



Administration Building
East Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
303-738-7915 TTY
303-738-7998 Audio Agenda Line

Nancy A. Doty, Chair, District 1
Nancy Sharpe, District 2
Rod Bockenfeld, District 3
Nancy Jackson, Chair Pro-Tem, District 4
Bill Holen, District 5

Public Meeting
February 9, 2016
9:30 A.M.

The Board of County Commissioners holds its weekly Public Hearing at 9:30 a.m. on Tuesdays. Public Hearings are open to the public and items for discussion are included on this agenda. Items listed on the consent agenda are adopted with one vote. Items listed under regular business are considered separately. Agendas are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Questions about this agenda, please contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com.

CALL TO ORDER

Arapahoe County Board of County Commissioners

INTRODUCTION

Ron Carl, County Attorney
Gail Stumpo, Assistant Clerk to the Board

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION TO THE AGENDA

ADOPTION OF THE AGENDA

APPROVAL OF THE MINUTES

1. BOCC Public Meeting Minutes - January 12, 2016

Documents: [BOCC PUBLIC MEETING MINUTES 01.12.2016.PDF](#)

2. BOCC Public Meeting Minutes - January 19, 2016

Documents: [BOCC PUBLIC MEETING MINUTES 01.19.2016.PDF](#)

CITIZEN COMMENT PERIOD

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3-

minute time limit per person, unless otherwise noted by the Chair.

CONSENT AGENDA

1. 1.19.2016 Warrant ACH Expenditure Report

Authorization to sign the Warrant Disbursement Register

Ron Carl, County Attorney

Documents: [1.19.2016 WARRANT ACH EXPENDITURE REPORT.PDF](#)

2. 1.25.2016 Warrant ACH Expenditure Report

Authorization to sign the Warrant Disbursement Register

Ron Carl, County Attorney

Documents: [1.25.2016 WARRANT ACH EXPENDITURE REPORT.PDF](#)

3. 2016 Signature Authority Resolution

Adoption of a resolution delegating signature authority to Elected Officials, Department Directors and employees for the year 2016

Tiffanie Bleau, Senior Assistant County Attorney

Ron Carl, County Attorney

Documents: [BOARD SUMMARY REPORT SIG AUTH RES 2016.PDF](#), [RESO SIGNATURE AUTHORITY DRAFT 2016 \(CIVICPLUS\).DOC](#)

4. Abatements

Adoption of resolution approving the recommendations of the Assessor for an abatement petition as a result of agreements reached between taxpayers and the County regarding the value of property for property tax purposes, pursuant to the terms contained therein

Julia McQueen, Business Analyst, Assessor's Office

Corbin Sakdol, Assessor

Ron Carl, County Attorney

Documents: [BOARD SUMMARY REPORT FOR FEBRUARY 19, 2013.DOC](#), [CONSENT AGENDA FEBRUARY 2016.XLS](#), [2015 RESOLUTION BOARD APPROVAL TEMPLATE.DOC](#)

5. Board of Assessment Appeals

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

Ron Carl, County Attorney

Karen Thompsen, Paralegal, County Attorney's Office

Documents: [2 FEBRUARY 9, 2016.DOC](#), [SAMPLE BAA RESOLUTION.DOC](#)

6. Board of Assessment Appeals

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

Ron Carl, County Attorney

Karen Thompsen, Paralegal, County Attorney's Office

Documents: [SAMPLE BAA RESOLUTION.DOC](#), [2 FEBRUARY 9, 2016.2.DOC](#)

7. Board of Assessment Appeals

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

Ron Carl, County Attorney
Karen Thompsen, Paralegal, County Attorney's Office

Documents: [2 FEBRUARY 9, 2016.3.DOC](#), [SAMPLE BAA RESOLUTION.DOC](#)

8. Fire Lane Resolution Copperleaf Filing 2 Lot 1, Block 2

Adoption of a resolution approving a request from KB Home that Copperleaf Filing 2 Lot 1, Block 2 be adopted into the Fire Lane Resolution program, pursuant to section 42-4-1210, C.R.S.

Jennifer Jepsen-Cook, Assistant Traffic Engineer, Public Works and Development
Dave Schmit, Director, Public Works and Development
Robert Hill, Senior Assistant County Attorney

Documents: [FIRE LANE CONSENT AGENDA KB HOMES.DOC](#), [14-041_REQUEST_EXHIBIT_FIRE LANE 2-9-16.PDF](#)

9. First Amendment to IGA Between Arapahoe County and RTD for Shared Occupancy of Chevron Building Radio Site

Adoption of a resolution authorizing the Chair of the Board of County Commissioners to sign the First Amendment to the Inter-Governmental Agreement between Arapahoe County and the Regional Transportation District (RTD) for shared occupancy of the Arapahoe County Administration Building radio site for the Statewide Public Safety Digital Trunked Radio System (DTRS) radio equipment, pursuant to the terms contained therein

Olga Fajaros, Budget and Logistics Manager, Sheriff's Office
Larry Etheridge, Chief, Support Services
David C. Walcher, Sheriff
Todd Weaver, Budget Manager, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents: [2015 BOARD SUMMARY REPORT RTD FIRST AMENDMENT.DOC](#), [2015 RESO FOR FIRST AMENDMENT RTD.DOC](#), [RTD FIRST AMENDMENT SIGNED RTD.PDF](#)

