact study.

ENG7: Prior to the issuance of any construction or building permits, the developer shall enter into a Subdivision Improvements Agreement (SIA) with the County and provide a security bond for all public improvements.

ENG8: No building permits will be issued until all public improvements have been constructed, inspected and preliminarily accepted by the County's Transportation Dept.

ENG9: The developer is responsible for the repair or replacement of any broken or damaged County infrastructure.

ENG10: The applicant is proposing to phase construction of this development and the required public improvements. The phasing schedule should be included on the Final Development Plan (FDP). The phasing schedule should be based on the need for the specific improvements as the site is development and, clearly outlined in the FDP. When/if the FDP is approved, the applicant will be strictly held to the phasing schedule.

ENG11: Section 5-02-03 of the Adams County Development Standards and Regulations (DSR) specifically states:

No portion or phase of a subdivision will be granted Preliminary Acceptance until all items identified in the Subdivision Improvements Agreement have been completed. Construction phasing will not be permitted for the purposes of partial acceptance. If the subdivider desires to improve smaller portions of the subdivision, they shall be submitted for review and recorded as individual filings.

The phasing schedule will need to be included in the SIA for this development and meet the requirements of this Section or, the applicant will be required to apply for a waiver to the Chapter 5 subdivision design standards.

ENG12: The preliminary Traffic Impact Study showed necessary offsite roadway improvements between the site and the I-70 interchange. And, the existing condition of the asphalt in Manilla Rd, Pederson Rd and possibly Colfax Ave will not support heavy truck traffic or a significant increase in standard vehicle traffic. The FDP and final plat construction need to address these deficiencies as the current roadway network cannot support this development. The applicant will be required to improvement these

roadways to support this development. This issue needs to be addressed and resolved prior to scheduling the FDP/Final Plat hearings.

ENG13: Applicant is required to coordinate all public transportation improvements with the City of Aurora and the Transport Colorado development. Applicant shall schedule and attend meetings with the City and Adams County staff and, incorporate all necessary revisions into the Rocky Mountain Rail Park construction documents.

Additional Engineering Comments:

1. The applicant will need to submit a phasing plan for this development. That plan will need to show the overall development with all required public improvements and, what the triggers for those improvements will be.
 - a. Upon receipt of that plan, County staff can review and comment on the phasing triggers.
 - b. Once the phasing and phasing triggers are approved by the County, the applicant will be required to include the phasing plan on the P.U.D.
2. In order to allow phasing of the development and public improvements, the applicant will need plat the site with individual filings for each phase.
 - a. The individual filings can create a single or multiple lots.
 - b. Each individual filing will need to include the required public improvements based on the phasing plan contained in the PUD (as included with the Final Development Plan), as well as any other improvements that come to light during review of the individual filing.
3. The applicants first filing/phase is required to include:
 - a. All of the perimeter landscaping, berming and, trail shown on the PDP.
4. The applicant is required to include all available traffic count information and drainage design information from the Transport Colorado development, located in the City of Aurora, into their design studies and construction plans.
 - a. Coordination of the traffic and drainage data is to be done through the City of Aurora in collaboration with Adams County.
 - a. Applicants public improvement plans are required to anticipate, to the extent possible, any future public improvements required for the Transport Colorado development.
5. The applicant is required to have the roadway sections for Pederson Rd and Manilla Rd analyzed for structural capacity.
 - a. The applicant will be required to improve the roadway sections of Pederson Rd and Manilla road to handle the traffic loading (i.e. trucks) anticipated in the Traffic Impact Study.
6. The applicant is required to coordinate all required roadway improvement to Colfax Ave with the Colorado Department of Transportation.

From: [Gordon Stevens](#)
To: [Nick Eagleson](#)
Cc: [David Rausch](#); [Russell Nelson](#); [Monica Lovato-Ramirez](#); [Juliana J. Archuleta](#)
Subject: RE: For Review: Rocky Mountain Rail Park (PRC2019-00012)
Date: Friday, October 25, 2019 1:37:24 PM
Attachments: [DOCS-#5998555-v1-SUBMITTAL ROCKY MOUNTAIN RAIL PARK 48TH AVE AND PETERSON RD SITE APPLICATION.PDF](#)

Good Morning Nick,

Thank you for the opportunity to review this submittal. The Adams County Dept. of Public Works, Infrastructure Management, Construction Inspection Division offers the following comments:

1. A Subdivision Improvement Agreement (SIA) and related collateral will be required for the construction of all Public Facilities as they relate to this subdivision construction. This agreement will have to be approved by the BoCC.
2. The Development Standards and Regulations are very clear on the construction of public roadways and perimeter roadways. As this proposed subdivision borders both Peterson Rd. and 48th Ave., this SIA will be specifically written for the improvements along these roadways. Other roadways may be involved as well, as additional requirements are flushed out with this application.
3. It is very possible that the City of Aurora may want some improvements along their jurisdictional boundary as well.
4. It is possible that the City of Aurora may require annexation if the site is to be served by Aurora Utilities.
5. Construction plans must be submitted and approved prior to the beginning of construction.
6. A pre-construction meeting must be held prior to construction.
7. No Building Permits/CO's can be issued until all Public Improvements have been installed and have received Preliminary Acceptance from the Adams County Department of Public Works.
8. A construction Permit cannot be issued until all construction plans have been reviewed and approved, and the Subdivision Improvement Agreement has been approved by the Adams County BoCC.

Again, thank you for the opportunity to review this submittal. If I can be of any further assistance, please do not hesitate to contact me at any time. This referral has also been submitted to other staff members of the Department of Public Works for further review.

Sincerely,

Gordon Stevens

Construction Inspection Supervisor,
Department of Public Works
Infrastructure Management Division
[ADAMS COUNTY, COLORADO](#)



COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

April 18, 2019

Greg Barnes
Adams County Community & Economic Development Department
Transmitted via email:
GJBarnes@adcogov.com

RE: Rocky Mountain Rail Park Subdivision (PRC2018-00006)
Part of the E1/2 of Sections 23, 26, and NE1/4 of Section 35, T3S, R64W, 6th P.M.,
Lost Creek Designated Ground Water Basin
Water Division 1, Water District 1

Dear Mr. Barnes:

We have reviewed your March 26, 2019 submittal concerning the above referenced proposal to subdivide approximately 620 acres of land into 11 lots (and “various tracts”) for an industrial park. This office previously commented on the proposal in a letters dated June 26, 2018, July 31, 2018, September 20, 2018, November 14, 2018 and January 3, 2019.

Water Supply Demand

A Technical Memorandum by FEI Engineers dated May 22, 2018 estimates the water demand for this subdivision is 49.46 AF/yr of potable water, 101.39 AF/yr of non-potable irrigation water and 0.552 AF/yr of potable fire suppression water, for a total estimated water demand of 151.4 AF/yr.

Source of Water Supply

The proposed water supplier is the Rocky Mountain Rail Park Metropolitan District (“District”). The new information submitted indicates the District was approved by the Board of the County Commissioners and in the November election and the order by Adams County District Court approving the District is awaiting approval. The District’s proposed sources of water are the Denver Basin bedrock aquifers. The submittal indicates that the Determination of Water Rights nos. 3625-BD, 3626-BD, 3627-BD and 3628-BD is the proposed source of water for the District. The applicant has submitted draft deeds for transferring the water rights from Rail Land Company, LLC to the District once the District has officially been formed. The District’s boundaries are the 620 acres associated with the Determination of Water Rights nos. 3625-BD, 3626-BD, 3627-BD and 3628-BD and the District will have no additional commitments beside the commitments for this subdivision.

Determination of Water Rights nos. 3625-BD, 3626-BD, 3627-BD and 3628-BD were issued for the Laramie-Fox Hills, Lower Arapahoe, Upper Arapahoe, and Denver aquifers respectively underlying the 620 acre property to Rail Land Company, LLC for the uses of domestic, livestock watering, irrigation, commercial, replacement, recreation, industrial, mechanical and fire protection.



Table 1 below shows the amount of water in the Determination of Water Rights for a 100 year and 300 year allocation approach.

