



**Town Board of Trustees  
Tuesday, September 27, 2016  
Public Meeting Room / Eagle Town Hall  
200 Broadway Eagle, CO**

*This agenda and the meetings can be viewed at [www.Townofeagle.org](http://www.Townofeagle.org).  
Meetings are also aired online at <https://vimeo.com/channels/Townofeagle/>.*

**6:00 PM – REGULAR MEETING CALLED TO ORDER**

**PUBLIC COMMENT**

*Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic, unless arrangements have been made for a presentation with the Town Clerk.*

**BOARD VACANCY APPOINTMENT**

1. Interview of Board Applicants, Deliberation and Appointment (*To replace Doug Seabury's term, expiring April 2018*)
  - a. Scott Turnipseed
  - b. Clark Gundlach
  - c. Adam Palmer
  - d. Josh Stowell
  - e. Appointee Oath of Office
2. MEAC Town Board Appointment (*To replace Doug Seabury's term*)
3. Planning Commission Appointments (*Three appointees are needed, they will be sworn in at October 4, 2016 Planning Commission Meeting, and Resolution adopting terms at the October 11, 2016 Town Board Meeting*)
  - a. Kyle Hoiland
  - b. Donna Spinelli
  - c. Jamie Harrison
  - d. Charlie Perkins

**PRESENTATIONS**

1. Eagle River Park Update and Status Report, Caroline Bradford and Tom Boni
2. Chris Romer, Request for Affordable Housing Support – Proposed Resolution
  - a. Resolution No. 47, Series 2016 A Resolution of the Board of Trustees of the Town of Eagle, Colorado, in Support of Workforce Housing Ballot Issue 1 A
3. Yes on Open Space, Rivers & Trails 1B, John Baily - Proposed Resolution
  - a. Resolution No. 48, Series 2016 A Resolution of the Board of Trustees of the Town of Eagle, Colorado, In Support of Open Space, Rivers, Wildlife, & Trails Ballot Issue 1B

**CONSENT AGENDA** *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation.*

1. Minutes – September 13, 2016

**DECISIONS, DISCUSSION OR DIRECTION REQUESTED**

1. Highway Six Devolution (Kevin Sharkey, Ed Sands)

- a. Ordinance 27 An Ordinance Of The Town Of Eagle, Colorado Approving An Intergovernmental Agreement Between The State Of Colorado For The Use And Benefit Of The Department Of Transportation And The Town Of Eagle Concerning The Abandonment Of State Highway 6 E, Also Known As U.S. Highway 6.
2. Pre Annexation Discussion – Merv Lapin (Tom Boni)

**LAND USE**

1. Project: Tumbleweed Dispensary  
 File #: DR16-04  
 Applicant: Mark Smith  
 Location: 1125 Chambers Avenue  
 Staff Contact: Tom Boni, Town Planner  
 Request: Major Development Permit to construct a 4,000 square foot commercial building in the Commercial General (CG) Zone District; Zoning Variance related to signing and Development Standard Variance related to the location of the loading dock.

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2. Project: Boyz Toyz Snowmobile/ATV Store  
 File #: SU97 (Amended 2016)  
 Applicant: Gary Ratkowski  
 Location: 432 Grand Avenue  
 Staff Contact: Tom Boni, Town Planner  
 Request: Special Use Permit to allow continued operation of store/repair facility.

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3. Project: Land Use Code Updates  
 File #: LURA16-01  
 Applicant: Town of Eagle  
 Location: N/A  
 Staff Contact: Tom Boni, Town Planner  
 Request: 1. Revise Section 4.03.040 to define dog daycare facility.  
 2. Revise Section 4.04.070 to define regulations for dog daycare facilities. *(Staff will be requesting to close this file.)*

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4. Project: Wall Street Commons  
 File #: SU16-03  
 Applicant: Bryan Desmond  
 Location: 243 Wall Street  
 Staff Contact: Tom Boni (Town Planner)  
 Request: Special Use Permit to allow High Density Residential Building on a lot in the Central Business District. *(Applicant requests to continue file to October 25, 2016)*

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**STAFF UPDATES AND REQUESTS**

1. Town Manager Update
2. Pavement Management Executive Summary – Dusty Walls

**EXECUTIVE SESSION – Lower Basin Water Treatment Plant** - to hold a conference with the Town’s Attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b)

**BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

1. Mayor’s Update

**CORRESPONDENCE**

1. CDOT Interchange Update

**ADJOURN**

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



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Jenny Rakow, CMC Town Clerk



# Sands Law Office, LLC

*Attorney at Law*

Edward P. Sands

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Suite 204  
Rifle, Colorado 81650

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## MEMORANDUM

TO: Mayor Anne McKibbin and Members of the Town of Eagle Board of Trustees  
FROM: Ed Sands, Eagle Town Attorney  
DATE: September 21, 2016  
SUBJECT: PROCESS FOR SELECTION OF PERSON TO FILL VACANCY ON THE TOWN BOARD

In selecting a person from the four (4) finalists to fill Doug Seabury's seat on the Town Board, there are some legal requirements which should be followed.

Previously, in a case involving the City of Fort Morgan, the Colorado Court of Appeals held that a city council's use of an anonymous ballot procedure to fill city council vacancies and to appoint a municipal judge was permitted under the Colorado Open Meetings Law. However, following that decision, the Colorado General Assembly passed an amendment to the Colorado Open Meetings Law governing the use of secret ballots. The amendment provides that a local public body may not use secret ballots except for a vote to elect leadership of the local public body (i.e. mayor pro-tem) and by members of a search committee of the governing body. The term "secret ballot" was defined to mean a vote cast in such a way that the identity of the person voting or the position taken in such vote is withheld from the public. Therefore, the Board of Trustees may use a paper ballot to vote for the person to fill the vacant seat, but the ballot cannot be anonymous and cannot be secret. Each Board member will need to put his/her name on the ballot cast and those ballots will become part of the public record.

In addition, executive sessions may not be used to discuss the candidates who have applied for the position of Trustee. The provision of the Colorado Open Meetings Law that allows executive sessions for discussion of personnel matters now expressly provides that the exception "shall not apply to discussions concerning any member of the local public body, any elected official, or the appointment of a person to fill the office of a member of the local public body or an elected official". Therefore, any discussion by Board members regarding the applicants for the Trustee position will need to occur in public session.

If you have any further question regarding this process I will be happy to answer them.

**2016 BOARD VACANCY SEPTEMBER 27, 2016**

**ANNE MCKIBBIN**

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**2016 BOARD VACANCY SEPTEMBER 27, 2016**

**MATT SOLOMON**

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**2016 BOARD VACANCY SEPTEMBER 27, 2016**

**ANDY JESSEN** \_\_\_\_\_

**2016 BOARD VACANCY SEPTEMBER 27, 2016**

**KEVIN BRUBECK** \_\_\_\_\_

**2016 BOARD VACANCY SEPTEMBER 27, 2016**

**MIKEL "PAPPY" KERST** \_\_\_\_\_

**2016 BOARD VACANCY SEPTEMBER 27, 2016**

**PAUL WITT** \_\_\_\_\_

**TOWN OF EAGLE**  
**ANSWERS TO QUESTIONS TO POTENTIAL BOARD MEMBERS**  
**9-21-16**

**SCOTT TURNIPSEED**

**1. Assuming Eagle needs more revenue, how would you go about getting more dollars into Eagle and keeping them there?**

Since we all know that a very large portion of the Town of Eagle revenues come from sales tax, my philosophy on this issue has not changed in the last 15 years and that is Eagle needs to try to get all the new/increased sales tax revenue it can get from every possible source it can get it from. With Eagle River Station now on hold the Town will have to look at increasing sales tax revenue through existing areas in Town. Given the traffic count I think Highway 6 is currently the most underutilized area in Town in terms of sales tax revenue generation. Substantially increasing sales tax revenue in the CBD is probably going to be limited given the current Land Use Regulations in place regarding parking requirements etc. (the Land Use Regulations in the CBD need to be reviewed/changed in my opinion). I worked extensively with the Town Board 5 years ago to implement the Hotel Bed Tax in order to provide a funding mechanism to help with the marketing and events planning and while I believe this helps with sales tax revenue generation it certainly is not going to be the "silver bullet". Although this is going to take a long time and will be something out in the future I think the Town should try to take an active role in figuring out what type of regional shopping opportunities are financially feasible on the Eagle River Station site. My guess is something is out there that makes sense. Short term impact fees from future development (like the Haymeadow project) provides some short term revenue dollars but Eagle will need a long term revenue generating source in order to be financially healthy in the future. I highly doubt the voters would agree to an increase in property tax so that option is probably not viable.

**2. What is our top infrastructure need? If applicable, how should it be paid for?**

If my memory serves me correctly (and it's not as good as it used to be!) my guess is that the Water Treatment Plant expansion is looming large and is likely to be the most urgent infrastructure need for the Town. While on the Town Board I remember looking at dozens of options on a very well detailed spreadsheet/graph on how to pay for the expansion. I also remember having some assumptions that both Eagle River Station and the Haymeadow projects would be moving forward and with those projects the Town would receive significant impact and tap fees. Without those projects moving forward my guess would be that since Water and Sewer are an Enterprise Fund the only remaining way to pay for the expansion is to increase tap fees and user rates. Hopefully my old man memory is wrong but I think I remember that the Plant Expansion needed to take place whether or not ERS or Haymeadow moved forward. If my old man memory is wrong and the Water Treatment Plant expansion is not required, then I think that the top infrastructure need for the Town is likely to be Highway 6. If the Town agreed to the CDOT "Deevolution" (which I think they did) then I think at least some of the planning for Highway 6 can be paid for using these funds. Also, if the Haymeadow project moves forward there were some funds that the Town Board had negotiated with the Developer that were to be earmarked for Highway 6. Given the Eagle River project that was approved by the voters and how some of that planning included future development between the Eagle River and Highway 6 I think it would be smart for the Town to take an active role in looking into some special taxing districts for the Highway 6 area (Urban Renewal Authorities, Business Improvement Districts

and any other option that currently exists). I know that these are two infrastructure needs and I'm not trying for extra credit but if the Water Treatment Plant expansion is not as pressing as I'm guessing that it is, then I needed another need!

**3. Do you have any potential conflicts of interest in holding this position?**

At this point I have no potential conflicts of interest that I know of. My office is currently working with Bryan Desmond on a plan he has for his property at 3<sup>rd</sup> and Wall St. but Bryan is currently thinking about pulling his application. If he does move forward with this project and the Town Board needs to vote on it I would step down for that vote.

**September 21, 2016**

**To: Jenny Rakow, Town of Eagle**

**From: Clark Gundlach, Candidate for the Board of Trustees**

**Subject: candidate written response questions**

1. Assuming Eagle needs more revenue, how would you go about getting more dollars into Eagle and keeping them here?

Let's think long term about our revenue growth. Outside of the current state and federal funding resources/opportunities, our continued growth in our tax revenues will be our primary fuel for our revenue growth in the years to come.

**Economic development is our primary revenue driver, and our economic development must be a top priority for Eagle.** A new and forward-looking strategic plan needs to be built around an Eagle economic development initiative. Included in the plan is an update of the town's vision and mission statements, an investment into Eagle's branding and marketing strategies, a local and regional marketing and communication strategy, and the inclusion of the leadership voices within our community.

The list of Eagles' opportunities and strengths are many. Eagle has assets that other towns wish they had. We must build our economic successes by leveraging our existing strengths and leaders in our community. If we execute a well-developed plan, and we utilize the knowledge, collaboration, and leadership inside our community, we will succeed. Eagle CAN be the best mountain community in our state.

2. What is our top infrastructure need? If applicable, how should it be paid for?

Looking forward, and taking our projected demographic growth and climate change into consideration, **I believe that water supplies, services, and the costs associated will challenge us most as our community grows.**

Secondarily, the projected population growth will stress public infrastructures, open and public spaces, parking and streets, affordable housing, law enforcement, and the town management, its organization, and its current structure.

Spending prioritization by the Trustees, and the use of all available governmental and outside resources, becomes an increasing important as growth impacts our community.

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# Town Trustee Candidate Questions

## Adam Palmer

### 1. Assuming Eagle needs more revenue, how would you go about getting more dollars into Eagle and keeping them there?

For revenue generation, there are a couple of options to consider. The Town could follow others to try and maximize sales tax from a single project, similar to the big box development or similar model. These projects can bring in significant tax dollars, at least for the short term; however, big box trends are on the decline and their future development is uncertain.

Another option is more of a long-term value proposition. What types of projects can be flexible and diverse enough to have resiliency and evolve with changes in market and use trends over time? What projects hold their value and place eggs in multiple baskets and rise the tide for all boats rather than cannibalize existing tax base?

These answers lie not in one or two businesses, but a diverse built environment and quality of life which attracts and supports a network of small businesses which can provide similar value from a fiscal standpoint, and be more stable and long-term in nature.

While the vacant storefronts left behind by Sports Authority and others in Avon and West Glenwood Springs can be difficult to fill or repurpose, small businesses can adapt, revitalize, and repurpose much easier within existing built environments and infrastructure.

Since the Recession, many factors, including the continued rise of online retail, and desire for convenient local goods and services, have supported national commercial real estate trends toward higher-density infill projects with less square footage rather than greenfield development. These businesses require new developments that are adaptable, flexible, mixed-use, and convenient in order to stay relevant and retain their consumer base.

An additional opportunity may lie within fiscal responsibility and looking at the demand side of the revenue equation in addition to supply. Leveraging creative financing and incentives to invest in strategic energy efficiency and renewable energy investments, and optimization of resources can save money which can be used to support employees and other capital improvement needs. While I know there have been efforts on this front, continuing to strategically assess expenses and investments can help reduce the demand for additional

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revenue beyond what may be necessary.

## **2. What is our top infrastructure need? If applicable, how should it be paid for?**

Our infrastructure needs should align with strategic planning direction. If our goal for revenue generation is to attract and support a network of small businesses and industries, our infrastructure plan should support and drive that kind of entrepreneurship.

I believe a continued focus on downtown and the river park infrastructure in the near term should be the Town's primary priority and opportunity to support economic development and expanded tax base of infill areas.

The 2013 Town of Eagle Community Survey identified additional trails and recreation paths as a high priority. An infrastructure plan which supports this community value would continue to support place-making and our unique community identity. Eagle already has excellent bones upon which to build, and I would support continuation of our multi-modal transportation infrastructure investments through town.

One aspect of the Eagle River Station plan I thought was a beneficial infrastructure improvement was connection of Chambers Avenue to Highway 6 east of town. This could provide better accessibility, emergency response, and connection to town for a mixed use industrial service district along Chambers. If there was support for such an improvement, it should be primarily borne by modest additional development proposal(s) for the area, in addition to potentially a special improvement district created for property owners along Chambers who would benefit from improved access.

Also, the Confluence Park open space is a placeholder for future connection to the Fairgrounds area. While I would support a future connection across Eagle River at that location, I believe a connection which could be accessible for emergency vehicles but was limited to pedestrians and bicycles would make more sense to best utilize and access the open space values of both the Confluence Park and western portion of the Fairgrounds.

Finally, while much work improving roads, drainage, waste and water lines has occurred downtown, it is anticipated that additional infrastructure investments will be necessary to foster future infill developments. Creative cost-sharing solutions and partnership with development interests in the downtown area should be explored to incentivize redevelopment of the area.

While infrastructure, particularly paved roads and expansions, is expensive to construct and maintain, the good news is that a multi-modal plan which can leverage open space funds from both the Town and County, as well as development interests, can reduce this cost burden to the Town. And while recreation paths cost money, their cost is usually a fraction of adding new roads

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and lanes for vehicles; and they can offer much higher capacity as well as accessibility for elderly, low-income families, and kids. Simply put, if our goal is to support a transit-oriented, walkable community, our infrastructure should support that vision as the most convenient and economical option.

**3. Do you have any potential conflicts of interest in holding this position?**

As an employee for Eagle County, Director for Holy Cross Energy, and President of Hardscrabble Trails Coalition, I may have potential conflicts of interest which might arise from time to time. As I have done previously when such conflicts arise from wearing multiple hats, I fully disclose the issue and recuse myself from any discussion and/or subject voting on the subject issue.

Thank you for your consideration as we work to build a better Town of Eagle,

Adam

1. I believe Eagle has done a great job in attracting more events and growing our existing festivals. The lodging tax seems to be working well and the marketing outreach has been critical in getting the word out. We seem to be at an interesting juncture where we are attracting more folks to our trails and other outdoor amenities but we struggle to keep them in town after they play. I would like to see Eagle approach the BLM and Forest Service to discuss the possibility of creating an established campground closer to town. I know when I visit Fruita or Moab the great camping spots are a big draw for our family. While we have some really good campgrounds nearby they are too far from our local trailheads for easy access by bike or foot. A campground would also provide a more convenient and scenic location for families who travel here for events and are currently setting up camp in the ice rink parking lot. Another area where I would like to see Eagle grow is in the realm of the arts. There isn't any one town in this valley that stands out as being particularly artist friendly. Sure, there are some very expensive galleries featuring well known artists but few of these artists live or work here. I imagine if we could cultivate a local art scene in Eagle it would go a long way in making our town a destination that would appeal to a broader array of visitors. Plus it would add to the things people could do after a day on the trails or in the river.

2. I would have to say our top infrastructure need is an expanded sewer treatment plant. Assuming some of the major developments that are already approved in Eagle start to go online it will be critical that we address the waste treatment issue. Theoretically the developers of said projects should bear the cost burden but assuming that won't be enough then we may have to consider raising our sewer rates.

3. I do not foresee any conflict of interest in serving as a town trustee.

Thanks,

Josh Stowell



**OATH**

I, \_\_\_\_\_, so solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado, and the Ordinances and Codes of the Town of Eagle, and that I will faithfully perform all duties of the office of Town Trustee, upon which I am about to enter.

Sworn to this 27<sup>th</sup> day of September, 2016.

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ATTEST:

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Town Clerk



To: Mayor and Town Board of Trustees  
From: Jenny Rakow, Town Clerk  
Date: September 27, 2016  
Re: Planning and Zoning Commission Appointments

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Currently there are three terms that have expired:

- Donna Spinelli – Term June 2012 to June 2016
- Jamie Harrison (previously appointed to complete Jim Ash’s term) Term August 2014 to January 2016
- Charlie Perkins (previously appointed to complete Melissa Baum’s term who was appointed to complete Kevin Brubeck’s term) Term July 2015 to June 2016

We have four applicants with their letters of interest and qualifications attached.

- Kyle Hoiland
- Donna Spinelli
- Jamie Harrison
- Charlie Perkins

Danielle Couch, our new assistant to the Planning Department has combed through the appointment records to ensure we are on track with appointments and that terms correctly recorded.

Going forward, staff will provide a better timeline for appointments to ensure we have Resolutions adopting terms for the record.

Process for voting will be the same as Trustee Vacancy Appointment. Ballots will be provided at the meeting.

Resolutions for the Board appointees will be on the October 11, 2016 Town Agenda.

**2016 PLANNING COMMISSION VACANCY**

**ANNE MCKIBBIN**

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**2016 PLANNING COMMISSION VACANCY SEPTEMBER 27, 2016**

**MATT SOLOMON**

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**2016 PLANNING COMMISSION VACANCY**

**ANDY JESSEN**

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**2016 PLANNING COMMISSION VACANCY SEPTEMBER 27, 2016**

**KEVIN BRUBECK**

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**MIKEL "PAPPY" KERST**

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**2016 PLANNING COMMISSION VACANCY SEPTEMBER 27, 2016**

**PAUL WITT**

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# PROFESSIONAL PROFILE



**KYLE HOILAND**  
Project Manager

Project Management  
Denver, CO

T: 970-390-4208  
Kyle.Hoiland@cbre.com

## CORE COMPETENCIES

- Construction Management
- Cost Estimating and Preconstruction Services
- Budget Analysis & Control
- Value Engineering
- Contract Management
- Daily Reporting
- Field Observation
- Contractor and Subcontractor Coordination
- Safety

## EDUCATION

- A.A Civil Engineering, Centralia College, Centralia, WA
- Certificate in Building Technology, New Market Vocational Skills Center

Mr. Hoiland has over 20 years of very diverse construction experience, with the past 15 years focused on preconstruction & cost estimating. His attention to detail, involvement in variety of unique projects, and broad knowledge of civil and vertical costs help owners protect quality, budget and schedule.

Our clients specifically benefit from Kyle's value engineering expertise during preconstruction and sharp eye for quality during the preconstruction process, on through the construction process.

## SIGNIFICANT ASSIGNMENTS

CLIENT	SIZE	SERVICES PERFORMED
CDOT Region 4 Relocation	\$19 MM	Preconstruction and Cost Estimating Services for a 40,000 SF Office Building and 20,000 SF Maintenance Building
CDOT Region 2 Relocation	\$16 MM	Preconstruction and Cost Estimating Services for a 50,000 SF Office Building and 40,000 SF Maintenance Building
CDOT HQ Relocation	\$15 MM	Preconstruction and Cost Estimating Services for a renovation of an existing 100,000 SF Office Building
City of Richardson, TX	\$17 MM	Budget analysis & value engineering of Gymnasium, Aquatics Center & Rec Center
City of Fort Collins, CO	\$14 MM	Create budgets for renovation & addition of existing 80,000 sf building and 24,000 sf addition. Analyze 8 different HVAC system scenarios and 10 bid alternates. Review options with client & provide Value Engineering

## PRIOR EXPERIENCE

DATE	POSITION	EMPLOYER
2011 - 2012	Senior Estimator/ Project Manager	ARC Integrated Program Management <i>Boulder, Colorado</i>
2006 - 2009	Preconstruction Manager	RA Nelson & Associates <i>Avon, Colorado</i>
2005 - 2006	Preconstruction Manager	Community Concepts <i>Edwards, Colorado</i>
1998 - 2001	Construction Manager	Continental West Constructors <i>Gypsum, Colorado</i>



## Kyle Hoiland

Principal / Estimator

Kyle has over 20 years of very diverse construction experience in both horizontal & vertical construction, with the past 15 years focused on preconstruction & cost estimating on the Western Slope and on large municipal projects with the State of Colorado.



Kyle's passion for his craft shows through in his work, with his attention to detail and amount of information that is conveyed.

He believes in bringing clarity to every project, reading "between the lines" on the drawings and looking for potential gaps in design.

His involvement in variety of unique projects, and broad knowledge of civil and vertical costs help owners protect quality, budget and schedule.

## RELEVANT EXPERIENCE

### Garfield County School District

*\$12 Million*

Life Safety / Structural Renovation  
Parachute, CO

### Debeque School District

*\$12.6 Million*

Demolition of existing structures  
New Buildings  
Renovation of Existing

### State of CO Buildings Master Plan

*\$419.9 Million Total for Projects listed below:*

State Capitol - 200 E Colfax  
1375 Sherman Annex  
1313 Sherman Centennial  
1570 Grant Bldg  
1881 Pierce Bldg  
201 E Colfax State Office Bldg  
200 E 14<sup>th</sup> Legislative Services  
1575 Sherman Human Services  
1525 Sherman State Services  
1341 Sherman Power Plan  
690 Kipling Dal Tooley  
700 Kipling Bldg  
North Campus North Bldg  
North Campus West Bldg  
North Campus East Bldg  
400 E 8<sup>th</sup> Exec Residence  
Grand Junction Bldg  
Camp George West Side

I would like to express my interest in continuing as a Planning and Zoning Commissioner. My resume is attached.

My background and experience in historic preservation and real estate provide a unique perspective on the planning process in Eagle. Steamboat Springs has done a great job of using their historic heritage as a facet of their marketing program for the town. I believe we have a tremendous amount of potential to add that to our quiver of marketing approaches in Eagle.

I completed my master's degree in Historic Preservation at the University of Colorado in January 2016. This is the only program of its kind in the state. The skills and networking contacts I acquired there will be a great asset to the planning process in the Town of Eagle. I am very actively involved in the Eagle County Historical Society, and have recently completed the renovation of a historic mid-century modern home in Denver.

My background in real estate and financial analysis help me to analyze the business aspects of the files that are presented to the commission. One of my other degrees is an MBA in Finance, and I have taken several courses in real estate financial analysis, as well as financial analysis of historical properties. There are many grants and tax breaks available for historical properties that we could be taking advantage of here.

I have presented the Main Street Program to the Board of Trustees in the past, and I hope at some point in the future we will consider that again. This is a program sponsored by DOLA on the state level, and it is sponsored by the National Trust for Historic Preservation. The Main Street program mentors towns to capitalize on their historic heritage to attract tourism, foster economic development, and revitalize main streets and downtowns.

I have lived in Eagle for 14 years and I love our town and believe in its ability to continue to be the best small town in America.

Thank you for the opportunity to serve for the last 4 years and I look forward to 4 more. Please feel free to call or email me to discuss my qualifications. My cell is 970-471-4071.

Sincerely,  
Donna Spinelli

**Donna Spinelli  
Eagle, Colorado**

**Position Sought:  
Planning & Zoning Commissioner**

**donna@vail.net  
970.471.4071**



### ***Professional Experience***

#### ***Planning and Zoning Commissioner, Eagle, CO***

**April 2012-Present**

Review zoning amendments and PUD applications for large residential and commercial subdivision additions to the Town of Eagle. Review zoning variances, land use regulations and applications, development code, open space uses, lighting code, and signage code. Evaluated and presented the Main Street Colorado program to the Board of Trustees.

#### ***Restoration and Renovation of Historic Properties***

**2011-Present**

Restored and renovated a mid-century modern home in Krisana Park, Denver, Colorado. Evaluated plumbing and electrical systems, roof insulation and repair, mold mitigation, crawl space moisture mitigation, updated all lighting to LED and low voltage fixtures. Designed renovation and supervised subs in the implementation. Used new technology to create the optical illusion of space in small rooms.

#### ***Realtor***

##### ***Belle's Camp Properties***

**September 2002-Present**

Represent buyers and sellers of residential and commercial property in Eagle County throughout the buying and selling process. Negotiate contracts, conflicts, client and broker relationships. Advanced studies include real estate law, real estate finance, contract negotiation. Completed marketing analyses and demographic analysis of target markets.

#### ***Computer Consultant***

**Collaborative Computing, Inc., 1991-2002**

Designed and implemented web and database applications for Fortune 500 companies.

#### ***Financial Analyst***

**Xerox Corporation, 1981-1991**

### ***Education***

**University of Colorado Graduate School of Architecture, Denver, CO**

***Master of Science in Historic Preservation, January 2016***

Created nominations for National Register of Historic Places, structural assessments of historic buildings, historical research of homes, districts, cities and regions using both digital and analog sources. Completed financial analysis of real estate development projects, analysis of public/private partnerships, zoning, tax increment financing and urban renewal authorities.

**New York University, Stern Graduate School of Business, New York, NY**

***Master of Business Administration, Finance, 1981***

**Manhattanville College, Purchase, NY**

***Bachelor of Arts, Art History, 1972***

Date:

Town of Eagle  
APPLICATION FOR APPOINTMENT  
PLEASE TYPE OR PRINT CLEARLY



**Application kept for One Year. May Attach Resume.**

Board/Commission Applying For: P&Z  
Town Board Member

**PERSONAL INFORMATION:**

Name: Jamie Harrison How long in Eagle?: 3 yrs  
Home Address: 797 Fourth of July Rd Zip: 81631 Cell Phone?: 303 915 2476  
e-mail address: jharrison@townofeagle.org Home Phone: Work Phone:

**EDUCATION:** \*\*Required to verify voter registration

Yrs. Completed: Post-grad. Degree(s): J.D.  
Colleges: U of Colorado

**EMPLOYMENT:**

Employer Name/Address: Retired Position: How long?  
Work Experience: See attachment Certifications:

**COMMUNITY INVOLVEMENT:**

Eagle Ranch Wildlife Committee - Assistant  
DO YOU PRESENTLY SERVE IN ANY OTHER APPOINTED POSITION ON A BOARD, COMMISSION OR COMMITTEE?  Yes  No  
If yes, what position: P&Z

**INTERESTS/ACTIVITIES:**

**WHY DO YOU DESIRE THIS APPOINTMENT:**

I'd like to help the Town review/revise land use processes  
How much time do you anticipate being able to spend on this appointment each month? 10-15

**PLEASE GIVE THREE REFERENCES:**

Name: Tom Bani Address: Phone:  
Name: Jason Cowles Address: Phone:  
Name: Address: Phone:

I certify that the foregoing information is true and correct.

Jamie Harrison  
(Name printed)

[Signature]  
(Signature)

8/7/16  
(Date)

SEND COMPLETED FORM TO:  
TOWN OF EAGLE, PO Box 609, Eagle, CO 81631  
PHONE: 970-328-6354 FAX: 970-328-5203  
clerk@townofeagle.org

## James L. Harrison

James L. (“Jamie”) Harrison is the President of two closely-held family corporations, Harrison-Blaine, Inc. and CMcL, Inc. The principal business of both entities is real estate investment, development and management. Mr. Harrison received a law degree from the University of Colorado School of Law in 1984. He practiced as an attorney in Denver until 1995, first at Davis, Graham & Stubbs and then at Parcel, Mauro, Hultin & Spaanstra, where he was a partner. He practiced law for approximately 12 years before transitioning to a career in real estate. Mr. Harrison has extensive experience as an attorney, a mediator, and a real estate professional.

Among others, Mr. Harrison has been involved in the following real estate projects:

- Manufacturing building, East Rutherford, New Jersey. Mr. Harrison was responsible for all aspects of the building, including leasing, the relationship with the tenant during the bankruptcy, the ultimate sale of the building, the rollover of the proceeds in a 1031 exchange, an IRS tax audit of the exchange, post-sale management of various alleged environmental liabilities, and claims against insurance companies related thereto.
- Gateway Commons at St. Michael’s, Greeley, Colorado. Mr. Harrison arranged for the purchase of this vacant commercial development from a bank that foreclosed on the property. Mr. Harrison and his partners are in the process of making the property suitable for development, including preparing new CC&Rs and repairing certain systems that fell into disuse during the bank’s ownership.
- Various industrial buildings – Denver, Colorado. Mr. Harrison has been involved in all aspects of the purchase, lease, sale, and operation of various industrial buildings along the Front Range.

Mr. Harrison has been a member of the Eagle Planning and Zoning Commission for the past two years. He assists the Eagle Ranch Wildlife Committee in project initiation and management. He has held positions on several non-profit boards of directors. He has acted as a mediator in a variety of different types of conflicts, including family, environmental, interpersonal, workplace, and business disputes. His recreational activities including skiing (Vail Resorts instructor, 2013-16), cycling and fishing.

Danielle: Please see abbreviated resume below, and accept this as my formal request to remain on the Town of Eagle planning commission.

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1979	Texas A&M University Bachelor of Environmental Design
1979	Skidmore, Owings and Merrill, Architects, Denver, Co
1981	JMP Architects, Inc. Vail, Co
1984	Sinclair and Wright Architects, Tyler, Texas
1989	Fitzpatrick Architects, Tyler, Texas
1994	Boral Bricks, Inc ( Architectural Sales)
1997	Urban Design Group Architects, Dallas, Texas
2014	JMP Architects Inc. Avon, Co
2015	Town of Eagle Planning Commission member
present	JMP Architects Inc. Avon, Co

Thanks Danielle

**TO** JOHN SCHNEIGER, TOWN MANAGER                      **FROM** CAROLINE BRADFORD  
**cc** Tom Boni  
**RE** EAGLE RIVER PARK STATUS UPDATE REPORT    **DATE** SEPTEMBER 22, 2016

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**SUMMARY OF PROPOSED DRAFT TIMETABLE**

- Competitive selection process for park design team completed by end of 2016.
- Fall 2016 Outreach to stakeholders with brief overview and invitation to participate.
- Beginning fall 2016, solicit matching funds from GOCO and private donors to augment public funds.
- Public design process from Jan through Aug 2017 integrated with in stream design.
- Annexation and Land Lease agreement with Eagle County (concurrent process) starts at 30% design; completed at 90% design.
- Solicit and award construction bids for in-stream construction over winter/spring 2017.
- Solicit construction bids for upland park during early winter 2017; award bid early 2018.
- Construct in-stream and riparian area features from Dec 2017 through March 2018.
- Construct upland park features on dirt parking lot over spring/summer 2018.

**TIMING**

Attached to this memo is the revised working draft timeline for selected elements of the project, primarily focused on the hiring of the design team for the upland park this year and the public input process outlined for next year. The timeline will continually shift a bit when it comes to specific dates, although overall, this working draft is intended to share the anticipated dates for key milestones in the project. This document has been revised since my last status update and will continue to be revised in consultation with our partners.

These dates are approximate pending multiple variables including available funds and collaboration between Town of Eagle, private landowners, and Eagle County. This is not intended to reflect all the myriad elements of the project's ongoing progress with respect to survey, permitting, baseline monitoring, utilities, grant applications, landowner communication or any number of additional elements required to support this project implementation. There are many details that are moving forward behind the scenes between Town of Eagle staff, Eagle County staff and a number of technical consultants.

Questions have been raised by former employee, Matt Farrar who is frustrated about the proposed timing of many elements and why they are now somewhat different than what he had assumed would work best. Fundamentally, the overall project implementation has not been arbitrarily shortened or lengthened. As a team, we are simply laying out our best professional opinion of the time it may take to do each required step in the process without

rushing or dragging our feet. The Town of Eagle is moving forward in close communication with our partners to work out how each step of the project can be methodically implemented in the most efficient and cost effective manner possible. This working draft timeline is a reflection of that collaborative approach. Our working relationship and frequency of communication with all the key project partners has become significantly more robust since Matt quit his job with the Town in late July. We have full confidence that the project is on track and will be happy to discuss any specific questions about the rationale for the timeline with you at your convenience.