10. Joint Project Proposal - City of Aurora - Triple Creek Greenway Corridor, Phase 3

Adoption of a resolution approving the funding request from the City of Aurora for \$2,050,000 towards the Triple Creek Greenway, Phase 3 project

Josh Tenneson, Grants and Acquisitions Administrator, Open Spaces
Shannon Carter, Director, Open Spaces and Intergovernmental Relations
Janet Kennedy, Director, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents: [BSR_CA_TRIPLE CREEK III_02.09.16.PDF](#), [OSTAB REC TO BOCC TRIPLE CREEK_010516.PDF](#), [TRIPLE CREEK PHASE 3 JP REQUEST.PDF](#)

11. Litigation Settlement Agreement

Adoption of a resolution directing the Chair of the Board of County Commissioners to sign a Settlement Agreement by and between Dennis Muck and Corbin Sakdol, Arapahoe County Assessor and the Arapahoe County Board of Equalization regarding a litigation dispute pertaining to the classification of certain property, pursuant to the terms contained therein

Ben Swartzendruber, Assistant County Attorney
Corbin Sakdol, Assessor

Documents: [BSR_MUCK SETTLEMENT.DOC](#), [RESO_MUCK SETTLEMENT.DOCX](#), [MUCK \(ASSESSOR\) - SETTLEMENT AGREEMENT.DOCX](#)

12. Lot 2, Block 1, Wabash Center Subdivision Filing No. 1 – Drainage Easement Dedication

Adoption of a resolution authorizing the Chair of the Board of County Commissioners to approve and accept the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easements within Lot 2, Block 1, Wabash Center Subdivision Filing No.1 within the Four Square Mile Area of Arapahoe County, and to direct David Schmit, Director, Public Works and Development to sign the agreements, pursuant to the terms contained therein

Sue Liu, PE Engineer III, Public Works & Development
Chuck Haskins, Engineering Services Division Manager, Public Works & Development
David M. Schmit, Director, Public Works & Development
Robert Hill, Senior Assistant County Attorney

Documents: [LOT 2, BLOCK 1, WABASH CENTER SUBDIVISION FILING NO. 1 – DRAINAGE EASEMENT DEDICATION.PDF](#)

13. Select Source Purchasing Waiver for the Arapahoe County Justice Center (ACJC) Building Assessment

Adoption of a resolution directing the Chair of the Board of County Commissioners to sign a waiver of the Arapahoe County Purchasing Policies for a select source Agreement for Services with the DLR Group for \$220,500 to complete a building assessment of the Arapahoe County Justice Center as part of the Capital Improvements Program

Dick Hawes, Director, Facilities and Fleet Management
Keith Ashby, Purchasing Manager, Finance
Janet Kennedy, Director, Finance
John Christofferson, Deputy County Attorney

Documents: [CONSENT COVER - SELECT SOURCE PROCUREMENT WAIVER - ACJC ASSESSMENT.DOC](#), [RESO NO. SELECT SOURCE PROCUREMENT WAIVER - ACJC ASSESSMENT.DOC](#)

14. Select Source Purchasing Waiver for the Arapahoe County Detention Center Intake Assessment

Adoption of a resolution directing the Chair of the Board of County Commissioners to sign a waiver of the Arapahoe County Purchasing Policies for a select source Agreement for Services with Reilly Johnson Architecture for \$55,000 to complete an assessment of the Detention Center Bookings and Release Center as part of the Capital Improvements Program

Dick Hawes, Director, Facilities and Fleet Management
Keith Ashby, Purchasing Manager, Finance
Janet Kennedy, Director, Finance
John Christofferson, Deputy County Attorney

Documents: [CONSENT COVER - SELECT SOURCE PROCUREMENT WAIVER - DC INTAKE ASSESSMENT.DOC](#), [RESO NO. SELECT SOURCE PROCUREMENT WAIVER - DC INTAKE ASSESSMENT.DOC](#)

15. Southcreek Subdivision - Quitclaim of Existing Easements (2 Resolutions)

Adoption of a resolution authorizing the execution of a Quitclaim Deed to convey a portion of a permanent slope easement (dedicated to Arapahoe County by separate document) to the City of Centennial, and a resolution authorizing the execution of a Quitclaim Deed to convey all easements dedicated to Arapahoe County via the Southcreek Subdivision No. 8 plat to the City of Centennial, and to direct David Schmit to sign both Quitclaim Deeds

Spencer Smith, PE Engineer III, Public Works & Development
Chuck Haskins, Engineering Services Division Manager, Public Works & Development
David M. Schmit, Director, Public Works & Development
Robert Hill, Senior Assistant County Attorney

Documents: [BOCC PACKET_SOUTHCREEK QUITCLAIMS.PDF](#)

16. Weed Lien Releases

Adoption of a resolution releasing three liens established by Resolutions for the removal of weeds and brush for properties located at 569 South Owens Circle, Byers Colorado; 6091 South Valdai Way, Aurora, Colorado; and 16349 East Phillips Drive, Englewood, Colorado

Tammy King, Zoning Administrator, Public Works & Development
Jan Yeckes, Planning Division Manager, Public Works & Development
David M. Schmit, Director, Public Works & Development
Robert Hill, Senior Assistant County Attorney

Documents: [569 S OWENS CIR.PDF](#), [6091 S VALDAI WAY.PDF](#), [16349 E PHILLIPS DR.PDF](#)

GENERAL BUSINESS ITEMS

There are no Public Hearing or General Business resolutions to consider

COMMISSIONER COMMENTS

***Denotes a requirement by federal or state law that this item be opened to public testimony. All other items under the "General Business" agenda may be opened for public testimony at the discretion of the Board of County Commissioners.**

Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you. If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or 303-738-7915 TTY.