Table 1

Aquifer	Determination of Water Right	Based on 100 year allocation approach	Based on 300 year allocation approach
Denver (NNT 4%)	3628-BD	208.6	69.53
Upper Arapahoe (NT)	3627-BD	105.3	35.1
Lower Arapahoe (NT)	3626-BD	52.8	17.6
Laramie-Fox Hills (NT)	3625-BD	142.8	47.6
Total		509.5	169.83

In the Adams County Development Standards and Regulations, Effective April 15, 2002, Section 5-04-05-06-04 states:

“Prior to platting, the developer shall demonstrate that...the water supply is dependable in quantity and quality based on a minimum useful life of three-hundred (300) years. A minimum 300-year useful life means the water supply from both a static and dynamic basis will be viable for a minimum 300-year period. The static analysis shall include evaluation of the volume of water that is appropriable for the proposed subdivision. The dynamic analysis shall evaluate whether the appropriable water supply is sustainable for three-hundred (300) years, giving consideration to the location and extent of the aquifer, as well as impacts caused by both current and future pumping by others from the aquifer.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will be “dependable in quantity and quality.” However, treating Adam County’s requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 509.5 acre-feet/year would be reduced to one third of that amount, or 169.83 acre-feet/year. The State Engineer’s Office has no comment on the quality of the water supply or the required ‘dynamic analysis’ to evaluate whether the appropriable water supply is sustainable for three hundred years.

State Engineer’s Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights **on the condition the District is formed, the Determination of Water Rights Nos. 3625-BD, 3626-BD, 3627-BD and 3628-BD are transferred to the District as described in the referral information and a written commitment of service from the District be provided referencing the name of the subdivision as submitted to the county and a level of commitment in terms of uses to be served and/or water requirement.**

Our opinion that the water supply is adequate is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be provided without causing injury is based on our determination that the amount of water that is legally available on an annual basis, according

to the statutory allocation approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 (or 300) years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you or the applicant have any questions, please contact Ailis Thyne at (303) 866-3581 x8216.

Sincerely,

A handwritten signature in black ink that reads "Keith Vander Horst". The signature is written in a cursive, flowing style.

Keith Vander Horst, P.E.
Chief of Water Supply, Basins

KVH/AAT

COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



Karen Berry
State Geologist

June 22, 2018

Greg Barnes
Adams County Community and Economic Development
4430 S. Adams County Parkway, Suite W2000A
Brighton, CO 80601-8216

Location:
E½ Sections 23 and 26,
and NE¼ Section 35,
T3S, R64W, 6th P.M.
39.7674, -104.5126

**Subject: Rocky Mountain Rail Park
Comp Plan Amendment, Rezoning to PUD, Major Subdivision Preliminary Plat, and PDP
Case Number PRC2018-00006; Adams County, CO; CGS Unique No. AD-18-0016**

Dear Mr. Barnes:

Colorado Geological Survey has reviewed the Rocky Mountain Rail Park referral. I understand the applicant proposes eleven industrial and commercial lots with rail access on approximately 620 acres located west of Peterson Road, north and south of Colfax, east of Front Range Airport. With this referral we received a request for CGS's review (May 24, 2018), a Project Explanation (Enertia Consulting Group, May 24, 2018), sheets 1 and 2 of the PUD plans (Enertia, May 23, 2018), and a site plan sheet for the Comprehensive Plan Amendment, Subdivision-Major/Preliminary, and Zoning Map Amendment applications (Enertia, May 22, 2018). We understand a new metro district will be created for water and sanitation.

The site does not contain, nor is it exposed to, any geologic hazards that would preclude the proposed industrial/commercial uses and density. **CGS therefore has no objection to approval of eleven-lot subdivision as proposed.**

Mineral resource potential. According to the Atlas of Sand, Gravel, and Quarry Aggregate Resources, Colorado Front Range Counties (Schwochow et al, Colorado Geological Survey Special Publication 5-B, 1974, Manila Quadrangle), the property is **not** mapped as containing a sand, gravel, or aggregate resource. Approximately the southwestern one-third of the site is located within the northeastern area of the Watkins lignite seam as mapped in Kirkham, R.M., 1978, The Watkins Lignite Seam, Adams and Arapahoe Counties, Colorado: Colorado Geological Survey, Open-File Report OF-78-6, scale 1:50,000. The maximum thickness of the lignite seam is approximately 20 feet at the southeastern corner of the property, pinches out toward the northeast, and ranges from approximately 60 to 100 feet below the ground surface. Since the Union Pacific corridor crosses this portion of the site, and the lignite is at a relatively shallow depth where extraction would almost certainly cause subsidence damage at the surface, it is highly unlikely that the lignite would ever be mined. However, a determination regarding whether lignite in general, or this lignite seam specifically, constitutes an economically viable mineral resource is outside the scope of CGS review.

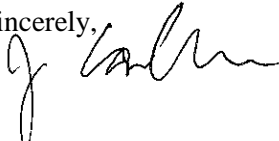
Soil/bedrock engineering properties. According to available geologic mapping, the site is underlain by wind-deposited fine sands, silt and clay. Wind-deposited soils, especially those containing soluble calcareous minerals, tend to be loose, fine-grained, and compressible/hydrocompactive, meaning they can lose strength, settle, compress, or collapse under a structural load and/or when water infiltrates the deposits. Thick columns of compressible or collapsible soils can result in very significant settlement and structural damage. Depending on their clay content, these soils can also exhibit shrink/swell (volume changes in response to changes in water content).

Greg Barnes
June 22, 2018
Page 2 of 2

Site-specific geotechnical investigations and analysis will be needed, once building locations are identified on each lot, to determine depths to bedrock and seasonal groundwater levels, and to characterize soil and bedrock engineering properties such as density, strength, and swell/consolidation potential for use in design of foundations, floor systems, subsurface drainage, and pavements.

Thank you for the opportunity to review and comment on this project. If you have questions or require additional review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jill Carlson', with a stylized, cursive script.

Jill Carlson, C.E.G.
Engineering Geologist



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

November 8, 2019

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Nick Eagleson

Re: Rocky Mountain Rail Park Final Plat, Case # PRC2019-00012

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the final plat for **Rocky Mountain Rail Park** and again requests, to ensure that adequate utility easements are available within this development, that the following language or plat note is placed on the preliminary and final plats for the subdivision:

Minimum ten-foot (10') wide dry utility easements are hereby dedicated on private property abutting all public streets, and around the perimeter of each commercial/industrial lot in the subdivision or platted area including tracts, parcels and/or open space areas. These easements are dedicated to Adams County for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.

PSCo also requests that the tracts are dedicated for utility use for crossings.

Public Service Company also requests that **all utility easements be depicted graphically on the preliminary and final plats**. While these easements may accommodate certain utilities to be installed in the subdivision, some additional easements may be required as planning and building progresses.

Please be aware PSCo owns and operates existing overhead electric distribution facilities within the subject property. The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to existing facilities via

xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



November 13, 2019

Nick Eagleson
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Rocky Mountain Rail Park, PRC2019-00012
TCHD Case No. 5940 & 5941

Dear Mr. Eagleson,

Thank you for the opportunity to review and comment on the Final Plat to create 11 lots and 11 tracts and Final Development Plan to establish the Rocky Mountain Rail Park Planned Unit Development on 620 acres located at the northwest corner of Petterson and Colfax. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Wastewater Treatment

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. The application states that the site will be self-sufficient by supplying its own sanitary treatment plant. Domestic Wastewater Treatment Works (DWWTW) are regulated by the Colorado Department of Public Health and Environment (CDPHE). CDPHE requires site approval, a discharge permit, and design approval for all DWWTW. It is our understanding that the DWWTW is not yet approved and CDPHE sent a Request for Information on February 20, 2019. The applicant should contact the CDPHE Water Quality Control Division regarding the DWWTW. Until the DWWTW is approved, TCHD cannot provide a favorable recommendation. More information can be found here:

<https://www.colorado.gov/pacific/cdphe/clean-water-site-wastewater-treatment-systems>.

Public Water System

Systems serving 25 or more persons on average, a minimum of 60 days per year are subject to regulation by the Colorado Department of Public Health and Environment (CDPHE) as a non-community drinking water system. The applicant shall contact the CDPHE Drinking Water Section at (303) 692-3500 or <https://www.colorado.gov/pacific/cdphe/drinking-water> to determine requirements for the drinking water system.

Rocky Mountain Rail Park

November 13, 2019

Page 2 of 2

Please feel free to contact me at 720-200-1585 or ahenrich@tchd.org if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AHF', with a horizontal line extending to the right.