### **REQUEST FOR QUALIFICATIONS (RFQ) FOLLOWED BY REQUEST FOR PROPOSALS (RFP)**

The Town of Eagle released the RFQ on 9/12/16 and has received interest from a number of firms to date. A detailed Scope of Work is being developed as part of the RFP. This is being developed in partnership with Eagle County.

### **EAGLE COUNTY**

Tom Boni, Dusty Walls, and Caroline Bradford met with Clete Sanier and Cliff Simonton to work through items that will be included in the Scope of Work for design of the project. These conversations are very positive and there is much progress being made by working together. Staff has suggested the Annexation agreement should begin at approval of the 30% design and will conclude with approval of 90% design with the Land Lease agreement proceeding concurrently. There is no longer any discussion about needing to go through a Special Use Permit process.

### **SEMI TRUCK PARKING**

Our team is getting closer to an agreement that will take the form of an MOU between Town of Eagle, Eagle County and CDOT regarding how we will collaboratively meet the needs of future of semi truck parking in Eagle County. The current discussion includes the new Eagle River Park lot allowing winter emergency truck parking from November 1 through March 31 during interstate closures but does not include any truck parking during summer. There is no proposed "resting/sleeping" parking at any time in the new Eagle River Park parking lot. As part of these discussions, there are options for future expansions of truck parking areas in other areas of unincorporated Eagle County that have been identified by CDOT. All parties involved in the discussions are confident an agreement will ultimately be worked out by about mid to late October that meets the needs of the whole community.

**QUESTIONS: Please don't hesitate to contact me if you have any questions. --Caroline**

## Eagle River Park

### SUMMARY OF PROPOSED TIMETABLE

**These dates are approximate pending multiple variables including available funds and collaboration between Town of Eagle, private landowners, and Eagle County.**

- Fall 2016 Outreach to stakeholders with brief overview and invitation to participate.
- Beginning fall 2016, solicit matching funds from GOCO and private donors to augment public funds.
- Public design process from Jan through Aug 2017 integrated with in stream design.
- Annexation and Land Lease concurrent process at 30% design; completed at 90% design.
- Solicit and award construction bids for in-stream construction over winter/spring 2017.
- Solicit construction bids for upland park during early winter 2017; award bid early 2018.
- Construct in-stream and riparian area features from Dec 2017 through March 2018.
- Construct upland park features on dirt parking lot over spring/summer 2018.

### Schedule for Selection of Design Firm, Public Input Process, Eagle County Annexation & Lease

	<b>2016</b>
September 12, 2016	Release RFQ and Citizen's Committee application posted
September 28, 2016	River Park Citizen's Committee applications due
October 3, 2016	Qualifications due to Town of Eagle
October 3-14, 2016	2-week review period (set 2 team meetings)
October 11, 2016	Appoint members to River Park Citizen's Committee
October 17, 2016	Issue invitation to firms to submit Proposals
October 21, 2016	On-Site tour with design teams
November 14, 2016	Design Team Proposals due to Town of Eagle
November 17, 2016	Team meeting to review Proposals
November 29-30, 2016	Team meeting to Interview firms/Presentations
December 2, 2016	Team meeting
December 6, 2016	Decision date
December 7, 2016	Board packet for Town of Eagle
December TBD	Update to BOCC by ECG staff (With TOE support staff?)
December 13, 2016	Intent to Award present to Trustees
December 14-21, 2016	Negotiate Scope of Work & Contract

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**2017**

January 4, 2017	TOE Board packet – Resolution to Hire
January 10, 2017	Eagle Trustees approve resolution to hire
January 23, 2017	Kick Off meeting (Design firm/Steering Committee)
January (Date TBD)	S2O Prepare bid packet for in-stream work/Advertise bid to confirm in stream price estimates
<b>February 23, 2017</b>	<b>Public Input Meeting #1</b>
March 16, 2017	Design firm/Steering Committee
<b>March 23, 2017</b>	<b>Public Input Meeting #2 (30% Design)</b>
April TBD	Present 30% Design to BOCC (Annexation Process begins concurrent with land lease agreement.)
April 27, 2017	Design firm/Steering Committee on site
<b>May 5, 2017</b>	<b>Public Review Meeting #3 (60% Design)</b>
May 25, 2017	Design firm/Steering Committee (80% Design)
June 29, 2017	Costs (90% Design)
<b>July 11, 2017</b>	<b>Final Design Presented to Town of Eagle Trustees/Public</b>
July TBD	Presentation to BOCC (Annexation process completed)
August, 2017	Park construction bid packet prepared
Early Winter, 2017	Advertise bids for upland park construction
December 2017	Begin in-stream construction (finish March 2018)

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**2018**

Jan-March 2018	In-stream construction
April, 2018	Seamless transition from one contractor/construction elements to the next. Fenced construction boundary expands as needed.
April/May 2018	Begin upland park construction on dirt lot. (Time to construct is likely throughout summer, dates TBD)
August, 2018	NOTE TBD: Not likely to be open during Fair & Rodeo(?)

**RESOLUTION NO. 47**  
**(Series of 2016)**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,  
COLORADO, IN SUPPORT OF WORKFORCE HOUSING BALLOT ISSUE 1 A

WHEREAS 69% of the business community in the Vail Valley Partnership 's annual Workforce Study has recognized affordable workforce housing as a significant and major problem;

WHEREAS the TOWN OF EAGLE recognizes the need for a regional approach to addressing affordable workforce housing;

WHEREAS the TOWN OF EAGLE has determined that it is in the best interest of the community to address affordable workforce housing;

WHEREAS issue IA addresses affordable workforce housing in Eagle County through an 'all of the above' approach including:

- PROVIDING AND IMPROVING THE QUALITY, AVAILABILITY, AND AFFORDABILITY OF HOUSING IN EAGLE COUNTY
- PROVIDING DOWN PAYMENT ASSISTANCE LOANS FOR HOME OWNERSHIP
- ACQUIRING LAND FOR FUTURE HOUSING UNITS AFFORDABLE TO THE WORKFORCE
- INVESTING IN PRIVATE/PUBLIC PARTNERSHIPS FOR THE PROVISION OF WORKFORCE AND AFFORDABLE HOUSING
- RELATED HOUSING PROGRAMS AND SERVICES;

NOW, THEREFORE, BE IT RESOLVED that the TOWN OF EAGLE offers their public support for Ballot Issue 1 A

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on \_\_\_\_\_, 2016.

TOWN OF EAGLE, COLORADO

ATTEST:

\_\_\_\_\_  
Jenny Rakow, Town Clerk

\_\_\_\_\_  
Ann McKibbin, Mayor

**RESOLUTION NO. 48**  
**(Series 2016)**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE,  
COLORADO, IN SUPPORT OF OPEN SPACE, RIVERS, WILDLIFE, & TRAILS BALLOT  
ISSUE 1B

**WHEREAS** During the last 14 years, since the passage of the Open Space program in 2002, the Eagle County Open Space program has protected our natural beauty and scenic vistas.

**WHEREAS** the Open Space program has retained Eagle County's rich history, culture, and agricultural uses; preserved critical wildlife habitat; curbed sprawl in the face of extreme development pressure; and has provided access to our public lands, improving opportunities for high-quality dispersed outdoor recreation.

**WHEREAS** On August 30<sup>th</sup>, by unanimous vote, the Eagle County Board of Commissioners referred an extension and augmentation of the Eagle County Open Space program to the ballot, known as Issue 1B.

**WHEREAS** Passage of Ballot Issue 1B will continue the Open Space program as described above.

**WHEREAS** Issue 1B will enable bonding authority to complete the Eagle Valley Trail in approximately seven years instead of the 40 plus years under the current funding mechanism and will dedicate a portion of the mill levy for debt service to pay bond interest without increasing taxes.

**WHEREAS** Open lands, rivers, and wetlands are critical pieces of the environment in Eagle County. The use of open space funds to protect and enhance our water quality, protect wildlife habitat, conserve our open and beautiful views, and enhance recreation opportunities are vital to our quality of life, and keep our recreation and tourism economies strong.

**WHEREAS** With hundreds of miles of soft trails in Eagle County, on county and federal lands, effective trail stewardship is vital. Issue 1B will dedicate funds toward the sustainable maintenance of our current soft trails and may, in time, be used for the creation of new, environmentally responsible trails, all of which enables residents and visitors alike to partake in all the exceptional outdoor experiences that Eagle County has to offer.

**NOW, THEREFORE, BE IT RESOLVED** that the TOWN OF EAGLE offers their public support for Ballot Issue 1 B

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on September 27, 2016.

\_\_\_\_\_  
Anne McKibbin, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jenny Rakow, Town Clerk

\_\_\_\_\_  
Date

Presentation to  
Town of Eagle  
Town Board of Trustees  
September 27, 2016



**YES on 1B**  
**OPEN SPACE,  
RIVERS & TRAILS**

# Background

- 2002 Open Space tax approved
- 1.5 mill property tax
- Permanently protects and conserves valuable lands and waters throughout Eagle County
- Over 11,000 acres purchased through Open Space program over 14 years
- High degree of oversight since implementation

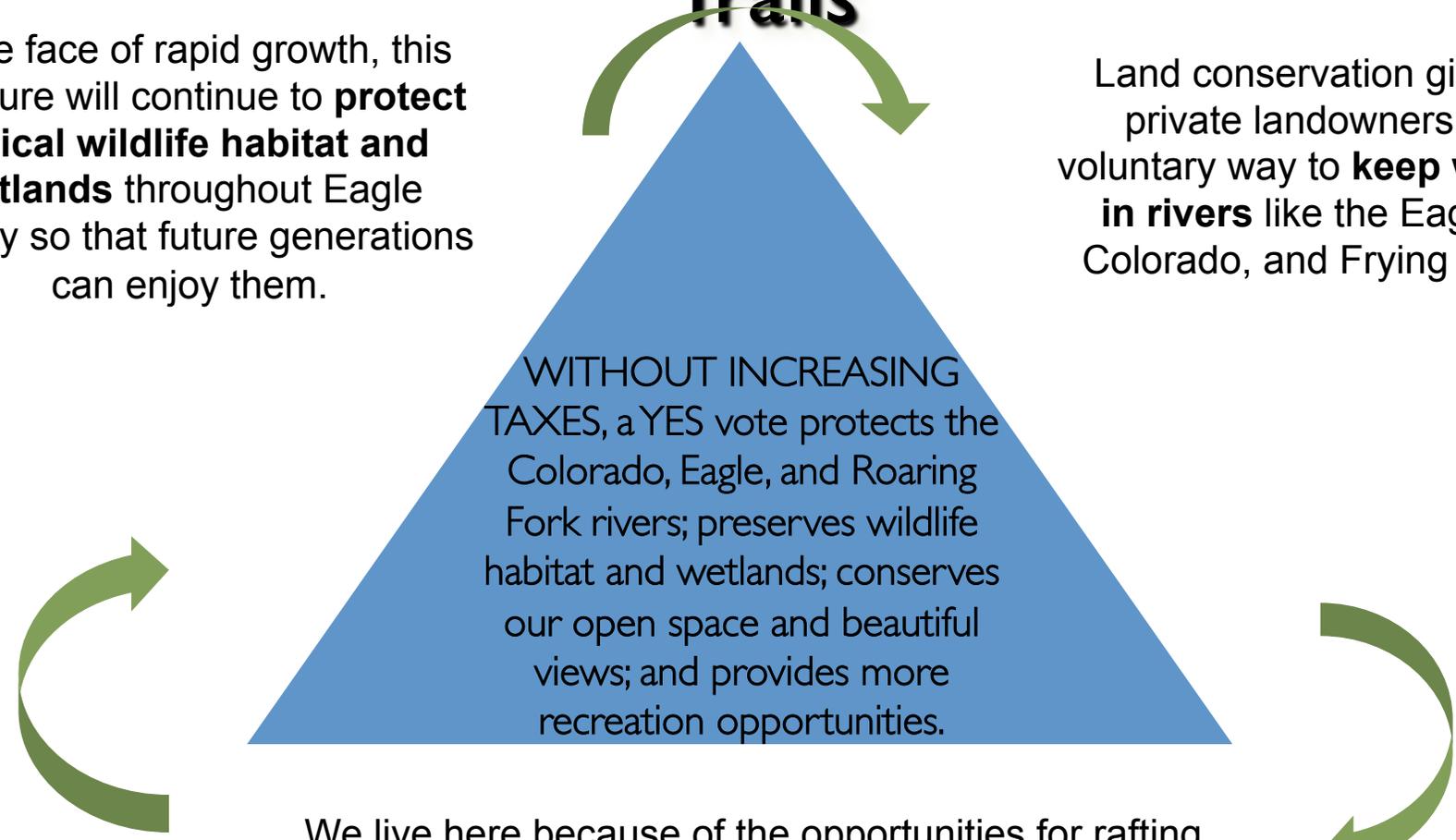


**YES on 1B**  
OPEN SPACE,  
RIVERS & TRAILS

# Ballot Issue 1B – Open Space, Rivers, & Trails

In the face of rapid growth, this measure will continue to **protect critical wildlife habitat and wetlands** throughout Eagle County so that future generations can enjoy them.

Land conservation gives private landowners a voluntary way to **keep water in rivers** like the Eagle, Colorado, and Frying Pan.



WITHOUT INCREASING TAXES, a YES vote protects the Colorado, Eagle, and Roaring Fork rivers; preserves wildlife habitat and wetlands; conserves our open space and beautiful views; and provides more recreation opportunities.

We live here because of the opportunities for rafting, biking, hiking, fishing, and other outdoor activities; whether it's finishing the Eagle Valley Trail, improving soft trails and access points, this measure **will increase recreation opportunities**, county wide.

# Ballot Language

SHALL EAGLE COUNTY'S DEBT BE INCREASED BY NO MORE THAN \$19.95 MILLION WITH A MAXIMUM REPAYMENT COST OF NO MORE THAN \$32.7 MILLION, WITHOUT IMPOSING ANY NEW TAX OR INCREASING ANY EXISTING TAX RATE; WITH SUCH DEBT TO BE ISSUED FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS TO AND EXPANSION OF THE EAGLE VALLEY TRAIL FROM VAIL PASS TO DOTSERO AND OTHER RELATED IMPROVEMENTS, AND SHALL DEBT BE EVIDENCED BY BONDS, NOTES, LOAN AGREEMENTS OR OTHER FINANCIAL OBLIGATIONS THAT MAY MATURE, BE SUBJECT TO REDEMPTION, AND BE ISSUED AT SUCH TIME OR TIMES AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT WITH THIS QUESTION, AS EAGLE COUNTY MAY DETERMINE, AND BE REPAYED FROM REVENUES DERIVED FROM EAGLE COUNTY'S TRANSIT SALES TAX, OPEN SPACE MILL LEVY, AND OTHER LEGALLY AVAILABLE REVENUES AS EAGLE COUNTY MAY DETERMINE; AND SHALL EAGLE COUNTY BE AUTHORIZED TO REFUND THE DEBT IN THIS QUESTION, PROVIDED THAT SUCH REFUNDING DEBT DOES NOT EXCEED THE MAXIMUM PRINCIPAL LIMITS OR REPAYMENT COSTS AUTHORIZED BY THIS QUESTION; AND, IN CONNECTION THEREWITH:



**YES on 1B**  
OPEN SPACE,  
RIVERS & TRAILS

# Ballot Language, continued

(I) SHALL THE EXPIRATION OF THE OPEN SPACE MILL LEVY EQUAL TO 1.5 MILLS APPROVED BY THE VOTERS IN 2002 BE EXTENDED FOR AN

ADDITIONAL FIFTEEN (15) YEARS TO NOW EXPIRE IN 2040, WITH:

- TWENTY PERCENT (20%) OF SAID OPEN SPACE MILL LEVY REVENUES USED TO PAY SUCH DEBT AUTHORIZED BY THIS QUESTION

AND THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING, OPERATING AND MAINTAINING PAVED TRAILS THROUGHOUT EAGLE COUNTY;

- FIVE PERCENT (5%) OF SAID OPEN SPACE MILL LEVY REVENUES USED TO PAY FOR ACQUIRING, CONSTRUCTING, IMPROVING, OPERATING AND MAINTAINING UNPAVED TRAILS THROUGHOUT EAGLE COUNTY;

- AND THE REMAINDER OF SAID OPEN SPACE MILL LEVY REVENUES TO BE USED FOR WATER QUALITY PROTECTION EFFORTS AND FOR THE PURPOSES AUTHORIZED BY THE VOTERS IN 2002, INCLUDING ACQUIRING, MAINTAINING, OR PERMANENTLY PRESERVING OPEN SPACE IN EAGLE COUNTY TO PRESERVE WILDLIFE HABITAT, PROTECT

WETLANDS AND FLOODPLAINS, CONSERVE SCENIC LANDSCAPES AND VISTAS, AND PROVIDE PUBLIC ACCESS POINTS TO RIVERS; AND

- (II) SHALL THE PROCEEDS OF THE DEBT, THE REVENUES FROM THE OPEN SPACE MILL LEVY AND ANY OTHER REVENUES USED TO PAY THE DEBT, AND ANY EARNINGS FROM THE INVESTMENT OF SUCH PROCEEDS AND REVENUES BE AUTHORIZED TO BE COLLECTED AND SPENT BY EAGLE COUNTY WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW AS IT CURRENTLY EXISTS OR AS IT MAY BE AMENDED IN THE FUTURE AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY EAGLE COUNTY?



**YES on 1B**  
OPEN SPACE,  
RIVERS & TRAILS

# Town of Eagle

- In April 2014, the town of Eagle asked voters to expand its Open Space occupation tax to allow for improvements to open space as well as to allow for improvements to BLM and USFS lands
- Passed by 84%

**It's a big ballot!**

Vote yes on 1B at the bottom to keep Eagle County's environment on top

[YesOn1B.com](http://YesOn1B.com)





**MINUTES**  
**Town Board of Trustees**  
**Tuesday, September 13, 2016**  
**6:00 P.M.**

**Public Meeting Room / Eagle Town Hall**  
**200 Broadway**  
**Eagle, CO**

*This agenda and the meetings can be viewed at [www.townofeagle.org](http://www.townofeagle.org).*

*Meetings are also aired online at <https://vimeo.com/channels/townofeagle/>.*

*This meeting is recorded and a CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings as written by Jenny Rakow.*

**PRESENT**

Anne McKibbin, Mayor  
Andy Jessen  
Mikel "Pappy" Kerst  
Paul Witt

**ABSENT**

Kevin Brubeck

**PUBLIC SIGN IN**

Kari McDowell  
Anne Helene Garberg  
Adam Palmer  
Kyle Hoiland  
Mick Daly  
Kelly Anderson

**STAFF**

John Schneider, Town Manager  
Jenny Rakow, Town Clerk  
Ed Sands, Town Attorney  
Tom Boni, Town Planner  
Kevin Sharkey, Assistant Town Engineer  
John Staight, Open Space Coordinator

Kim Langmaid  
Amy Cassidy  
Ron Bates  
Caroline Bradford  
Cynthia Lepthein

**6:00 PM – REGULAR MEETING CALLED TO ORDER**

**PUBLIC COMMENT**

*Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic, unless arrangements have been made for a presentation with the Town Clerk.*

Mayor McKibbin opened for public comment, there was no public comment.

**PRESENTATIONS**

**Climate Action Plan**, Kim Langmaid presented to the Board the outline of the Climate Action Plan goals. There is a hosted Community Open House in Eagle tomorrow, Wednesday, September 14<sup>th</sup> from 5-7 pm and the public, Town Board and town staff are encouraged to attend.

**Hardscrabble Trails Coalition, Adam Palmer** presented his request to the Board regarding additional trail assistance from the Open Space Fund, consideration for full time position and additional seasonal assistance for trail maintenance. Would like the Board to provide direction on how to bring this proposal to move projects forward. Mayor McKibbin noted that this will be a consideration during upcoming budget discussions.

**CONSENT AGENDA** *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation.*

1. Minutes – August 23, 2016
2. August 2016 Bill Paying and Payroll
3. Transfer of funds (\$24,000) to A&R Investment LLC for Black Hills Corporation Easement Payment per MOU and Resolution 24, Series 2016
4. Independent Contractor Agreement - Special Events Pine Productions LLC

**MOTION: Trustee Wit Motioned to approve the Consent Agenda. Motion was seconded and PASSED unanimously.**

#### **DECISIONS, DISCUSSION OR DIRECTION REQUESTED**

**Sweet Leaf Pioneer LLC Marijuana License Renewals; Medical Marijuana Center and Medical Marijuana Center Cultivation.** Mayor McKibbin opened this item and asked for any additional updates from Town Clerk. Clerk stated the renewal is pursuant to Municipal Code and requires staff review and Board approval. There are no outstanding issues and this is not a public hearing.

**MOTION: Trustee Solomon motioned to Approve Sweet Leaf Pioneer LLC Marijuana License Renewals for Medical Marijuana Center and Medical Marijuana Center Cultivation. Motion was seconded and PASSED unanimously.**

**Frost Creek PUD Amendment Water and Bike Path Discussion.** Garrett Simon and Dulcinea Hanuschak were present for this item. Mr. Simon presented the Frost Creek amended proposal for the WSA and timing of PIF payments and the following highlights: 45 net new home sites, Conversion of 15 ADUS to rental cabins for a >25% reduction.

- Bike Path easement along Brush Creek Road (~2 miles)
- \$125,000 for construction of the bike path
- 54 acres of land placed into open space parcel to protect wetland and riparian areas
- Real estate transfer fee to address wildlife enhancement in perpetuity (0.2%) - CPW recommendation
- 12 Offsite Local Resident Dwelling Units or credits purchased
- Overall reduced floor area - Building footprint size limitations added
- New Lots limited to homes of 3,000 sq. ft. to 6,000 sq. ft.
- Reduce residential square footage of all other lots from 12,500 sq. ft. to 10,000 sq. ft.
- Increased fire and wildland fire safety with more stringent requirements
- Improved landscape treatment to berm separating resort to Eaton Lane residents
- Transferring of water taps from Brush Creek Properties to Frost Creek where infrastructure already exists
- Additional traffic impact fee to Town of Eagle at \$1,016 per unit
- Additional traffic impact fees to Eagle County of more than \$5,000 per unit
- Water Plant Investment Fees

Attorney Ed Sands inquired about how this proposal addresses the West Eagle Ranch reimbursement for traffic impacts on Brush Creek Road. Ms. Hanuschak indicated they believed the \$125,000 provided at execution would go towards those costs, estimated at \$30,000.

Trustee Jessen provided the audience with a brief history of the request being considered by the Board.

Ed Sands requested and Executive Session to hold a conference with the Town's attorney to receive legal advice on specific legal questions and items pertaining to negotiations, pursuant to C.R.S. § 24-6-402(4)(b) and stated for the record that the session does will not be recorded because it is attorney client privilege.

**MOTION: Mayor McKibbin motioned to enter Executive Session to hold a conference with the Town's attorney to receive legal advice on specific legal questions and items pertaining to negotiations, pursuant to C.R.S. § 24-6-402(4)(b). Motion was seconded and PASSED unanimously. (6:47 p.m.)**

**MOTION: Trustee Witt motioned to come out of Executive Session and resume the regular meeting. Motion was seconded and PASSED unanimously. (7:34 p.m.)**

Ed Sands stated legal counsel received direction from the Board on how to proceed further with negotiations with Frost Creek on the Water Services Agreement.

**Riverfront Citizen's Committee** was presented by Caroline Bradford. In packets was draft of committee application and responsibilities. Intent is to invite not just residents but citizens from community at large who have interest in Eagle River, Eagle and seeing this project succeed.

Trustee Solomon offered to volunteer to be the Board appointed representative. Asked for clarification on Board appointing the Committee members and wondered if that took away objectivity. It was further discussed the Committee would form itself and the Board would simply provide affirmation of the selection by approving the members, which is similar to the formation of MEAC.

Caroline noted applications will be due end of this month, with hopes of having formation in early October. A preliminary schedule for meetings and public engagement has also been provided. Primary focus of this group will be fundraising and engaging the public on the process serving as ambassadors. The intent is not to micromanage the design. Transparency was mentioned by the Town Board as another function.

The Town Board agreed to move forward with the committee and selection process as presented.

**Preliminary Special Event Policies Discussion.** John Schneider and Amy Cassidy jointed presented this item. Of note was changing the structure of the budget process to accommodate special events, capture the in-kind costs via line item for special events in both Public Works and Police Department budgets. We are tracking these items currently, but desire for additional detail for budgeting and staffing is necessary to assist with MEAC funding. Also proposed was to remove the Town from providing event support and supplies to encourage using local service providers for security, barricades, tents etc. This proposal could potentially reduce costs to the Town. The Board raised some concern that the Town should provide these services if they cannot be secured elsewhere. The term used for the Town was "vendor of last choice" and charge for the services and materials we provide. Additional process improvements would include collecting deposits, reviewing insurance requirements and creating a master event schedule.

Mayor McKibbin noted that due to her vacation for the next ten days and Kevin Brubeck, Mayor Pro Tem, being unavailable for an undetermined amount of time, it was suggested to appoint a Mayor Pro Tem to cover unexpected or emergencies that require town authority or signature.

**MOTION: Trustee Solomon motioned to appoint Andy Jessen as temporary Mayor Pro Tem during Mayor McKibbin's and Trustee Brubeck's absences. Motion was seconded and PASSED unanimously.**

#### LAND USE

**Project:** Rocky Mountain School of Discovery  
**File #:** SU16-01  
**Applicant:** Anne Helene Garberg

**Location:** 409 Brooks Lane  
**Staff Contact:** Tom Boni (Town Planner)  
**Request:** Applicant is requesting a Special Use Permit to allow for a pre- school to serve up to a maximum of 80 children on a +/- one-acre parcel of land zoned Rural Residential. Phase One: 40, Phase Two: 80.

Mayor McKibbin opened this item.

Tom Boni, Town Planner noted for the record that several public comments are included with the file with a recent email from Ron Bates. Tom gave overview of the PUC's determination that railroad crossing improvements were deemed necessary because the determined this is a commercial proposal and has traffic impacts that trigger the requirement. The Town Engineer has prepared a cost estimate which is between \$170 and \$200K. Also required is a water system improvement to replace 4-inch pipe into this neighborhood. Tom provided the findings of Planning Commission and noted that all conditions of granting the Special Use Permit were met with the exception of the railroad crossing requirement and the funding that is needed to complete that.

Anne Helene Garberg addressed the Town Board and provided her concerns regarding finding a location within Eagle to address childcare needs of the community. Expressed her desire to work with the neighbors in the neighborhood, summarized her meetings with Eagle County Commissioners, soliciting private funding to address the railroad crossing and her sincere desire to continue to find a solution in Eagle.

Kari McDowell provided the board her traffic study and opinions regarding the traffic patterns and the need for the Town to address concerns of Highway Six access from side streets regardless of this project.

Mayor McKibbin opened this item for Public Hearing.

Cynthia Lepthein 450-1 Brooks Lane. Stated she believed Brooks Lane would not accommodate the vehicles and felt because the traffic study was not done during school year the traffic numbers were not as accurate. She agreed we need child care and the site is good, but that the school itself and traffic would change the character of the neighborhood. Ms. Lepthein agreed that an analysis of Highway Six and Brooks Lane should be done.

Mayor McKibbin closed Public Hearing.

Mayor McKibbin noted that the cost of infrastructure is not something the Town can take on. In addition, since the applicant is working with the County on a funding strategy, it would seem appropriate that the application can be withdrawn as submitted and refiled at a later date.

The Board discussed how to handle this request and consider the impacts of the necessity of the Railroad Crossing costs on the Town. With the intent to provide feedback to the applicant on this file the Board responded with their thoughts on the project, despite there not being a funding mechanism proposed or available at this time to approve.

Trustee Witt stated he is not convinced at this time that the school is in the best interests of the neighborhood. Agreed that it is a wonderful business, but may be in the wrong location.

Mayor McKibbin stated she felt comfortable approving with a limit on the number of students and believed 80 to be too many. This would include a plan for offsite pick up/drop off and mitigation of traffic.

Trustee Kerst stated agreed with reducing student numbers and addressing the neighborhood concerns.

Trustee Jessen found no fault with staff findings if the street improvements for traffic were done it meets the standards required for approval.

Trustee Solomon stated we should look at more than the railroad crossing and roadway and expressed concern of applicant complying with restrictions of the permit and believed 30 students would be maximum.

**Applicant Anne Helene Garberg representing Rocky Mountain School of Discovery withdrew her application for the record and stated she would refile at a later time.**

## **STAFF UPDATES AND REQUESTS**

### **Manager's Report and Departmental Reports**

Manager updated the board on the Human Resources interim person who will start next Friday from Mountain States Employers Council. The Town also needs to consider the hiring of a permanent Human Resources Manager, which has been identified as a priority. The Board was provided with salary information and was asked permission to advertise to hire this position possibly before the end of 2016. Board asked if the position fit within the budget and Mr. Schneiger indicated it does. The board agreed to start advertising for this position.

Manager updated the board on the river clean up event that he attended this past Saturday.

### **Eagle Riverfront Project Update**

- a. **Communications Plan**
- b. **Riverfront Park Design Schedule**

Trustees questioned the current timeline of the project and referenced comments received via email. Current meetings with stakeholders and Eagle County determined the timeline. Tom Boni stated the project and process is dynamic. Discussion points from the Town Board will be raised during the engagement process. A timeline for Board review was requested. Discussion took place regarding the park and river improvements scheduled to do both at once. The communications plan proposed is intended to address these comments, concerns and questions. John Schneiger noted the project budget and strategic planning will be part of the budget process. One on one meetings with board members to discuss and provide updates is an option. An additional worksession is also possible.

**Sales Tax Report through August 2016.** No comments.

**Special Event Coordinator.** John Schneiger and Amy Cassidy presented their update on the position that is currently being advertised. Additional duty would be to function as event producer for Flight Days, coordinate the 4<sup>th</sup> of July event and possibly manage the Pavilion and field reservations.

**Water Rate and Tap Fee Study Proposal.** Kevin Sharkey provided overview of the proposal from SGM. Board questioned the need for a third party study when staff performed same study a few years ago. Because of the current situation regarding development and infrastructure costs, it is best to have third party data, evaluation and recommendations to move forward. This is a very large project that will need funding. The board agreed and confirmed the proposal as submitted. The report is intended to be ready and available to use for 2017 budget.

## **BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

Mayor's Update – Eagle 20/20 is scheduled for October 5<sup>th</sup> at 6 p.m. This Chamber sponsored meeting is intended to provide an update for the public on the Town of Eagle and announce the Community Impact Award winner. The Town has one hour to provide their update. Caroline Bradford has been asked to provide a River Park update. The Mayor and staff will coordinate the Town's message.

Mayor McKibbin updated everyone on the Governor's visit to Eagle.

Mayor McKibbin noted we need to set a date for the strategic planning. We have secured a facilitator. The Board agreed to schedule the worksession for Saturday, October 8<sup>th</sup> from 3-7 p.m.

**Review of Town Board Applications – set interview schedule and timeline.** Town Clerk handed out paper ballots. Each Town Board Member wrote names of three individuals they would like to have present at the next Board meeting for appointment. The names drawn resulted in a two-way tie, therefore four individuals were selected and they are: Adam Palmer, Scott Turnipseed, Clark Gundlach and Josh Stowell. Board members should submit their list of questions they would like applicants to provide written responses to and verbal questions for the meeting on September 27<sup>th</sup> to the Town Clerk by Friday.

**CORRESPONDENCE**

Notice of Cancellation of Participation in November 2016 Coordinated Election.  
NWCCOG Economic Development District Update

**ADJOURN (9:57 pm)**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anne McKibbin, Mayor

\_\_\_\_\_  
Jenny Rakow, CMC Town Clerk

DRAFT

**ORDINANCE NO. 27**  
**(Series of 2016)**

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF EAGLE CONCERNING THE ABANDONMENT OF STATE HIGHWAY 6 E, ALSO KNOWN AS U.S. HIGHWAY 6.

WHEREAS, the Board of Trustees of the Town of Eagle approved Resolution No. 67, Series of 2015, agreeing that a portion of U.S. Highway 6 from approximately Mile Post 147.70 to approximately Mile Post 149.67 no longer serves the ongoing purposes of the State highway system and expressing a desire to accept and assume ownership of such segment of U.S. Highway 6 in exchange for a specific dollar amount to be paid by the Colorado Department of Transportation upon transfer of ownership pursuant to the terms and conditions of an Intergovernmental Agreement to be entered into by the Colorado Department of Transportation and the Town of Eagle; and

WHEREAS, the Parties now desire to enter into such Intergovernmental Agreement regarding the conditions of abandonment of such road segment by the State of Colorado and accept and acceptance of such segment of road by the Town of Eagle; and

WHEREAS, the Parties are authorized to enter into such Intergovernmental Agreement pursuant to the provisions of Sections 29-1-203, 43-2-106, 43-1-110, 43-1-114, and 43-2-144, C.R.S.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. The Intergovernmental Agreement attached hereto as Exhibit "A" and incorporated herein by this reference, between the State of Colorado for the use and benefit of the Department of Transportation and the Town of Eagle is hereby approved.

Section 2. The Mayor, Mayor Pro-tem, or interim Mayor Pro-tem is hereby authorized and directed to execute said Agreement on behalf of the Town of Eagle.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on \_\_\_\_\_, 2016.

TOWN OF EAGLE, COLORADO

By: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jenny Rakow, Town Clerk

Publication Date:

\_\_\_\_\_

Trustee \_\_\_\_\_ introduced, read and moved the adoption of the ordinance titled

AN ORDINANCE OF THE TOWN OF EAGLE, COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF EAGLE CONCERNING THE ABANDONMENT OF STATE HIGHWAY 6 E, ALSO KNOWN AS U.S. HIGHWAY 6.

and upon adoption that it be published pursuant to law and recorded in the Book of Ordinances.