Please contact our office at least 3 days in advance to make arrangements.

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, JANUARY 12, 2016**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Nancy Sharpe, Chair	Commissioner District 2	Present
Nancy Jackson, Chair Pro-Tem	Commissioner District 4	Present
Nancy A. Doty	Commissioner District 1	Present
Rod Bockenfeld	Commissioner District 3	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Matt Crane	Clerk to the Board	Absent and Excused
Joleen Sanchez	Asst. Clerk to the Board	Present

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

CALL TO ORDER

Commissioner Sharpe called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Jackson to adopt the Agenda as presented.

The motion passed 5-0.

SELECTION OF THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS FOR THE YEAR 2016

Commissioner Sharpe nominated Commissioner Doty as Chair for 2016, duly seconded by Commissioner Holen.

The nomination was approved unanimously.

SELECTION OF THE CHAIR-PRO TEM FOR THE BOARD OF COUNTY COMMISSIONERS FOR THE YEAR 2016

Commissioner Doty nominated Commissioner Jackson as Chair Pro Tem for 2016, duly seconded by Commissioner Sharpe.

The nomination was approved unanimously.

SELECTION OF THE FINANCE OFFICER FOR THE BOARD OF COUNTY COMMISSIONERS FOR THE YEAR 2016

Commissioner Jackson nominated Commissioner Sharpe as Finance Officer for 2016, duly seconded by Commissioner Doty.

The nomination was approved unanimously.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Holen and duly seconded by Commissioner Sharpe to adopt the minutes of the December 8, 2015 and December 15, 2015 public meetings as presented.

The motion passed 5-0.

CEREMONIES

There were no ceremonies on this date.

CITIZEN COMMENT PERIOD

There were no citizen comments on this date.

CONSENT AGENDA

The motion was made by Commissioner Jackson and duly seconded by Commissioner Sharpe to approve the items on the Consent Agenda as presented.

The motion passed 5-0.

GENERAL BUSINESS ITEMS

There were no general business items on this date.

COMMISSIONER COMMENTS

Commissioner Jackson reminded everyone that next Monday is Dr. Martin Luther King Day. She explained why that is an important day.

Commissioner Holen echoed Commissioner Jackson's comments.

There being no other business before the Board, the public meeting was adjourned by Commissioner Doty at 9:40 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

MATT CRANE, CLERK TO THE BOARD
BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, JANUARY 26, 2016**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Nancy Doty, Chair	Commissioner District 1	Present
Nancy Jackson, Chair Pro-Tem	Commissioner District 4	Present
Nancy A. Sharpe	Commissioner District 2	Present
Rod Bockenfeld	Commissioner District 3	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Matt Crane	Clerk to the Board	Absent and Excused
Joleen Sanchez	Asst. Clerk to the Board	Present

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

CALL TO ORDER

Commissioner Sharpe called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Sharpe and duly seconded by Commissioner Holen to adopt the Agenda as presented.

The motion passed 5-0.

CEREMONIES

There were no ceremonies on this date.

CITIZEN COMMENT PERIOD

There were no citizen comments on this date.

CONSENT AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Sharpe to approve the items on the Consent Agenda as presented.

The motion passed 5-0.

GENERAL BUSINESS ITEMS

There were no general business items on this date.

COMMISSIONER COMMENTS

There were no commissioner comments on this date.

There being no other business before the Board, Commissioner Doty adjourned the meeting at 9:32 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

MATT CRANE, CLERK TO THE BOARD

BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD

REPORT FOR 01/12/2016 TO 01/19/2016

FUNDS SUMMARY:

FUNDS SUMMARY:	
10 General Fund	3,435,885.45
11 Social Services	1,053,708.55
14 Law Enforcement Authority Dist	67,679.59
15 Arapahoe / Douglas Works!	106,336.01
16 Road and Bridge	145,292.67
20 Sheriff's Commissary	11,352.58
21 Community Development	142,858.94
26 Grants	88,637.63
28 Open Space Sales Tax	69,591.56
29 Homeland Security - North Cent	8,375.03
33 Building Maintenance Fund	152,864.65
41 Capital Expenditure	170,573.18
42 Infrastructure	391.75
43 Arapahoe County Recreation Dis	4,868.23
70 Central Services	55,442.51
71 Self-Insurance Liability	4,471.45
73 Self-Insurance Workers Comp	81,292.51
74 Self-Insurance Dental	38,452.02
84 E-911 Authority	25,915.15
=====	
TOTAL	5,663,989.46