Annemarie Heinrich Fortune, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Monte Deatrich, Warren Brown, TCHD
Jeffrey Hlad, CDPHE



MEMORANDUM

TO: Nick Eagleson and Adams County Planning Commission Members

FROM: Richard R. Follmer, PE, PTOE
Felsburg Holt & Ullevig
6300 S. Syracuse Way, Suite 600
Centennial, CO 80111

DATE: November 11, 2019

SUBJECT: Rocky Mountain Rail Park

Members of the Planning Commission, I am writing this memorandum to you to express a concern I have related to the development of the Rocky Mountain Rail Park. As information, I am the project manager for preparation of the Traffic Impact Analysis (TIA) for Transport Colorado, a project that is directly adjacent to the Rocky Mountain Rail Park and to the Colorado Air and Space Port.

The *Transport Colorado TIA* has been reviewed by the City of Aurora for Preliminary Development Plan approval and a revised TIA will be submitted to the City for a second review shortly. As such, I have some knowledge of existing and future roadway and traffic conditions in this area. And as you know, the *Northeast Area Transportation Study (NEATS) Refresh* study was completed in October 2018 for which Adams County was a part of the Technical Working Group. *NEATS Refresh* conducted an exhaustive evaluation of traffic projections and it identified roadway, transit, and bicycle/pedestrian facilities to meet the projected development estimates.

My concern regarding the *Rocky Mountain Rail Park Traffic Impact Study (TIS)* is that it does not address the *NEATS Refresh* traffic projections in their estimates of background traffic growth. Their traffic study uses 20-year projected growth rates along US 36 (Colfax Avenue) from the Colorado Department of Transportation (CDOT) that does not reflect the intensity of development that is expected to occur within Transport Colorado and for projects that *NEATS Refresh* evaluated. As such, when Rocky Mountain Rail Park predicts good intersection operations, particularly for the Year 2040, those operational conditions may be overly optimistic when you consider the influence of other projects that will develop within the same timeframe.

Relative to roadway infrastructure improvements, *NEATS Refresh* recommends the widening of Manila Road to four through lanes, something that is not addressed in the *Rocky Mountain Rail Park TIS*. Additionally, while not specifically identified in *NEATS Refresh*, improvements to the I-70/Manila Road interchange will also be required, particularly to accommodate large vehicle movements.

Bearing in mind the information above, it is requested that the Adams County Planning Commission consider a more thorough evaluation of traffic projections, their impacts, and recommended infrastructure improvements that the Rocky Mountain Rail Park should be a partner in.

Thank you for your consideration on this matter.



November 13, 2019

MEMORANDUM

Nick Eagleson – and Adams County Planning Commission Members

Re: Referral Response to the Request that Rocky Mountain Rail Park

On behalf of Transport Colorado, LLC ("Transport"), a 6500-acre industrial and logistics park with real estate holdings east and west of the proposed Rocky Mountain Rail Park (RMRP). More specifically this letter concerns Subarea 1 of Transport, which is 1154 acres of Heavy Rail Served Industrial Park in close proximity to RMRP. We are writing to request that Adams County assist the Applicants of RMRP and Transport Colorado in establishing appropriate cost sharing levels related to public improvements together that are proportionate to their respective development impacts to existing infrastructure in the area. We see impacts to the area relative to each of these rail served industrial developments specifically 1154 acres for Transport (Subarea 1) and 620 acres for RMRP.

We certainly recognize RMRP has followed all the regulations required by Adams County and is a good project. Furthermore, we are not objecting to the RMRP project as was stated in July 2019, but there are many impacts to consider based on both projects developing over the next 18-24 months. It is our estimate that between the Transport and RMRP projects thousands of jobs will be created in Adams County and Aurora. As a result, the current infrastructure will not support those impacts without substantial improvements.

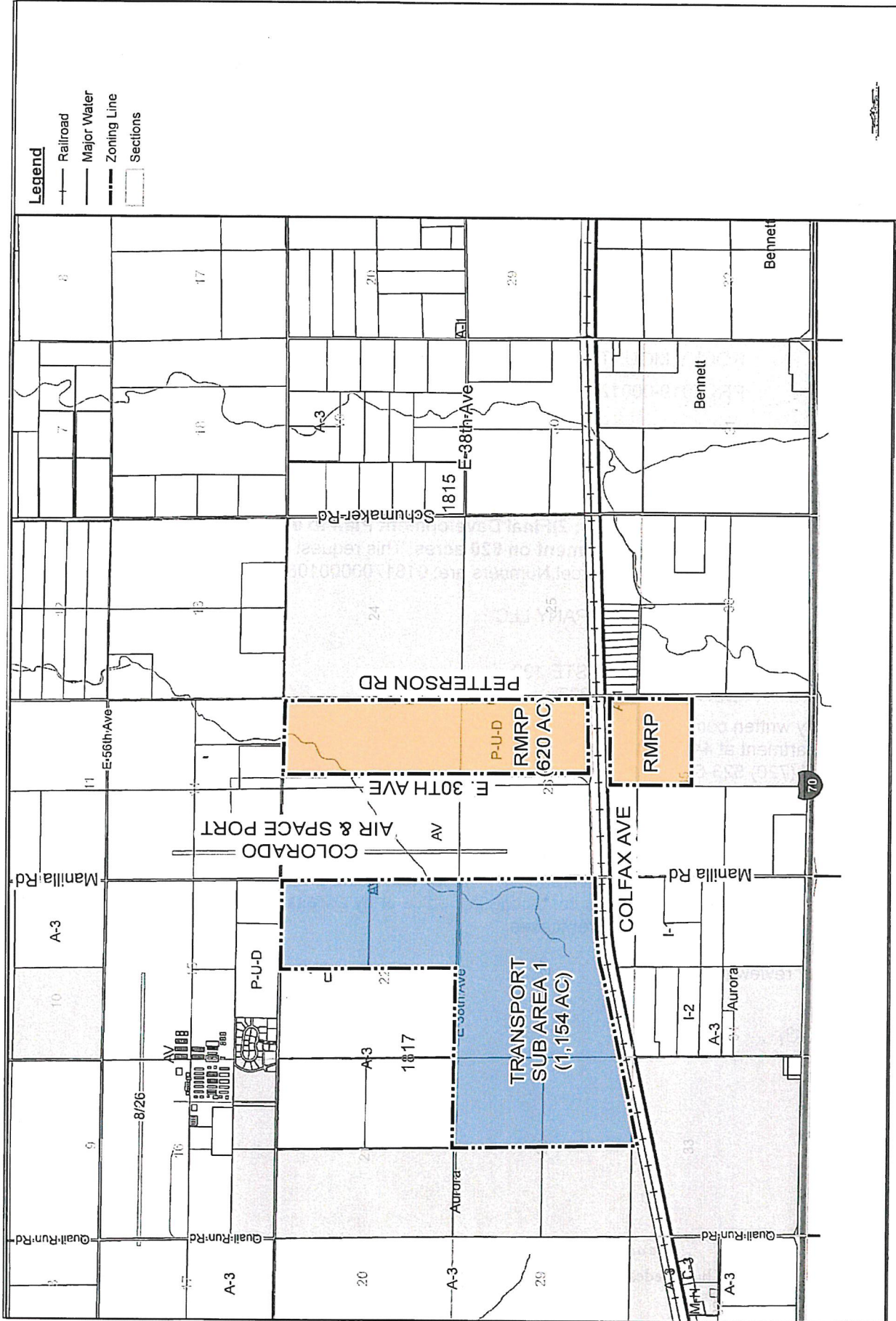
The discussion points made with the Adams County Board of Commissioners at the July 2019 hearing was as follows:

- A. RMRP and Transport should consider sharing costs of traffic impacts on existing infrastructure, such as Manilla Road and the Manilla Road Interchange. Even though they have staggered development schedules, both projects will generate traffic and trigger drainage, road and interchange improvements.
- B. Utility services are nonexistent in this area. Both projects should consider sharing costs for sewer and water in the area.
- C. Health, Safety and Welfare services (Fire / Police Annex) are nonexistent in the area and these costs should also be shared.

Because infrastructure funding decisions are made and guided by local government, we respectfully request that Adams County schedule a work session together with the City of Aurora, the RMRP applicants and Transport Colorado to establish infrastructure cost sharing obligations for the respective developments. Again, both projects will be wonderful additions to the community (Adams County & Aurora) and their success will be predicated on all parties working together to formulate a plan that benefits the collective stake holders.

Thank you for your consideration,

Kenneth J. Puncerelli, CEO



Legend

- +— Railroad
- Major Water
- - - Zoning Line
- Sections



AD CITY

This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy.

Case Name: Rocky Mountain Rail Park
Case Number: PRC2019-00012

For display purposes only.