Trustee \_\_\_\_\_ seconded the motion. On roll call, the following Trustees voted "Aye":

\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_.

Trustees voted "Nay":

\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_.

**Eagle Devolution  
Project # (21090)  
Region 3 (WMA)**

**Contract Routing # 16-000-ZH-000999  
PO # 471000858**

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the STATE OF COLORADO for the use and benefit of THE DEPARTMENT OF TRANSPORTATION, 4201 East Arkansas Avenue, Denver, Colorado, hereinafter referred to as the State or CDOT, and the Town of Eagle, PO Box 609, Eagle Colorado, CDOT Vendor # 2000304, hereinafter referred to as the “Town” or the “Local Agency”, the “State” and “Town” shall hereinafter be referred to as the “Parties.”

WHEREAS, Authority exists in the law and funds have been budgeted, appropriated and otherwise made available by the State and a sufficient uncommitted balance thereof remains available for payment of project and “Town” costs in Fund Number [400], Function [TBD], GL Acct [4511000010] WBS Element [21090.10.50] Cost Center [3120].

**Encumbrance Amount: [\$1,671,649.00]; and**

WHEREAS, Colorado Revised Statutes (“CRS”) §43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway and with the agreement of each affected county or municipality the state highway, or portion thereof, is abandoned. CRS §43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of §43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures; and

WHEREAS, Both Parties have received the required approvals, clearances and completed coordination with appropriate agencies to allow for contributions to be made and road to be devolved; and

WHEREAS, the execution of this Agreement is contingent upon the State Transportation Commission’s approval, at their meeting on June 18, 2015, the Transportation Commission Adopted Resolution TC-15-6-7, herein incorporated as **Exhibit D**, which abandoned that portion of State Highway 6E, also known as US 6 from milepost (“MM”) 147.680 and MM 149.718 within Eagle, Colorado, hereinafter referred to as the “Road”; and

WHEREAS, the Board of Trustees of the Town of Eagle has approved and the Town has submitted to the State Resolution Number 2015-67, dated December 8, 2015, herein incorporated as **Exhibit E**, the Board of Trustees indicated to the State its interest in accepting the Road after its abandonment by the CDOT Transportation Commission, as indicated in **Exhibit A** and **Exhibit C**; and

WHEREAS, the Parties desire to enter into this Agreement specifying the conditions of abandonment of the Road by the State and acceptance of it by the Town; and

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to the provisions of Sections 29-1-203, 43-2-106, 43-1-110, 43-1-114, and 43-2-144, C.R.S., as amended and pursuant to the attached resolution shown in **Exhibit E** from the Town.

NOW, THEREFORE, it is hereby agreed that:

This Agreement establishes the general provisions for and defines certain responsibilities regarding the State's abandonment to the Town and acceptance by the Town of the Road as shown in Exhibit A, and described in Exhibit C, and reaffirms the abandonment of the Road.

### **I. COMMITMENTS ON THE PART OF THE STATE**

1. By Resolution TC -15-6-7, dated June 18, 2015, attached hereto as **Exhibit D**, the State has provided notice of the State's abandonment to the Town of the Road, as shown in **Exhibit A**, and described in **Exhibits B and C**, within Eagle, Colorado.
2. Within ten (10) days after invoice from the Local Agency, the State shall make a one-time payment of **\$1,671,649.00** to the Town, which will also be the maximum payable to the Town under this Agreement, unless such amount is increased by an appropriate written modification to this Agreement executed before any increased cost is incurred. An uncontested amount not paid by the State shall bear interest after 45 days, however, that interest shall not accrue on the unpaid amount that is subject to a good faith dispute.

3. The State shall relinquish maintenance duties and ownership of the Road upon acceptance of the road by the Town, which will occur upon completion of the recording of the Quit Claim Deed filing (sample of the Quit Claim Deed attached as **Exhibit B**). The Quit Claim Deed shall provide that if the Town ceases to use the Road or a portion thereof for the purposes of a county highway or municipal street, title to the Road or portion thereof shall revert to CDOT.
4. The Quit Claim Deed shall provide that the State shall reserve unto the State and unto the State's successors and assigns, a perpetual easement for the installation, construction, operation, maintenance, repair and replacement of the State's Project No. IM 0702-299, Project Code 13230, Eagle County Airport Interchange and Connector Road. The perpetual Easement to be reserved by the State is legally described and graphically depicted on **Exhibit F**.

## **II. COMMITMENTS ON THE PART OF THE TOWN OF EAGLE**

1. The Town, by adopting the Resolution (**Exhibit E**), indicated its intent to accept the Road and make it a part of the Town road system and accept sole responsibility for the Road, that all traffic and roadway paving, signing, striping, markings, minor and major structures, lighting and signalization for the Road will be owned and maintained by the Town, including both minor and major maintenance. Pursuant to Section 43-2-106, Colorado Revised Statutes, the Town, by its Board of Trustees, has also adopted an ordinance approving this Agreement and accepting the abandoned portions of State Highway 6E. The transfer of the Road will be completed following the execution of this Agreement by the parties.
2. Upon the Effective Date of the annexations, The Town must present CDOT with an invoice in the amount of **\$1,671,649.00** before payment can be made.

## **III. GENERAL PROVISIONS**

1. This Agreement is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or affect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written executed and approved modification pursuant to the State Fiscal Rules.
2. Each Party, to the extent authorized by law, shall be responsible for all claims, damages, liability and court awards including costs, expenses and attorney fees incurred as a result of any act or omission by such Party or its employees, agents, subcontractors, or assignees pursuant to the terms of this Agreement.
3. This Agreement shall inure to the benefit of and be binding upon the Parties, their successors and assigns.
4. To the extent that this Agreement may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.
5. It is expressly understood and agreed that the Town or its employees, subcontractors, consultants, or assigns shall not in any respect be deemed an agent of the State.
6. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Town and the State, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. Further, it is the express intention of the Parties, that any person or entity other than the Parties hereto that may receive services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

7. The Town represents and warrants that they have taken all actions that are necessary or that are required by its procedures, ordinances, or applicable law, to legally authorize the undersigned signatory to execute this Agreement on behalf of said public entity, and to bind said public entity to its terms.
8. The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution and enforcement of this Agreement. Any provision of an Exhibit which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules and regulations shall be considered null and void.
9. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense or otherwise.
10. At all times during the performance of this Agreement, the Parties shall strictly adhere to all applicable federal and state laws, rules and regulations that have been or may hereafter be established.
11. The signatories hereto aver that they are familiar with 18-8-301, et seq. (Bribery and Corrupt Influences) and 18-8-401, et seq. (Abuse of Public Office), C.R.S., and that no violation of such provisions is present.
12. The signatories aver that to their knowledge, no state employee has a personal or beneficial interest whatsoever in the service or property described herein.

**Remainder of Page Left Blank Intentionally**

**THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT**

\* Persons signing for The Local Agency hereby swear and affirm that they are authorized to act on The Local Agency's behalf and acknowledge that the State is relying on their representations to that effect.

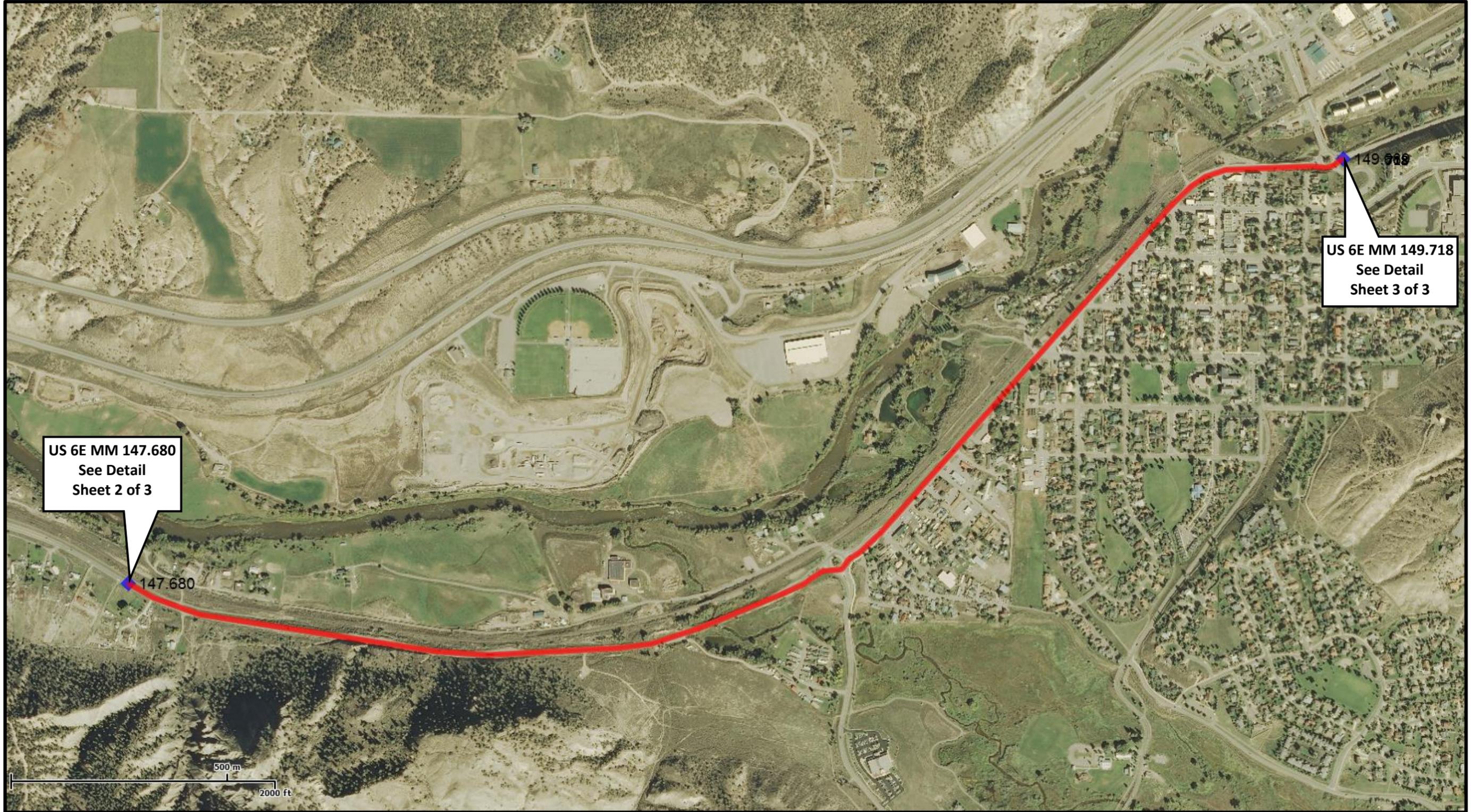
<p align="center"><b>THE LOCAL AGENCY</b>  <b>Town of Eagle</b>  <b>Anne McKibbin</b></p>	<p align="center"><b>STATE OF COLORADO</b>  <b>JOHN W. HICKENLOOPER, GOVERNOR</b>                  Colorado Department of Transportation                  Shailen P. Bhatt, Executive Director</p>
By: _____ Name of Authorized Individual	
Title: Mayor, Town of Eagle Official Title of Authorized Individual	
_____ *Signature	By: Joshua Laipply, PE, Chief Engineer Date: _____
Date: _____	
ATTEST:  By: _____ Jenny Rakow, Town Clerk	<p align="center"><b>LEGAL REVIEW</b>                  Cynthia H. Coffman, Attorney General</p>
	By: _____ Signature - Assistant Attorney General Date: _____

**ALL AGREEMENTS REQUIRE APPROVAL BY THE STATE CONTROLLER**

CRS §24-30-202 requires the State Controller to approve all State Agreements. This Agreement is not valid until signed and dated below by the State Controller or delegate. The Local Agency is not authorized to begin performance until such time. If The Local Agency begins performing prior thereto, the State of Colorado is not obligated to pay The Local Agency for such performance or for any goods and/or services provided hereunder.

<p><b>STATE CONTROLLER</b>  <b>Robert Jaros, CPA, MBA, JD</b></p>
By: _____ Colorado Department of Transportation
Date: _____

US 6E DEVOLUTION TO TOWN OF EAGLE MP-147.680 – 149.718  
PROJECT NO. C 0063-052 PROJECT CODE 21090  
SHEET 1 OF 3



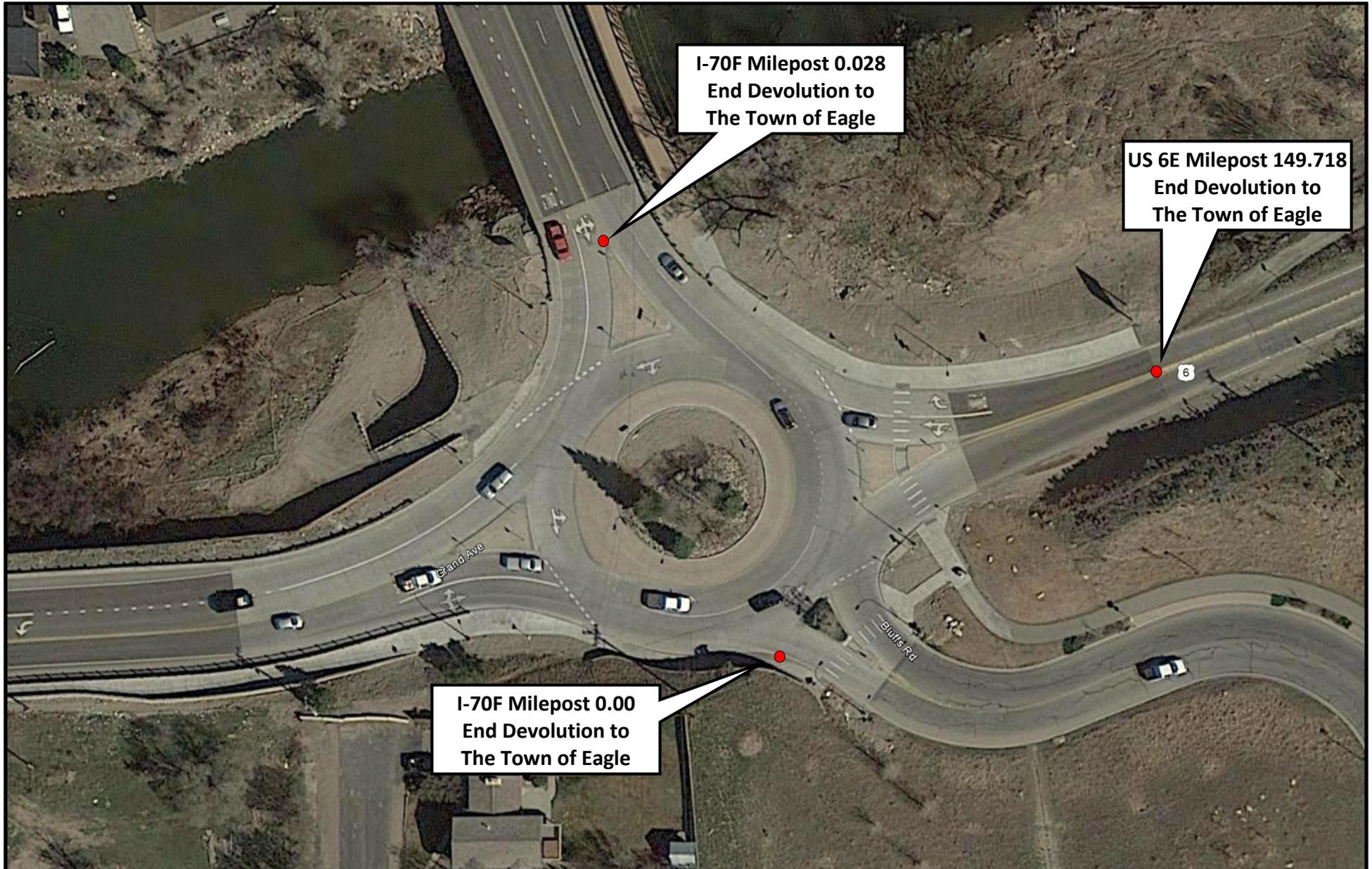
US 6E MM 147.680  
See Detail  
Sheet 2 of 3

US 6E MM 149.718  
See Detail  
Sheet 3 of 3

**US 6E DEVOLUTION TO TOWN OF EAGLE MP-147.680 – 149.718**  
**PROJECT NO. C 0063-052      PROJECT CODE 21090**  
**SHEET 2 OF 3**



**US 6E DEVOLUTION TO TOWN OF EAGLE MP-147.680 – 149.718**  
**PROJECT NO. C 0063-052      PROJECT CODE 21090**  
**SHEET 3 OF 3**



**I-70F Milepost 0.028**  
**End Devolution to**  
**The Town of Eagle**

**US 6E Milepost 149.718**  
**End Devolution to**  
**The Town of Eagle**

**I-70F Milepost 0.00**  
**End Devolution to**  
**The Town of Eagle**

**QUITCLAIM DEED**

**THIS DEED**, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
between

**DEPARTMENT OF TRANSPORTATION,  
STATE OF COLORADO**

of the City and County of Denver and State of Colorado, grantor,  
and

**THE TOWN OF EAGLE, COLORADO,  
a Colorado home-rule municipal corporation**

whose legal address is 500 Broadway  
P.O. Box 609  
Eagle, Colorado 81631  
of the County of Eagle and State of Colorado, grantee,

**WITNESS**, that the grantor, for and in consideration of the sum of **TEN (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the grantee, its successors and assigns forever, all the right, title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in the Town of Eagle, County of Eagle and State of Colorado, described as follows:

**SEE ATTACHED LEGAL DESCRIPTION FOR THE PORTIONS OF COLORADO STATE HIGHWAY 006E AND I-70F THAT ARE THE SUBJECT OF THIS DEED, ATTACHED HERETO AS EXHIBIT A CONSISTING OF NINE (9) PAGES.**

**SUBJECT TO** the reservation by Grantor of a Perpetual, Non-Exclusive Easement on, along, over, under, through and across those portions of Colorado State Highway 006E and I-70F more particularly described and depicted on **Exhibit B** attached hereto and incorporated herein by reference, consisting of two (2) pages, said Easement being for the installation, operation, maintenance, repair and replacement of Drainage Facilities, **AND ALSO SUBJECT TO** any and all easements of record, and any and all existing utilities as constructed, and for their maintenance as necessary.

**IN THE EVENT THE PROPERTY HEREIN CONVEYED FAILS TO BE USED FOR PUBLIC TRANSPORTATION PURPOSES, THEN THIS DEED SHALL BECOME NULL AND VOID AND THE PROPERTY SHALL REVERT TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO.**

**TO HAVE AND TO HOLD** the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, except as conditioned above, to the only proper use, benefit and behoof of the grantee, its successors and assigns forever.

**IN WITNESS WHEREOF**, the grantor has executed this deed on the date set forth above.

**ATTEST:**

**DEPARTMENT OF TRANSPORTATION,  
STATE OF COLORADO**

\_\_\_\_\_  
**DAVID FOX  
CHIEF CLERK – PROPERTY MANAGEMENT**

\_\_\_\_\_  
**JOSHUA LAIPPLY, P.E.  
CHIEF ENGINEER**

**STATE OF COLORADO**            )  
  ) **ss.**  
**City and County of Denver**    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Joshua Laipply, P.E. as Chief Engineer and David Fox as Chief Clerk – Property Management for the State of Colorado, Department of Transportation.

Witness my hand and official seal.  
My commission expires:

\_\_\_\_\_  
Notary Public

# EXHIBIT A

## LEGAL DESCRIPTION

A parcel of land situated in Sections 5 and 6, of Township 5 South, Range 84 West and Sections 32 and 33 of Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being more particularly described as follows:

Beginning on the southerly Right of Way for U.S. Highway 6 & 24, thence along said southerly Right of Way the following thirty seven (37) courses:

- 1) (C1) on a curve to the right having a radius of 1962.52 feet, a delta angle of 02°36'55", an arc length of 89.58 feet, and a chord of S 69°35'58" W 89.57 feet to a point;
- 2) thence (L1) S 38°49'56" W 107.18 feet to a point;
- 3) thence (L2) S 89°30'06" W 540.72 feet to a point;
- 4) thence (L3) S 00°29'54" E 9.47 feet to a point;
- 5) thence (C2) on a curve to the right having a radius of 1952.53 feet, a delta angle of 00°35'36", an arc length of 20.22 feet, and a chord of S 89°17'43" W 20.22 feet to a point;
- 6) thence (L4) S 89°35'31" W 185.97 feet to a point;
- 7) thence (C3) on a curve to the left having a radius of 532.59 feet, a delta angle of 12°59'09", an arc length of 120.71 feet, and a chord of S 83°05'56" W 120.45 feet to a point;
- 8) thence (L5) S 00°29'54" E 10.26 feet to a point;
- 9) thence (C4) on a curve to the left having a radius of 522.60 feet, a delta angle of 36°17'45", an arc length of 331.06 feet, and a chord of S 58°12'26" W 325.55 feet to a point;
- 10) thence (L6) S 40°03'33" W 1494.75 feet to a point;
- 11) thence (L7) S 45°11'33" W 281.71 feet to a point;
- 12) thence (L8) S 39°58'03" W 103.07 feet to a point;
- 13) thence (L9) S 40°05'46" W 730.83 feet to a point;
- 14) thence (L10) S 40°11'00" W 605.68 feet to a point;
- 15) thence (C5) on a curve to the right having a radius of 2152.09 feet, a delta angle of 15°15'10", an arc length of 572.91 feet, and a chord of S 47°46'25" W 571.22 feet to a point;
- 16) thence (L11) S 15°22'20" W 37.30 feet to a point;
- 17) thence (L12) S 58°42'01" W 100.18 feet to a point;
- 18) thence (L13) N 65°14'24" W 26.59 feet to a point;
- 19) thence (C6) on a curve to the right having a radius of 5457.43 feet, a delta angle of 08°00'43", an arc length of 763.15 feet, and a chord of S 62°54'25" W 762.53 feet to a point;
- 20) thence (L14) S 66°55'12" W 370.19 feet to a point;
- 21) thence (L15) S 23°07'36" E 49.89 feet to a point;
- 22) thence (L16) S 66°52'24" W 87.90 feet to a point;
- 23) thence (C7) on a curve to the right having a radius of 1529.08 feet, a delta angle of 14°28'35", an arc length of 386.34 feet, and a chord of S 74°06'42" W 385.31 feet to a point;
- 24) thence (L17) N 08°53'43" W 49.83 feet to a point;
- 25) thence (C8) on a curve to the right having a radius of 1478.92 feet, a delta angle of 04°02'02", an arc length of 104.12 feet, and a chord of S 83°23'06" W 104.10 feet to a point;
- 26) thence (L18) S 85°24'07" W 481.25 feet to a point;
- 27) thence (L19) S 85°22'01" W 401.24 feet to a point;
- 28) thence (L20) S 04°19'56" E 24.55 feet to a point;
- 29) thence (C9) on a curve to the right having a radius of 2940.00 feet, a delta angle of 11°32'53", an arc length of 592.57 feet, and a chord of N 88°44'04" W 591.56 feet to a point;
- 30) thence (L21) N 82°57'37" W 238.22 feet to a point;
- 31) thence (L22) S 08°09'21" W 24.08 feet to a point;
- 32) thence (L23) N 81°58'33" W 502.99 feet to a point;
- 33) thence (L24) N 04°47'26" E 49.14 feet to a point;
- 34) thence (L25) N 82°08'33" W 900.95 feet to a point;
- 35) thence (C10) on a curve to the right having a radius of 1960.00 feet, a delta angle of 14°49'12", an arc length of 506.97 feet, and a chord of N 74°43'57" W 505.56 feet to a point;
- 36) thence (26) S 22°44'32" W 5.00 feet to a point;

LEGAL DESCRIPTION CONTINUED ON SHEET 2 OF 9

This is not a monumented survey, Land Survey Plat, or Improvement Survey plat. No boundary resolution was performed in making this Exhibit. All lot lines, setback lines, and easement lines shown hereon should be considered approximate and should not be relied upon for the placement of any future improvements.

*U.S. HIGHWAY 6 DEVOLUTION- T.O.E.*

*Located in Sections 5 & 6, T5S, R84W, 6th  
PM and Section 32 & 33, T4S, R84W, 6th PM  
County of Eagle, State of Colorado*

***KIPP LAND SURVEYING***

*RANDY KIPP P.L.S.  
P.O. Box 3154  
Eagle, CO 81631  
(970) 390-9540*

*email: randy@kipplandsurveying.com  
web: kipplandsurveying.com*

*DRAWN BY: RPK*

*DATE: 12-07-15*

*SHEET 1 OF 9*

*DWG NAME:  
15061-TOE-LEGAL*

# EXHIBIT A

37) thence (C11) on a curve to the right having a radius of 1965.00 feet, a delta angle of 00°33'25", an arc length of 19.10 feet, and a chord of N 67°02'38" W 19.10 feet to point;

Thence leaving said southerly Right Of Way (L27) N 23°14'05" E 105.00 feet to a point on the northerly Right Of Way of U.S. Highway 6 & 24. Thence along the said northerly Right Of Way the following (20) courses:

- 1) (C12) on a curve to the left having a radius of 1860.00 feet, a delta angle of 15°22'38", an arc length of 499.19 feet, and a chord of S 74°27'14" E 497.69 feet to point;
- 2) thence (L28) S 82°08'33" E 900.95 feet to a point;
- 3) thence (L29) S 81°58'33" E 502.99 feet to a point;
- 4) thence (L30) S 82°57'37" E 238.22 feet to a point;
- 5) thence (C13) on a curve to the left having a radius of 2815.00 feet, a delta angle of 11°32'53", an arc length of 567.37 feet, and a chord of S 88°44'04" E 566.41 feet to point;
- 6) thence (C14) on a curve to the left having a radius of 7640.00 feet, a delta angle of 02°57'30", an arc length of 394.46 feet, and a chord of N 82°42'37" E 394.41 feet to point;
- 7) thence (C15) on a curve to the left having a radius of 6925.55 feet, a delta angle of 06°27'23", an arc length of 780.40 feet, and a chord of N 78°15'27" E 779.99 feet to point;
- 8) thence (L31) S 03°34'36" W 33.31 feet to a point;
- 9) thence (L32) S 00°21'22" E 18.91 feet to a point;
- 10) thence (C16) on a curve to the left having a radius of 4397.35 feet, a delta angle of 13°01'47", an arc length of 1000.02 feet, and a chord of N 68°23'18" E 997.86 feet to point;
- 11) thence (C17) on a curve to the left having a radius of 4397.35 feet, a delta angle of 10°51'59", an arc length of 833.97 feet, and a chord of N 56°26'25" E 832.73 feet to point;
- 12) thence (L33) N 40°08'54" E 510.76 feet to a point;
- 13) thence (L34) N 86°38'39" E 24.86 feet to a point;
- 14) thence (C18) on a curve to the left having a radius of 4348.24 feet, a delta angle of 01°12'31", an arc length of 91.73 feet, and a chord of N 40°45'26" E 91.73 feet to point;
- 15) thence (L35) N 40°09'10" E 819.97 feet to a point;
- 16) thence (L36) N 45°15'41" E 281.65 feet to a point;
- 17) thence (L37) N 40°03'33" E 1392.40 feet to a point;
- 18) thence (C19) on a curve to the right having a radius of 1470.41 feet, a delta angle of 13°45'47", an arc length of 353.21 feet, and a chord of N 46°56'27" E 352.36 feet to point;
- 19) thence (C20) on a curve to the right having a radius of 612.57 feet, a delta angle of 25°42'15", an arc length of 274.81 feet, and a chord of N 76°44'23" E 272.51 feet to point;
- 20) thence (L38) N 89°35'31" E 146.08 feet to a point;

Thence leaving said northerly Right of Way (L39) N 00°31'07" W 24.34 feet to a point; thence (L40) N 89°39'25" E 37.37 feet to a point; thence (C21) on a curve to the left having a radius of 1845.00 feet, a delta angle of 09°42'25", an arc length of 312.58 feet, and a chord of N 84°48'12" E 312.20 feet to point; thence (L41) N 10°02'59" W 21.01 feet to a point; thence (L42) N 60°49'00" E 15.83 feet to a point; thence (L43) S 29°10'25" E 13.43 feet to a point; thence (L44) N 60°49'35" E 23.24 feet to a point; thence (L45) N 15°49'35" E 7.07 feet to a point; thence (L46) N 29°10'25" W 64.99 feet to a point; thence (L47) N 61°47'06" E 28.99 feet to a point on the westerly Right Of Way of Eby Creek Road; thence along said Right Of Way (L48) S 22°45'35" E 44.00 feet to a point; thence leaving said Right Of Way (L49) N 63°45'07" E 81.91 feet to a point; thence (L50) N 79°15'57" E 72.44 feet to a point on the easterly Right Of Way of said Eby Creek Road; thence leaving said Right Of Way (L51) S 72°39'15" E 91.22 feet to a point; thence (L52) N 80°17'31" E 49.41 feet to a point; thence (L53) N 70°05'32" E 64.56 feet to a point; thence (L54) S 21°29'41" E 17.49 feet to a point on the northerly Right Of Way of said U.S. Highway 6 & 24; thence along said northerly Right Of Way (L55) S 68°30'47" W 31.75 feet to a point; thence crossing said Right of Way (L56) S 21°28'41" E 99.95 feet to a point on the southerly Right Of Way and the POINT OF BEGINNING. Containing 26.721 acres more or less.

U.S. HIGHWAY 6 DEVOLUTION- T.O.E.  
 Located in Sections 5 & 6, T5S, R84W, 6th  
 PM and Section 32 & 33, T4S, R84W, 6th PM  
 County of Eagle , State of Colorado

## KIPP LAND SURVEYING

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 web: kipplandsurveying.com

DRAWN BY: RPK

DATE: 12-06-15

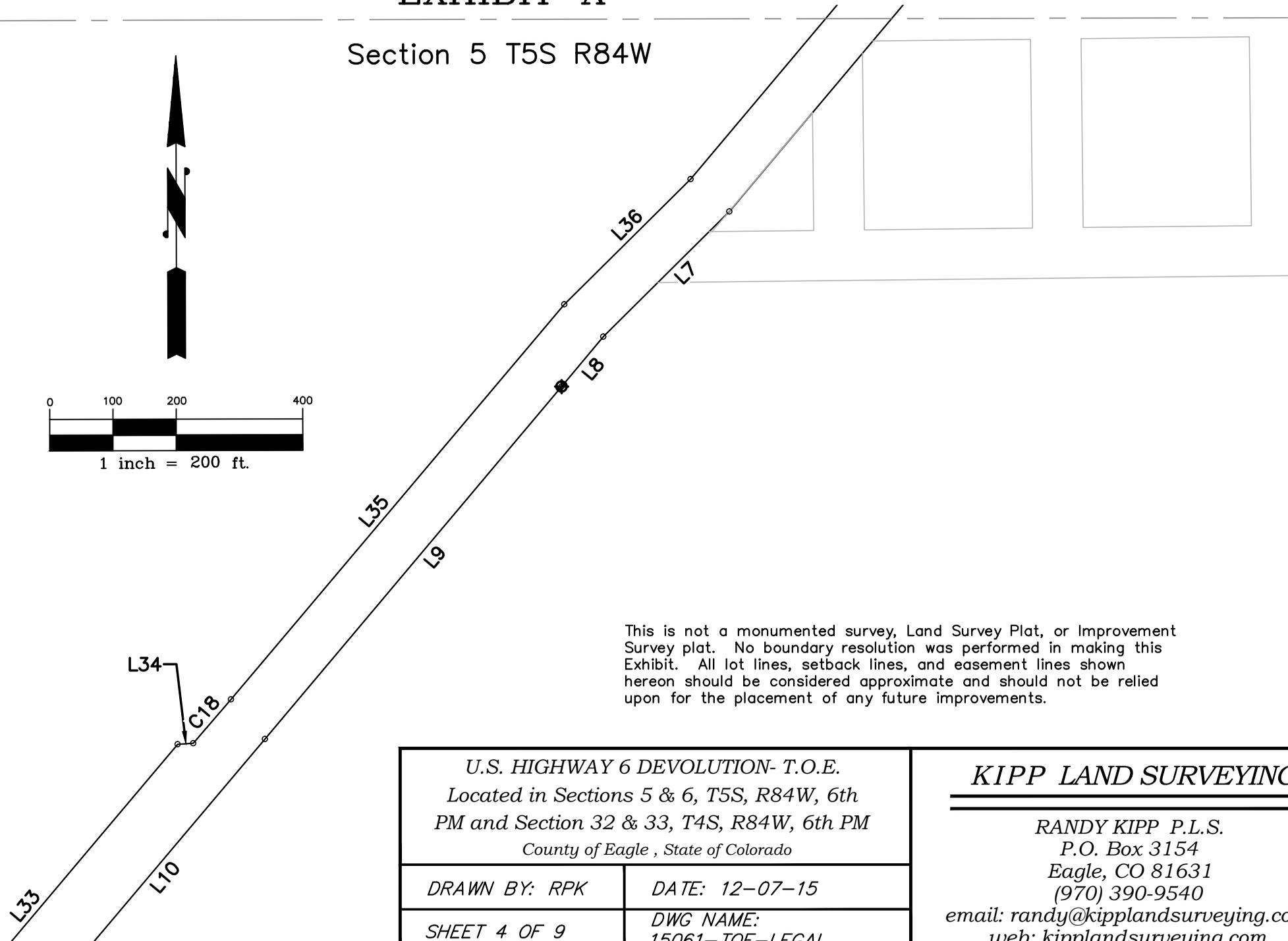
SHEET 2 OF 9

DWG NAME:  
 15061-TOE-LEGAL



# EXHIBIT A

Section 5 T5S R84W



This is not a monumented survey, Land Survey Plat, or Improvement Survey plat. No boundary resolution was performed in making this Exhibit. All lot lines, setback lines, and easement lines shown hereon should be considered approximate and should not be relied upon for the placement of any future improvements.