FUND REPORT - EXPENDITURE TYPE

FUND 10 EXPENDITURE REPORT

A2M4SEEN LLP	5,321.49	MISC.
A2M4SEEN LLP	2,910.32	Services And Other
ACCELA INC	5,000.98	Supplies
ACSO EMPLOYEE TRUST FUND	89,669.98	Services And Other
AEGIS ITS INC	764.00	MISC.
ALISON CRANE	24,999.99	Services And Other
ALLIED SECURITY HOLDINGS LLC	15.00	MISC.
ALSCO	9,073.48	Services And Other
AMERICAN PAN	1,773.98	Supplies
APWA COLORADO CHAPTER	289.00	Supplies
AQUA SERVE	70.00	Supplies
ARAMARK CHICAGO LOCKBOX	166.00	Services And Other
ARAMARK CHICAGO LOCKBOX	3,041.00	Services And Other
ARAPAHOE COUNTY SHERIFFS	23,151.49	Supplies
ARAPAHOE WATER AND WASTEWATER	18.40	Services And Other
ARAPAHOE/DOUGLAS	48,616.28	Services And Other
AURORA ECONOMIC DEV COUNCIL INC	2,905.00	Services And Other
BATTERY SYSTEMS INC	82,500.00	Services And Other
BC SERVICES INC	147.94	Supplies
BETTY NIMCHESKI	15.00	MISC.
BIDDLE CONSULTING GROUP	15.00	MISC.
BLUEBEAM SOFTWARE INC	1,449.00	Services And Other
BRUCKNER TRUCK SALES INC	1,149.00	Services And Other
BRUMBAUGH & QUANDAHIL PC	155.28	Supplies
CALIFORNIA STATE DISBURSEMENT UNIT	15.00	MISC.
CARLSON SYSTEMS LLC	52.15	MISC.
CARQUEST AUTO PARTS	227.78	Supplies
	285.94	Supplies

REPORT FOR 01/20/2016 TO 01/25/2016

FUNDS SUMMARY:

FUNDS SUMMARY:

10 General Fund	256,139.89
11 Social Services	100,530.63
14 Law Enforcement Authority Dist	2,411.16
15 Arapahoe / Douglas Works!	183.71
16 Road and Bridge	17,806.25
20 Sheriff's Commissary	4,725.29
21 Community Development	7,968.00
26 Grants	19,880.76
28 Open Space Sales Tax	2,399.76
29 Homeland Security - North Cent	46,053.84
33 Building Maintenance Fund	18,216.31
41 Capital Expenditure	361,650.80
42 Infrastructure	21,098.08
43 Arapahoe County Recreation Dis	6,435.95
44 Arap. County Water and Wastewa	722,750.52
70 Central Services	45,780.43
71 Self-Insurance Liability	203.32
72 Employee Flexible Benefit	1,793.00
74 Self-Insurance Dental	2,007.00
84 E-911 Authority	54,966.20
TOTAL	1,693,000.90

FUND REPORT - EXPENDITURE TYPE

FUND 10 EXPENDITURE REPORT

ACCOUNT BROKERS INC			
ADAMSON POLICE PRODUCTS	Supplies	29,486.80	15.00
ADRIANA ALVAREZ	MISC.		15.00
ALAMEDA SABLE INVESTORS LLC	Services And Other	500.00	
AMY WOODWARD	MISC.		2.50
ARAMARK CHICAGO LOCKBOX	Services And Other	5,632.00	
ARAMARK CHICAGO LOCKBOX	Supplies	47,977.06	
ARAPAHOE COUNTY SHERIFFS	Services And Other	162.62	
ARAPAHOE COUNTY SHERIFFS	Supplies	51.94	
ARAPAHOE COUNTY TREASURER Petty	Services And Other	184.59	
ARCHIVESOCIAL INC	Services And Other	2,388.00	
AT&T MOBILITY II LLC	Services And Other	202.56	
BERGKAMP INC	Supplies	149.34	
BRIDGESTONE AMERICAS INC	Services And Other	79.95	
BRIDGESTONE AMERICAS INC	Supplies	718.86	
BRUMBAUGH & QUANDTAL PC	MISC.	30.00	
CARQUEST AUTO PARTS	Supplies	84.52	
CATAPULT SYSTEMS LLC	Services And Other	21,760.00	
CHEMATOX LABORATORY INC	Services And Other	20.00	
CHILLIS RESTAURANT	Supplies	700.00	
CHRISTINE THURSTON	MISC.		15.00
COLORADO ALTERNATIVESENTENCING PGRM	Services And Other	40.00	
COLORADO BUREAU INVESTIGATION	MISC.	11,150.50	
COMCAST	Services And Other	33.99	
CRAIG PRICE	MISC.		15.00
CUMBERLAND COUNTY CSD	MISC.		15.00
CUTWATER COLORADO INVESTOR SERVICES	Services And Other	7,449.30	



Board Summary Report

Date: February 1, 2016
To: Board of County Commissioners
From: Tiffanie Bleau, Senior Assistant County Attorney
Subject: Resolution re: signature authority of department directors, officials and employees

Request and Recommendation

The purpose of this report is to discuss a proposed resolution scheduled for the February 9, 2016 consent agenda.