Kelsey B. Hall
Land & Project Manager
TransPort Colorado, LLC
Office: 720-547-9781 ext 105
KHall@TransPortColorado.com

November 14, 2019

Nick Eagleson
Planner III, Community and Economic Development Dept.
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601-8216

**RE: Rocky Mountain Rail Park Project ("RMRP")
PRC2019-00012**

Nick,

I, Kelsey Hall, am the Land & Project Manager at TransPort Colorado, LLC. TransPort Colorado is a ~6,500-acre mixed-use commerce park located within Adams County and neighbors the proposed RMRP Project on its eastern and western boundaries.

During the Planning Commission Meeting held on June 13th, 2019 and the Board of County Commissioners Meeting on June 18th, 2019, TransPort Colorado raised numerous concerns with respect to the regional impact of the RMRP Project, in which the RMRP Project was conditionally approved. TransPort Colorado is providing comment again today not in opposition of the proposed industrial park by RMRP, however, is requesting a perpetual continuance of any further hearings until such date that RMRP has appropriately addressed all the affected stakeholders' concerns.

To that point, TransPort Colorado's 1,154-acre rail-served industrial park, reference maps attached, is directly affected by the RMRP Project. This park is currently in its development stages with the City of Aurora ("the City") in which the Master Framework Development Plan along with two Sub-Area Master Development Plans have been submitted for review and approval. The 1,154-acre rail-served industrial park (Sub Area #1) in this submittal utilizes similar routing between I-70 and Colfax on Manila Road. In review of RMRP's Final Development Plan, TransPort Colorado has differing results as to what extent improvements need to be made for development use in the City and Adams County, which is supported by its own traffic impact analysis previously provided to Adams County.

We find it imperative that all stakeholders, to include the City, Adams County, TransPort Colorado and RMRP, coordinate all major infrastructure with respect to reasonable cost sharing of near and medium term construction in order for both projects to be successful for the benefit of the City and Adams County. At a minimum, all affected stakeholders need to find common ground on the following list of comments from the City prior to approval of the RMRP Project.

- The Traffic Impact Analysis review comments provided by the City indicate that CDOT must review the interchange configurations at Manila and I-70. The City states that the current interchange at Manila and I-70 is not suitable for truck traffic and that the interchange improvements will likely be required with any development. We need to collectively solve interim condition approaches that make development in the area feasible. There is also a City comment that the design must be consistent with SHAC. The approval of design for the Manila interchange and its supporting infrastructure should rely solely on TransPort Colorado. RMRP should be a party to the solution and timing for the interchange improvements, as they will be allocating trips to the interchange. The City has made comment regarding how to determine the suitability of the proposed interim condition to include roundabouts at the northern and southern onramps at Manila and I-70. The methodology required by the City will have potentially significant early impacts on costs, and how the RMRP Project will participate in those costs is of significance.
- The City has required four lanes of Manila Road must be constructed at a trigger point in the development of the our 1,154-acre rail-served industrial park development. Considering the likely timing of buildout between the RMRP Project and our rail-served industrial park, it is logical that coordination of the level of cost participation should be determined prior to approval of the RMRP development.
- The City is also requiring a grade separation at Schumaker Road and the UPRR. The RMRP Project will have significant future trips contributing to that infrastructure and RMRP should participate in the associated design and construction costs of that future grade separation.

Once again, TransPort Colorado requests a continuance of the RMRP Project until such time that critical coordination can occur between the municipal, county and developer levels to coordinate a viable infrastructure plan to these vital concerns.