<p><i>U.S. HIGHWAY 6 DEVOLUTION- T.O.E.</i>  <i>Located in Sections 5 &amp; 6, T5S, R84W, 6th PM and Section 32 &amp; 33, T4S, R84W, 6th PM</i>  <i>County of Eagle , State of Colorado</i></p>	
<p><i>DRAWN BY: RPK</i></p>	<p><i>DATE: 12-07-15</i></p>
<p><i>SHEET 4 OF 9</i></p>	<p><i>DWG NAME:</i> <i>15061-TOE-LEGAL</i></p>

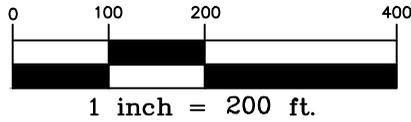
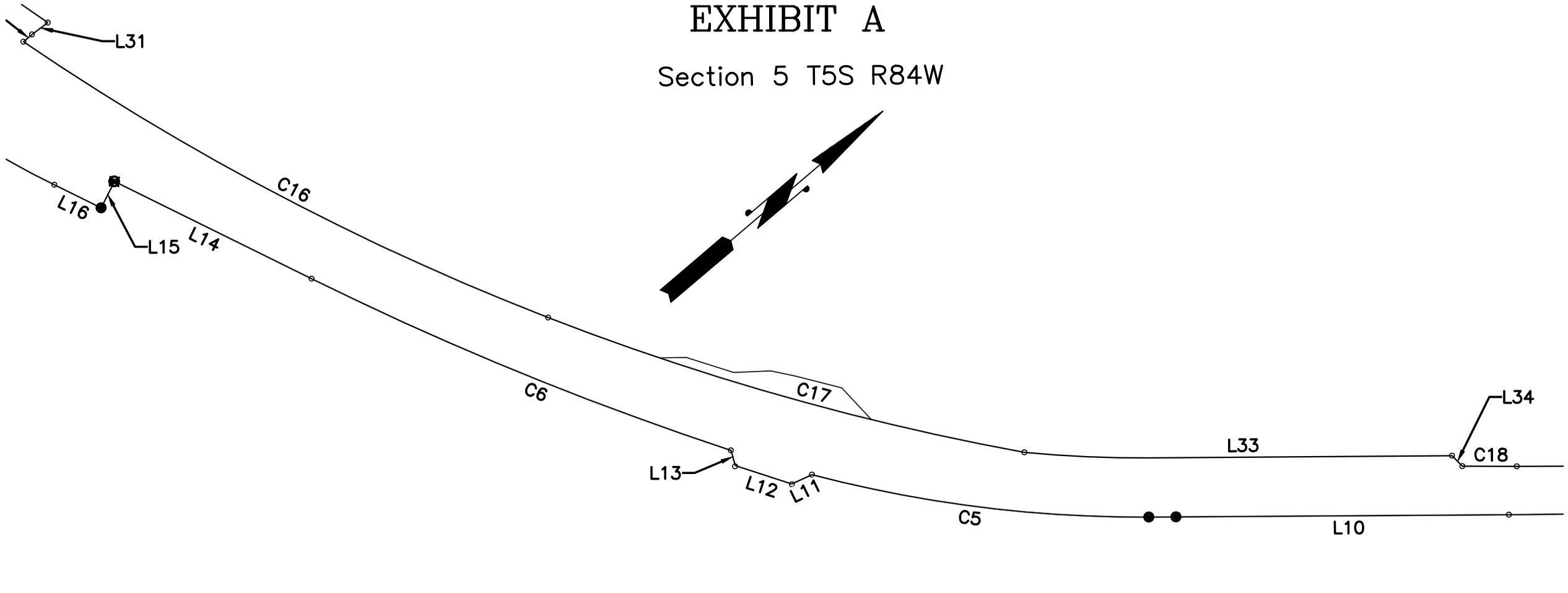
***KIPP LAND SURVEYING***

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# EXHIBIT A

Section 5 T5S R84W



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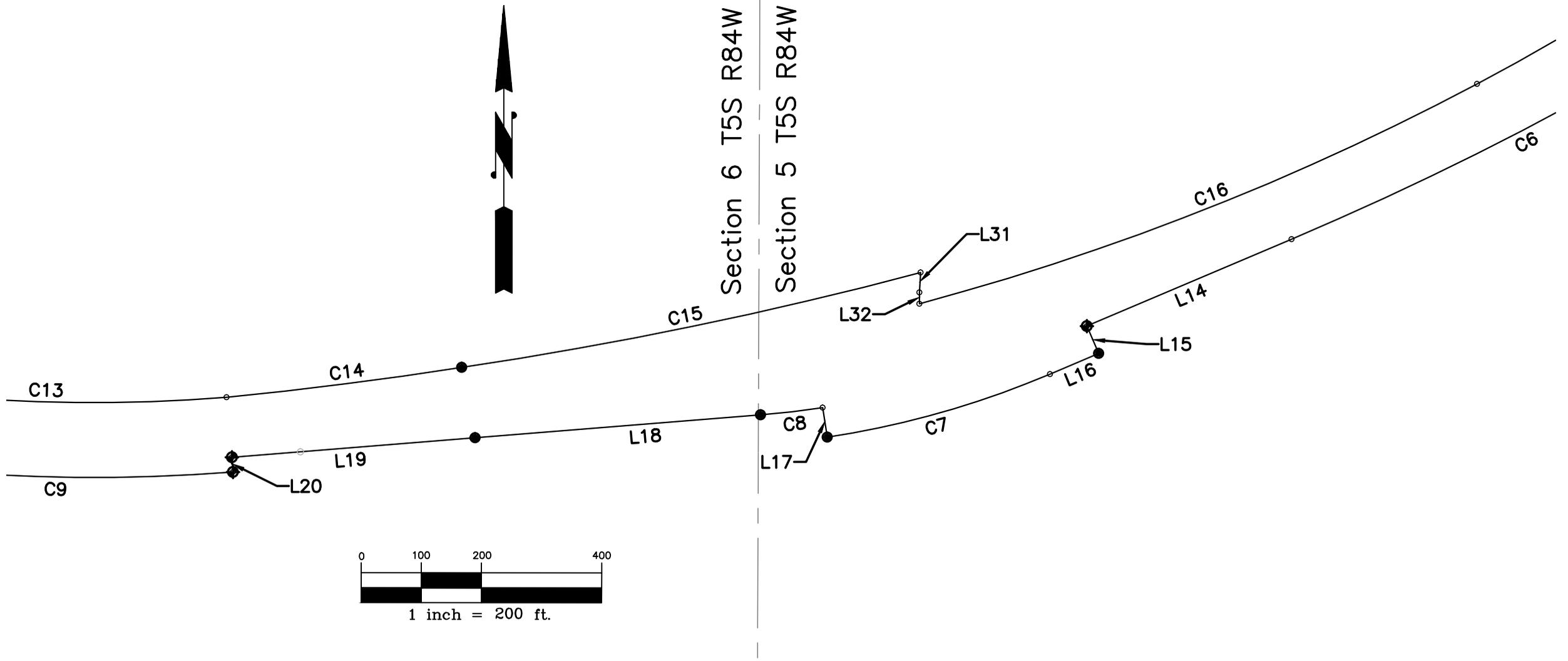
<p><i>U.S. HIGHWAY 6 DEVOLUTION- T.O.E.</i>  <i>Located in Sections 5 &amp; 6, T5S, R84W, 6th PM and Section 32 &amp; 33, T4S, R84W, 6th PM</i>  <i>County of Eagle , State of Colorado</i></p>	
DRAWN BY: RPK	DATE: 12-07-15
SHEET 5 OF 9	DWG NAME: 15061-TOE-LEGAL

***KIPP LAND SURVEYING***

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<p><i>U.S. HIGHWAY 6 DEVOLUTION- T.O.E.</i>  <i>Located in Sections 5 &amp; 6, T5S, R84W, 6th PM and Section 32 &amp; 33, T4S, R84W, 6th PM</i>  <i>County of Eagle , State of Colorado</i></p>	
<i>DRAWN BY: RPK</i>	<i>DATE: 12-07-15</i>
<i>SHEET 6 OF 9</i>	<i>DWG NAME: 15061-TOE-LEGAL</i>

***KIPP LAND SURVEYING***

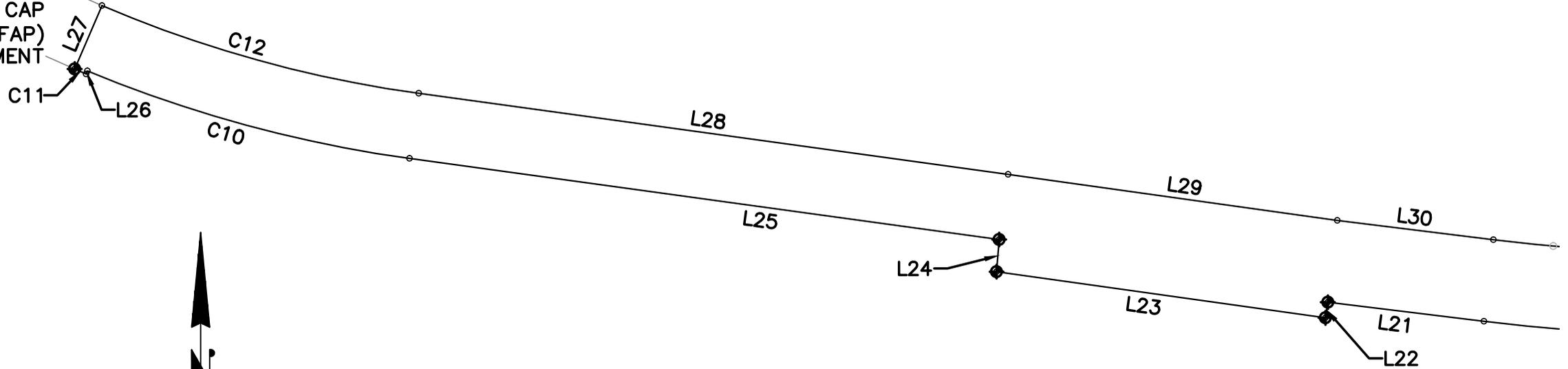
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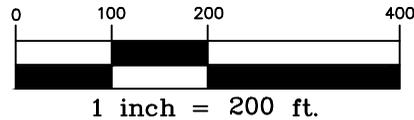
# EXHIBIT A

## Section 6 T5S R84W

3.25" BRASS CAP  
IN CONCRETE (FAP)  
C.D.O.T. MONUMENT



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Located in Sections 5 & 6, T5S, R84W, 6th  
PM and Section 32 & 33, T4S, R84W, 6th PM  
County of Eagle , State of Colorado*

*DRAWN BY: RPK*

*DATE: 12-07-15*

*SHEET 7 OF 9*

*DWG NAME:  
15061-TOE-LEGAL*

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# EXHIBIT A

Line Table		
Line #	Direction	Length
L1	S38° 49' 56"W	107.18'
L2	S89° 30' 06"W	540.72'
L3	S00° 29' 54"E	9.47'
L4	S89° 35' 31"W	185.97'
L5	S00° 29' 54"E	10.26'
L6	S40° 03' 33"W	1494.75'
L7	S45° 11' 33"W	281.71'
L8	S39° 58' 03"W	103.07'
L9	S40° 05' 46"W	730.83'
L10	S40° 11' 00"W	605.68'
L11	S15° 22' 20"W	37.30'
L12	S58° 42' 01"W	100.18'
L13	N65° 14' 24"W	26.59'
L14	S66° 55' 12"W	370.19'
L15	S23° 07' 36"E	49.89'
L16	S66° 52' 24"W	87.90'
L17	N08° 53' 43"W	49.83'
L18	S85° 24' 07"W	481.25'
L19	S85° 22' 01"W	401.24'
L20	S04° 19' 56"E	24.55'

Line Table		
Line #	Direction	Length
L21	N82° 57' 37"W	238.22'
L22	S08° 09' 21"W	24.08'
L23	N81° 58' 33"W	502.99'
L24	N04° 47' 26"E	49.14'
L25	N82° 08' 33"W	900.95'
L26	S22° 44' 32"W	5.00'
L27	N23° 14' 05"E	105.00'
L28	S82° 08' 33"E	900.95'
L29	S81° 58' 33"E	502.99'
L30	S82° 57' 37"E	238.22'
L31	S03° 34' 26"W	33.31'
L32	S00° 21' 22"E	18.91'
L33	N40° 08' 54"E	510.76'
L34	N86° 38' 39"E	24.86'
L35	N40° 09' 10"E	819.97'
L36	N45° 15' 41"E	281.65'
L37	N40° 03' 33"E	1392.40'
L38	N89° 35' 31"E	146.08'
L39	N00° 31' 07"W	24.34'
L40	N89° 39' 25"E	37.37'

Line Table		
Line #	Direction	Length
L41	N10° 02' 59"W	21.01'
L42	N60° 49' 00"E	15.83'
L43	S29° 10' 25"E	13.43'
L44	N60° 49' 35"E	23.24'
L45	N15° 49' 35"E	7.07'
L46	N29° 10' 25"W	64.99'
L47	N61° 47' 06"E	28.99'
L48	S22° 45' 35"E	44.00'
L49	N63° 45' 07"E	81.91'
L50	N79° 15' 57"E	72.44'
L51	S72° 39' 15"E	91.22'
L52	N80° 17' 31"E	49.41'
L53	N70° 05' 32"E	64.56'
L54	S21° 29' 41"E	17.49'
L55	S68° 30' 47"W	31.75'
L56	S21° 28' 41"E	99.95'

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*U.S. HIGHWAY 6 DEVOLUTION- T.O.E.  
 Located in Sections 5 & 6, T5S, R84W, 6th  
 and Section 32 & 33, T4S, R84W, 6th PM  
 County of Eagle , State of Colorado*

*DRAWN BY: RPK*

*DATE: 12-07-15*

*SHEET 8 OF 9*

*DWG NAME:  
 15061-TOE-LEGAL*

## ***KIPP LAND SURVEYING***

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*(970) 390-9540*

*email: randy@kipplandsurveying.com*

*web: kipplandsurveying.com*

# EXHIBIT A

Curve Table					
Curve #	Radius	Delta	Arc Length	Chord Bearing	Chord Length
C1	1962.52'	2°36'55"	89.58'	S69° 35' 58"W	89.57'
C2	1952.53'	0°35'36"	20.22'	S89° 17' 43"W	20.22'
C3	532.59'	12°59'09"	120.71'	S83° 05' 56"W	120.45'
C4	522.60'	36°17'45"	331.06'	S58° 12' 26"W	325.55'
C5	2152.09'	15°15'10"	572.91'	S47° 46' 25"W	571.22'
C6	5457.43'	8°00'43"	763.15'	S62° 54' 25"W	762.53'
C7	1529.08'	14°28'35"	386.34'	S74° 06' 42"W	385.31'
C8	1478.92'	4°02'02"	104.12'	S83° 23' 06"W	104.10'
C9	2940.00'	11°32'53"	592.57'	N88° 44' 04"W	591.56'
C10	1960.00'	14°49'12"	506.97'	N74° 43' 57"W	505.56'
C11	1965.00'	0°33'25"	19.10'	N67° 02' 38"W	19.10'
C12	1860.00'	15°22'38"	499.19'	S74° 27' 14"E	497.69'
C13	2815.00'	11°32'53"	567.37'	S88° 44' 04"E	566.41'
C14	7640.00'	2°57'30"	394.46'	N82° 42' 37"E	394.41'
C15	6925.55'	6°27'23"	780.40'	N78° 15' 27"E	779.99'

Curve Table					
Curve #	Radius	Delta	Arc Length	Chord Bearing	Chord Length
C16	4397.35'	13°01'47"	1000.02'	N68° 23' 18"E	997.86'
C17	4397.35'	10°51'59"	833.97'	N56° 26' 25"E	832.73'
C18	4348.24'	1°12'31"	91.73'	N40° 45' 26"E	91.73'
C19	1470.41'	13°45'47"	353.21'	N46° 56' 27"E	352.36'
C20	612.57'	25°42'15"	274.81'	N76° 44' 23"E	272.51'
C21	1845.00'	9°42'25"	312.58'	N84° 48' 12"E	312.20'

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*U.S. HIGHWAY 6 DEVOLUTION- T.O.E.  
 Located in Sections 5 & 6, T5S, R84W, 6th  
 PM and Section 32 & 33, T4S, R84W, 6th PM  
 County of Eagle , State of Colorado*

*DRAWN BY: RPK*

*DATE: 12-07-15*

*SHEET 9 OF 9*

*DWG NAME:  
 15061-TOE-LEGAL*

## KIPP LAND SURVEYING

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 web: kipplandsurveying.com*

**EXHIBIT B**  
**DRAINAGE EASEMENT RESERVED BY CDOT**  
**LEGAL DESCRIPTION**

A Perpetual Drainage Easement situated in Section 32, Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being more particularly described as follows:

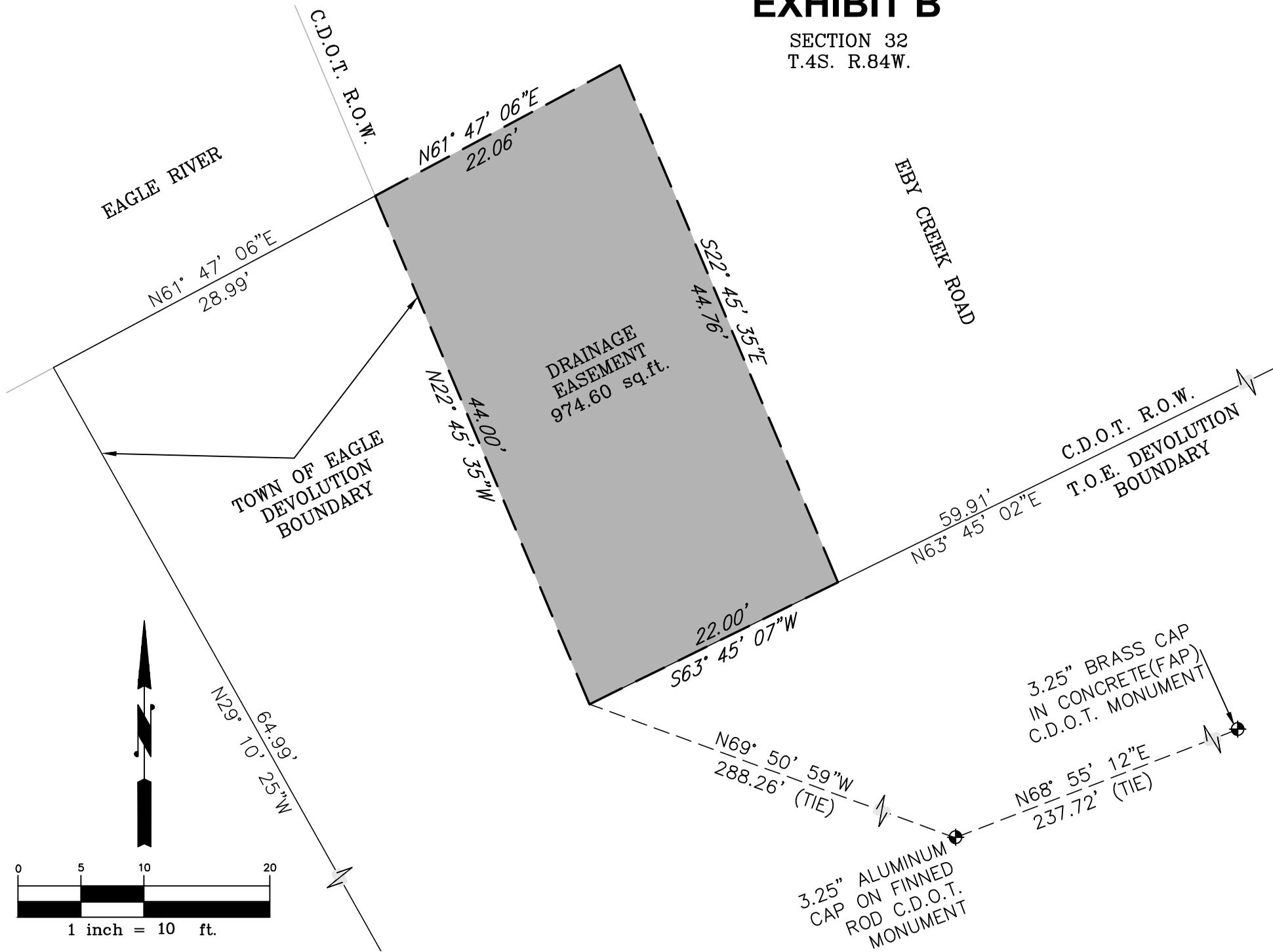
Commencing on the former southerly Right of Way of U.S. Highway 6 & 24, now owned by the Town of Eagle at a Found 3.25" Aluminum Cap on a finned rod, whence a 3.25" Brass FAP Cap set in concrete bears N 68°55'12" E a distance of 237.72 feet marking a corner of existing U.S. Highway 6 and 24 southerly Right of Way; thence leaving said former southerly Right of Way to a line and corner common to both the westerly Right of Way of I-70F, also known as Eby Creek Road, and the Town of Eagle Devolution Boundary and being the Point of Beginning, thence the following four (4) courses:

1. Continuing along said common line, N 22°45'35" W 44.00 feet to point;
2. Thence leaving said common line, N 61°47'06" E 22.06 feet to a point;
3. Thence S 22°45'35" E 44.76 feet to a line common to said I-70F, also known as Eby Creek Road, and the Town of Eagle Devolution Boundary;
4. Thence along said line, S 63°45'07" W 22.00 feet to the Point of Beginning.

Said Easement contains 974.60 square feet, more or less.

# EXHIBIT B

SECTION 32  
T.4S. R.84W.



## LEGAL DESCRIPTION

A parcel of land situated in Section 32, Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being more particularly described as follows:

Commencing on the former southerly Right of Way of U.S. Highway 6 & 24, now owned by the Town of Eagle at a Found 3.25" Aluminum Cap on a finned rod, whence a 3.25" Brass FAP Cap set in concrete bears N 68°55'12" E a distance of 237.72 feet marking a corner of existing U.S. Highway 6 and 24 southerly Right of Way; thence leaving said former southerly Right of Way to a line and corner common to both the westerly Right of Way of Eby Creek Road and the Town of Eagle Devolution Boundary and being the Point of Beginning, thence the following four (4) courses:

- (1) Continuing along said common line N 22°45'35" W 44.00 feet to point;
- (2) Thence leaving said common line N 61°47'06" E 22.06 feet to a point;
- (3) Thence S 22°45'35" E 44.76 feet to a line common to said Eby Creek Road and the Town of Eagle Devolution Boundary;
- (4) Thence along said line S 63°45'07" W 22.00 feet to the Point of Beginning. Said parcel of land containing 974.60 sq. ft. plus or minus.

### DRAINAGE EASEMENT

*C.D.O.T. To The Town Of Eagle  
Section 32, T.4S., R.84W.  
County of Eagle , State of Colorado*

DRAWN BY: RPK

DATE: 2-16-16

SHEET 1 OF 1

DWG NAME:  
15061-TOE-DRE

## KIPP LAND SURVEYING

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web: kipplandsurveying.com

# EXHIBIT A

## LEGAL DESCRIPTION

A parcel of land situated in Sections 5 and 6, of Township 5 South, Range 84 West and Sections 32 and 33 of Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being more particularly described as follows:

Beginning on the southerly Right of Way for U.S. Highway 6 & 24, thence along said southerly Right of Way the following thirty seven (37) courses:

- 1) (C1) on a curve to the right having a radius of 1962.52 feet, a delta angle of 02°36'55", an arc length of 89.58 feet, and a chord of S 69°35'58" W 89.57 feet to a point;
- 2) thence (L1) S 38°49'56" W 107.18 feet to a point;
- 3) thence (L2) S 89°30'06" W 540.72 feet to a point;
- 4) thence (L3) S 00°29'54" E 9.47 feet to a point;
- 5) thence (C2) on a curve to the right having a radius of 1952.53 feet, a delta angle of 00°35'36", an arc length of 20.22 feet, and a chord of S 89°17'43" W 20.22 feet to a point;
- 6) thence (L4) S 89°35'31" W 185.97 feet to a point;
- 7) thence (C3) on a curve to the left having a radius of 532.59 feet, a delta angle of 12°59'09", an arc length of 120.71 feet, and a chord of S 83°05'56" W 120.45 feet to a point;
- 8) thence (L5) S 00°29'54" E 10.26 feet to a point;
- 9) thence (C4) on a curve to the left having a radius of 522.60 feet, a delta angle of 36°17'45", an arc length of 331.06 feet, and a chord of S 58°12'26" W 325.55 feet to a point;
- 10) thence (L6) S 40°03'33" W 1494.75 feet to a point;
- 11) thence (L7) S 45°11'33" W 281.71 feet to a point;
- 12) thence (L8) S 39°58'03" W 103.07 feet to a point;
- 13) thence (L9) S 40°05'46" W 730.83 feet to a point;
- 14) thence (L10) S 40°11'00" W 605.68 feet to a point;
- 15) thence (C5) on a curve to the right having a radius of 2152.09 feet, a delta angle of 15°15'10", an arc length of 572.91 feet, and a chord of S 47°46'25" W 571.22 feet to a point;
- 16) thence (L11) S 15°22'20" W 37.30 feet to a point;
- 17) thence (L12) S 58°42'01" W 100.18 feet to a point;
- 18) thence (L13) N 65°14'24" W 26.59 feet to a point;
- 19) thence (C6) on a curve to the right having a radius of 5457.43 feet, a delta angle of 08°00'43", an arc length of 763.15 feet, and a chord of S 62°54'25" W 762.53 feet to a point;
- 20) thence (L14) S 66°55'12" W 370.19 feet to a point;
- 21) thence (L15) S 23°07'36" E 49.89 feet to a point;
- 22) thence (L16) S 66°52'24" W 87.90 feet to a point;
- 23) thence (C7) on a curve to the right having a radius of 1529.08 feet, a delta angle of 14°28'35", an arc length of 386.34 feet, and a chord of S 74°06'42" W 385.31 feet to a point;
- 24) thence (L17) N 08°53'43" W 49.83 feet to a point;
- 25) thence (C8) on a curve to the right having a radius of 1478.92 feet, a delta angle of 04°02'02", an arc length of 104.12 feet, and a chord of S 83°23'06" W 104.10 feet to a point;
- 26) thence (L18) S 85°24'07" W 481.25 feet to a point;
- 27) thence (L19) S 85°22'01" W 401.24 feet to a point;
- 28) thence (L20) S 04°19'56" E 24.55 feet to a point;
- 29) thence (C9) on a curve to the right having a radius of 2940.00 feet, a delta angle of 11°32'53", an arc length of 592.57 feet, and a chord of N 88°44'04" W 591.56 feet to a point;
- 30) thence (L21) N 82°57'37" W 238.22 feet to a point;
- 31) thence (L22) S 08°09'21" W 24.08 feet to a point;
- 32) thence (L23) N 81°58'33" W 502.99 feet to a point;
- 33) thence (L24) N 04°47'26" E 49.14 feet to a point;
- 34) thence (L25) N 82°08'33" W 900.95 feet to a point;
- 35) thence (C10) on a curve to the right having a radius of 1960.00 feet, a delta angle of 14°49'12", an arc length of 506.97 feet, and a chord of N 74°43'57" W 505.56 feet to a point;
- 36) thence (26) S 22°44'32" W 5.00 feet to a point;

LEGAL DESCRIPTION CONTINUED ON SHEET 2 OF 9

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*U.S. HIGHWAY 6 DEVOLUTION- T.O.E.*

*Located in Sections 5 & 6, T5S, R84W, 6th  
PM and Section 32 & 33, T4S, R84W, 6th PM  
County of Eagle, State of Colorado*

***KIPP LAND SURVEYING***

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*email: randy@kipplandsurveying.com  
web: kipplandsurveying.com*

*DRAWN BY: RPK*

*DATE: 12-07-15*

*SHEET 1 OF 9*

*DWG NAME:  
15061-TOE-LEGAL*

# EXHIBIT A

37) thence (C11) on a curve to the right having a radius of 1965.00 feet, a delta angle of 00°33'25", an arc length of 19.10 feet, and a chord of N 67°02'38" W 19.10 feet to point;

Thence leaving said southerly Right Of Way (L27) N 23°14'05" E 105.00 feet to a point on the northerly Right Of Way of U.S. Highway 6 & 24. Thence along the said northerly Right Of Way the following (20) courses:

- 1) (C12) on a curve to the left having a radius of 1860.00 feet, a delta angle of 15°22'38", an arc length of 499.19 feet, and a chord of S 74°27'14" E 497.69 feet to point;
- 2) thence (L28) S 82°08'33" E 900.95 feet to a point;
- 3) thence (L29) S 81°58'33" E 502.99 feet to a point;
- 4) thence (L30) S 82°57'37" E 238.22 feet to a point;
- 5) thence (C13) on a curve to the left having a radius of 2815.00 feet, a delta angle of 11°32'53", an arc length of 567.37 feet, and a chord of S 88°44'04" E 566.41 feet to point;
- 6) thence (C14) on a curve to the left having a radius of 7640.00 feet, a delta angle of 02°57'30", an arc length of 394.46 feet, and a chord of N 82°42'37" E 394.41 feet to point;
- 7) thence (C15) on a curve to the left having a radius of 6925.55 feet, a delta angle of 06°27'23", an arc length of 780.40 feet, and a chord of N 78°15'27" E 779.99 feet to point;
- 8) thence (L31) S 03°34'36" W 33.31 feet to a point;
- 9) thence (L32) S 00°21'22" E 18.91 feet to a point;
- 10) thence (C16) on a curve to the left having a radius of 4397.35 feet, a delta angle of 13°01'47", an arc length of 1000.02 feet, and a chord of N 68°23'18" E 997.86 feet to point;
- 11) thence (C17) on a curve to the left having a radius of 4397.35 feet, a delta angle of 10°51'59", an arc length of 833.97 feet, and a chord of N 56°26'25" E 832.73 feet to point;
- 12) thence (L33) N 40°08'54" E 510.76 feet to a point;
- 13) thence (L34) N 86°38'39" E 24.86 feet to a point;
- 14) thence (C18) on a curve to the left having a radius of 4348.24 feet, a delta angle of 01°12'31", an arc length of 91.73 feet, and a chord of N 40°45'26" E 91.73 feet to point;
- 15) thence (L35) N 40°09'10" E 819.97 feet to a point;
- 16) thence (L36) N 45°15'41" E 281.65 feet to a point;
- 17) thence (L37) N 40°03'33" E 1392.40 feet to a point;
- 18) thence (C19) on a curve to the right having a radius of 1470.41 feet, a delta angle of 13°45'47", an arc length of 353.21 feet, and a chord of N 46°56'27" E 352.36 feet to point;
- 19) thence (C20) on a curve to the right having a radius of 612.57 feet, a delta angle of 25°42'15", an arc length of 274.81 feet, and a chord of N 76°44'23" E 272.51 feet to point;
- 20) thence (L38) N 89°35'31" E 146.08 feet to a point;

Thence leaving said northerly Right of Way (L39) N 00°31'07" W 24.34 feet to a point; thence (L40) N 89°39'25" E 37.37 feet to a point; thence (C21) on a curve to the left having a radius of 1845.00 feet, a delta angle of 09°42'25", an arc length of 312.58 feet, and a chord of N 84°48'12" E 312.20 feet to point; thence (L41) N 10°02'59" W 21.01 feet to a point; thence (L42) N 60°49'00" E 15.83 feet to a point; thence (L43) S 29°10'25" E 13.43 feet to a point; thence (L44) N 60°49'35" E 23.24 feet to a point; thence (L45) N 15°49'35" E 7.07 feet to a point; thence (L46) N 29°10'25" W 64.99 feet to a point; thence (L47) N 61°47'06" E 28.99 feet to a point on the westerly Right Of Way of Eby Creek Road; thence along said Right Of Way (L48) S 22°45'35" E 44.00 feet to a point; thence leaving said Right Of Way (L49) N 63°45'07" E 81.91 feet to a point; thence (L50) N 79°15'57" E 72.44 feet to a point on the easterly Right Of Way of said Eby Creek Road; thence leaving said Right Of Way (L51) S 72°39'15" E 91.22 feet to a point; thence (L52) N 80°17'31" E 49.41 feet to a point; thence (L53) N 70°05'32" E 64.56 feet to a point; thence (L54) S 21°29'41" E 17.49 feet to a point on the northerly Right Of Way of said U.S. Highway 6 & 24; thence along said northerly Right Of Way (L55) S 68°30'47" W 31.75 feet to a point; thence crossing said Right of Way (L56) S 21°28'41" E 99.95 feet to a point on the southerly Right Of Way and the POINT OF BEGINNING. Containing 26.721 acres more or less.