Background & Discussion

The BOCC has for a number of years adopted a resolution delegating authority to sign contracts and other documents, and to take certain actions, to department directors, and other officials and employees. Every year the resolution automatically expires on the date of the annual reorganization meeting in February, and a new resolution must be adopted in order to continue the delegation of authority. Consequently, a new signature authority resolution is proposed for adoption at the February 9th public meeting.

Alternatives

The alternative would be for the BOCC to approve and execute all contracts after public hearing.

Fiscal Impact

The signature authority resolution undoubtedly saves the County time and expense, in an amount that is unknown, by not requiring that all documents be approved through the consent agenda and signed by the Chair of the BOCC.

Attorney Comments

The County Attorney's Office recommends the adoption of the resolution.

Reviewed by:

Ron Carl, County Attorney

RESOLUTION NO. 160____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, the Board of County Commissioners has the authority, pursuant to Section 30-11-107 (1) (aa), C.R.S., to establish policies and procedures regarding entering into contracts binding on the County, and to delegate its power to enter into such contracts pursuant to such policies and procedures, where amounts specified in such policies and procedures and where such contracts otherwise comply with limits and requirements set forth in such policies and procedures; and

WHEREAS, the Board of County Commissioners has authority to delegate its authority with respect to other, non-contractual matters, including certain of the powers and functions described in Section 30-11-107, C.R.S. and other statutory provisions; and

WHEREAS, the Board of County Commissioners has previously adopted a Financial Management Manual and Purchasing Policies containing financial policies and procedures related to contract amounts, limits and requirements; and

WHEREAS, the Board of County Commissioners has elected to delegate to various County officials and employees its authority concerning specific powers and functions as specified in this Resolution, and consistent with applicable law and any existing policies and procedures not specifically superseded by this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, that, from the date of passage of this resolution until the Board's annual reorganization meeting in the year 2016, the following officials and employees of Arapahoe County shall have the delegated authority of the Board of County Commissioners to sign specific types of contracts, agreements, forms, and property-rights-related documents, and to exercise other functions, as follows:

NAME, DEPARTMENT, TYPE OF DOCUMENTS/CONTRACTS

Dick Hawes, Facilities and Fleet Management (and a designee when Dick Hawes is on leave)

- Agreements for services, goods or the lease/rental of property
- Agreements necessary for emergency purchases (as defined in Section 5.3 of the Financial Management Manual) of goods and services
- Agreements pertaining to capital projects including design services, site preparation, utilities, construction services, fixtures and equipment, and amendments/change orders thereto
- Approval of contractor payment applications
- Authority to make decisions relating to design, construction and contractor issues

- Documents necessary for capital project close-out
- Documents necessary to obtain land use or permit approvals from jurisdictions that have regulatory authority over the property being developed
- Intergovernmental Agreements and Memorandums of Understanding related to facility projects
- License Agreements for installation and maintenance of improvements or additions to facilities
- Memorandums of Understanding (MOU's) with SEMSWA and/or other similar agencies related to facility projects
- Awards on requests for qualifications, proposal or bid

Dave Schmit, Public Works and Development (and a designee when Dave Schmit is on leave)

- Granting probationary or final acceptance for public improvements associated with private development, including both partial reductions of and complete releases of collateral
- Placement of signs in accordance with the adopted Manual on Uniform Traffic Control Devices (MUTCD)
- Community Acknowledgements for Conditional Letters of Map Revisions (CLOMR's), Letters of Map Revisions (LOMR's) and Letters of Map Amendments (LOMA's) and public notification letters regarding floodplain and floodway revisions
- Agreements for services, goods or the lease/rental of property
- Agreements pertaining to capital projects including design services, site preparation, utilities, construction services and amendments/change orders thereto
- Documents necessary for capital project administration, management and close-out
- Limited authority/power as designated by the BOCC regarding contracts for manpower and for equipment in emergency situations (i.e. blizzards, tornadoes, floods, etc.)
- Draws on Letters of Credit
- Intergovernmental Agreements and Memorandums of Understanding related to Public Works and Development projects and issues

- Authorization to sign reimbursement agreements with developers for reimbursement of funds in excess of the developer's requirements
- Waivers of public improvement requirements and or GESC collateral for projects involving public entities
- Traffic Signal Escrow Agreements
- Landscape Agreements
- Agreements to Abate Zoning Violations
- Private Street Agreements
- Transit Shelter Agreements
- Memorandums of Agreement for conveyance of rights-of-way and easements to the County (Board required to accept conveyances)
- License Agreements for installation and maintenance of improvements or additions within public rights-of-way
- Fee waivers or reductions where land use applications are withdrawn
- Closure of roads within unincorporated Arapahoe County for a period of time not to exceed 20 days where due to construction activities closure is necessary for traffic safety and for protection of work crews and road equipment
- Subdivision improvement agreements, including any amendments, extensions, releases of collateral, escrow agreements, and consent to conveyance and assumption of liability agreements
- Intergovernmental agreements with CDOT related to the utilization of federal funds on County Capital Improvement Projects, including provisions requiring the County to provide matching funds and to expend funds as authorized in the department's approved budget
- MS4 Permit security agreements for public or partner agencies
- Stormwater Facility Maintenance Agreements
- Partnership Agreements and MS4 Partnerships (with SEMSWA or similar agencies)
- Memorandums of Understanding (MOU's) with SEMSWA and/or other similar agencies