Sincerely,



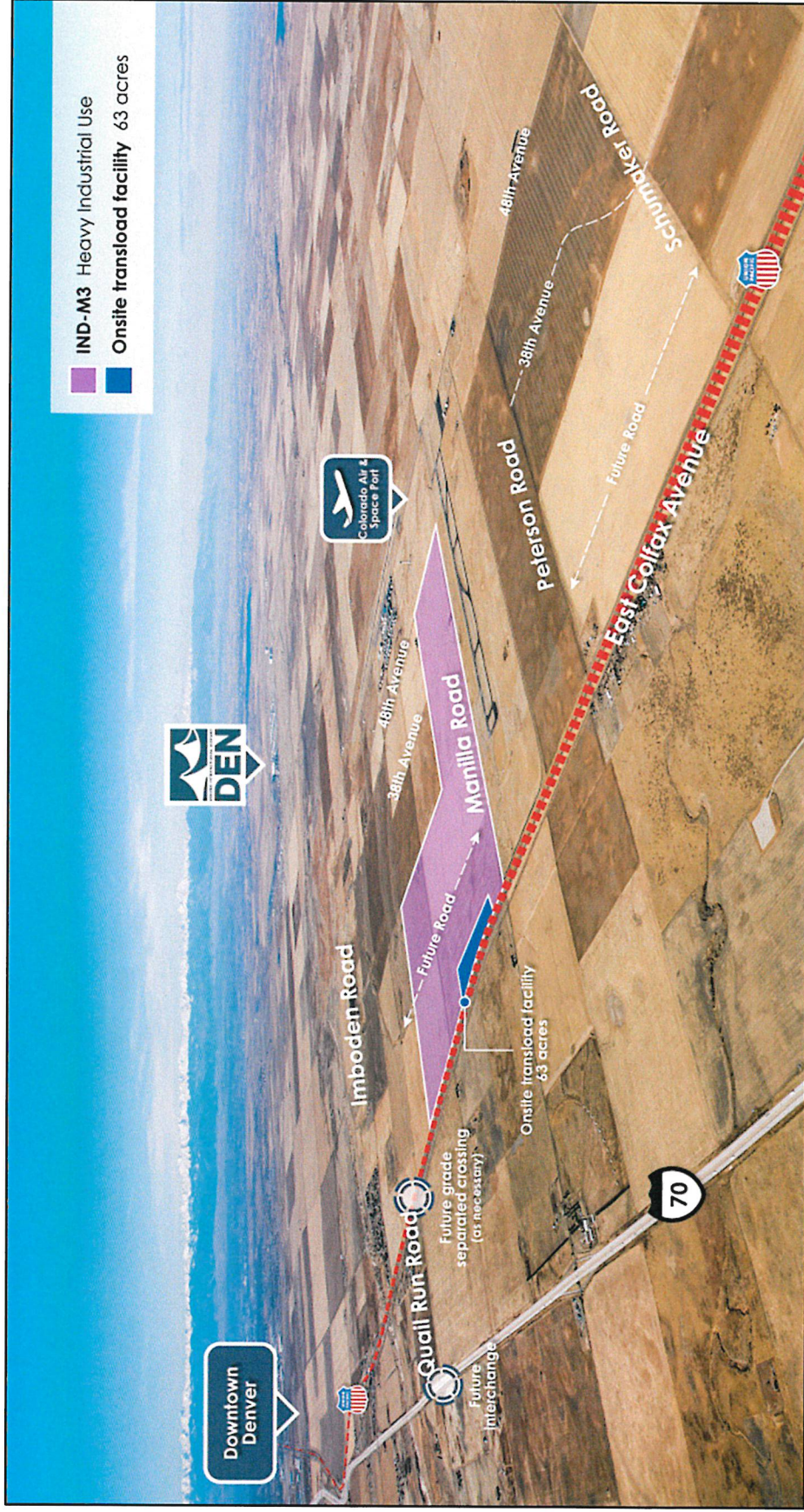
Kelsey B. Hall

Two Attachments Enclosed

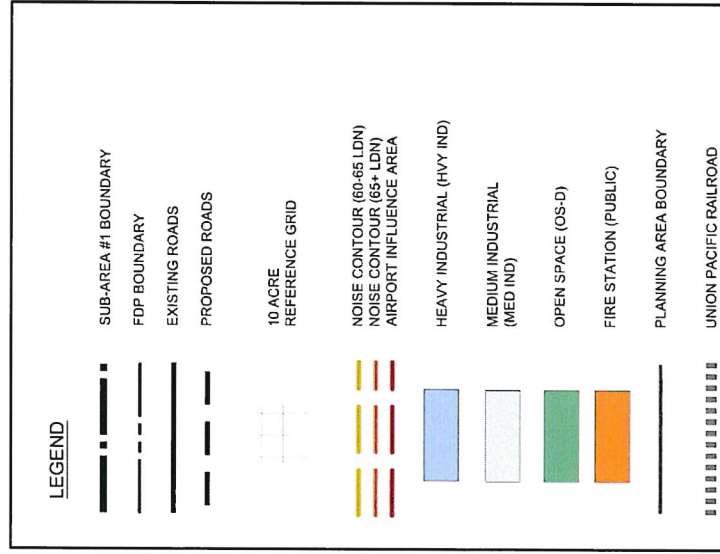
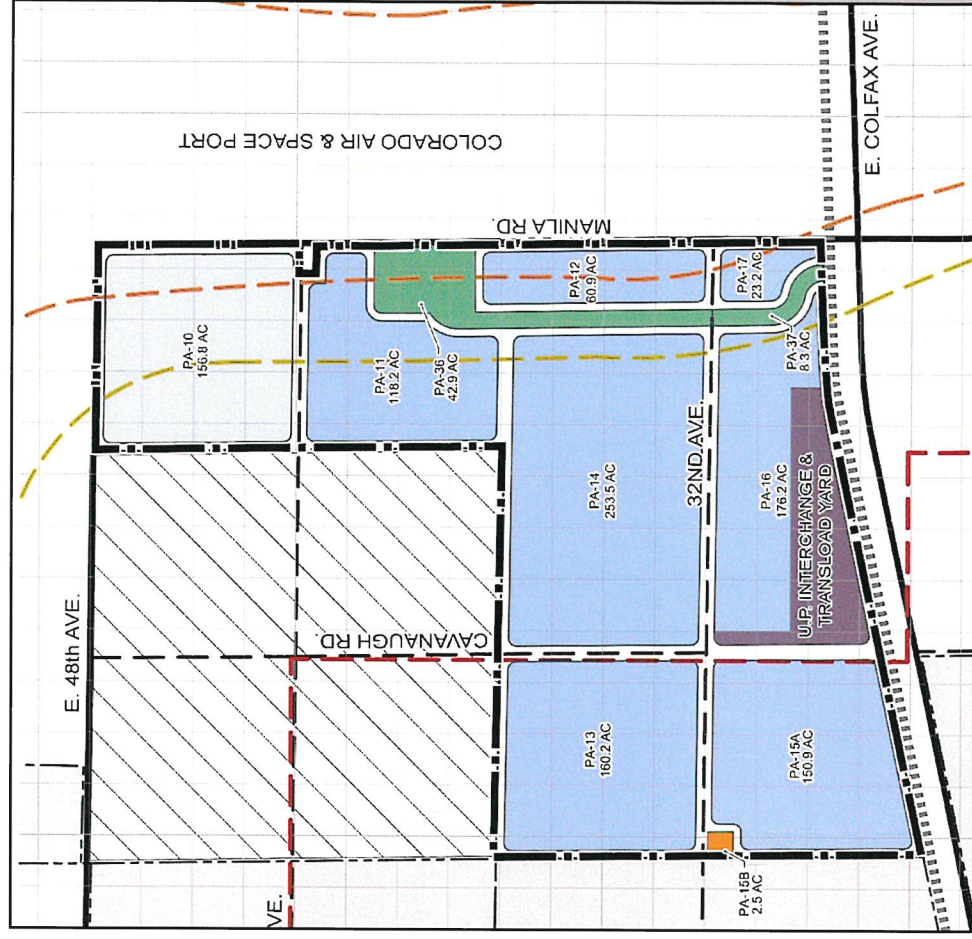
Cc: TransPort Colorado – Steven Marshall, President & CEO

Attachment #1

TransPort Colorado: 1,154-acre Rail-Served Industrial Park



Attachment #2 TransPort Colorado: 1,154-acre Rail-Served Industrial Park



STATE OF COLORADO

Traffic & Safety

Region 1

2829 W. Howard Place

Denver, Colorado 80204



COLORADO
Department of Transportation

Project Name: **Rocky Mountain Rail Park**

Print Date: 11/14/2019

Highway:

036

Mile Marker:

84.465

Environmental Comments:

Environmental will need to see environmental tech memos for the area of CDOT ROW that will become an access point(s), will have work or staging.

Traffic Comments:

I have no comments on the TIS.

Ronnie

From the Drawings it looks like the south location has two access. With Streets F & H accessing Colfax. Are these both full Access? This was not shown in the TIS. Only one access was evaluated in the TIS.

Jason Igo 11/12/2019

Maintenance Comments:

Resident Engineer Comments:

The residency will need to review the plans for any modifications made to SH36. The TIS lists several modifications that will need to be made to the state highway, and CDOT will need to review these plans to ensure they were designed to our standards and specifications. --kdd 11/13

No comments on Revision #3. --kdd 12/14/18

Permits Comments:

~~I have a number of issues and questions, too long to place in this form box. Please see attached memo dated 11-02-18. Seeking the favor of a reply letter with the next submittal outlining if how CDOT issues have been addressed -- RS 11-02-18~~

No further comments. Consultant has acknowledged concerns previously raised. They are aware that permits will be per code (spacing & design) along SH 36 and what the TIS to accompany them will need to address. RS 12-17-18

On sheet 8 of 12, show x-section for SH 36. Property is responsible for public improvements deemed warranted abutting this RoW.

FDP Sheet 7 of 12 The notation "proposed water line typ" is inappropriately shown in center of SH 36. CDOT will not allow this, it must be moved-repositioned outside of ultimate roadway pavement design. No manholes in the pavement!

Sheet 7 of 12 Streets F & H do not appear to match Access code relative to position & spacing requirements. This concern was raised before under our previous review (Nov 2018). Access permits will be required for both. Plans

are not scalable, nor are the proposed roadway spacing dimensions offered. Design & safety considerations must be evaluated before we acknowledge acceptance of these locations.

Sheet 8 of 12 Add a cross section for SH 36. This highway flanks this property and RMRP is responsible for public improvements which are warranted. We wish to see that the full-build out profile fits in the RoW, along with utilities and roadside drainage. We are looking for a minimum of 140-ft ROW per the Adams County Transportation plan.

Existing Conditions map sheet 3 of 12. Lumping CDOT & UPRR ROW together is not appropriate. Please separate and illustrate the extent-width of the UPRR apart from CDOT ROW. We are not the same company, institution or ownership.

New access permit needed/required for both Manila & Petterson Rd intersections with SH 36. The TIS to accompany the permit application needs to ID DHV at all access locations. As we previously discussed, please include the I-70 ramps at Manila to ascertain if new permits may be warranted there by virtue of new traffic > 20% attributed to this development. Note: the responses to CDOT 's previous remarks states that no access to be considered from Manila, yet the plans appear to show via 30th Ave., a connection of/to Manila on the north side.

RS 11-06-19

Other Comments:

State Highway Access Permits are required for the three accesses to State Highway 36. One will be needed for Petterson Rd. on the north side. The Permittee for this permit should be Adams County since this is a County Road connection to the Highway. For the development south of Highway 36, two State Highway access permits are required. The west, full-movement access should be on the property line. A provision of the permit will be that the full-movement access would become a shared access with the adjacent property to the west at the time it develops. The east access will be limited to Right-in, Right-out only. And the spacing of the accesses must accommodate any required auxiliary lanes. No design waivers will be given for substandard required lanes. Point of contact for the access permits is Steve Loeffler who can be reached at 303-757-9891 or steven.loeffler@state.co.us

We need to review a drainage study for both the north and south developments to confirm that there will be no negative impact of State Highway 36.

Any signing on these developments that will be visible to the State Highway must be on-premise and cannot be either wholly or partly in the State Highway Right-of-Way. All signing must comply with any other applicable rules governing outdoor advertising in Colorado per **2 CCR 601-3**

---Steve Loeffler 11-14-19



Land Development APEN Form APCD-223

Air Pollutant Emission Notice (APEN) and Application for Construction Permit

All sections of this APEN and application must be completed for both new and existing developments, including APEN updates. Incomplete APENs will be rejected and will require re-submittal. *Your APEN will be rejected if it is filled out incorrectly, is missing information, or lacks payment for the filing fee. The re-submittal will require payment for a new filing fee.*

This APEN is to be used for land development activities only. If your activity does not fall into this category, there may be a more specific APEN for your source. In particular, if your activity features excavation of commercially-sold material, you must use the Mining Operations APEN (Form APCD-222). If a specialty APEN is not available or does not satisfy your reporting needs, the General APEN (Form APCD-200) is available. A list of all available APEN forms can be found on the Air Pollution Control Division (APCD) website at: www.colorado.gov/cdphe/apcd.

This emission notice is valid for five (5) years. Submission of a revised APEN is required 30 days prior to expiration of the five-year term, or when a reportable change is made (significant emissions increase, increase production, new equipment, change in fuel type, etc.). See Regulation No. 3, Part A, II.C. for revised APEN requirements.