U.S. HIGHWAY 6 DEVOLUTION- T.O.E.  
 Located in Sections 5 & 6, T5S, R84W, 6th  
 PM and Section 32 & 33, T4S, R84W, 6th PM  
 County of Eagle , State of Colorado

## KIPP LAND SURVEYING

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 web: kipplandsurveying.com

DRAWN BY: RPK

DATE: 12-06-15

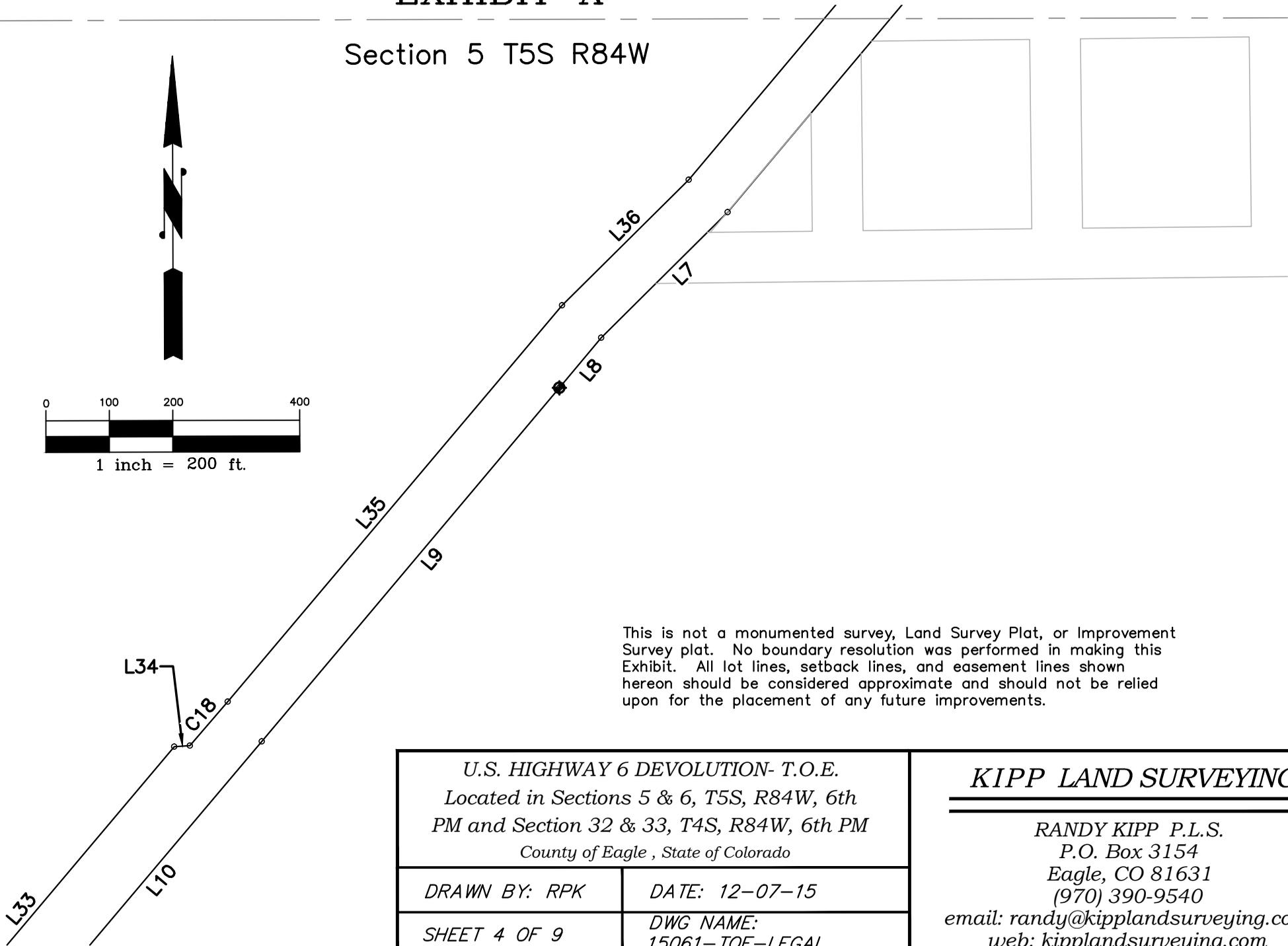
SHEET 2 OF 9

DWG NAME:  
 15061-TOE-LEGAL



# EXHIBIT A

Section 5 T5S R84W



This is not a monumented survey, Land Survey Plat, or Improvement Survey plat. No boundary resolution was performed in making this Exhibit. All lot lines, setback lines, and easement lines shown hereon should be considered approximate and should not be relied upon for the placement of any future improvements.

<p><i>U.S. HIGHWAY 6 DEVOLUTION- T.O.E.</i>  <i>Located in Sections 5 &amp; 6, T5S, R84W, 6th PM and Section 32 &amp; 33, T4S, R84W, 6th PM</i>  <i>County of Eagle , State of Colorado</i></p>	
<p><i>DRAWN BY: RPK</i></p>	<p><i>DATE: 12-07-15</i></p>
<p><i>SHEET 4 OF 9</i></p>	<p><i>DWG NAME:</i> <i>15061-TOE-LEGAL</i></p>

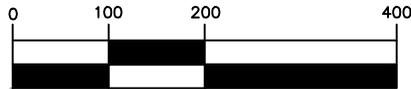
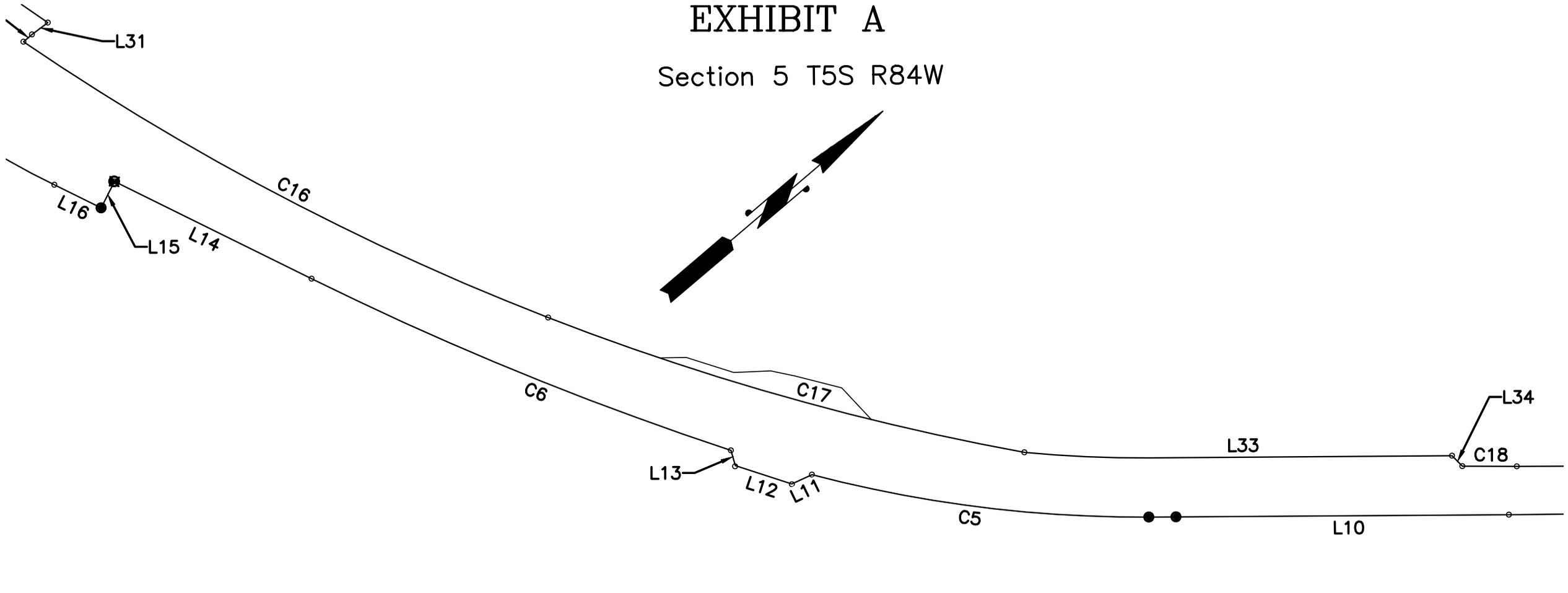
***KIPP LAND SURVEYING***

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# EXHIBIT A

Section 5 T5S R84W



1 inch = 200 ft.

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Located in Sections 5 & 6, T5S, R84W, 6th  
PM and Section 32 & 33, T4S, R84W, 6th PM  
County of Eagle , State of Colorado*

*DRAWN BY: RPK*

*DATE: 12-07-15*

*SHEET 5 OF 9*

*DWG NAME:  
15061-TOE-LEGAL*

## ***KIPP LAND SURVEYING***

*RANDY KIPP P.L.S.*

*P.O. Box 3154*

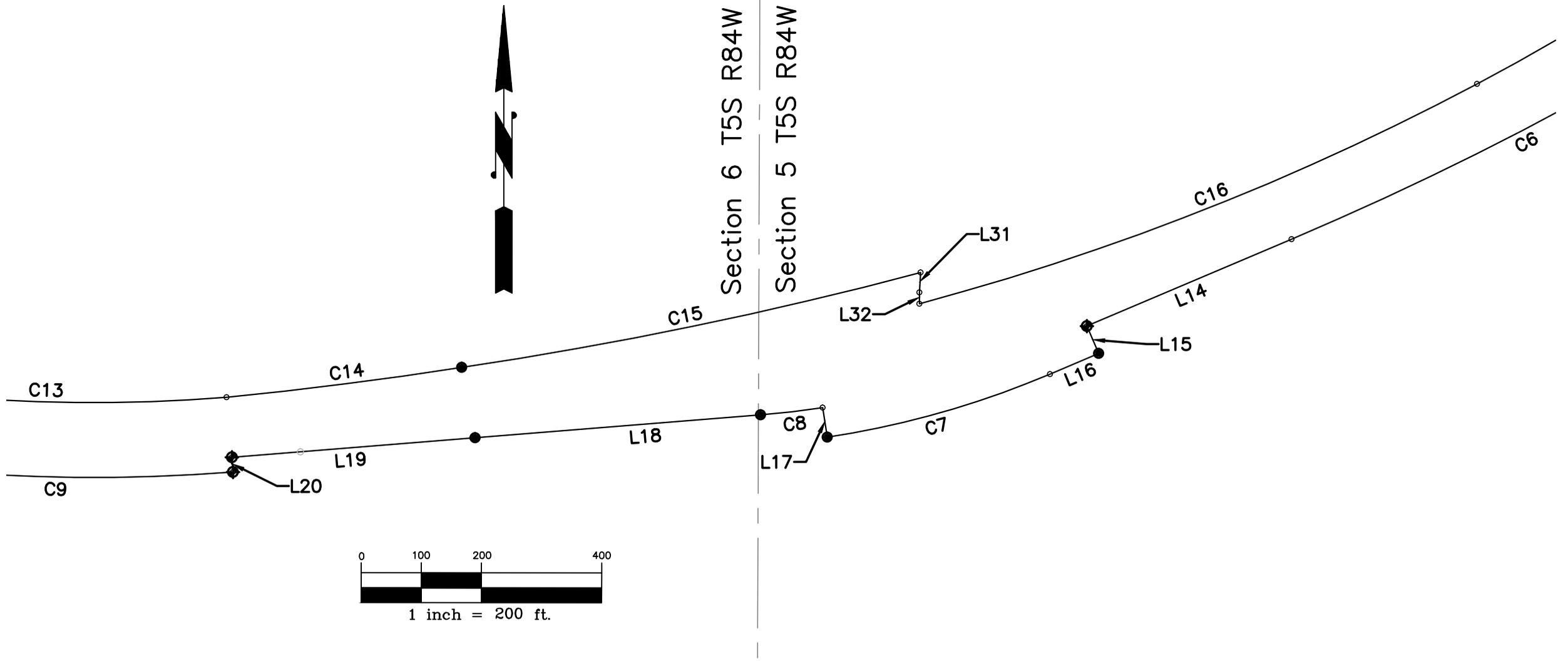
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<p><i>U.S. HIGHWAY 6 DEVOLUTION- T.O.E.</i>  <i>Located in Sections 5 &amp; 6, T5S, R84W, 6th PM and Section 32 &amp; 33, T4S, R84W, 6th PM</i>  <i>County of Eagle , State of Colorado</i></p>	
<i>DRAWN BY: RPK</i>	<i>DATE: 12-07-15</i>
<i>SHEET 6 OF 9</i>	<i>DWG NAME: 15061-TOE-LEGAL</i>

***KIPP LAND SURVEYING***

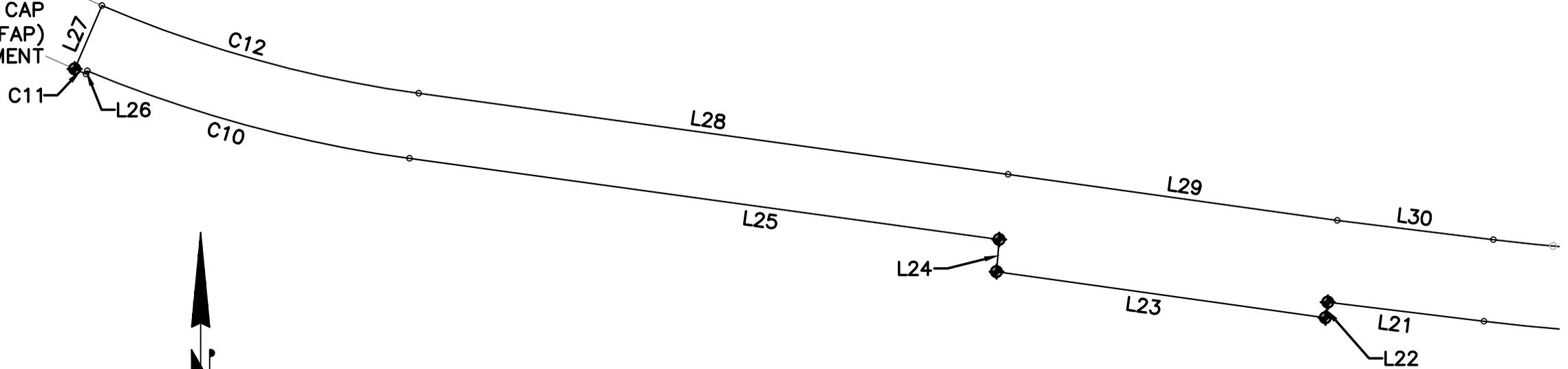
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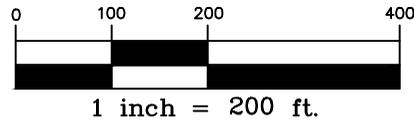
# EXHIBIT A

## Section 6 T5S R84W

3.25" BRASS CAP  
IN CONCRETE (FAP)  
C.D.O.T. MONUMENT



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Located in Sections 5 & 6, T5S, R84W, 6th  
PM and Section 32 & 33, T4S, R84W, 6th PM  
County of Eagle , State of Colorado*

*DRAWN BY: RPK*

*DATE: 12-07-15*

*SHEET 7 OF 9*

*DWG NAME:  
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# EXHIBIT A

Line Table		
Line #	Direction	Length
L1	S38° 49' 56"W	107.18'
L2	S89° 30' 06"W	540.72'
L3	S00° 29' 54"E	9.47'
L4	S89° 35' 31"W	185.97'
L5	S00° 29' 54"E	10.26'
L6	S40° 03' 33"W	1494.75'
L7	S45° 11' 33"W	281.71'
L8	S39° 58' 03"W	103.07'
L9	S40° 05' 46"W	730.83'
L10	S40° 11' 00"W	605.68'
L11	S15° 22' 20"W	37.30'
L12	S58° 42' 01"W	100.18'
L13	N65° 14' 24"W	26.59'
L14	S66° 55' 12"W	370.19'
L15	S23° 07' 36"E	49.89'
L16	S66° 52' 24"W	87.90'
L17	N08° 53' 43"W	49.83'
L18	S85° 24' 07"W	481.25'
L19	S85° 22' 01"W	401.24'
L20	S04° 19' 56"E	24.55'

Line Table		
Line #	Direction	Length
L21	N82° 57' 37"W	238.22'
L22	S08° 09' 21"W	24.08'
L23	N81° 58' 33"W	502.99'
L24	N04° 47' 26"E	49.14'
L25	N82° 08' 33"W	900.95'
L26	S22° 44' 32"W	5.00'
L27	N23° 14' 05"E	105.00'
L28	S82° 08' 33"E	900.95'
L29	S81° 58' 33"E	502.99'
L30	S82° 57' 37"E	238.22'
L31	S03° 34' 26"W	33.31'
L32	S00° 21' 22"E	18.91'
L33	N40° 08' 54"E	510.76'
L34	N86° 38' 39"E	24.86'
L35	N40° 09' 10"E	819.97'
L36	N45° 15' 41"E	281.65'
L37	N40° 03' 33"E	1392.40'
L38	N89° 35' 31"E	146.08'
L39	N00° 31' 07"W	24.34'
L40	N89° 39' 25"E	37.37'

Line Table		
Line #	Direction	Length
L41	N10° 02' 59"W	21.01'
L42	N60° 49' 00"E	15.83'
L43	S29° 10' 25"E	13.43'
L44	N60° 49' 35"E	23.24'
L45	N15° 49' 35"E	7.07'
L46	N29° 10' 25"W	64.99'
L47	N61° 47' 06"E	28.99'
L48	S22° 45' 35"E	44.00'
L49	N63° 45' 07"E	81.91'
L50	N79° 15' 57"E	72.44'
L51	S72° 39' 15"E	91.22'
L52	N80° 17' 31"E	49.41'
L53	N70° 05' 32"E	64.56'
L54	S21° 29' 41"E	17.49'
L55	S68° 30' 47"W	31.75'
L56	S21° 28' 41"E	99.95'

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 County of Eagle , State of Colorado*

*DRAWN BY: RPK*

*DATE: 12-07-15*

*SHEET 8 OF 9*

*DWG NAME:  
 15061-TOE-LEGAL*

## ***KIPP LAND SURVEYING***

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# EXHIBIT A

Curve Table					
Curve #	Radius	Delta	Arc Length	Chord Bearing	Chord Length
C1	1962.52'	2°36'55"	89.58'	S69° 35' 58"W	89.57'
C2	1952.53'	0°35'36"	20.22'	S89° 17' 43"W	20.22'
C3	532.59'	12°59'09"	120.71'	S83° 05' 56"W	120.45'
C4	522.60'	36°17'45"	331.06'	S58° 12' 26"W	325.55'
C5	2152.09'	15°15'10"	572.91'	S47° 46' 25"W	571.22'
C6	5457.43'	8°00'43"	763.15'	S62° 54' 25"W	762.53'
C7	1529.08'	14°28'35"	386.34'	S74° 06' 42"W	385.31'
C8	1478.92'	4°02'02"	104.12'	S83° 23' 06"W	104.10'
C9	2940.00'	11°32'53"	592.57'	N88° 44' 04"W	591.56'
C10	1960.00'	14°49'12"	506.97'	N74° 43' 57"W	505.56'
C11	1965.00'	0°33'25"	19.10'	N67° 02' 38"W	19.10'
C12	1860.00'	15°22'38"	499.19'	S74° 27' 14"E	497.69'
C13	2815.00'	11°32'53"	567.37'	S88° 44' 04"E	566.41'
C14	7640.00'	2°57'30"	394.46'	N82° 42' 37"E	394.41'
C15	6925.55'	6°27'23"	780.40'	N78° 15' 27"E	779.99'

Curve Table					
Curve #	Radius	Delta	Arc Length	Chord Bearing	Chord Length
C16	4397.35'	13°01'47"	1000.02'	N68° 23' 18"E	997.86'
C17	4397.35'	10°51'59"	833.97'	N56° 26' 25"E	832.73'
C18	4348.24'	1°12'31"	91.73'	N40° 45' 26"E	91.73'
C19	1470.41'	13°45'47"	353.21'	N46° 56' 27"E	352.36'
C20	612.57'	25°42'15"	274.81'	N76° 44' 23"E	272.51'
C21	1845.00'	9°42'25"	312.58'	N84° 48' 12"E	312.20'

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<i>U.S. HIGHWAY 6 DEVOLUTION- T.O.E.                  Located in Sections 5 &amp; 6, T5S, R84W, 6th                  PM and Section 32 &amp; 33, T4S, R84W, 6th PM                  County of Eagle , State of Colorado</i>	
<i>DRAWN BY: RPK</i>	<i>DATE: 12-07-15</i>
<i>SHEET 9 OF 9</i>	<i>DWG NAME: 15061-TOE-LEGAL</i>

<b><i>KIPP LAND SURVEYING</i></b>
<i>RANDY KIPP P.L.S.                  P.O. Box 3154                  Eagle, CO 81631                  (970) 390-9540                  email: randy@kipplandsurveying.com                  web: kipplandsurveying.com</i>

# Exhibit D

## **Resolution #TC-15-6-7**

### **Resolution #TC-15-6-7**

#### **Approved by the Transportation Commission on June 18, 2015**

Devolution of State Highway 6 between Mile post 142 to milepost 149.67 to the Town of Eagle and the Town of Gypsum

**WHEREAS**, The Department of Transportation owns 7.67 linear miles of Highway in the Town of Gypsum, and Eagle and Eagle County, Colorado identified as State Highway 6 (US 6E);

**WHEREAS**, Region 3 has determined that abandoning this portion of US 6E would be in the best interest of Colorado taxpayers;

**WHEREAS**, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

**WHEREAS**, the (1) Town of Gypsum proposed to take ownership of US 6E from Milepost 142.00 to Milepost 147.7, and (2) Town of Eagle proposed to take ownership of US 6E from Milepost 147.7 to Milepost 149.67, in exchange for a payment from CDOT;

**WHEREAS**, the payment is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 6E over the next 20 years;

**WHEREAS**, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

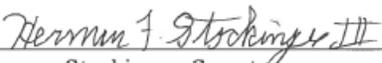
**WHEREAS**, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the Towns of Gypsum and Eagle pursuant to the terms and conditions of the IGA;

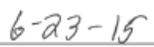
**WHEREAS**, the Parties agree to prepare the necessary right-of-way plans to execute the abandonment;

**WHEREAS**, the governing bodies of the Town of Gypsum and Town of Eagle will adopt a resolution, agreeing to the state's abandonment of the portion of US 6E, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition;

**WHEREAS**, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

**NOW THEREFORE BE IT RESOLVED**, the Commission herein approves Region 3 to proceed with the devolution of US 6E to the Town of Gypsum and Town of Eagle.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

  
Date

**TOWN OF EAGLE, COLORADO**

**RESOLUTION NO. 67**

**SERIES OF 2015**

**A RESOLUTION OF THE TOWN OF EAGLE COLORADO AGREEING THAT A PORTION OF COLORADO HIGHWAY 6 NO LONGER SERVES THE ONGOING PURPOSES OF THE STATE HIGHWAY SYSTEM PURSUANT TO CRS §43-2-106(1)(a)**

WHEREAS, CRS §43-2-106(1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway and, with the agreement of each affected county or municipality, the state highway, or portion thereof, is abandoned; and

WHEREAS, the policy of CDOT is to encourage voluntary local ownership of certain state highways that no longer meet the intent of the state highway system and to strive to balance local needs with state transportation standards through CDOT and local agency coordination; and

WHEREAS, The Town of Eagle along with the Town of Gypsum submitted a proposal to CDOT for approval by the Transportation Commission that identified a portion of Colorado Highway 6 (US 6E) shown on Exhibit A attached hereto that meets the requirements and intent of CRS §43-2-106(1)(a) ("Highway 6 Segment"); and

WHEREAS, the Transportation Commission approved Resolution TC-15-6-7 on June 18, 2015 adopting the devolution of 7.67 linear miles of US 6E, between Milepost 142 and Milepost 149.67, to the Town of Eagle and the Town of Gypsum; and

WHEREAS, CDOT will pay an amount not to exceed what CDOT reasonably expects to pay to maintain, preserve, or improve this section of US 6E over the next 20 years to be split between the Town of Eagle and the Town of Gypsum pursuant to the terms and conditions of an intergovernmental agreement between the CDOT and the aforementioned towns (the "IGA"); and

WHEREAS, the Town of Eagle proposes to take ownership of US 6E from approximately 147.70 to approximately Milepost 149.67; and

WHEREAS, the IGA requires the Town of Eagle to agree that the said highway segment no longer serves the ongoing purposes of the state highway system prior to the Transportation Commission's final determination pursuant to CRS §43-2-106(1)(a).

WHEREAS, the Parties agree to prepare the necessary right-of-way plans to execute the abandonment.

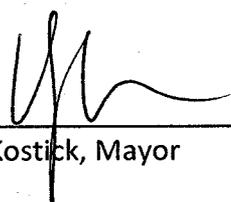
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO, THAT

1. The foregoing recitals are incorporated herein as findings of the Town Board of Trustees.
2. The Town Board of Trustees of the Town of Eagle hereby agrees that the portion of Colorado Highway 6 from approximately Milepost 147.70 to approximately Milepost 149.67 no longer serves the ongoing purposes of the State highway system and desires to accept and assume ownership of the Highway 6 Segment in exchange of a specific dollar amount to be paid by CDOT to the Towns of Eagle and Gypsum on the transfer of ownership pursuant to the terms and conditions which will be set forth in an intergovernmental agreement between CDOT and the Town.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on December 8, 2015.

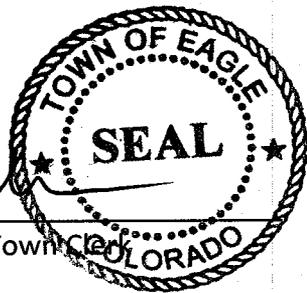
TOWN OF EAGLE, COLORADO

By:

  
Yuri Kostick, Mayor

ATTEST:

  
Jenny Rakow, Town Clerk





**EXHIBIT A**  
**DRAINAGE EASEMENT CONVEYANCE TO CDOT**  
**LEGAL DESCRIPTION**

A Perpetual Drainage Easement situated in Section 32, Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being more particularly described as follows:

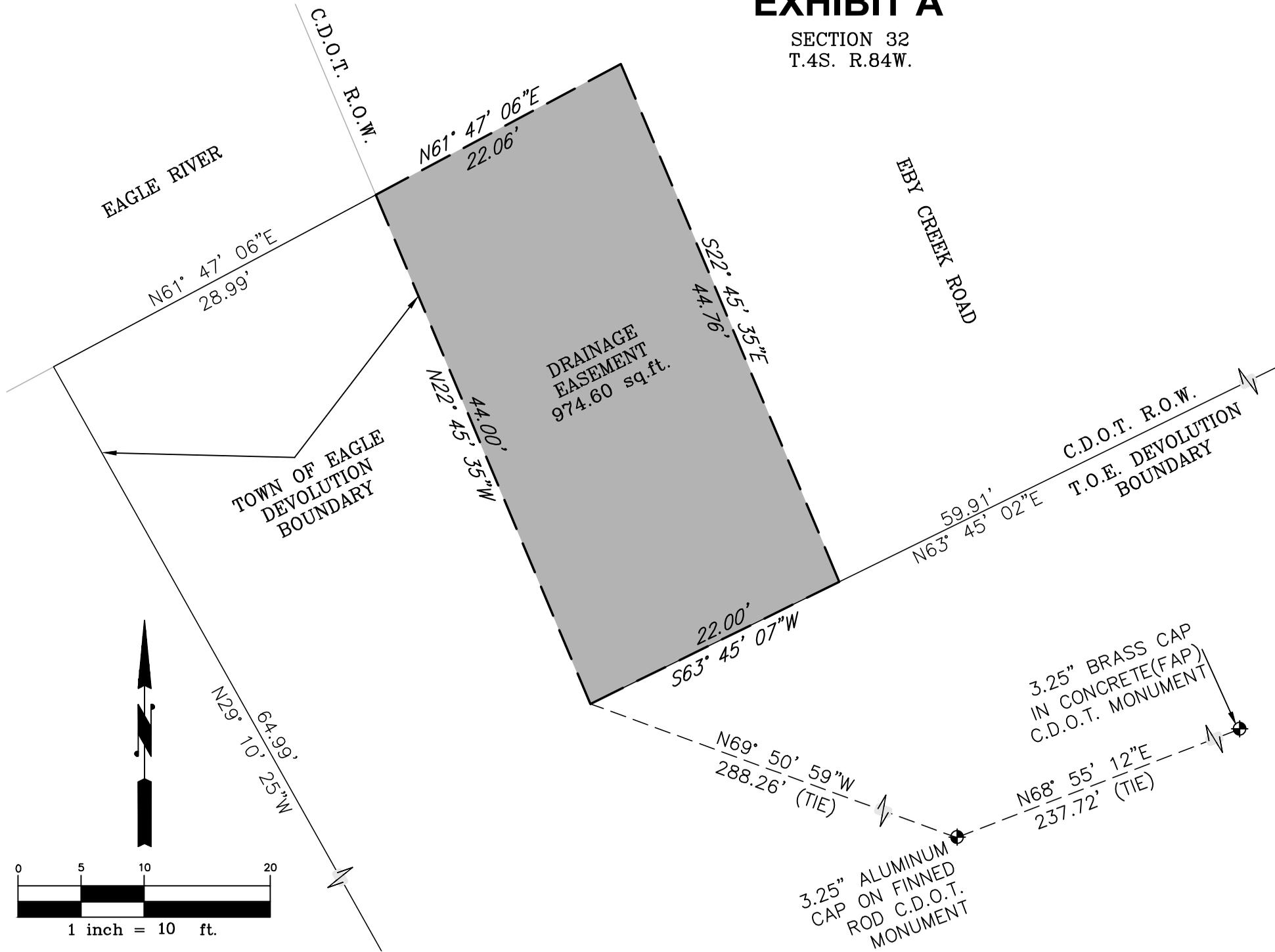
Commencing on the former southerly Right of Way of U.S. Highway 6 & 24, now owned by the Town of Eagle at a Found 3.25" Aluminum Cap on a finned rod, whence a 3.25" Brass FAP Cap set in concrete bears N 68°55'12" E a distance of 237.72 feet marking a corner of existing U.S. Highway 6 and 24 southerly Right of Way; thence leaving said former southerly Right of Way to a line and corner common to both the westerly Right of Way of I-70F, also known as Eby Creek Road, and the Town of Eagle Devolution Boundary and being the Point of Beginning, thence the following four (4) courses:

1. Continuing along said common line, N 22°45'35" W 44.00 feet to point;
2. Thence leaving said common line, N 61°47'06" E 22.06 feet to a point;
3. Thence S 22°45'35" E 44.76 feet to a line common to said I-70F, also known as Eby Creek Road, and the Town of Eagle Devolution Boundary;
4. Thence along said line, S 63°45'07" W 22.00 feet to the Point of Beginning.

Said Easement contains 974.60 square feet, more or less.

# EXHIBIT A

SECTION 32  
T.4S. R.84W.



## LEGAL DESCRIPTION

A parcel of land situated in Section 32, Township 4 South, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado, being more particularly described as follows:

Commencing on the former southerly Right of Way of U.S. Highway 6 & 24, now owned by the Town of Eagle at a Found 3.25" Aluminum Cap on a finned rod, whence a 3.25" Brass FAP Cap set in concrete bears N 68°55'12" E a distance of 237.72 feet marking a corner of existing U.S. Highway 6 and 24 southerly Right of Way; thence leaving said former southerly Right of Way to a line and corner common to both the westerly Right of Way of Eby Creek Road and the Town of Eagle Devolution Boundary and being the Point of Beginning, thence the following four (4) courses:

- (1) Continuing along said common line N 22°45'35" W 44.00 feet to point;
- (2) Thence leaving said common line N 61°47'06" E 22.06 feet to a point;
- (3) Thence S 22°45'35" E 44.76 feet to a line common to said Eby Creek Road and the Town of Eagle Devolution Boundary;
- (4) Thence along said line S 63°45'07" W 22.00 feet to the Point of Beginning. Said parcel of land containing 974.60 sq. ft. plus or minus.

### DRAINAGE EASEMENT

*C.D.O.T. To The Town Of Eagle  
Section 32, T.4S., R.84W.  
County of Eagle, State of Colorado*

DRAWN BY: RPK

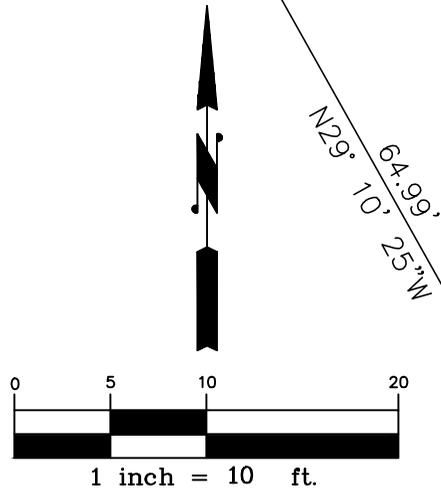
DATE: 2-16-16

SHEET 1 OF 1

DWG NAME:  
15061-TOE-DRE

## KIPP LAND SURVEYING

RANDY KIPP P.L.S.  
P.O. Box 3154  
Eagle, CO 81631  
(970) 390-9540  
email: randy@kipplandsurveying.com  
web: kipplandsurveying.com



## Honorable Mayor and Town of Eagle Trustees

RE: RMR pre-annexation discussion

September 27, 2016

The purpose of this memo is to initiate discussion about potential annexation of lands controlled by Red Mountain Land. The lands are between the Eagle River and Hwy 6. Lands have a “Conservation oriented development” as land use designation in EACP. A soft path will eventually connect all parcels annexed to the Town. The ERCP supports up to 150 units along 2 + miles of the Eagle River and is in conformance with our development plans/goals.

We are interested in annexing the lands into the town and there are several questions that would be beneficial to discuss prior to a formal application.