- National Flood Insurance Program (NFIP) Community Rating System (CRS) Annual Recertification and Cycle Verification Forms
- Oil and Gas Memorandums of Understanding in such form approved by the Board
- Agreements with HOA's to allow private snowplowing of HOA property

David Bessen, Information Technology

- Agreements for services, goods or the lease/rental of property
- Computer hardware, software and other IT related agreements

Cheryl Ternes, Human Services (and a designee when Cheryl Ternes is on leave)

- Foster Care Contracts
- Day Care Contracts
- Contracts for programs or expenditures specifically approved by the BOCC in the budget process or plan approval process
- Agreements for services, goods or the lease/rental of property
- Memorandums of Understanding that do not require BOCC signature
- Grant applications, certifications and agreements where no matching funds are required, and no FTE's are hired or fixed assets purchased (unless approved by the BOCC)
- Agreements with sub-grantees/recipients

Patrick Hernandez, Human Resources

- Advertising Contracts
- Agreements for services, goods or the lease/rental of property
- Insured Benefit Consulting Contracts
- Contracts associated with employee insurance and other benefits

Don Klemme, Community Resources

- Agreements for services, goods or the lease/rental of property

- Grant applications, certifications and agreements, where no matching funds are required, and no FTE's are hired or fixed assets purchased (unless approved by the BOCC)
- Agreements with sub-grantees/recipients
- Service plans for submission to grant agencies
- Administrative documents/certifications necessary to obtain the release of grant funds or to close out grant fiscal periods
- Memorandums of Understanding that do not require BOCC signature
- Maintenance and repair contracts for all copiers, FAX machines, printers, filmer/endorsers or other similar office equipment

Janet Kennedy, Finance (and a designee, when Janet Kennedy is on leave)

- Agreements necessary for emergency purchases (as defined in Chapter 7 of the Arapahoe County Purchasing Policy) of goods and services
- Agreements for services, goods or the lease/rental of property
- Awards on requests for qualifications, proposal or bid
- Purchase Orders
- Agreements and other documents relating to grants for North Central Region (Homeland Security)

Keith Ashby, Finance, Purchasing Manager

- Purchase Orders
- Awards on requests for qualifications, proposal or bid

Ron Carl, County Attorney (and a designee when Ron Carl is on leave)

- Authorization to affix a facsimile of the Chairman's signature to Board of Equalization decisions as approved by the Board of Equalization
- Signature authority on Board of Assessment Appeals Stipulations and Arbitration Stipulations as agreed to by the Assessor
- Authorization to affix a facsimile of the Chair's signature to Abatement Decisions as approved by the Board

- Agreements for services, goods or the lease/rental of property
- Maintenance and repair contracts for all copiers, FAX machines, printers, filmer/endorsers or other similar office equipment

Matt Crane, County Clerk and Recorder

- Agreements for services or the purchase or lease of goods, in an amount not to exceed \$50,000, with prior notification to the Board of County Commissioners

Sue Sandstrom, Treasurer

- Agreements for services or the purchase or lease of goods, in an amount not to exceed \$50,000, with prior notification to the Board of County Commissioners

Corbin Sakdol, Assessor

- Agreements for services or the purchase or lease of goods, in an amount not to exceed \$50,000, with prior notification to the Board of County Commissioners
- Change orders for the Manatron/Thompson Reuters Agreement that are within the project budget, with prior notification to the Board of County Commissioners

Andrea Rasizer, Communication Services

- Agreements for services, goods or the lease/rental of property
- Advertising Agreements
- Sponsorship Agreements

Director of the Department of Strategy and Performance

- Agreements for services, goods or the lease/rental of property

Shannon Carter, Intergovernmental Relations and Open Spaces

- Agreements for services, goods or the lease/rental of property
- Agreements pertaining to capital projects including design services, site preparation, utilities, construction services, fixtures and equipment, and amendments/change orders thereto
- Approval of contractor payment applications
- Authority to make decisions relating to design, construction and contractor issues

- Documents necessary for capital project close-out
- Documents necessary to obtain land use or permit approvals from jurisdictions that have regulatory authority over the property being developed
- Maintenance and repair contracts for all copiers, FAX machines, printers, filmer/endorsers or other similar office equipment
- Awards on requests for qualifications, proposal or bid
- Intergovernmental Agreements with other governmental entities related to the Arapahoe County Recreation District and the Open Spaces Program
- Rental Agreements for the use of the Arapahoe County Fairgrounds
- Arapahoe County Fair Exhibitor/Vendor/Services Agreements
- Closing documents related to open space transactions approved by the BOCC
- Grant applications, certifications and agreements, where no matching funds are required, and no FTE's are hired or fixed assets purchased (unless approved by the BOCC)
- Memorandums of Understanding that do not require BOCC signature

David C. Walcher, Sheriff

- Agreements and other documents relating to grants for the North Central Region (Homeland Security)
- Agreements for services or the purchase or lease of goods, in an amount not to exceed \$50,000, with prior notification to the Board of County Commissioners
- Ambulance licenses

Kelly Lear-Kaul, Coroner

- Agreements for services or the purchase or lease of goods, in an amount not to exceed \$50,000, with prior notification to the Board of County Commissioners

All said authority is subject to all applicable statutory and regulatory limitations and restrictions, including any law, policy or procedure that is adopted subsequent to the date of this Resolution. In addition, all authority granted herein must be exercised in conformance with all budgets, policies, plans and resolutions of the Board of County Commissioners, and all documents which create legal rights or obligations must be approved as to form by the County Attorney's Office.