Permit Number: _____

AIRS ID Number: _____ / _____ / _____

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 1 - Administrative Information

Company Name¹: _____

Contact Person: _____

Mailing Address:
(Include Zip Code) _____

Phone Number: _____

E-Mail Address²: _____

¹ Use the full, legal company name registered with the Colorado Secretary of State. This is the company name that will appear on all documents issued by the APCD. Any changes will require additional paperwork.

² Permits, exemption letters, and any processing invoices will be issued by the APCD via e-mail to the address provided.

Section 2 - Requested Action

☐ NEW land development construction permit (and check one below)

☐ Request coverage under construction permit

☐ Request coverage under General Permit GP03

If General Permit coverage is requested, only pages 1-2 are required, and the General Permit registration fee of \$62.50 must be submitted along with the APEN filing fee.

- OR -

☐ MODIFICATION to existing permit (check each box below that applies)

☐ Increase size of project

☐ Increase duration of project

- OR -

☐ APEN submittal for update only (Blank APENs will not be accepted)

Additional Info & Notes: _____

Permit Number: _____ AIRS ID Number: _____ / _____ / _____
[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 3 - General Information

Project Name: _____
General description of land development project: _____

Street Address (if applicable): _____
County: _____ Section: _____ Township: _____ Range: _____

Project Timeline

Date earthmoving will commence: _____ Date earthmoving will stop: _____
Estimated time to complete entire project (includes buildings): _____ months

Project Area

Total area of project subject to earthmoving: _____ acres
Maximum disturbed area at any one time: _____ acres

Paving

☐ Check box if no paving will be completed at this location.

Area to be paved: _____ acres Date paving to be completed: _____

List any known or suspected contaminants in the soil: _____

NOTE: Contaminated soil will prevent your project from being covered by the General Permit GP03.

Brief description of how project development will occur:
(May consist of timeline, project phases, etc. Attach additional pages if necessary.)

IF YOU HAVE REQUESTED COVERAGE UNDER GENERAL PERMIT GP03, AN AUTHORIZED SIGNATURE IS REQUIRED IN SECTION 4. IF YOU HAVE REQUESTED COVERAGE UNDER A CONSTRUCTION PERMIT, AN AUTHORIZED SIGNATURE IS REQUIRED IN SECTION 6 (SEE PAGE 4).

Section 4 - Applicant Certification (GP03 Coverage Only)

I hereby certify that all information contained herein and information submitted with this application is complete, true, and correct. I further certify that this source is and will be operated in full compliance with each condition of General Permit GP03.

Signature of Legally Authorized Person (not a vendor or consultant) Date

Name (print) Title

Permit Number: _____

AIRS ID Number: _____

/ /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 5 - Fugitive Dust Control Plan for Land Development

If coverage under a construction permit is requested, this plan must be submitted with the APEN. DO NOT complete the rest of this form if you have requested coverage under General Permit GP03.

Regulation No. 1 requires that a fugitive dust control plan be submitted by applicants whose source/activity results in fugitive dust emissions. The control plan must enable the source to minimize emissions of fugitive dust to a level that is technologically feasible and economically reasonable. If the control plan is not adequate for minimizing emissions, a revised control plan may be required. The control plan (if acceptable to the division) will be used for inspection and enforcement purposes on the sources.

Check the boxes for dust control measures which you propose for your activity. You are required to apply the control measures as listed in the control plan. You may be subject to penalties if you fail to apply the control measures as reported. Use separate sheets if more space is needed.

Section 5A - Control of Unpaved Roads On-Site

Watering: ☐ None ☐ As needed ☐ Frequent³: _____ times/day

Surface is graveled: ☐ No ☐ Yes

Chemical stabilizer applied: ☐ No ☐ Yes Type: _____
(e.g. mag chloride, resin, etc.)

Vehicle Speed Limits: ☐ No ☐ Yes Posted speed limit on haul road: _____ mph

³ If "Frequent" is selected, your permit may include a requirement to water roads as often as listed in this APEN.

Section 5B - Control of Disturbed Surface Areas On-Site

- ☐ Watering (choose one option from below)
- ☐ Frequent (2 or more times per day)
 - ☐ As needed
- ☐ Chemical stabilizer
- ☐ Vehicle speed limited to _____ mph maximum. Speed limit signs must be posted.
- ☐ Revegetation (must occur within one year of site disturbance)
- ☐ Seeding with mulch
 - ☐ Seeding without mulch
- ☐ Furrows at right angle to prevailing wind
- Depth of furrows _____ inches (must be greater than 6")
- ☐ Compaction of disturbed soil⁴ (choose one option from below)
- ☐ Foundation areas only
 - ☐ All disturbed soil
- ☐ Wind breaks
- Type: _____ (e.g. snow fence, silt fence, etc.)
- ☐ Synthetic or natural cover for steep slopes
- Type: _____ (e.g. netting, mulching, etc.)
- ☐ Other (specify) _____

⁴ Compaction must occur on a daily basis, and it must be to within 90% of maximum compaction, as determined by a Proctor test.

Permit Number: _____

AIRS ID Number: _____

/ /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 5C - Prevention of Fugitive Dust from Paved Surfaces

Gravel entryways: ☐ No ☐ Yes

Washing of vehicle wheels: ☐ No ☐ Yes

Section 5D - Cleanup of Fugitive Dust from Paved Surfaces

Frequency: _____ times per day

Street sweeping: ☐ No ☐ Yes

Hose with water: ☐ No ☐ Yes

List any additional source of emissions or control methods:

Section 6 - Applicant Certification (Construction Permit Coverage Only)

I hereby certify that all information contained herein and information submitted with this application is complete, true, and correct.

Signature of Legally Authorized Person (not a vendor or consultant)

Date

Name (print)

Title

Check the appropriate box to request a copy of the:

☐ Draft permit prior to issuance

(Checking this box may result in an increased fee and/or processing time)

This emission notice is valid for five (5) years. Submission of a revised APEN is required 30 days prior to expiration of the five-year term, or when a reportable change is made (significant emissions increase, increase production, new equipment, change in fuel type, etc.). See Regulation No. 3, Part A, II.C. for revised APEN requirements.

Send this form along with \$191.13 and the General Permit registration fee of \$62.50, if applicable, to:

Colorado Department of Public Health and Environment
Air Pollution Control Division
APCD-SS-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530

For more information or assistance call:

Small Business Assistance Program
(303) 692-3175 or (303) 692-3148

APCD Main Phone Number
(303) 692-3150

Make check payable to:

Colorado Department of Public Health and Environment

Or visit the APCD website at:

<https://www.colorado.gov/cdphe/apcd>

Nick Eagleson

From: Joseph Boateng <JBoateng@arapahoegov.com>
Sent: Friday, November 15, 2019 9:56 AM
To: Nick Eagleson
Subject: ROCKY MOUNTAIN RAIL PARK

Please be cautious: This email was sent from outside Adams County

Dear Mr. Nick Eagleson

Arapahoe County Engineering thanks you for giving us the opportunity to review the Rocky Mountain Rail Park. The Engineering Division has no comments regarding the referral at this time based on the information submitted.

Please know that other Divisions in the Public Works Department may submit comments as well.

If you have any questions, please feel free to contact our offices.

Sincerely,

Joseph Boateng
Engineering Services

Joseph Boateng, P.E.
Engineering I
Arapahoe County Public Works & Development
6924 S Lima St, Centennial, CO 80112-3853
Direct: 303-910-9268 | Main: 720-874-6575
jboateng@arapahoegov.com <http://www.arapahoegov.com>

Nick Eagleson

From: Rodriguez, Stephen E <strodrigu@auroragov.org>
Sent: Thursday, November 14, 2019 4:56 PM
To: Nick Eagleson
Subject: Rocky Mountain Rail Park Comments

Please be cautious: This email was sent from outside Adams County

Hello Nick:

The following is our comments on the proposed Final Development Plan to establish Rocky Mountain Rail Park PUD.

The City of Aurora respectfully requests that coordination occur between the Aurora, Adams County, Rocky Mountain Rail Park, Urban Drainage and Flood Control District (UDFCD) and TransPort, to discuss infrastructure needs relating to traffic, drainage, water and sewer as well as any other infrastructure. Coordination should occur prior to the approval by Adams County of the Rocky Mountain Rail Park Final Development Plan. Thank you for the opportunity to comment on this proposal.