1. Extent of lands to be included within the annexation:
  - A. 86 ac. +/- within growth boundary per Eagle Area Community Plan. Parcels 1-2B
  - B. Including the additional 40 +/- ac. east of the growth boundary, parcels 3 and 4 on attached map. Parcels 1-4
  - C. Including the additional 40 +/- ac. east of the growth boundary between hwy 6 and I-70. Parcel 1-4 and F
2. General structure of the annexation
  - Enter into a annexation agreement with the town
  - Zone the lands PUD with an approval PUD guide giving general land uses and density ranges
  - Define open space and development areas
  - When a specific development plan is proposed a plan would be required to go thru a town of Eagle sketch plan, preliminary plan, and PUD review process
3. Phasing of Development and Dedications
  - Dedication of open space parcels and reservation of easements to be would occur concurrent with development of adjacent parcels
  - Due to the nature of the development we will request this plan have a long term vesting right
  - RMR has sufficient water rights to support the proposed densities and water rights will be dedicated at final plat according to density requested

*\*\*\*The attached map graphically depicts the parcels described below.*

**Parcel 1 -35 ac. (18 acres development - 17 acres Preservation A)**

- Hatch Mott modeled feasibility to extend town water and sewer on Parcel 1- minimum 52 units; soft trail throughout the development
- Path construction will be the responsibility of the developer or owner of the land. Maintenance will be responsibility of the HOA or entity owning the land
- Preservation A will be dedicated upon submission of building permit for Parcel 1. Preserved land will revert to Red Mountain Ranch Partnership LLLP if designation as Preserved Land or Open Space is changed

**Parcel 1B - 5 acres**

- Residential and potential light commercial; bed and breakfast, community garden, restaurant along the river; soft trail throughout the development
- Development plan TBD

**Preservation area B - 15 acres**

- Walking Mountains donation; Eagle River nature preserve and education center
- Soft trail throughout the preserve
- Post approval by Walking Mountain as a Preserved Nature and Educational Center and approved by the Town of Eagle, Preservation Area B will be donated to Walking Mountain. There will be an appraisal of the parcel to be used as a tax deduction for Red Mountain Ranch. Preserved land will revert to Red Mountain Ranch Partnership LLLP if designation as Preserved Land or Open Space is changed
- Timing of donation will be determined by a plan for use set forth by Walking Mountains and approved by the Town of Eagle

**Parcel 2 - 14 acres**

- The Town cannot provide water and sanitation at this time
- When Town can provide water and sewer a PUD plan will address residential density
- If Town cannot provide water and sewer after 10 years from annexation a PUD for single family homes on well and septic will be allowed

**Town Park/ Boat Launch, Open Space Area C- 3 acres**

- Boat Launch land will be donated to the Town of Eagle at the time of final plat approval of Parcel 2 B PUD
- Town of Eagle will be responsible for building a road to the Boat Launch from the entrance to Parcel 2 east parallel to US 6
- The Boat Launch land will revert to Red Mountain Ranch Partnership LLLP if designation as Park, Preserved Land or Open Space is changed

- The Town of Eagle has the obligation to build the Boat Launch within 10 years of Annexation or the land will revert to Red Mountain Ranch Partnership LLLP.

**Parcel 2 B - 10 acres**

- We intend to file PUD development plans for Parcel 2B along with our annexation petition for up to 10 single family homes

**Parcel 3, 4 - 40 acres +/-**

- Residential density 1 du per ac. similar to what exists to the east.

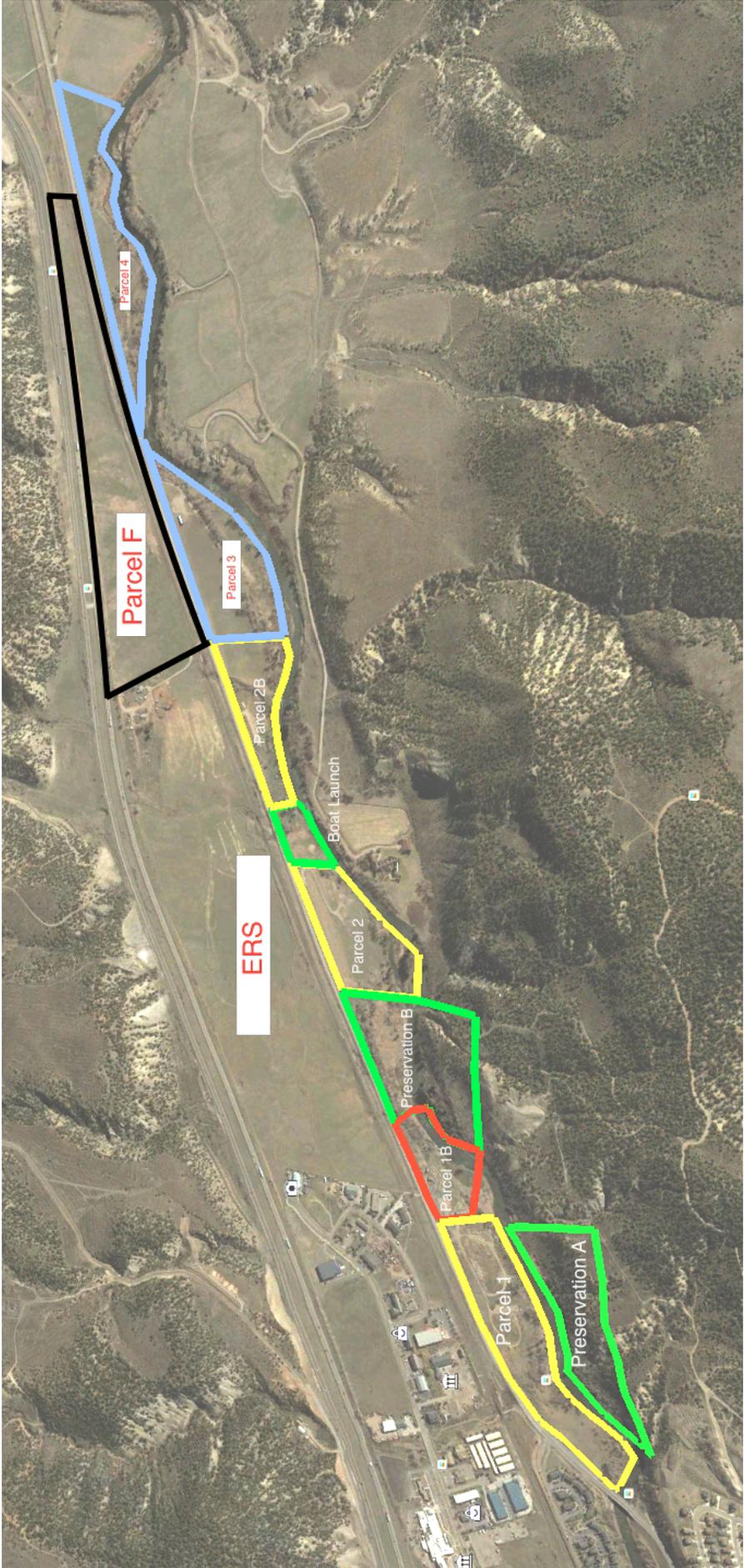
**Other notes:**

- Request will be made that US 6 speed limit be reduced to 35 miles per hour along the annexed lands for safety and so accel/decel access requirements will be minimized;
- 3 present DOW access points to the Eagle River maintained;
- Soft paths allowed within the setbacks from the river;
- Reduced setback from US 6 to 25 feet and allow berms within the setback;
- Preservation/Open space Areas A, B, and C are the total required extractions from Red Mountain Ranch and developers of the lands annexed.

**Additional resources: <https://vimeo.com/107283566>**

**We look forward to working with the town on this exciting opportunity that is a long time in the making.**

**Contact: Eric Eves 970.331.8617 [eeves@hotmail.com](mailto:eeves@hotmail.com) or Merv Lapin 970.471.4224 [mervlpain@hotmail.com](mailto:mervlpain@hotmail.com)**





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## CERTIFICATE OF RECOMMENDATION

**TO:** Board of Trustees  
**FROM:** Department of Community Development  
**DATE:** Tuesday, September 27, 2016  
**PROJECT NAME:** Tumbleweed  
**FILE NUMBER:** DR16-04  
**APPLICANT:** Mark Smith  
**LOCATION:** 1125 Chambers Avenue

**APPLICABLE SECTION(S) OF MUNICIPAL CODE:**  
Section 4.06 (Development Review)  
Section 4.07 (Development Standards)

**EXHIBIT(S):**

- A. Applicant Letters
- B. Application Packet
- C. Aerial Photo
- D. Site and Architectural Plans
- E. Planning and Zoning Commission discussion

**PUBLIC COMMENT:**None Received

**STAFF CONTACT:** Tom Boni, Town Planner

**REQUEST:** Applicant is requesting a Major Development Permit to construct a 4,000 square foot commercial building in the Commercial General (CG) Zone District (Medical and Retail Marijuana Business). There are two variances associated with this application, one Zoning Variance related to signage and one Development Standard Variance related to the location of the loading dock on the rear of the building.

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**DISCUSSION:**

The site for this building (Lot C12-B) located at 1125 Chambers Avenue was recently created through the Trotter Minor Subdivision, a resubdivision of Lot C12 of the Eagle Valley Commercial Park F.3. This one-acre property is within the Commercial General (CG) Zone District and there are six special use permits granted to this property for marijuana businesses (medical and retail – sale, infused products, and grow operations). In 2014 a Development Permit Application was reviewed by the Trustees for a similarly sized building to be the first phase of a multi-phase project called Rocky Mountain Pure on a larger three-acre property. The development team for this earlier project split apart and a new operator, Mark Smith of Tumbleweed Companies, LLC has been selected to operate the marijuana businesses on a smaller one-acre property.

The applicant is requesting a Design Variance (please refer to Section 4.07.060) from the Town's Development Standards as part of their application for a Major Development Permit. The Development Standards for the Chambers Avenue Commercial District Section 4.07.022.C.3 requires that service areas and loading docks are located to the sides of the building which do not face the primary street or I-70. Due to the narrowness of this lot it is difficult or impossible to accommodate the loading dock on the side of the building and the proposed loading area is located on the north side of the building facing I-70. Please see further discussion on the requested Design Variances below.

The signs shown on the elevation drawings will require a Variance from the Planning and Zoning Commission. A sign variance application has been submitted and is scheduled for the Planning and Zoning Commission at the hearing on October 4, 2016. Final action for Zoning Variances is the Planning and Zoning Commission.

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**DEVELOPMENT PERMIT STANDARDS (SECTION 4.06)**

The requirements for a Development Permit as described in Section 4.06 of the Land Use and Development Code are:

1. Compliance with the Town's regulations, goals, policies and plans.
2. Any adverse impacts resulting from the proposed development are reasonably and adequately mitigated to minimize such impact.

---

## FINDINGS FOR DEVELOPMENT PERMIT

Per the Town's Land Use & Development Code, properties located east of Nogal Gulch and which are zoned either Commercial General (CG) or Industrial (I) are appropriate for Medical and Retail Marijuana Businesses. 1125 Chambers Avenue is located east of Nogal Gulch and is zoned Commercial General (CG).

The proposed Tumbleweed Dispensary is located within an area designated as "Commercial" on the Future Land Use Map of the 2010 Eagle Area Community Plan (2010 EACP). The general intent of the "Commercial" Land Use Designation is to provide for a variety of commercial uses that are important to the local and regional economy, concentrate commercial uses in areas that are easily accessed by automobiles and trucks and to create commercial areas that provide for one-stop shopping.

In addition to having a "Commercial" Land Use Designation, the site is located in the "Interstate 70 Influence Character Area." Planning Principle "C" of the I-70 Character Area states that this part of Eagle should "Promote sustainable businesses that contribute to the diversification of the local economy." The Tumbleweed Dispensary is a new, specialized business that will expand the Town's economic base. It is also the location of Special Use Permits for the second of two marijuana businesses permitted in the Town of Eagle at our current population.

Chapter 11 of the 2010 EACP discusses a variety of Goals, Policies and Strategies for encouraging Economic Development in the Town. Recommended Strategy E, under Economic Development Policy 1.1, reads "Promote businesses and activities that benefit from Eagle's proximity to the I-70 corridor." Economic Development Policy 1.2 reads, "Expand retail diversity to reduce sales tax leakage." Recommended Strategy A under this Policy is to "Support opportunities to expand the number and diversity of businesses in Eagle." The Tumbleweed Dispensary will be constructed on a vacant parcel, and once constructed will be a new, unique business in the Town of Eagle, which will not only create job opportunities but will bring in additional sales tax revenues to the Town. In Staff's opinion, this application helps to achieve many of the Goals, Policies and Strategies defined in Chapter 11 of the 2010 EACP.

It is Staff's judgment that the proposed Tumbleweed Dispensary is in compliance with the Town's Land Use & Development Code, as well as being in general compliance with the 2010 EACP, which emphasizes the importance of attracting new business to Eagle and diversifying the Town's economic base.

Staff also believes that through the proposed landscape plan, the siting of the dispensary close to Chambers Avenue and the proposed extension of the 8-inch water main to a new fire hydrant, any adverse impacts resulting from the proposed development are reasonably and adequately mitigated to minimize such impact.

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## **DESIGN VARIANCE STANDARDS (SECTION 4.07.060)**

Per Section 4.070.060 of the Land Use & Development the body authorizing a development permit may grant a variance from the strict application of the requirements of Chapter 4.06 based on the following findings:

1. There exists on the property in question exceptional topographical, soil, or other sub-surface condition, or other extraordinary conditions peculiar to the site, existing buildings, or lot configuration, such that strict application of the regulation from which the variance is requested would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the applicant; OR
2. That the public good would be better served by granting the variance.

In this case of a Major Development Permit, the body granting approval of this application is the Board of Trustees.

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## **FINDINGS FOR DESIGN VARIANCE**

Section 4.07.22 – Chambers Avenue Commercial Area defines the Development Standards for commercial properties along Chambers Avenue. As discussed above, the applicant has located the service area for this building on its north side because of the narrowness of the property not affording access to a service area located on either side of the building facing east or west. The applicant has located a dog park in the rear of the site between the building and I-70 and has a landscape plan intended to provide some screening of the loading area when viewed from I-70.

The requested service area is separated from the I-70 ROW by approximately 240 feet, is not large and if placed on the east or west side of the building would be visible to vehicles on Chambers Avenue. In addition, if the service area was located on the side of the building there is more limited area for the location of landscape materials and the service area itself would be significantly closer to the viewer.

Therefore, Staff believes that it would be reasonable to make a finding that the public good is better served by granting the variance than not.

In their deliberations the Planning and Zoning Commission questioned whether this garage door required a variance from the Development Standard.

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## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

Please see Exhibit E for Planning Commission Discussion.

Recommend approval with the following conditions:

1. Town Engineer to review and approve sidewalk, water main connection, detention and drainage.
2. Applicant to submit a landscape plan for review.
3. Applicant to provide Staff with lighting plan.
4. It is the opinion of the Planning & Zoning Commission that the garage bay does not meet the description of a loading dock so the Design Variance is not required.

---

## **STAFF RECOMMENDATION**

Staff recommends approval of file number DR16-04 with the following conditions and directs Town Attorney to prepare Resolution approving application with the following conditions and also prepare a Development Improvements Agreement (DIA) for the water main extension and public sidewalk:

1. Town Engineer review and approval of design of the sidewalk and the extension of the water main detention and drainage and cost estimates for DIA.
2. Applicant to submit a final landscape plan for review and approval by Town Staff
3. Provide Staff with a lighting plan for the proposed building that is in compliance with the Town's lighting standards.

---

## **BOARD OF TRUSTEES**

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations



## maggie t. fitzgerald, aia

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P.O. Box 1328 Eagle, Colorado 81631  
maggiearchitect.com  
maggieTfitz@gmail.com  
970.445.0486

August 25, 2016

Town of Eagle  
Community Development  
200 Broadway  
PO Box 609 Eagle, Colorado 81631  
970.328.9655

Tom Boni,

Attached is our Land Use & Development Permit Application for 1130 Chambers, Lot C-12B. The required fee of \$700 is being mailed by Mark Smith, applicant.

Our intent is to build a one story, 4,136 SF building on the existing vacant one acre lot. The building will house retail, Tumbleweed Dispensary retail marijuana store. And to the North end of the lot we plan to build a dog park. Water service is provided by the Town of Eagle, rights were dedicated when property was annexed.

Parking is more than adequate and dispersed in the front and back of the building. Shrubs and ornamental grasses are located around the spaces against the street to screen parked vehicles.

A Design Variance is required for the loading area. The Lot is narrow, 95' wide by 458' deep. There is not room for services, deliveries, & loading on the side of the building. We have located it on the back, North side, facing I-70. We believe it creates minimal impact on "the entry to Eagle" as is located 283' from the North property

line and a bit further more from I-70. We plan to mitigate the view of this elevation with landscape screening.

The building design is a western and mountain style vernacular with a board and batten exterior. We believe we reduce monolithic massing with an exterior boardwalk covered by a shed roof on the two primary elevations. This breaks the massing with a strong horizontal element and is also a reference to western mountain architecture.

A variance will also be required for signage. The square footage of signage desired is more than 30sf.

Finally, we are planning to construct a sidewalk along Chambers within the right of way as a development improvement.

Thank you for your consideration.

Sincerely,

*Maggie T Fitzgerald*

Maggie Fitzgerald, AIA



**TOWN OF EAGLE**  
 COMMUNITY DEVELOPMENT  
 200 BROADWAY • PO BOX 609 • EAGLE, CO 81631  
 PHONE: 970-328-9655 • FAX: 970-328-9656  
 www.townofeagle.org

**LAND USE & DEVELOPMENT PERMIT APPLICATION**

*Pursuant to the Land Use & Development Code, Title 4*

<p><b>ZONING REVIEW</b></p> <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Zoning Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Amendment to Zone District Regulations	<p><b>DEVELOPMENT REVIEW</b></p> <input type="checkbox"/> Minor Development Review <input type="checkbox"/> Major Development Review	<p><b>SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW</b></p> <input type="checkbox"/> Concept Plan <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Condominium / Townhouse <input type="checkbox"/> Minor Subdivision <input type="checkbox"/> P.U.D. Zoning Plan
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PROJECT NAME Tumbleweed Dispensary  
 PRESENT ZONE DISTRICT Commercial General PROPOSED ZONE DISTRICT \_\_\_\_\_  
 (if applicable)

LOCATION  
 STREET ADDRESS 1130 Chambers Ave Lot C-12B  
 PROPERTY DESCRIPTION VACANT LOT  
 SUBDIVISION \_\_\_\_\_ LOT(S) \_\_\_\_\_ BLOCK \_\_\_\_\_  
 (attach legal description if not part of a subdivision)

DESCRIPTION / PURPOSE To develop the existing vacant 1 acre lot, 4,136 SF Building for Retail with a dog park to the North.

APPLICANT NAME Mark Smith PHONE 612-963-1820  
 ADDRESS \_\_\_\_\_ EMAIL austinenergygroup@gmail.com  
 OWNER OF RECORD Richard Thal PHONE 561-289-6006  
 ADDRESS \_\_\_\_\_ EMAIL rthal@thal.org.com  
 REPRESENTATIVE Maggie Fitzgerald PHONE 970-445-0486  
 ADDRESS PO Box 1328 Eagle CO 81631 EMAIL maggiefitz@gmail.com

The above information is correct and accurate to the best of my knowledge.

Signature Maggie K Date 8-25-2016

*In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.*

<b>FOR OFFICE USE ONLY</b>		
DATE RECEIVED _____	BY _____	FILE NUMBER _____
REVIEW FEE _____	DATE PAID _____	RECEIVED BY _____
DATE CERTIFIED COMPLETE _____	BY _____	
P&Z HEARING DATE _____	DECISION _____	
TBOT HEARING DATE _____	DECISION _____	

# Eagle County GIS Web Map

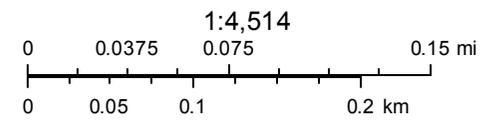


September 1, 2016

## Lines

 Override 1

Parcels



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

# Tumbleweed- ILB Partners II

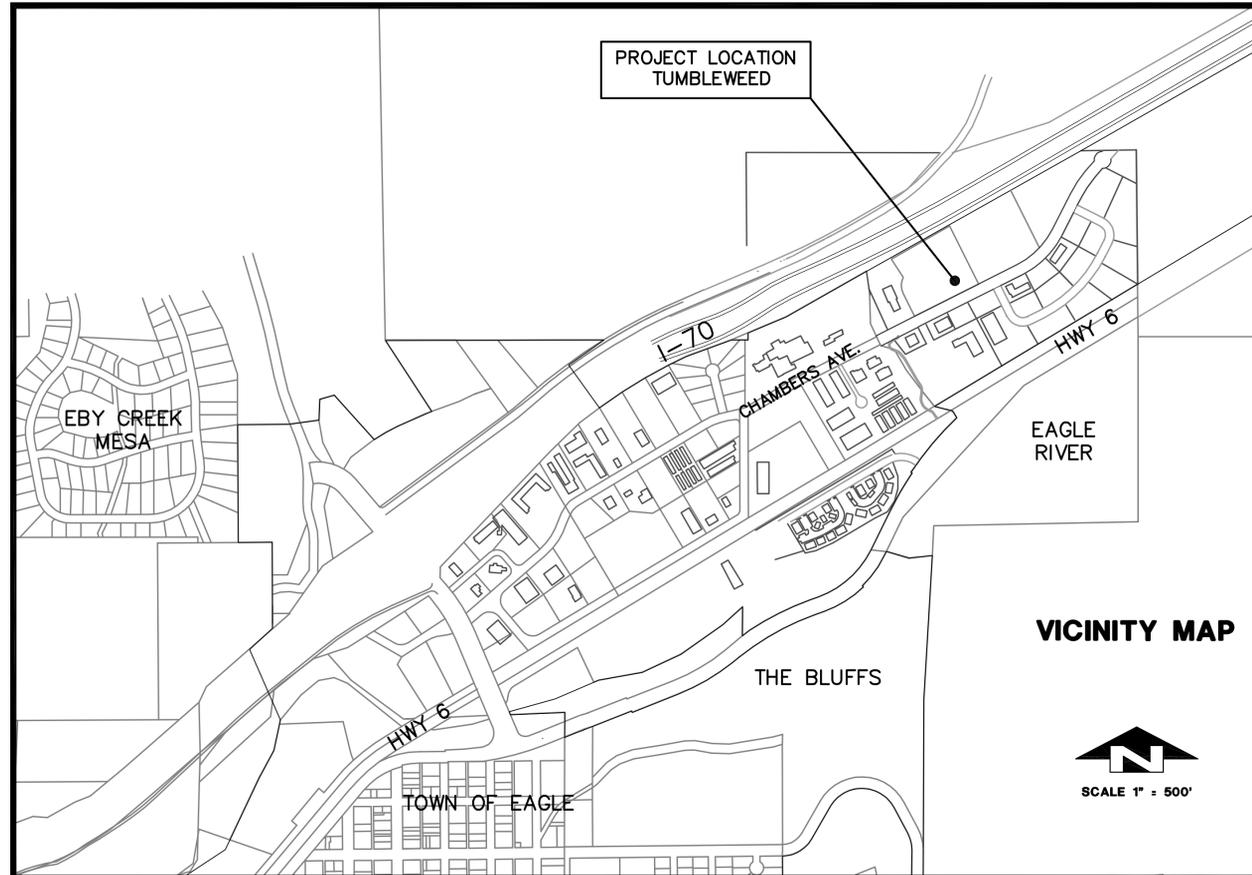
EAGLE, COLORADO  
AUGUST 2016

## GENERAL NOTES

- The Contractor shall notify Alpine Engineering, Inc., Owner and Town of Eagle Engineering Dept. at least 48 hours prior to any construction. The Contractor shall coordinate all work with Alpine Engineering, Inc. and Owner.
- Alpine Engineering, Inc., assumes no responsibility for utility locations. It is the Contractor's responsibility to field verify the location of all utilities prior to commencement of any construction.
- The Contractor shall conform to all Town of Eagle rules, regulations and stipulations while accessing through or working in the Town.
- The Contractor shall take all appropriate precautions to significantly reduce any potential pollution caused by his activities, including vehicle fueling, storage of fertilizers or chemicals, etc. The Contractor shall have identified procedures for handling potential pollutants and have identified spill prevention and response procedures prior to any activities at the project site.
- The Contractor shall keep 2 sets of contract drawings marked up to fully indicate asbuilt conditions. The drawings shall be provided to the Owner and Alpine Engineering, Inc. upon completion of this work. Contractor is to provide at least three ties from physical monuments to all fittings, valves, hydrants, curb stops, air vac valves, p/v's, manholes, and services. The Town regulations require a description of all materials and appurtenances to be included in the asbuilts.
- The Contractor shall maintain traffic at all times to the satisfaction of the Owner and the Town of Eagle. The Contractor shall minimize traffic disruptions and provide adequate safety precautions to ensure public safety.
- Safety is the responsibility of the Contractor. The Engineer is not responsible for safety in, on, or about the project site, nor for compliance by the appropriate party with any regulations relating hereto.
- It is the Contractor's responsibility to obtain (and conform to) all proper construction permits including a road cut permit for work within the public right of way.
- The Owner will designate staging areas.
- The Contractor shall minimize all off site tracking. All soil tracked off site shall be immediately cleaned up to the satisfaction of The Town of Eagle and The Owner.
- If any groundwater is encountered the Contractor shall contact Owner, Alpine Engineering, Inc., and the Project Geotechnical Engineer immediately.
- The Contractor shall protect and preserve all trees, bushes, shrubs, and ground cover in a manner acceptable to The Owner.
- Observations of the work in progress and on-site visits are not to be construed as a guarantee or warranty by the Engineer of the Contractor's contractual responsibilities.
- All materials and workmanship shall be subject to inspection by the Town and/or their representatives, and Alpine Engineering, Inc. The Town reserves the right to accept or reject any such materials and workmanship that do not conform to the approved drawings and/or district standards or specifications.
- All construction shall conform to town standards and specifications and be subject to construction observation by their representatives. Copies of town standards must be obtained by the Contractor. Contractor shall have one (1) copy of the plans and one (1) copy of the appropriate specifications on the job site at all times.
- Street closures shall be kept to a minimum length of time. There shall be no material storage on Town Streets or property.
- It is the Contractor's responsibility to prepare and submit a Traffic Control Plan, as a requirement of the Town of Eagle's Road Out Permit, and submit to the Town's Engineer prior to construction. The plan shall show existing and proposed traffic signs, existing and proposed crosswalk striping, construction limits, fencing and access, and vehicle tracking control measures.
- Contractor shall conform to all recommendations in the preliminary subsol study prepared by HP Geotech (Report # 106 0011, December 19, 2005)
- The Contractor shall conform to the Technical Specifications

## UTILITY NOTES

- The Contractor is warned that conflicts with existing utility services may exist. Prior to beginning any construction, the Contractor shall contact all appropriate utility companies for line locations. The Contractor shall then locate all utilities (including depth). Any conflicts with the proposed construction shall be brought to the attention of the Engineer so that line or grade changes can be made to eliminate any conflicts with these existing utilities. All existing utilities shall be protected from damage by the Contractor. Damaged utilities shall be repaired by the Contractor at no expense to the Owner.
- All construction activities and excavating for utility trenches shall meet OSHA requirements.
- All Water System and Sanitary Sewer System construction shall conform to Town of Eagle standard specifications.
- All water mains and services shall have a minimum cover of 6 feet.
- Provide 10 feet minimum horizontal separation between water and sewer mains and services or encase per Colorado Department of Health requirements.
- The Contractor shall mark all service line ends as shown on the details.
- The Contractor shall provide thrust blocks and megalug restraints at all bends and tees. Angles of water line bends are shown only as a guideline; all bends have not been identified or dimensioned, and additional bends may be required during construction. Vertical bends are not shown but may be required to maintain minimum cover.
- Water service lines to be Type K Copper or Class 52 DIP with size per plan, a curb stop shall be installed for each service at the property line or edge of easement or as shown on the plans.
- The Contractor shall verify existing pipe or manhole inverts at tie in points prior to construction.
- The Contractor shall lay 10 gauge insulated copper trace wire along the water lines, (see detail sheet), and ductile iron water pipe shall be cad-welded charge size of CA-45. The Contractor shall test the pipe and the tracer wire to confirm conductivity prior to acceptance. The Contractor shall field install polyethylene wrap on all water lines (see detail sheet).
- The Contractor shall test all water mains in accordance with Town standard specifications, tests to include pressure test, chlorine test, bacteria test and leakage test.
- The Contractor shall attend a mandatory preconstruction meeting with the Town of Eagle Engineering Dept. and Alpine Engineering, Inc. prior to the start of construction.
- All sewer lines shall have a minimum of 4.5 feet of cover.
- The Contractor shall test all sewer mains in accordance with Town standard specifications, tests to include low pressure air test, manhole vacuum test, and television test.
- The Contractor shall have water running in sewer lines during the t.v. recording process and cut sheet format shall conform to Town standard specifications.
- The Contractor is responsible for coordinating, conducting and scheduling for the testing of all utilities and obtaining approval and acceptance from all utility companies.
- To maintain adequate skin friction on existing water mains during construction, the Contractor shall valve off stubs and deplete the pressure prior to excavation for extending water main stubs. The Contractor shall also go 10 feet minimum from the main cross tee before beginning the excavation trench. The excavation trench shall be a maximum of 1.5 : 1 slope.
- The Contractor may need to perform hydraulic testing and disinfection of existing waterlines as part of the testing and acceptance procedure for the proposed waterline.
- Compaction of all trenches and bedding must be attained as per specifications.
- PHONE\CATV: All phone and cable TV conduits, pedestals and appurtenances shall be installed in accordance with CenturyLink's design specifications and shall be reviewed and accepted by CenturyLink.
- If Water lines cross within 18" (vertical) of sewer lines, or if water lines are beneath sewer lines, the contractor shall use C900 pipe for the sewer line. A stick of C900 sewer lines shall be centered on the water line.
- All shallow utility conduit shall be Schedule 40 unless noted otherwise.



## GRADING AND DRAINAGE NOTES

- Curb and Gutters shall be installed in such a manner as to insure positive drainage in all areas, as shown.
- Direct downspout drainage away from building foundation or to storm per Geotechnical Engineer.
- Grading adjacent to buildings shall be at a slope away from the building of 12" in 10' per the geotechnical report.
- The Contractor shall maintain existing drainage channels, culverts, and appurtenances during construction as necessary to protect roads and property.
- The Contractor shall remove all topsoil and man placed fill prior to commencement of construction per the geotechnical report.
- Proof roll all hardscape areas prior to installing basecourse and pavement.