Said authority is granted at the pleasure of the Board of County Commissioners, and may be withdrawn by the Board of County Commissioners at any time, in whole or in part, with or without reason or cause.

The vote was:

Commissioner Bockenfeld, ___; Commissioner Doty, ___; Commissioner Holen, ___;
Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: January 13, 2015
To: Board of County Commissioners
Through: Corbin Sakdol, Assessor
From: Julia McQueen, Business Analyst
Subject: Abatements (1 Resolution Number)

Purpose and Recommendation

The purpose of this request is to obtain the authorization for the Chair to sign a resolution approving the recommendations of the Assessor concerning the listed abatements.

Background

These abatements were filed by the Assessor's Office. C.R.S. 39-1-113(1) states, "...no decision on any petition regarding abatement or refund of taxes shall be made unless a hearing is had thereon..."

Discussion

The following approved abatements are the recommendation of the Assessor.

Per attached listing

I NEED 1 RESOLUTION NUMBER

Alternatives

Fiscal Impact

A decrease in the taxes collected on approved petitions.

Concurrence

The Assessor and County Attorney support these recommendations.

Reviewed By

Ronald A. Carl, County Attorney
Corbin Sakdol, Assessor
Julia McQueen, Business Analyst

Consent Agenda 2/09/2016

Parcel/Schedule Number	Petitioner Name and Address	Year(s)	previous tax	new tax	refund
1977-00-0-00-372	R.L. Steenrod Jr. Personal Representative VACANT LAND	2014	39,387.03	1,272.99	\$38,114.04

This petition is based on "Overvaluation" and the recommendation for approval is based on C.R.S. 39-10-114(1) (a)(I)(A).

TOTALS	\$39,387.03	\$1,272.99	\$38,114.04
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when the following proceedings, among others, were had and done to-wit:

RESOLUTION NO. 150 It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, the Board of County Commissioners of Arapahoe County met at a duly and lawfully called meeting held on Tuesday, _____, 2015; and

WHEREAS, the Board at that time considered Petitions for Abatement or Refund of Taxes as submitted by various taxpayers and as contained within an Agenda Memorandum to the Board; and

WHEREAS, applicable procedures, due process, and requirements of notice were followed pursuant to Sections 39-1-113 and 39-10-114, C.R.S.; and

WHEREAS, no Petitioners or representatives of the Arapahoe County Assessor were present, although both parties were afforded notice; and

WHEREAS, the Board received comments from the County Attorney, received exhibits and reviewed the record as represented by an Agenda Memorandum summarizing the Petitions and the Arapahoe County Assessor recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. That the Petition (per attached list), presented this date to the Board and relating to the schedule number set forth therein, shall be and are hereby granted, the recommendation of the Assessor is hereby adopted and abatements or refunds in the amounts approved by the Assessor are hereby approved by the Board.

Petitioner	Parcel Number	Year(s)	Refund
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The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: February 9, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket number has been stipulated to for the tax year indicated below.

Tax Year	Docket #	Property Owner	Property Address	Reason	Original Value	Stipulated Value
2015/ 2016	65942	Comcast ABB Network Solutions, Inc.	8000 East Iliff Avenue	1.	\$10,476,000	\$10,137,445
2015/ 2016	66017	W. Douglas and Carol C. Moreland	1655 East Layton Drive	2.	\$4,922,600	\$4,420,600
2015/ 2016	66151	Robert E. and Barbara A. DeLong	8 Hunter Run Lane	3.	\$1,869,100	\$1,700,000
2015/ 2016	66191	GIJV Den, LLC	7300 South Alton Way, Unit 2H	4.	\$19,967,000	\$19,227,375

Reasons

1. \$8.00 NNN model indicates that an adjustment to this value is correct.
2. Market sales support an adjustment to the value as indicated.
3. Comparable market sales indicate adjustment to this value is correct.
4. Consideration of actual income and expenses support this value.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:

Ronald A. Carl, County Attorney
Karen Thompsen, Paralegal

RESOLUTION NO. 150XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
-----------------	-----------------------	-----------------

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 150XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
-----------------	-----------------------	-----------------

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: February 9, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket number has been stipulated to for the tax year indicated below.

Tax Year	Docket #	Property Owner	Property Address	Reason	Original Value	Stipulated Value
2015/ 2016	66030	John R. and Susan S. Homburger	25303 East Kettle Place	1.	\$531,792	\$409,000
2015/ 2016	66060	Ivan S. Naiman	6 Gooseberry Lane	2.	\$3,275,000	\$2,805,600
2015/ 2016	66095	Alton Way Office Village, LLC	7354 South Alton Way, #102 et al	3.	\$4,200,593	\$4,014,105
2015/ 2016	66152	Jack R. Lilienthal	701 South Watson Lane	3.	\$1,883,800	\$1,784,250
2015/ 2016	66223	7600 Grant, LLC	7600 South Grant Street	4.	\$1,216,000	\$1,170,000
2015/ 2016	66230	JR/IL Golden Properties, Inc.	679 West Littleton Blvd	2.	\$624,900	\$570,000

Reasons

1. Inspection of the property resulted in revaluation of the out buildings.
2. Comparable market sales indicate that an adjustment to this value is correct.
3. Comparable market sales support this value.
4. Market data indicates that an adjustment to this value is correct.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:

Ronald A. Carl, County Attorney
Karen Thompsen, Paralegal



Board Summary Report

Date: February 9, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket number has been stipulated to for the tax year indicated below.