Stephen Rodriguez

**Supervisor
City of Aurora Planning and Development Services
303.739.7186**

Nick Eagleson

From: Keith & Kate Sauder <kksauder@gmail.com>
Sent: Sunday, October 27, 2019 2:56 PM
To: Nick Eagleson
Subject: RMRP final development plan

Please be cautious: This email was sent from outside Adams County

Dear Mr. Eagleson,

Thank you for sending information about RMRP's final plan and final development plan. Is there an updated traffic study, or final plans for road improvements for the Colfax/Petterson intersection? Page 12 of the development plan indicates that the road will be widened, but it is a bit difficult to interpret. Please send further details, if available.

Thank you,

Kate Sauder

720-717-1216



Request for Comments

Case Name: ROCKY MOUNTAIN RAIL PARK
Project Number: PRC2019-00012

October 24, 2019

The Adams County Board of County Commissioners are requesting comments on the following applications:
1)Final Plat to create 11 lots and 11 tracts; 2)Final Development Plan to establish the Rocky Mountain Rail Park Planned Unit Development on 620 acres. This request is located at NW corner of Petterson and Colfax. The Assessor's Parcel Numbers are: 0181700000108, 0181700000289, 0181700000290.

Applicant Information: RAIL LAND COMPANY LLC
GREG DANGLER
4601 DTC BLVD STE 130
DENVER, CO 80237

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 11/14/2019 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to NEagleson@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Nick Eagleson
Planner III

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5



Public Hearing Notification

Case Name:	Rocky Mountain Rail Park
Case Number:	PRC2019-00012
Board of County Commissioners Hearing Date:	Tuesday, September 1, 2020 at 9:30 a.m.

July 21, 2020

A public hearing has been set by the Adams County Board of County Commissioners to consider the following request: A REQUEST FOR 1) A FINAL DEVELOPMENT PLAN TO ESTABLISH THE ROCKY MOUNTIAN RAIL PARK PLANNED UNIT DEVELOPMENT ON 620 ACRES; 2) A FINAL PLAT TO CREATE 11 LOTS, AND 3) A WAIVER FROM THE SUBDIVISION DESIGN STANDARDS

The Assessor's Parcel Number(s) 0181700000289, 0181700000290, 0181700000108
Location: Northwest corner of the intersection of Colfax Avenue and Petterson Road

Applicant Information: Rocky Mountain Industrials

The Board of County Commissioners meeting is broadcast live on the Adams County YouTube channel and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting. For instructions on how to access the public hearing and submit comments, please visit <http://www.adcogov.org/bocc> for up to date information.

This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. The full text of the proposed request and additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Nick Eagleson
Case Manager / Senior Strategic Planner
neagleson@adcogov.org 720-523-6878

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

PUBLICATION REQUEST

Case Name: Rocky Mountain Rail Park

Case Number: PRC2019-00012

Board of County Commissioners Hearing Date: September 1st, 2020 at 9:30 a.m.

Case Manager: Nick Eagleson neagleson@adcogov.org 720-523-6878

Request: Waiver of Subdivision Design Standards, Final Plat to create 11 lots and Final Development Plan to establish Rocky Mountain Rail Park Planned Unit Development on 620 acres

Parcel Number: 0181700000289, 0181700000290, 0181700000108

Applicant: Rocky Mountain Industrials 4601 DTC Blvd, Suite 130 Denver, CO 80237

Owner: Rocky Mountain Industrials 4601 DTC Blvd, Suite 130 Denver, CO 80237

Legal Description: SECT,TWN,RNG:26-3-64 DESC: PARC OF LAND IN E2 SECS 23 AND 26 DESC AS FOLS BEG AT NE COR SD SEC 23 TH S 5292/16 FT TO NE COR SD SEC 26 TH S 3841/38 FT TO A PT ON N ROW LN OF UP RR TH S 87D 57M W 2262/36 FT TH N 3932/35 FT TO S LN OF SD SEC 23 TH CONT N 5296/70 FT TH E 2259/45 FT TO POB EXC E 30 FT FOR RD 467/179A.

SECT,TWN,RNG:26-3-64 DESC: PARC OF LAND IN S2 SE4 SEC 26 DESC AS FOLS BEG AT SW COR SD SE4 SD PT BEING THE TRUE POB TH N 00D 54M 51S W 849/45 FT TO A PT ON S ROW LN OF US HIWAY NO 36 TH N 87D 57M 03S E 2449/30 FT TH S 01D 04M 25S E 949/09 FT TH N 89D 43M 11S W 2452 FT TO POB 50/582A

SECT,TWN,RNG:35-3-64 DESC: N2 NE4 AND N2 N2 S2 NE4 100A

Virtual Meeting and Public Comment Information:

This meeting will be held virtually. Please visit <http://www.adcogov.org/bocc> for up to date information on accessing the public hearing and submitting comment prior to the hearing. The full text of the proposed request and additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.



Referral Listing
Case Number PRC2019-00012
ROCKY MOUNTAIN RAIL PARK FINAL
DEVELOPMENT PLAN

Agency	Contact Information
Adams County Attorney's Office	Christine Fitch CFitch@adcogov.org 4430 S Adams County Pkwy Brighton CO 80601 720-523-6352
Adams County CEDD Addressing	Marissa Hillje PLN 720.523.6837 mhillje@adcogov.org
Adams County CEDD Development Services Engineer	Devt. Services Engineering 4430 S. Adams County Pkwy. Brighton CO 80601 720-523-6800
Adams County CEDD Right-of-Way	Marissa Hillje 4430 S. Adams County Pkwy. Brighton CO 80601 720-523-6837 mhillje@adcogov.org
Adams County Construction Inspection	Gordon .Stevens 4430 S. Adams County Pkwy Brighton CO 80601 720-523-6965 gstevens@adcogov.org
Adams County Development Services - Building	Justin Blair 4430 S Adams County Pkwy Brighton CO 80601 720-523-6825 JBlair@adcogov.org
Adams County Parks and Open Space Department	Aaron Clark mpedrucci@adcogov.org (303) 637-8005 aclark@adcogov.org
Adams County Sheriff's Office: SO-HQ	Rick Reigenborn (303) 654-1850 rreigenborn@adcogov.org
Adams County Sheriff's Office: SO-SUB	SCOTT MILLER 720-322-1115 smiller@adcogov.org

Agency	Contact Information
Adams County Treasurer	Lisa Culpepper 4430 S Adams County Pkwy Brighton CO 80601 720.523.6166 lculpepper@adcogov.org
BENNETT FIRE DISTRICT #7	Captain Caleb J Connor 825 SHARIS CT BENNETT CO 80102 303-532-7733 303-644-3572 CalebConnor@BennettFireRescue.org
BENNETT FIRE DISTRICT #7	CHIEF EARL CUMELY 825 SHARIS CT BENNETT CO 80102 303-644-3434 ecumley941@aol.com
BENNETT PARK AND RECREATION	Chris Raines PO BOX 379 455 S. 1ST ST. BENNETT CO 80102-0379 303-644-5041 Director@bennettrec.org
BENNETT SCHOOL DISTRICT 29J	Robin Purdy 615 7TH ST. BENNETT CO 80102 303-644-3234 Ext: 8203 robinp@bsd29j.com
Century Link, Inc	Brandyn Wiedreich 5325 Zuni St, Rm 728 Denver CO 80221 720-578-3724 720-245-0029 brandyn.wiedrich@centurylink.com
CITY OF AURORA - WATER AND SAN. DEPT.	PETER BINNEY 15151 E ALAMEDA PKWY #3600 AURORA CO 80012 303-739-7370 pbinney@ci.aurora.co.us
CITY OF AURORA ATTN: PLANNING DEPARTMENT	Porter Ingrum 15151 E ALAMEDA PKWY 2ND FLOOR AURORA CO 80012 (303) 739-7227 303.739.7000 pingrum@auroragov.org
Code Compliance Supervisor	Eric Guenther eguenther@adcogov.org 720-523-6856 eguenther@adcogov.org
COLO DIV OF MINING RECLAMATION AND SAFETY	ANTHONY J. WALDRON - SENIOR ENV DEPT. OF NATURAL RESOURCES 1313 SHERMAN ST, #215 DENVER CO 80203 303-866-4926 tony.waldron@state.co.us