## SHEET INDEX

COVER SHEET	C.01
GRADING PLAN	C.02
UTILITY PLAN	C.03
DETAILS	C.04-C.05
FIRE STAGING / TURNING MOVEMENTS	C.06

## PROJECT CONTACTS

DEVELOPER: TUMBLEWEED EAGLE, LLC	MARK SMITH	(970) 331-6907
ARCHITECT	MAGGIE FITZGERALD	(970) 445-0486
TOWN OF EAGLE, ENGINEERING	KEVIN SHARKEY	(970) 328-6678
TOWN OF EAGLE, PUBLIC WORKS	DUSTY WALLS	(970) 328-6678
SOURCE GAS	TODD ELLSWORTH	(970) 309-2722
HOLY CROSS ENERGY (ELECTRIC)	KEITH HERNANDEZ	(970) 947-5439
CENTURY LINK (PHONE\CATV)	JASON SHARPE	(970) 328-8288
CIVIL ENGINEER, ALPINE ENGINEERING INC.	MATT WADEY	(970) 926-3373
GEOTECHNICAL ENGINEER, HP-GEOTECH	DAVE YOUNG	(970) 945-7988
LAND SURVEYOR, STARBUCK SURVEYORS	RICHARD BORDEN	(970) 328-7208

PRELIMINARY PLAN  
August 23, 2016  
NOT FOR CONSTRUCTION

## HOLY CROSS ENERGY CONSTRUCTION SPECIFICATIONS

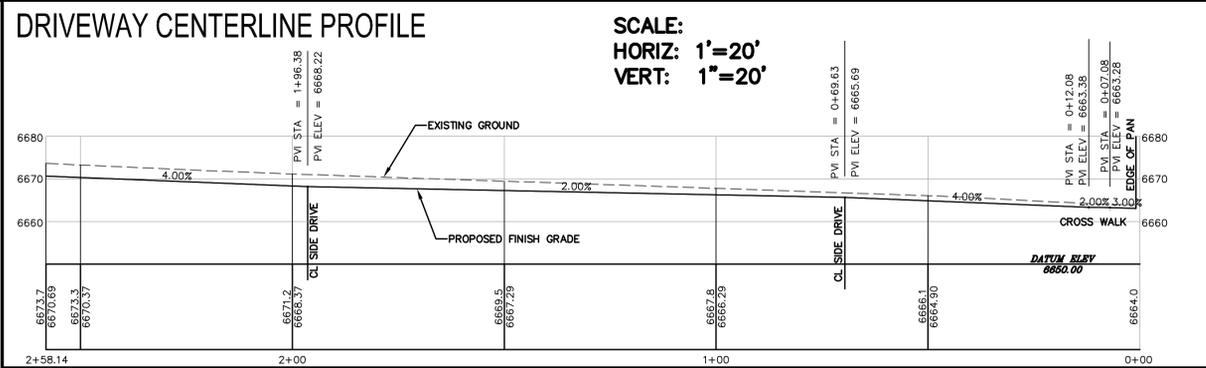
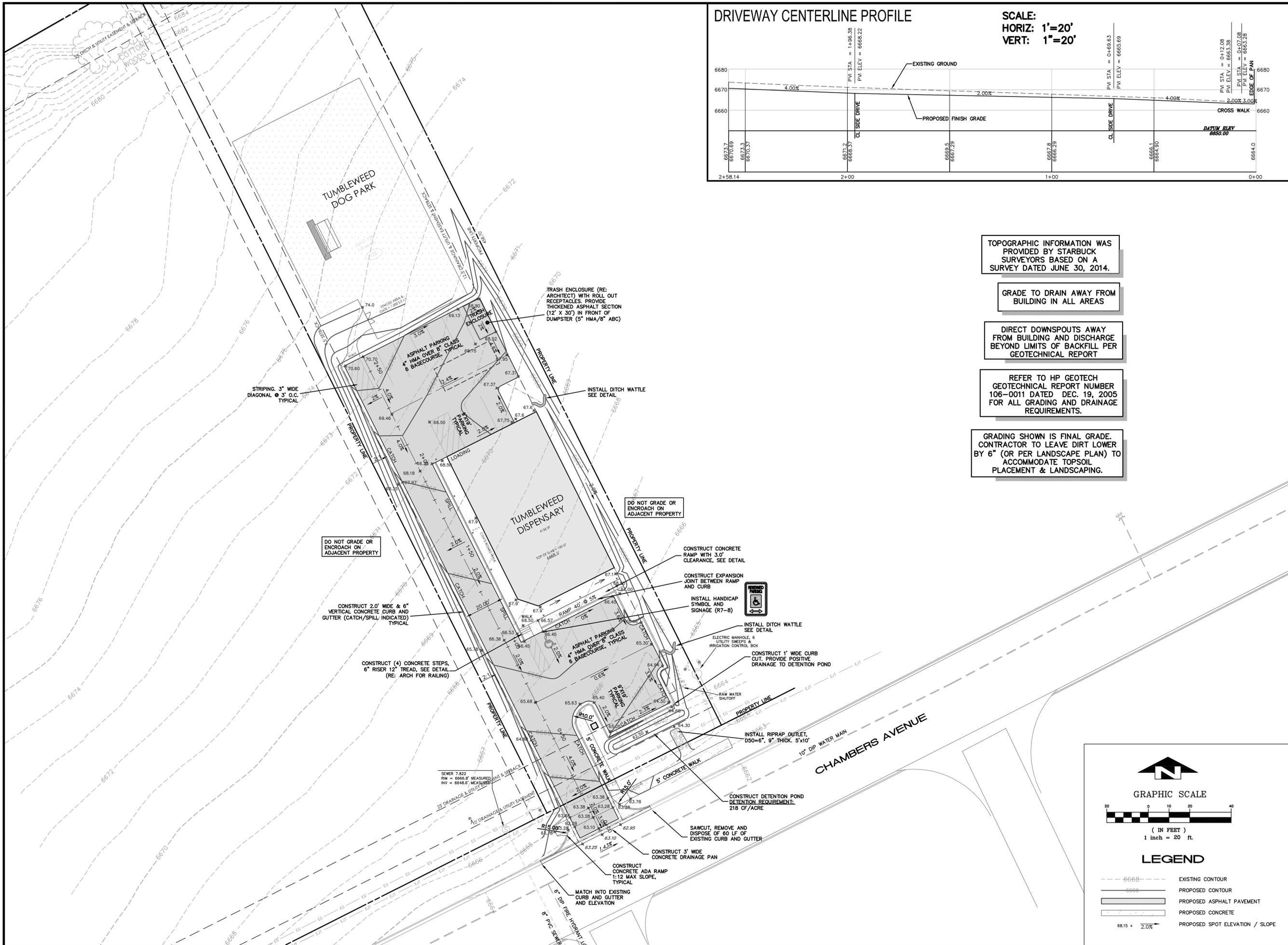
### I. TRENCH AND CONDUIT

- The developer or contractor will contact Holy Cross Energy before conduit and vault installation begins to schedule a pre-construction meeting with the project inspector.
- Changes in power facility construction from that shown on the project plans will not be made without advance approval from the Holy Cross Energy inspector.
- Holy Cross Energy material shall not be moved from the project to which it was assigned without the advance approval of the inspector and the completion of necessary paperwork. Holy Cross Energy material shall not be installed for any use other than construction of power facilities.
- All roads will be built to subgrade and all drainages will be constructed to grade before any vaults or conduits are installed.
- All trench will be excavated deep enough to ensure that the top of installed power facilities will be 48" below final grade. Special care must be taken to insure that the top of conduits will be 48" below the bottom of drainage ditches and all other low areas.
- Trench will be as straight as possible between vaults and shall have a smooth bottom free from low and high spots. Six inches of road base will be placed the entire length of the trench and well compacted prior to conduit installation. When placed in the trench, the conduit shall be in continuous contact with the compacted road base with no hold down weight added. Twelve inches of road base, as measured from the top of the conduit, will be placed on the conduit and well compacted prior to returning any native backfill to the trench. Large rocks shall not be placed directly on the road base layer. Care must be taken to avoid conduit damage during backfill and compaction; conduits found to be unusable at the time of power cable installation will be repaired by the developer or contractor before power can be made available.
- Power facilities to be placed parallel to deeper utilities will have a horizontal separation from the deeper utility greater than the depth of such utility below final grade less four feet (see attached drawing). When crossing a deeper utility is unavoidable, the crossing will be made as close to perpendicular as possible.
- Power line conduits will be installed with a minimum separation of 12" from all other new or existing underground utility lines. Wherever possible, this separation will be horizontal. The power line separation from plastic gas lines will be greater than this minimum wherever practicable. Power line conduits will be located deeper in the trench than the facilities of all other utilities unless the inspector grants a waiver prior to the start of construction.
- Backfill and compaction above the road base layer will be as required by the governmental entity or other party having jurisdiction.
- Conduit ball ends will not be allowed in the vaults. Holy Cross Energy will supply factory couplers, 90°, 45°, and 22 1/2° elbows as needed for job. Non-factory bends and heated bends will not be allowed. No more than two 90° elbows will be allowed in a conduit run of 500 feet. The conduit shall run straight between factory bends. Allowed bends must be further than 5' from a vault. Factory elbows supplied must be used intact; they cannot be cut to make a lesser bend. Bells will not be cut off conduit sticks to use as couplers. Holy Cross Energy elbows and pipe will be used only for the power facility installation.
- The conduit will not be backfilled without the Holy Cross Energy inspector seeing all joints unless the inspector gives prior permission. All joints shall be completely sealed to the line marked on the male end of the conduit after sufficient glue is applied to both conduits being joined, even in areas where the trench cannot be excavated completely straight. Glue in the joint shall be allowed to completely dry prior to any stress being applied to the conduit on either side of the joint. Trench backfilled without the inspector viewing each joint or giving prior permission to cover the conduit will be re-excavated to expose the conduit, or the contractor will put a camera through each conduit in the span which was prematurely backfilled to verify the joint seating and conduit condition. The camera verification will be witnessed by the Holy Cross Energy inspector.
- Individual conduits shall enter each vault at a consistent location. There is to be no crossing of conduits in the trench.
- Both ends of a conduit run shall be securely plugged at the time of installation with Holy Cross Energy supplied material. Conduit ending outside a vault shall be marked with 4" x 4" post or other approved method.
- Red trench marking tape will be supplied by Holy Cross Energy and shall be installed 18" to 24" above the conduit during backfill.
- At completion of the job, the inspector will do a final inspection. If the job does not meet with Holy Cross Energy's specifications or the approval of inspector, service will not be provided until specifications are met.

### II. VAULTS

- Vaults shall be installed as follows:
  - Splice vaults shall be installed with the manhole lid grade being slightly above final grade of the surrounding area, except when the vault is in a roadway, the manhole lid grade shall match the grade of the finished roadway surface.
  - Splice vaults located in roads or other sloped areas will be installed so that the concrete base and lid are at the slope of the surrounding area. Vaults placed in roads will not be located in areas normally traversed by vehicle wheels. The inspector must approve all vaults installed at a slope.
  - Transformer vaults and switchgear vaults will be installed with the bottom of the lid at final grade. The lid will be level.
  - Where transformer and switchgear vaults are set into hillsides or sloped cuts, the downhill side of the vault will be graded according to C above. The slope behind the vault will be laid back sufficiently to prohibit soil or rocks from sloughing onto the vault. If the slope cannot be laid back far enough, a retaining wall shall be constructed behind the vault at the direction of the inspector.
  - All vault pads will be placed on the vaults at the time of vault installation to protect the public and wildlife, unless otherwise instructed by the inspector. The holes through transformer and switchgear pads will be covered at the time of vault installation with concrete pieces supplied by Holy Cross Energy, unless otherwise instructed by the inspector.
  - Large vault pieces shall be jointed with a tar type sealant provided by Holy Cross Energy, with the exception of the vault lid, at the direction of the inspector.
- Holes knocked in vaults for conduit installation shall be as small as possible and shall be grouted closed on the outside of the vault prior to backfill.
- Conduit shall enter vaults perpendicular to the vault wall, at least 2" from any adjacent walls and at least 2" above the vault base. There shall be a minimum separation of 1" between conduits. See vault drawings.
- Conduit will extend 4" into the vault (measured from the inside wall of the vault) after backfilling is complete.
- Ground rods in vaults for underground cable installation shall be laid in the trench with the conduits. The end of the rod shall extend approximately 6" into the vault through the conduit knockout. The rod will have a 45° bend located approximately 3" from the vault end, with the bend going away from the conduit. The bent end of the rod must be far enough from the vault wall to allow crimping the grounding conductor onto the rod. The rod must be at least 2" from the conduit at its entrance into the vault. See vault drawings.
- After the vault has been set, pipes extended in and grouted and the ground rod is in place, vaults shall be swept out removing all dirt or rocks. Cleanup shall be completed to the satisfaction of the inspector prior to cable installation being scheduled.
- Pedestals for other utilities shall not be located closer than 10' to a vault on sides where transformers or switchgear will have access doors. Pedestals shall not be located closer than 5' to a vault on sides where the pad-mounted equipment will not have access doors.

NO.	DATE	REVISIONS	BY
	08/24/2016	DEVELOPMENT PERMIT	MCW
DESIGNED	MCW		
DRAWN	MCW		
CHECKED	GLB		
JOB NO.	79250		
DATE	08/16/2016		



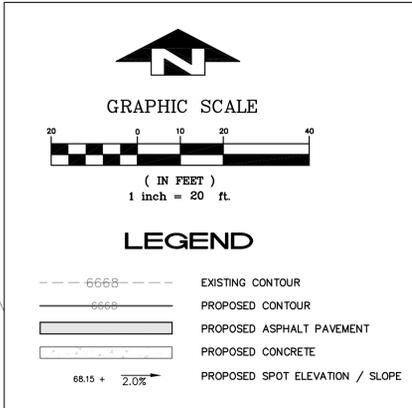
TOPOGRAPHIC INFORMATION WAS PROVIDED BY STARBUCK SURVEYORS BASED ON A SURVEY DATED JUNE 30, 2014.

GRADE TO DRAIN AWAY FROM BUILDING IN ALL AREAS

DIRECT DOWNSPOUTS AWAY FROM BUILDING AND DISCHARGE BEYOND LIMITS OF BACKFILL PER GEOTECHNICAL REPORT

REFER TO HP GEOTECH GEOTECHNICAL REPORT NUMBER 106-0011 DATED DEC. 19, 2005 FOR ALL GRADING AND DRAINAGE REQUIREMENTS.

GRADING SHOWN IS FINAL GRADE. CONTRACTOR TO LEAVE DIRT LOWER BY 6" (OR PER LANDSCAPE PLAN) TO ACCOMMODATE TOPSOIL PLACEMENT & LANDSCAPING.

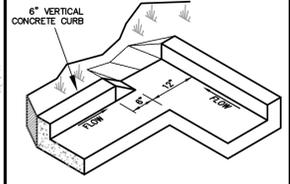
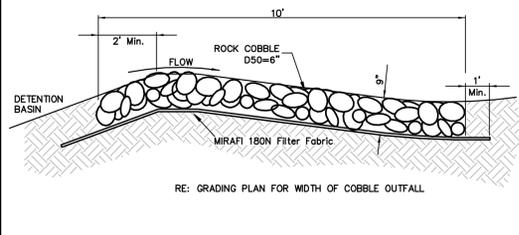
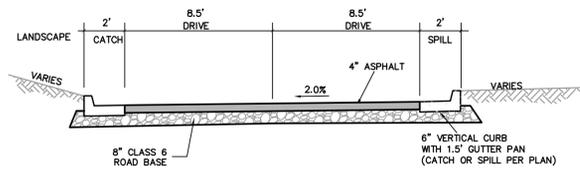


**TUMBLEWEED**  
 EAGLE, CO  
 GRADING PLAN

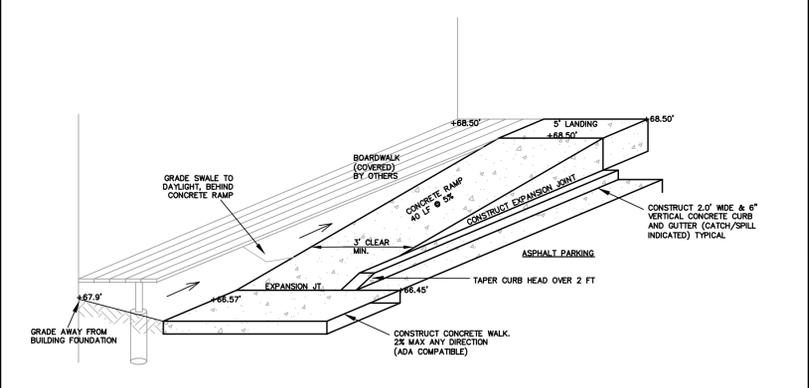
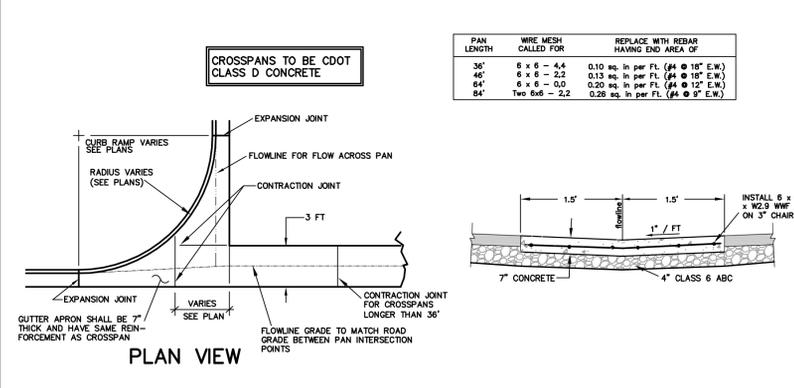
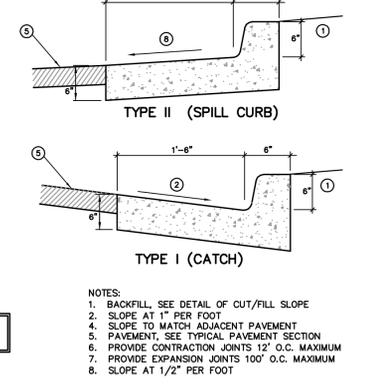
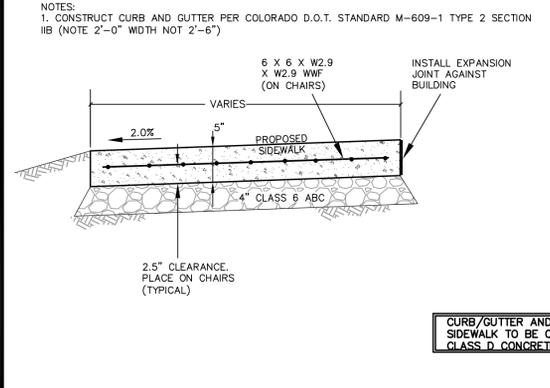
NO.	DATE	REVISIONS	BY
	08/24/2016	DEVELOPMENT PERMIT	MCW
DESIGNED	MCW		
DRAWN	MCW		
CHECKED	GLB		
JOB NO.	79250		
DATE	08/16/2016		

© Eagle/ALPINE Tumbleweed - 2016/DWG Master Grading.dwg, 8/23/2016 2:54:50 PM, Wadley

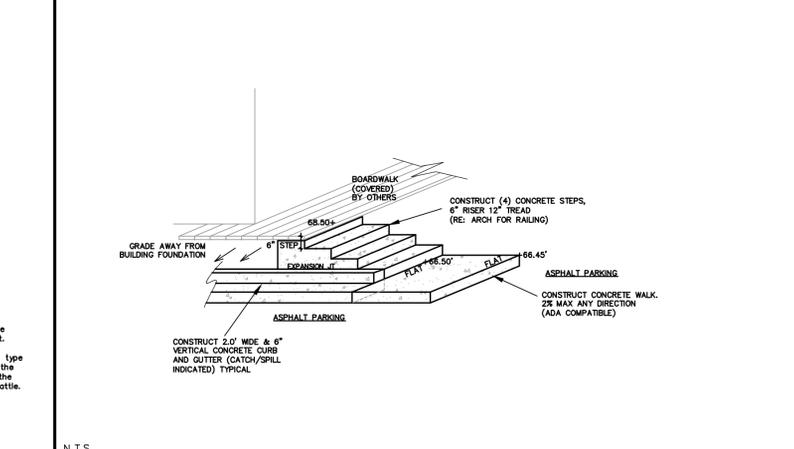
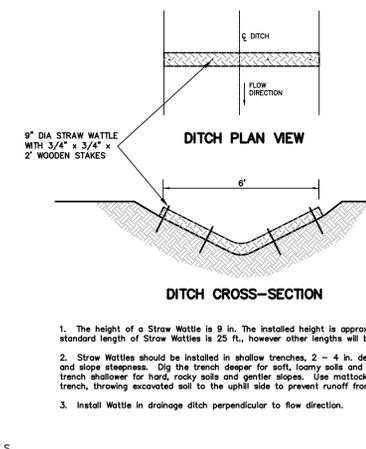
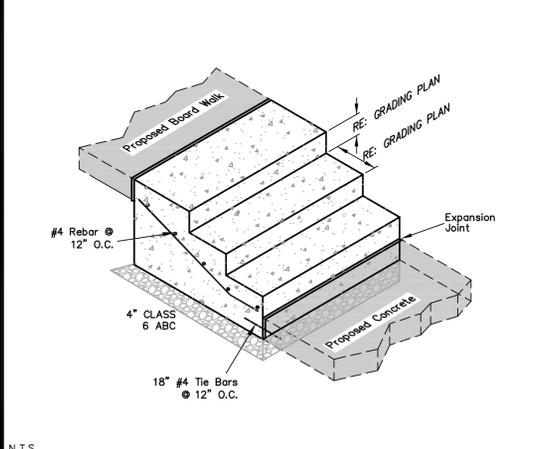




**A PAVEMENT SECTION (TYPICAL)**      **B CONCRETE JOINT DETAILS**      **C COBBLE DETENTION OUTFALL**      **D CURB CUT**



**E 6" VERTICAL CURB AND GUTTER / TYPICAL SIDEWALK SECTION**      **F CROSSSPAN DETAIL**      **I CONCRETE RAMP**



**G CONCRETE STAIRS**      **H DITCH WATTLE**      **J CONCRETE STAIRS**

NO.	DATE	REVISIONS	BY
	08/24/2016	DEVELOPMENT PERMIT	MCW

DESIGNED	MCW
DRAWN	MCW
CHECKED	GLB
JOB NO.	79250
DATE	08/16/2016

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## Plant Schedule

Symbol	Common Name	Scientific Name	Flower	Growth Height/Spread	Exposure	Count	Size	
	Colorado Spruce	XXXX	None	25'/15'	Sun/Filtered Shade	7	6' Ht.	Trees
	Flowering Crabapple	Malus sp. 'Dolga'	Pink	15'/20'	Sun	1	2" Cal.	
	Quaking Aspen	Populus tremuloides	None	35'/25'	Sun	9	2" Cal.	
	Native Yellow Potentilla	Potentilla fruticosa	Yellow	2'/2'	Sun	9	5 Gal.	Shrubs
	Redtwig Dogwood	Cornus stolonifera 'Bailey'	White	8'/8'	Adaptable	8	7 Gal.	
	Silver Sagebrush	Artemisia cana	Insignificant	3-6'/3'	Sun	3	5 Gal.	
	Utah False Spirea	Sorbaria sorbifolia	White	5'/7'	Sun/Filtered Shade	5	5 Gal.	
	Mixed Perennials						1 Gal., 18" o.c.	Grasses and Groundcovers
	Gravel Cobble						Sq. Ft.	
	Gravel Cobble/or Bark Mulch at beds, drip edge, Owner preference, verify						Sq. Ft.	
	Native Grass Mix to Match Existing Grasses, Irrigated & Maintained						All Disturbed Areas	

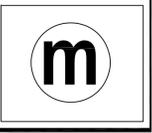
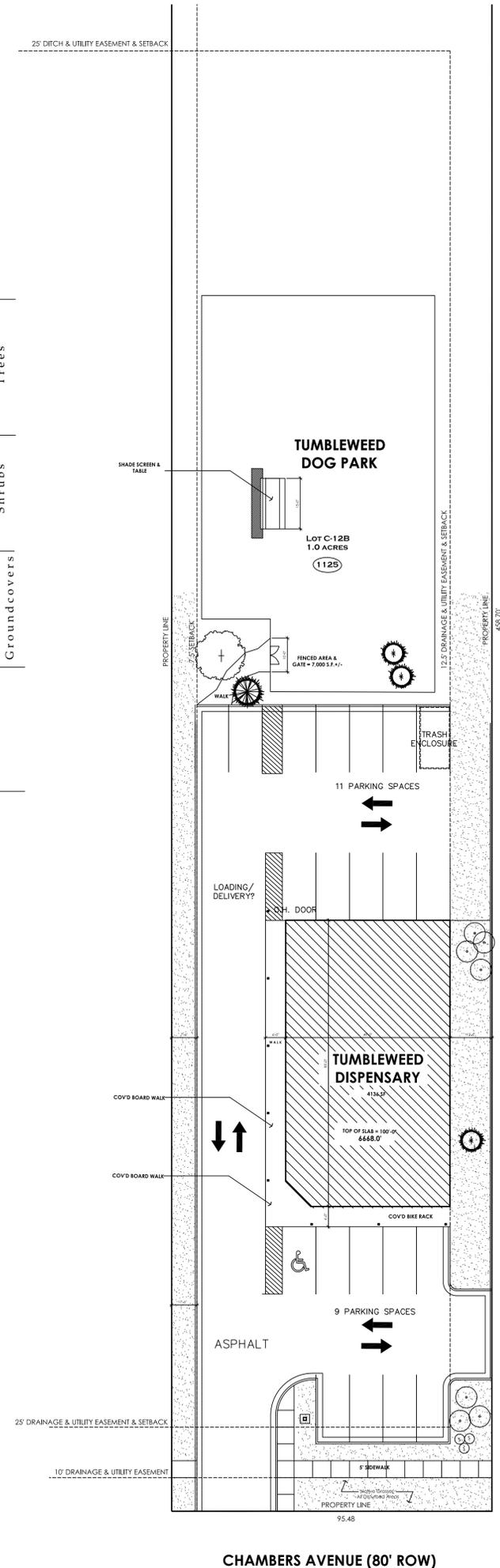
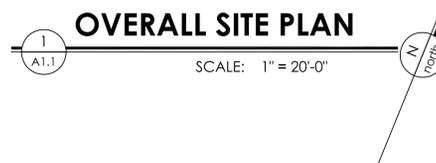
## Irrigation Chart

Total Irrigated Area: Drip Irrigation s.f., Re-Veg areas s.f.

3,997 Re-Veg s.f. & 1,476 Drip s.f.  
 3,997 \* 1 = 3,997  
 1,476 \* 0.6 = 886

## Exterior Lighting

- EXTERIOR WALL MOUNTED SCENE LIGHT
- DIRECTED SPOT LIGHT & SIGNAGE
- STREET LIGHT
- WEATHER-PROOF OUTLET
- RECESSED CAN LIGHT



**Maggie T. Fitzgerald, AIA**  
 — architect —  
 P.O. Box 1328 Eagle, Colorado 81631  
 970.445.0486



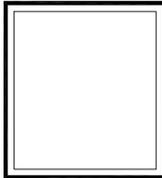
**ILB2 & TUMBLEWEED DISPENSARY**  
 1125 CHAMBERS AVE.  
 EAGLE, CO 81631

ISSUE:	Schematic Design
DATE:	8-22-2016

**A1.1**  
 OVERALL SITE PLAN



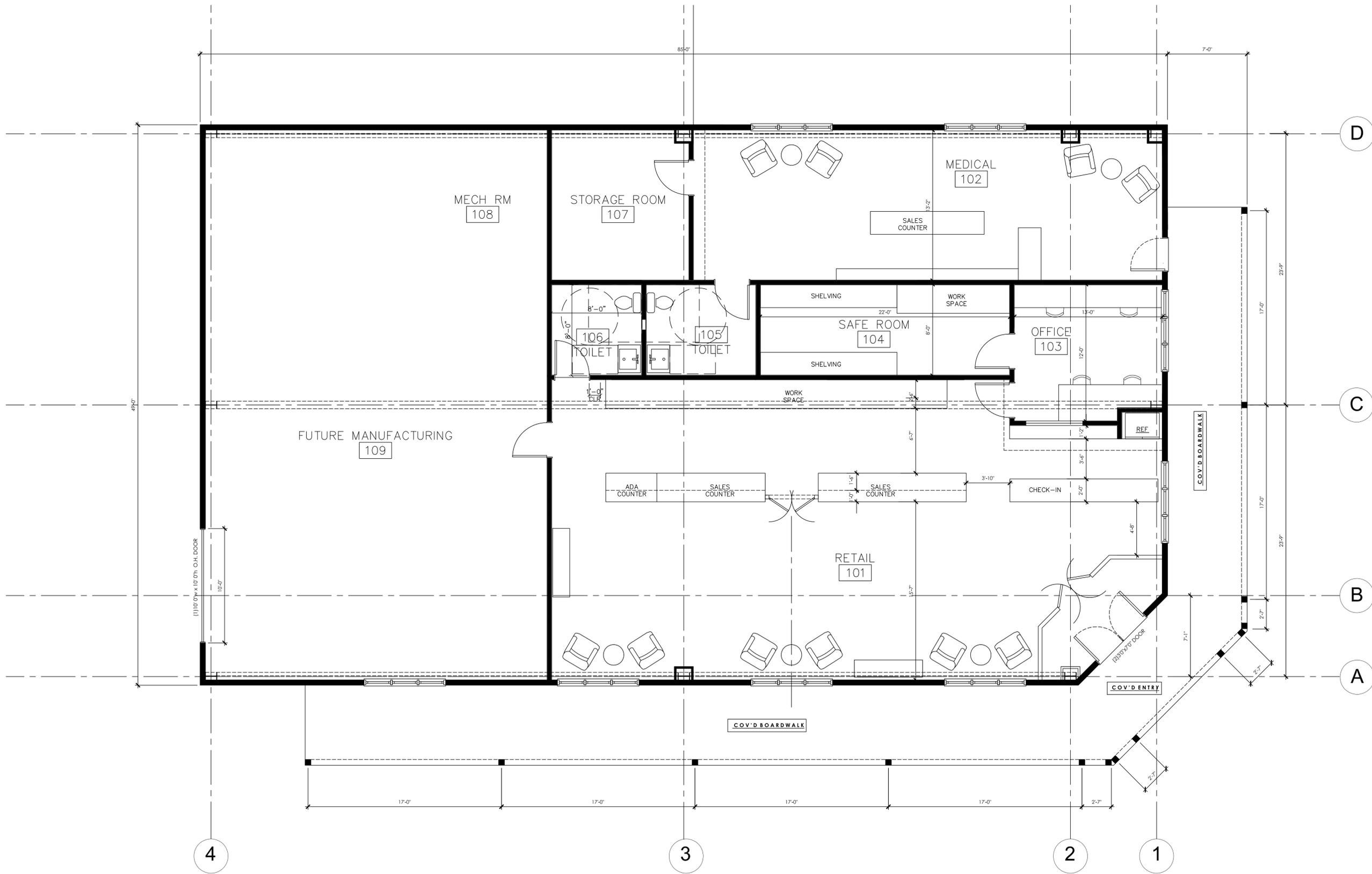
**Maggie T. Fitzgerald, AIA**  
 — architect —  
 P.O. Box 1328 Eagle, Colorado 81631  
 970.445.0486



**ILB2 & TUMBLEWEED DISPENSARY**  
 1125 CHAMBERS AVE.  
 EAGLE, CO 81631

ISSUE:	SCHMATIC DESIGN
DATE:	8-22-2016

**A2.2**  
 MAIN LEVEL FLOOR PLAN



**TUMBLEWEED DISPENSARY**

4136 SF

TOP OF SLAB = 100'-0"  
 6668.0'

**MAIN LEVEL FLOOR PLAN**

1  
 A2.2

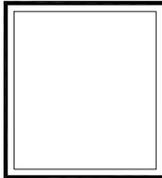
SCALE: 1/4" = 1'-0"

**S.F. CALC'S**

4,136 FINISHED SQUARE FOOTAGE



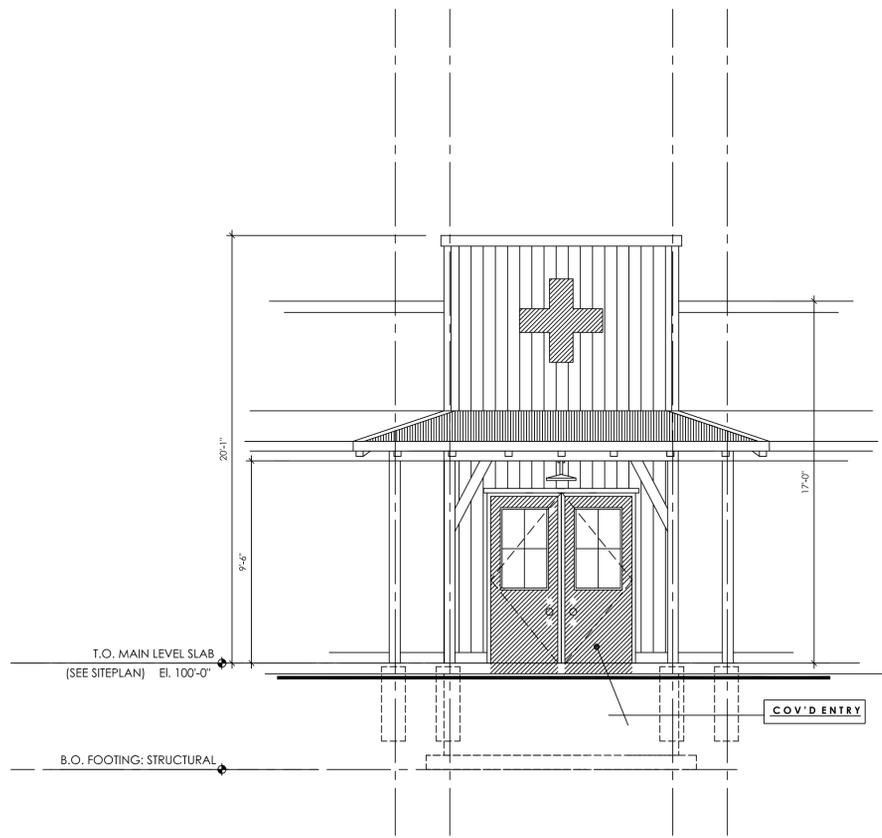
**Maggie T. Fitzgerald, AIA**  
 — architect —  
 P.O. Box 1328 Eagle, Colorado 81631  
 970.445.0486



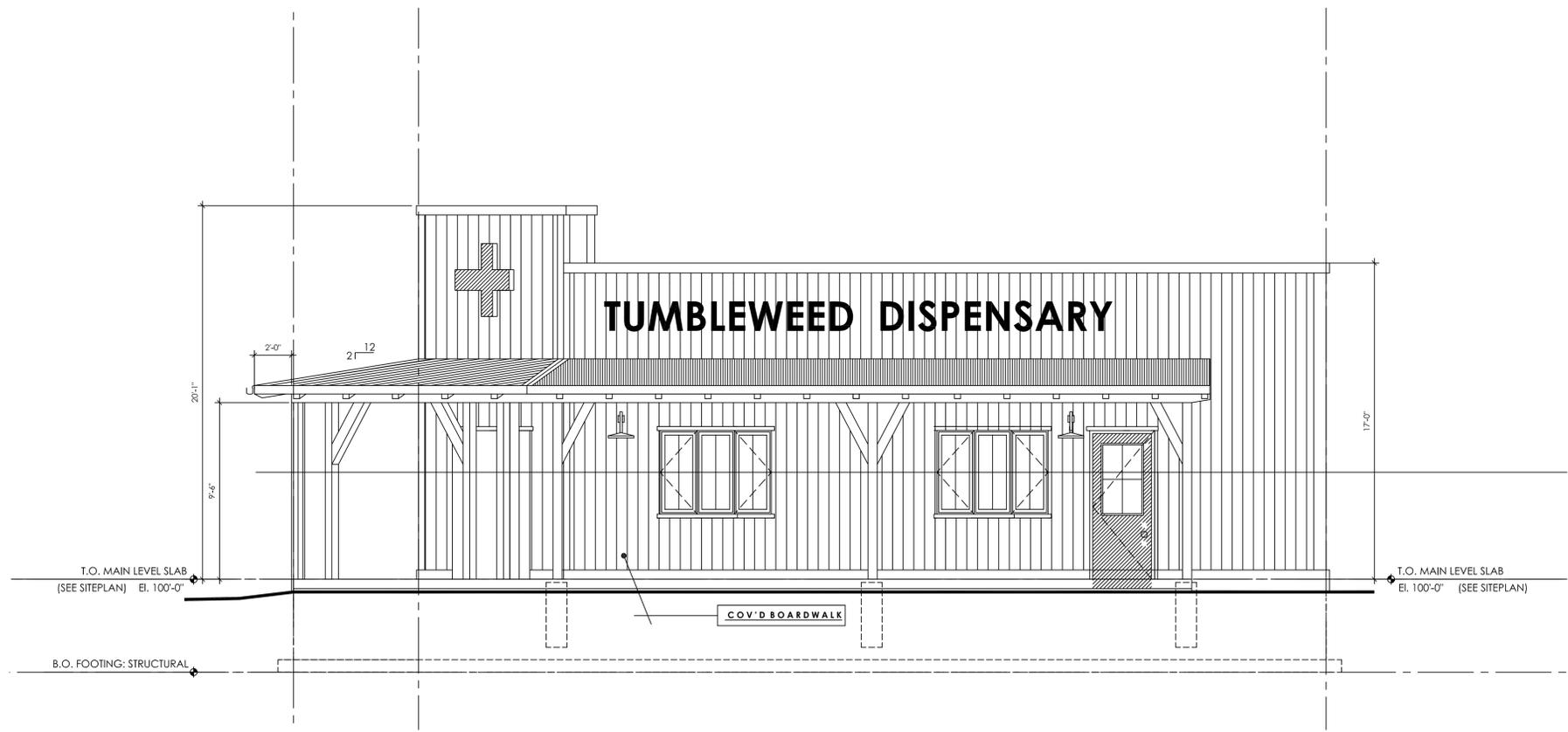
**ILB2 & TUMBLEWEED DISPENSARY**  
 1125 CHAMBERS AVE.  
 EAGLE, CO 81631

DATE:	8-22-2016
ISSUE:	SCHEMATIC DESIGN

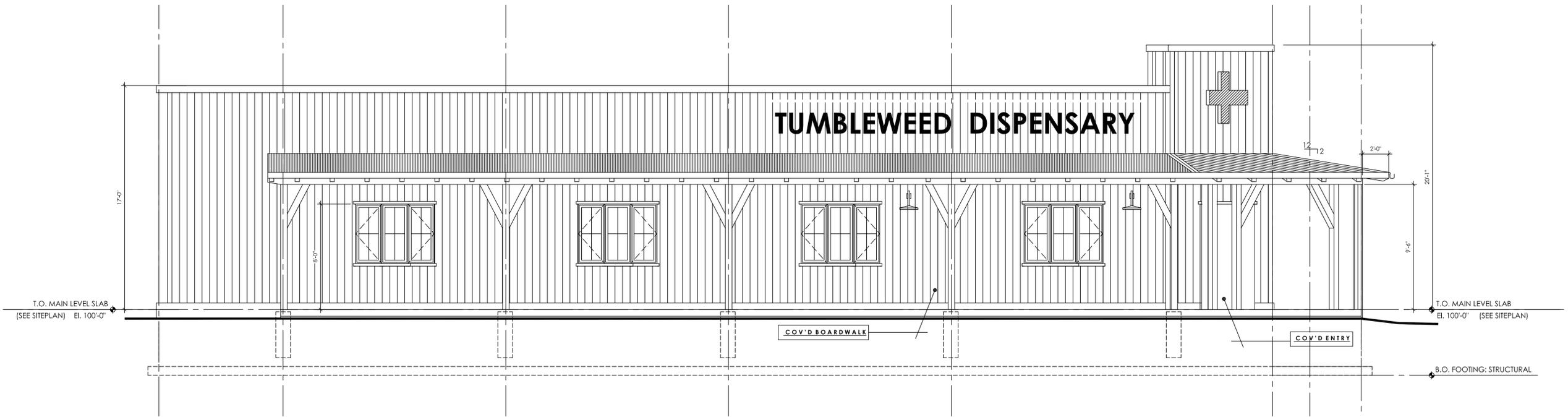
**A3.1**  
 BUILDING  
 ELEVATIONS



**3 SOUTH-WEST ENTRY ELEVATION**  
 SCALE: 1/4" = 1'-0"



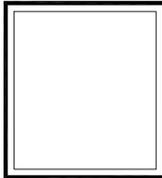
**2 SOUTH EXTERIOR ELEVATION**  
 SCALE: 1/4" = 1'-0"



**1 WEST EXTERIOR ELEVATION**  
 SCALE: 1/4" = 1'-0"



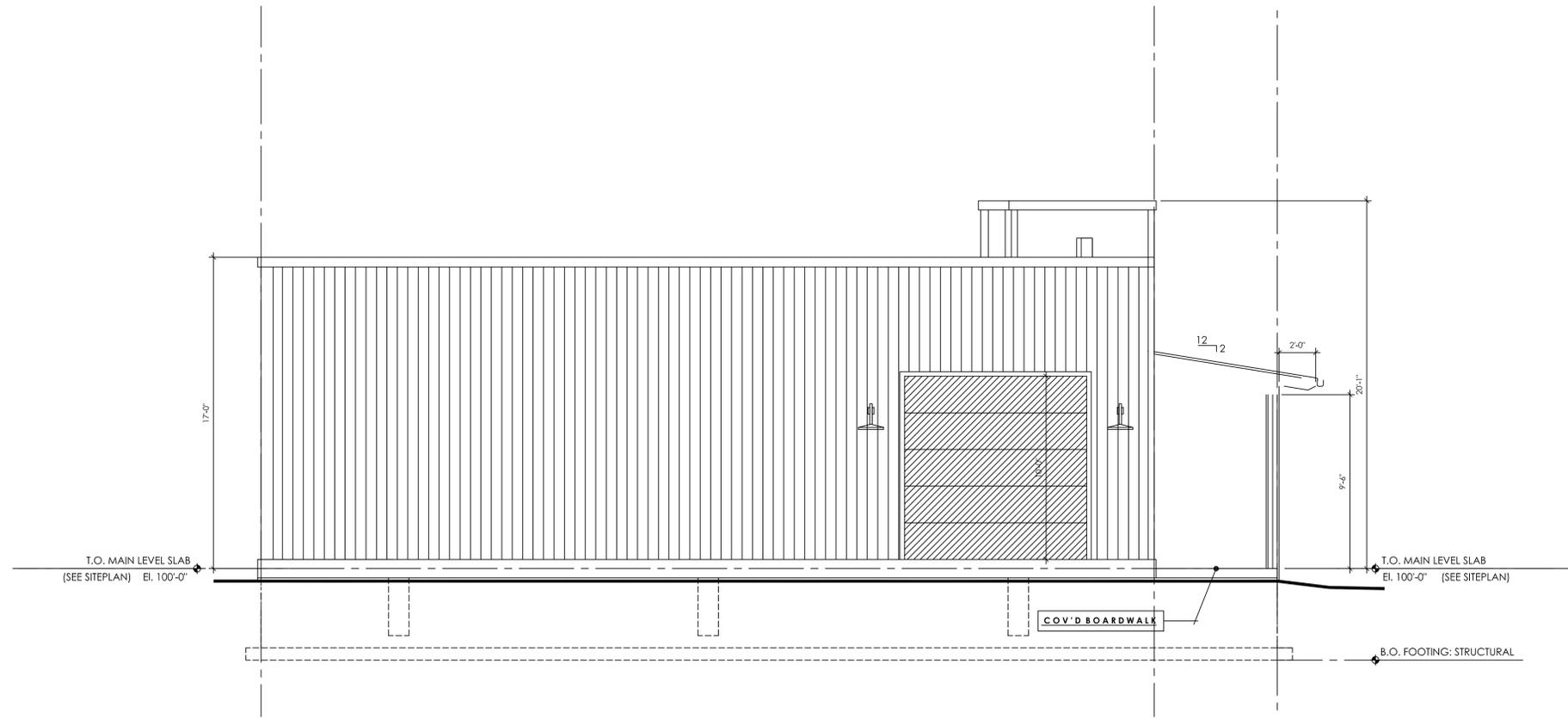
**Maggie T. Fitzgerald, AIA**  
— architect —  
P.O. Box 1328 Eagle, Colorado 81631  
970.445.0486



**ILB2 & TUMBLEWEED DISPENSARY**  
1125 CHAMBERS AVE.  
EAGLE, CO 81631

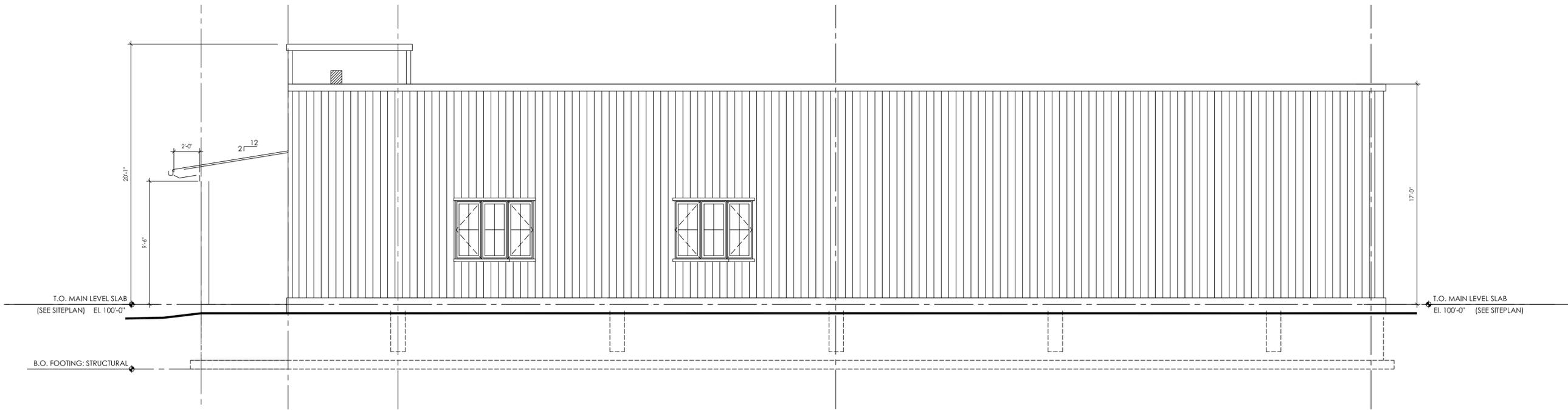
date:	8-22-2016
issue:	SCHMATIC DESIGN

**A3.2**  
BUILDING  
ELEVATIONS



**NORTH EXTERIOR ELEVATION**  
SCALE: 1/4" = 1'-0"

2  
A3.1



**EAST EXTERIOR ELEVATION**  
SCALE: 1/4" = 1'-0"

1  
A3.1



## Planning Commission Discussion of Tumbleweed Dispensary Application

### ***DR16-04 Tumbleweed Dispensary***

Cowles opened file DR16-04, a Major Development Plan for a medical and recreational marijuana retail location. The new building would be located at 1125 Chambers Avenue, which is within the area on Chambers Avenue that allows marijuana retail establishments. The property has already been through the Special Use process with a previous business, Rocky Mountain Pure. The property owners are the same but this business owner is new.

The property is currently vacant and the applicant is proposing a 4,000 square foot building to house a marijuana infusion operation and recreational and medical marijuana retail sales. In addition, the applicant is proposing a dog park located on the back of the property as an amenity for customers and citizens. Staff feels that the location of the building and the dog park minimized the impact on the I-70 corridor. The Development Plan meets the standards and Staff recommends approval.

There is one Design Variance associated with the file related to the location of the loading dock, which by standards should be located on the side of the building rather than facing I-70. The creation of the lot at this size made it difficult to locate the building and very difficult to locate the loading dock on the side of the building. Strategic landscaping in the dog park area will help create a visual buffer. Staff recommends approval of the Design Variance with additional landscaping to buffer the loading dock.

The applicant, Mark Smith, will be running the dispensary. He and his partner manufacture edibles and vapes under multiple brands. There is already a Tumbleweed Dispensary located in Edwards and two in Parachute. The location in Eagle would have the same motif with western barn wood and all reclaimed and all natural materials. The dog park was not a last minute thought; the Parachute location has a dog park as well and it is a nice amenity for customers, and would be open to the public.

Harrison asked if the dog park would be fenced and with what type of fencing. Smith said it would be and he would like to keep with the façade of the building. Harrison also asked if it is legal to smoke marijuana in the dog park. Smith said it is NOT legal and that is not the intent of the dog park. Perkins asked what the operating hours of the dog park are and if there is proposed lighting. The dog park will generally have the same hours as the business and there are no special requests regarding the dog park area and there is no special use involved. Harrison said he could see potential for conflict between the dog park and any new neighbors due to noise, etc. Smith said that if there are issues with the dog park that are affecting his business he will certainly address it.

Maggie Fitzgerald, the project architect, presented the site and architectural plans and explained that the loading dock on the back of the building is actually a 10 x 10 garage door, not a typical loading dock. Harrison asked if there is anything in the code that would specifically allow or not allow this type of delivery entrance; Boni recommended approval of the design variance to be sure.

Schmidt asked if the site plan allows for snow removal and storage. Fitzgerald said there are areas in the rear and front of the building that can accommodate snow storage; she will note them on the plans.

Cowles noted that it looks like the storm water will sheet across the sidewalk as it exits the property. The storm water should be reviewed by the Town Engineer before approval.

Gregg noted that there is a transformer box in the front landscaping area that should have some additional shielding. He also said that he prefers the lantern style light fixtures installed at the Parachute location rather than the light fixtures shown on the plan.

Perkins asked if there is any fire suppression required with the commercial kitchen. Smith said there is not; the kitchen is more of an assembly production than “cooking.” Perkins also asked if there needs to be something to distinguish the recreational entry from the medical entry. Smith said that they will be distinguished with door signing and most customers are accustomed what to look for when entering.

Cowles opened public comment and hearing none, closed public comment.

Cowles made a motion to approve file DR16-04 with the following conditions:

1. Town Engineer to review and approve sidewalk, water main connection, detention and drainage.
  2. Applicant to submit a landscape plan for review.
  3. Applicant to provide Staff with lighting plan.
  4. It is the opinion of the Planning & Zoning Commission that the garage bay does not meet the description of a loading dock so the Design Variance is not required.
- Gregg seconded. The motion was unanimously approved. Cowles closed file DR16-04.



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## CERTIFICATE OF RECOMMENDATION

**TO:** Board of Trustees

**FROM:** Department of Community Development

**DATE:** September 27, 2016

**PROJECT NAME:** Boyz Toyz Special Use Permit Amendment

**FILE NUMBER:** SU97 Amended 2016

**APPLICANT:** Gary Ratkowski

**LOCATION:** 432 Grand Avenue

**APPLICABLE SECTION(S) OF MUNICIPAL CODE:**  
Section 4.05.010 (Special Use Permit)  
Section 4.04 (Zoning)

**EXHIBIT(S):** None

**PUBLIC COMMENT:** Letter from Bruce Hasbrouck

See previous significant public comment included in earlier staff reports.

**STAFF CONTACT:** Tom Boni, Town Planner

**REQUEST:** Applicant is requesting an amendment to his existing Special Use Permit to remove four of the conditions of the existing Special Use Permit.

---

### DISCUSSION:

The applicant has requested a continuance of this file because the boundary survey has not been completed. This boundary survey will be used by the architect to show the site plan and parking arrangement.

We have included the introduction to this file from the July 26<sup>th</sup> Staff Report and a discussion of the direction provided at that hearing. We have also received an additional letter which is attached as new public comment. Since July 26<sup>th</sup> this application has been continued at the request of the applicant in order to obtain a boundary survey of the property, a site plan inclusive of display areas and parking and a response to three environmental questions: storm water quality, noise and air pollution. The last continuation of this file was on August 23 when it was continued until September 27 to allow sufficient time to prepare survey.

There is a fairly long history related to the Boyz Toyz Special Use Permit. The original application was approved in May of 2002. In December of 2002, the property owner was cited for non-compliance with the conditions of approval. In August of 2003, the Trustees approved an amendment to the Boyz Toyz Special Use Permit with conditions.

In the summer of 2013, the Planning Department inspected the business and notified the owner that he was out of compliance with the conditions of the Special Use Permit. Based on a discussion with the Board of Trustees at that time we asked that he either come into compliance or apply for an amendment to the Permit. At that time, the owner was selling the business and a closing was imminent.

Over the last three years the Planning Department has met with the owner on several occasions to ask that improvements to the operation be made to lessen the impact on the neighborhood, ask about the status of the sale of the business, and requested that applicant apply for an amendment to the Special Use Permit. Through this period, I believe that the owner has made improvements to his operations although it remains out of compliance with the conditions attached to the original permit.

In 2016 the Town received a complaint about the business operation. We requested that the applicant meet with the Board to discuss his business operation and existing Special Use Permit. Unfortunately, the applicant had an emergency and was not able to attend. At this point we again informed the applicant that he was out of compliance with his Special Use Permit and that he needed to rectify the problems or request an amendment to the Permit if he believed that he could not operate his business and comply with the conditions. Based on this conversation, the business owner, Gary Ratkowski, has submitted this application.

In preparation for the Board Hearing on this application on June 28, 2016, staff reconciled the general location of the eastern boundary line of this property estimated to be approximately 10 feet west of the landscape improvements. Prior to this the property line was believed to be coterminous with the easterly boundary of the landscape improvements. At the level of business that occurs at this site, staff does not believe it can be adequately contained within the property boundaries as required by our Zoning Ordinance.

In reviewing the use of this property it appears to staff that this right of way is needed for the operations of the business. Deliveries, storage, inspection of snowmobiles and ATV's, storage of discarded crates and other materials have used this landscape area within the Right of Way. At the Planning and Zoning Commission hearing, there was discussion between the applicant

and the Commission that a new fence could be constructed along this landscape boundary on McIntire and behind the building that would screen the storage of snowmobiles and crates from adjacent property owners. The owner had thought that this landscape area was part of the leased premises.

When this boundary line discussion arose at the public hearing on June 28, the Board directed the applicant to obtain a boundary survey. Staff has contacted both the applicant and owner of the property to provide this direction. At this point we do not have a boundary survey submitted or site plan showing how the storage of snowmobiles and off street parking could be accommodated. We have also not received detailed information regarding compliance with noise, water quality and air pollution standards. Given the availability of surveyors to perform this work, the Board continued this file. However, based on staff research of tax maps and other records, we believe that the boundary line is approximately 10 feet back from the landscape improvements and that a corner of the building may slightly encroach into the right of way for McIntire Street.

Regardless of the exact location of this easterly property line, as discussed above, Staff does not believe that the existing operation can fit on the private property and therefore a license would be required to use a portion of the McIntire ROW for this business. While not recognizing that this landscape area was part of the ROW, a new fence along this landscape area was a key part of the Planning and Zoning Commission's recommendation.

While allowing a business to use Road Right of Way is technically a possible avenue to use to accommodate this business, it would be, to my knowledge, the first time that a License Agreement has been used in this fashion in the Town of Eagle and raises many concerns that need to be thought through. If this is the direction that the applicant is considering, we should start this discussion now to ensure that it is a reasonable approach for the Town to consider.

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**STANDARDS FOR SPECIAL USE PERMIT (SECTION 4.05.010):**

Listed below are the findings required by Section 4.05.010 of the Land Use & Development Code for approval of a Special Use Permit:

1. The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans, and
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, and
3. Street improvements adequate to accommodate traffic volumes generated by the proposed use and provision of safe, convenient access to the use and adequate parking are either in place or will be constructed in conjunction with the proposed use, as approved by the Town, and
4. The special conditions for specific uses, as provided in this Section, are met.

---

## **FINDINGS FOR SPECIAL USE PERMIT:**

### *Standard #1:*

1. The proposed use is consistent with the provisions of this Chapter and with the Town's goals, policies and plans,

Chapter 4.04 – Zoning of the property is Commercial Limited and allows vehicular sales and service through a Special Use Permit which is currently being requested.

However, the application includes several elements that would need variances to the provision of the Land Use and Development Code in order for the Special Use Permit to be granted including a variance to the setback requirements and a building permit for the maintenance shed constructed in the rear yard and a possible variance for the Display Area to use more than 25% of the frontage of the lot.

In reference to the Town's goals, policies and plans, please see discussion below:

The Eagle Area Community Plan (Plan) places emphasis both on Economic Development and Community Design and Appearance. Under Economic Development, the Plan encourages the Town to expand the number and diversity of businesses in Eagle and reduce leakage of shopping dollars to other areas. Under Community Design and Appearance, the Plan emphasizes the importance of maintaining and improving the appearance of the community and maintain "Sense of Community." Appropriate landscape treatment and visual quality is emphasized in the Plan. The appearance of this property is in conflict with this goal of the Plan.

### *Standard #2:*

The area surrounding Boyz Toyz along Highway 6 is commercial. On the east side across McIntire Street there is a pizza store and yoga studio. Immediately west of the property is a liquor store. However, south of the property across Fifth Street is a residential neighborhood. There is also a residential use on the property located to the east behind the pizza store on the other side of McIntire.

### *Standard #3:*

#### Street Improvements, Parking & Access:

The property has a wide curb cut along Highway 6. This site was previously occupied by a gas station. Access to the building also occurs from McIntire. I have not found any records of the access permit referenced as a condition of approval. (If the Board concurs, this condition

requiring an access permit from CDOT should be removed through this amendment.) Parking is provided in front of the store (5 spaces) and along the west side of McIntire (3 spaces). However, parking also occurs at times on the portion of Highway 6 Right of Way not used as a travel way. There has been some parking of display vehicles that encroaches into Highway 6 Right of Way. When the Special Use Permit was originally granted the Town allowed the three spaces provided in the right of way of McIntire to be credited to the required parking. The sight line west at the intersection of McIntire and Highway 6 has occasionally been impacted by parked vehicles.

---

## **PLANNING & ZONING COMMISSION:**

The Planning and Zoning Commission discussed this application during the presentation of the application and again during deliberations. The Commission asked about the duration that vehicles are parked along McIntire and if what was shown on the site plan was all within the parcel. They also inquired about how many display vehicles were necessary and how the display vehicles were purchased and whether there are any rental operations from the property. Other questions were related to where the vehicles were stored waiting for maintenance. The Commission asked about a Staff recommendation. Tom Boni responded that in this case where there is already an approval with the conditions by the Board of Trustees it is essentially a judgement call about whether to remove the requested conditions originally imposed by the Board of Trustees during their approval of this special use permit.

In addition, Tom stated that he owns a snowmobile and does not mind a two stroke engine and the noise and smoke that they create, which are not liked by many people. Questions by the Commission also addressed hours of operation and signage, the new metal building in the rear of the property and designated drop-off area along McIntire. Considerable attention was focused on the amount and length of time that storage occurs along McIntire Street. In discussions with the applicant and the Commission, the applicant agreed to construct a new privacy fence along the property line. This new fence would coincide with the property line and therefore any storage in the rear of the property would be screened by the fence. Concerns were also expressed about blocking sight distance at the intersection of Highway 6 and McIntire.

Planning Commission recommended approval with the following conditions:

1. Remove item #2, Allow temporary storage of vehicles on the east side of the building.
2. Remove item #5, Allow up to 30 vehicles for display on private property.
3. Remove item #6, the loading area will now be on McIntire.
4. Remove item #14, amend to allow shed with Town of Eagle compliance.
5. Add, Existing fence should be replaced to property line.

---

## **BOARD OF TRUSTEES**

Public Comment:

Questions of Staff and Applicant:

Deliberations:

Mayor and Trustees

Town Of Eagle

Eagle, Colorado 81631

August 1, 2016

Dear Mayor and Trustees,

I am writing to you to express my support for the Special Use Application before you for Boyz-Toyz. When they first applied to the town, I sat as a Trustee and we approved their application with a limited number of snowmobiles and atvs to be stored in front of the business. I believe the town has limited their business by not allowing more vehicles, and hope you can approve this amended Special Use. My wife and I have lived in Eagle for over 30 years just 2 blocks from Boyz-Toyz and feel they have been a good neighbor and also generated quite a sum of sales tax over the years.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce Hasbrouck", written over a light blue horizontal line.

Bruce Hasbrouck

PO Box 186

405 Wall St.

Eagle, Colorado 81631

970-390-9102

# Final Report Executive Summary



IMS Infrastructure Management Services  
1820 W Drake Drive, Suite 104, Tempe, AZ 85283  
Phone: (480) 839-4347 Fax: (480) 839-4348  
www.ims-rst.com

**To:** Deron Dirksen, Assistant Town Engineer

**Date:** 09/07/2016

**cc:** Kevin Sharkey  
Dusty Walls

**From:** Zac Thomason, National Client Services Manager

**Project:** Eagle, CO

**Subject:** Analysis Executive Summary

**Project No:** 13315

In September of 2015 IMS Infrastructure Management Services, LLC (IMS) conducted a semi-automated pavement condition assessment on 38.5 centerline miles of roadway in the Town of Eagle Colorado. The assessment was performed in a linear fashion to ensure 100% coverage along the entire length of each roadway section. The data was collected in conformance with the U.S. Army Corps of Engineers data collection protocols, often referred to as ASTM D6433-11. These protocols set the rules for the field inspections and the development of a defensible Pavement Condition Index (PCI) for each segment of roadway maintained by the Town.

## CONDITION SUMMARY

With over 30 years of experience in the pavement management industry, IMS retains an unparalleled expertise that allows our team of professionals to compare the Town of Eagle analysis results to other agencies throughout Colorado and the United States.

The health of the Town's road network can be summarized using the following 3 metrics:

- **Network Average PCI** - The Town's road network scored an average Pavement Condition Index (PCI) of 77, which is Very Good. The PCI is a 0 – 100 score that ranks the health of a roadway (100 is a brand new road) and the network average PCI is a good global indicator of a network's overall health. Currently, the national average agency PCI score seen by IMS is between a 60 and 65, which places the Town of Eagle road network well above the national averages.
- **Percent of Excellent Roads** – Eagle's percent of roads rated as Excellent (those between a PCI of 85 and 100) is 29% and is well above the minimum target of 15%. The number of roads falling into this category can illustrate if an agency is reinvesting in their network somewhere close to the Steady State requirements (annual funding needed to maintain existing conditions).
- **Backlog** - Backlog is the Very Poor and Poor roads (between a PCI of 0 and 40) that represent a portion of the network in need of extensive rehabilitation such as full and partial reconstructions or even surface removals. Using sound pavement management and finance principals, a healthy network will have a backlog of 10% or less. Fifteen percent is generally the maximum recommended backlog for underfunded agencies with twenty percent becoming the maximum sustainable. Above 20% it is very difficult to fund enough capital to the road program as there is

# Final Report

## Executive Summary



IMS Infrastructure Management Services  
1820 W Drake Drive, Suite 104, Tempe, AZ 85283  
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too much extensive rehabilitation to be completed. The Town of Eagle's backlog is .2% (excellent) which places the Town in a very healthy and positive position.

### BUDGET SCENARIOS

The details of the final report will provide further information on the IMS budgetary analysis and a brief summary of three critical budget scenarios are as follows:

*Maintain Existing Backlog* – to maintain the existing backlog at nearly 0% (currently .2%); an annual budget of \$800k is required. The net benefit of this budget scenario is a jump in the network average PCI from 77 (average at time of survey) to a 79 after a 5-year horizon.

*Selected Budget* – to maintain the existing PCI score of 77 in the Town of Eagle an annual budget of \$700k is required. At this level of funding the backlog rose slightly from .2% to 1.1%. This is a minimal increase and still places Eagle in an excellent position moving forward with a focus on not letting backlog rise above 5%.

*Control Budget* – we would recommend the Town attempt to keep their network average PCI above a minimum target of 75, resulting in annual budget of \$525k. At this level of funding the backlog rose slightly from .2% to 1.6%.

The annual budgets described above only represent the existing pavement network and do not accommodate for curb replacement, sidewalk repairs, ADA compliance, drainage work, and widening activities.

### EXECUTIVE SUMMARY CONCLUSION

While Town of Eagle should adopt a policy statement identifying the desired level of service and acceptable amount of backlog, we suggest a target that maintains the current network profile at or above a PCI of 77 for 5 years, while keeping the backlog well below 5% (anything below 10% is difficult to achieve – so a slight increase is not a worry).

An annual average budget of \$700k would result in a PCI score of 77 with 1.1% backlog and is the recommended budget.

The full recommendations and comments can be found on page 43 of the Final Report.



## Summit 2016

The Colorado Department of Transportation is proud to present the 3rd Annual Transportation Matters Summit. The focus of this year's meeting will be the Customer Experience. We will take a closer look at customer expectations and uses of all modes of transport in an effort to better deliver a high performing product/outcome for the State of Colorado. The Summit will examine how we all experience our transportation system and the effects that experience has on



our daily lives and our ability to conduct business to keep our state moving forward in a highly competitive world. We are once again partnering with the Denver Metro Chamber of Commerce in our efforts to expand the

conversation related to the needs of our state's transportation system. This year, the Summit will be held Tuesday, November 1st at the Grand Hyatt in downtown Denver.

The meeting will be a half day format with a lunch keynote followed by two rounds of break-out sessions. Spaces are going fast and the Summit is approaching sell out capacity, so register at the conference web site at this link today. <https://www.codot.gov/summit>

## CDOT Offices

Colorado Department of Transportation (CDOT) headquarters offices will soon be moving with CDOT Region 1. Seeking ways to better invest building capital resources and better position the department as the largest engineering employer in the state, the Colorado Department of Transportation (CDOT) has undertaken an analysis to upgrade its offices. Following a multi-year effort, CDOT plans to relocate the Denver Headquarters as well as offices for Region 1 (Denver Metro Area) and Region 2 (SE Colorado). Offices in the NE part of the state, Region 4, were recently moved in November 2015.

An independent facilities assessment completed by JF Sato indicated that many of the buildings in the CDOT capital building program could not be elevated to Class B office standards regardless of renovation expenses. Before making decisions on the new buildings, CDOT procured an independent facilities condition assessment. In addition to the estimates of improvements, the operating and capital costs to operate and maintain the outdated facilities are considerably higher (\$27 million over twenty years) than in new buildings. Further, when comparing the value of the State property (land and buildings) after the twenty year financing is complete, the property value of the new buildings is \$65 million greater than the value of keeping the older facilities. If this "residual value" was considered in the overall financial value of building new buildings versus renovating, the "delta" between the two options goes from a \$42 million cost to build new, to a \$23 million positive financial impact. *cont. on page 2*

# Road Usage Charge

The Western Road Usage Charge Consortium (RUC West) has been awarded \$1.5 million through the Surface Transportation System Funding Alternatives (STSFA) grant program within the Fixing America's Surface Transportation Act (FAST) Act. RUC West is a voluntary multi-state research consortium of western state DOTs. Members of RUC West work together to undertake collaborative research into systems and policy development of a potential new transportation funding method that would collect a RUC from drivers based on actual road use. Member states include: Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Texas, Utah and Washington.

Colorado's portion of these funds will kick start the state's RUC Pilot Program which will develop, implement, and evaluate a RUC system for passenger vehicles in Colorado based on current operating environments and available technology. The pilot program will recruit approximately 100 participants for a period of four months and will evaluate a range of mileage collection methods.

....cont on page 3

# CDOT Offices

....cont from page 1

The new Region 1 and state HQ site will be located south of Mile High Stadium, just south of Colfax Avenue and east of Federal Boulevard, located in the Sun Valley neighborhood. The proposed Region 2 site is located in north Pueblo near Outlook Boulevard and Wills Boulevard and will also include space for the local Colorado State Patrol offices and emergency dispatch center.

To pay for these new buildings, CDOT plans to issue \$108 million in Certificates of Participation (COPs). At the present time, historically low interest rates are close to typical construction inflation and by using COPs, CDOT avoids a large construction payment that would immediately reduce the road construction program. The existing CDOT capital building budget is \$22 million per year to maintain 1,600 facilities around the state. The annual COP expenditure for the full capital building headquarters program will add approximately \$7.8 million annually to that budget for twenty years. This additional investment represents 0.5% of CDOT's annual budget. Even if CDOT chose not to build new facilities but instead make repairs and renovations to the existing buildings, \$4.4 million annually for twenty years would still need to be added to the CDOT capital building budget.

**Key Findings of CDOT building assessment**

- Fire/life safety concerns
- Floodplain concerns
- ADA deficiencies
- Asbestos issues
- Costly capital improvement repairs including mechanical systems and glass/glazing past their useful life
- Location of Region 2 office is susceptible to future flooding



Artist rendering of the new CDOT HQ and Region 1 Offices scheduled to open in 2018

# RUC

....cont from page 2

Participants will create an account and register vehicle(s) with an account manager, select a mileage reporting option (GPS-enabled, Non-GPS-enabled, and Odometer Reading), install a mileage reporting device (if applicable to the reporting option chosen), report mileage on a periodic basis, receive/review invoices, and submit mock payments. At the conclusion of the pilot, the research team will prepare a final report that provides a summary of the pilot, lessons learned, and recommendations for future pilots and implementation.

As the average fuel economy of the American vehicle fleet continues to improve at the same time that more electric vehicles (EV) and plug-in hybrid electric vehicles (PHEVs) take to the road, it's clear that the current gas tax model – the primary source of funding for our nation's critical transportation infrastructure needs - is not a sustainable solution for future infrastructure funding. Colorado's annual funding for transportation can no longer keep pace with the costs of operating, maintaining, and improving the statewide transportation system. A recent needs and gaps analysis conducted as part of the 2040 Statewide Transportation Plan showed an estimated gap of \$1 billion annually over the next 25 years. In light of this ever growing gap in funding vs. needs, the Colorado Department of Transportation is currently exploring alternative funding methods. One such alternative is a Road Usage Charge (RUC) system. Under a RUC, highway users are charged their equitable share of using the road, instead of by the amount of fuel consumed.

For more information on the Pilot Program contact Tim Kirby, CDOT RUC Program Coordinator at 303-757-9619.

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November 1st  
Grand Hyatt Denver

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