Agency	Contact Information
COLO DIV OF WATER RESOURCES	Joanna Williams OFFICE OF STATE ENGINEER 1313 SHERMAN ST., ROOM 818 DENVER CO 80203 303-866-3581 joanna.williams@state.co.us
COLO DIV OF WATER RESOURCES	Joanna Williams OFFICE OF STATE ENGINEER 1313 SHERMAN ST., ROOM 818 DENVER CO 80203 303-866-3581 joanna.williams@state.co.us
Colorado Air and Spaceport	Dave Ruppel 5200 Front Range Airport WATKINS CO 80137-7131 303-261-9100 druppel@ftg-airport.com
COLORADO DIVISION OF WILDLIFE	Eliza Hunholz Northeast Regional Engineer 6060 BROADWAY DENVER CO 80216-1000 303-291-7454 eliza.hunholz@state.co.us
COLORADO DIVISION OF WILDLIFE	Serena Rocksund 6060 BROADWAY DENVER CO 80216 3039471798 serena.rocksund@state.co.us
COLORADO GEOLOGICAL SURVEY	Jill Carlson 1500 Illinois Street Golden CO 80401 303-384-2643 CGS_LUR@mines.edu
Colorado Geological Survey: CGS_LUR@mines.edu	Jill Carlson Mail CHECK to Jill Carlson 303-384-2643 CGS_LUR@mines.edu
COMCAST	JOE LOWE 8490 N UMITILLA ST FEDERAL HEIGHTS CO 80260 303-603-5039 thomas_lowe@cable.comcast.com
Denver International Airport	Tim Hester Planning & Design 8500 Peña Boulevard Denver CO 80249 (303) 342-2391 Tim.Hester@flydenver.com

Agency	Contact Information
FEDERAL AVIATION ADMINISTRATION	LINDA BRUCE 26805 E 68TH AVENUE, #224 DENVER CO 80249-6361 303-342-1264 linda.bruce@faa.gov
IREA	Brooks Kaufman PO Box Drawer A 5496 North US Hwy 85 Sedalia CO 80135 303-688-3100 x105 bkaufman@intermountain-rea.com
METRO WASTEWATER RECLAMATION	CRAIG SIMMONDS 6450 YORK ST. DENVER CO 80229 303-286-3338 CSIMMONDS@MWRD.DST.CO.US
NS - Code Compliance	Gail Moon gmoon@adcogov.org 720.523.6833 gmoon@adcogov.org
Rocky Mountain Rail Park Metropolitan District	Greg Dangler Rail Land Company LLC 4601 DTC Blvd Ste 120 Denver CO 80237 7204598675 GDANGLER@RMRHOLDINGS.COM
TRI-COUNTY HEALTH DEPARTMENT	MONTE DEATRICH 4201 E. 72ND AVENUE SUITE D COMMERCE CITY CO 80022 (303) 288-6816 mdeatrich@tchd.org
TRI-COUNTY HEALTH DEPARTMENT	Sheila Lynch 6162 S WILLOW DR, SUITE 100 GREENWOOD VILLAGE CO 80111 720-200-1571 landuse@tchd.org
Tri-County Health: Mail CHECK to Sheila Lynch	Tri-County Health landuse@tchd.org .
UNION PACIFIC RAILROAD	Schia Cloutier 1400 DOUGLAS ST STOP 1690 OMAHA NE 68179 402-544-8552 smcloutier@up.com
UNITED STATES POST OFFICE	MARY C. DOBYNS 56691 E COLFAX AVENUE STRASBURG CO 80136-8115 303-622-9867 mary.c.dobyns@usps.gov

Agency	Contact Information
US EPA	Stan Christensen 1595 Wynkoop Street DENVER CO 80202 1-800-227-8917 christensen.stanley@epa.gov
Xcel Energy	Donna George 1123 W 3rd Ave DENVER CO 80223 303-571-3306 Donna.L.George@xcelenergy.com
Xcel Energy	Donna George 1123 W 3rd Ave DENVER CO 80223 303-571-3306 Donna.L.George@xcelenergy.com

ADAMS COUNTY
4430 S ADAMS COUNTY PKWY 5TH FLOOR
BRIGHTON CO 80601-8222

RAIL LAND COMPANY LLC
4601 DTC BLVD STE 120
DENVER CO 80237-2575

CRISMAN E KENT
41775 E 48TH AVE
BENNETT CO 80102

REMINGTON S A
40940 HIWAY 36
BENNETT CO 80102

DANHAUER PATRICIA ELAINE FAMILY TRUST
2812 COUNTRYSIDE TRL
KELLER TX 76248-8308

REVOCABLE TRUST OF CARROLL J LISCO THE
430 TANK FARM ROAD
DOUGLAS WY 82633

FRONT RANGE 1-70 CAPITAL ASSETS LLC
C/O JEFFREY SMITH
500 106TH AVE NE UNIT 3815
BELLEVUE WA 98004-8694

STOKER KENT E AND
STOKER BRENT A
41340 E HIWAY 36
BENNETT CO 80102

HAUET WILLIAM A AND
HAUET VALERIE A
41420 HIWAY 36
BENNETT CO 80102

TEAGUE ELSBETH L TRUST
14050 E LINEVALE PL NO. 404
AURORA CO 80014

KLAUSNER ERMA M
41070 US HWY 36
BENNETT CO 80102

THE LEWIS FAMILY TRUST
24313 N FM 219
STEPHENVILLE TX 76401-9161

LAZY K BAR C LLC
41775 E 48TH AVE
BENNETT CO 80102-9100

VANDOORN DAVID D AND
VANDOORN SANDRA
41540 US HWY 36
BENNETT CO 80102-7858

MARKS JAMES
5790 TRUCKEE ST
CENTENNIAL CO 80015-3094

WALTERS ANTHONY L AND
WATLERS KELLY P
41280 E HIWAY 36
BENNETT CO 80102

MORELOCK KENNETH M AND
MORELOCK E RAYNETTE
41140 HIWAY 36
BENNETT CO 80102

WESTERN TRANSPORT LLC
1331 17TH ST STE 1000
DENVER CO 80202-1566

PINEDO MARCELINO AND
PINEDO BELINDA
41220 E HIGHWAY 36
BENNETT CO 80102

CARDIN JOHN C AND CARDIN DONNA F
OR CURRENT RESIDENT
41460 US HIGHWAY 36
BENNETT CO 80102-7857

MAXWELL SHANNON K AND
MAXWELL GREGG A
OR CURRENT RESIDENT
41660 US HIGHWAY 36
BENNETT CO 80102-7859

CURRENT RESIDENT
40940 US HIGHWAY 36
BENNETT CO 80102-8626

SAUDER KEITH RANDALL AND
SAUDER KATHERINE ANN
OR CURRENT RESIDENT
2625 N PETERSON RD
BENNETT CO 80102-8813

CURRENT RESIDENT
41070 US HIGHWAY 36
BENNETT CO 80102-8626

SWENSON JERRY A
OR CURRENT RESIDENT
41020 US HIGHWAY 36
BENNETT CO 80102-8626

CURRENT RESIDENT
1614 N MANILA RD
BENNETT CO 80102-8868

ZUHLKE RONALD L JR AND
ZUHLKE HEIDI
OR CURRENT RESIDENT
41620 US HIGHWAY 36
BENNETT CO 80102-7859

CURRENT RESIDENT
1616 MANILLA RD
BENNETT CO 80102-8868

CURRENT RESIDENT
41140 US HIGHWAY 36
BENNETT CO 80102-7800

CURRENT RESIDENT
1616 N MANILA RD
BENNETT CO 80102-8868

CURRENT RESIDENT
41220 US HIGHWAY 36
BENNETT CO 80102-7800

CURRENT RESIDENT
41280 US HIGHWAY 36
BENNETT CO 80102-7800

CURRENT RESIDENT
41340 US HIGHWAY 36
BENNETT CO 80102-7857

CURRENT RESIDENT
41420 US HIGHWAY 36
BENNETT CO 80102-7857

CURRENT RESIDENT
41540 US HIGHWAY 36
BENNETT CO 80102-7858

DEVELOPMENT PROPOSAL

PD

PLANNED UNIT DEVELOPMENT

HEARING DATE & TIME

Tuesday, September 1, 2020
9:30am

ADAMS COUNTY GOVERNMENT CENTER
1400 E. Adams County Plaza
Brighton, CO 80601
720.523.6800

APPLICATION NUMBER

PC2019-0003



720.523.6800 | adccgov.org



DEVELOPMENT PROPOSAL

P

SUBDIVISION PLAT

HEARING DATE & TIME

Tuesday, September 1, 2020
9:30am

ADAMS COUNTY GOVERNMENT CENTER
1400 E. Adams County Plaza
Brighton, CO 80601
720.523.6800

APPLICATION NUMBER

PC2019-0003



720.523.6800 | adccgov.org