Tax Year	Docket #	Property Owner	Property Address	Reason	Original Value	Stipulated Value
2015/ 2016	66240	Asbury Investments Group, LLC	6284 South Nome Court	1.	5,732,000	\$5,630,600

Reasons

1. Income model and market sales indicate an adjustment to this value is correct.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:
Ronald A. Carl, County Attorney
Karen Thompsen, Paralegal

RESOLUTION NO. 150XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
-----------------	-----------------------	-----------------

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: January 28, 2016
To: Board of County Commissioners
Through: David M Schmit, P.E., Director, Public Works and Development
From: Jennifer Jepsen-Cook, Assistant Traffic Engineer
Subject: Consent for Fire Lane Resolution

Request and Recommendation

KB HOME is asking that Copperleaf Filing 2 Lot 1, Block 2 be adopted into the Fire Lane Resolution program. Cunningham FPD has determined that in the interest of safety, these lanes should be marked and determined enforceable under said resolution.

The Board of County Commissioners has the authority pursuant to section 42-4-1210, C.R.S. to designate areas on private property for authorized vehicles. The Board of County Commissioners also has authority pursuant to 18-9-117, C.R.S. to adopt rules for regulating use of public property.

Background

Cars parked in fire lanes block the access of emergency vehicles. Therefore, a Fire Lane restriction is warranted.

Discussion

This Transportation Division has reviewed the attached request and supports this resolution.

Alternatives

Approve or deny said request.

Fiscal Impact

There is no fiscal impact.

Concurrence:

Arapahoe County Sheriff's office and Cunningham Fire Protection District support this resolution.

Attorney Comments

N/A

Reviewed By:

Staff Member – Jennifer Jepsen-Cook
Department Director or Elected Official – Dave Schmit
County Attorney – Robert Hill

FIRE LANE DESIGNATION

RESOLUTION NO. It was moved by Commissioner and duly seconded by Commissioner to adopt the following Resolution:

WHEREAS, Section 42-4-1210, C.R.S., allows the Board of County Commissioners to designate certain areas on private property for use by authorized vehicles only; and

WHEREAS, on August 25, 1981, the Board of County Commissioners adopted Resolution No. 891-81 which established certain procedures to be utilized to designate such areas for enforcement by the Arapahoe County Sheriff's Office; and

WHEREAS, in relation to this matter, the KB HOME has submitted a request to designate certain parking and drive areas within Copperleaf Filing 2 Lot 1, Block 2, for use by authorized vehicles only; and

WHEREAS, a map has been submitted with said request showing said areas to be designated as required by the Board of County Commissioners; and

WHEREAS, the Transportation Division of the Arapahoe County Department of Public Works and Development has referred this matter to the Arapahoe County Attorney, Arapahoe County Sheriff's Office and the Cunningham Fire Protection District for review and comment as required by the Board of County Commissioners; and

WHEREAS, there has been no objection to said designation by any of the aforementioned agencies; and

WHEREAS, on the basis of the above request and referrals, and the authority of the Board of County Commissioners pursuant to Section 42-4-1210, C.R.S., the Board desires to designate certain areas within as Fire Lanes and/or Emergency Parking Only.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

- 1) The Board hereby designates those areas within Copperleaf Filing 2 Lot 1, Block 2 as shown on the map as submitted, as Fire Lanes and/or Emergency Vehicle Parking Only.
- 2) The Board hereby directs the Transportation Division of the Department of Public Works and Development to notify the Arapahoe County Sheriff's Office, the Cunningham Fire Protection District, and KB HOMES of said designation by the Board.
- 3) The Board hereby directs that enforcement of said designated areas begin as soon as the Arapahoe County Traffic Engineer approves the signage and markings as being consistent with the Manual on Uniform Traffic Control Devices.
- 4) In the event that additional or different signage or markings for this site are required by the Arapahoe County Transportation Division, no cost shall be borne by Arapahoe County for installation of said signage or markings.
- 5) All said signs and markings shall be keyed to the Manual on Uniform Traffic Control Devices for all classes of streets and highways as adopted by the Colorado Department of Transportation and said signs shall be erected in accordance with said Manual at approximately the location(s) designated on the diagram submitted with said request and as approved by the Arapahoe County Transportation Division.
- 6) Designation of said areas shall continue until the Board of County Commissioners receives written notice from , that their request for designation is withdrawn.

- 7) Any fines or forfeitures collected by the courts for violations of Section 42-4-1210, C.R.S., shall be paid into the treasury of Arapahoe County monthly.

RESOLUTION NO. _____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the (Name of Contract, Policy, or other item being presented for approval) as presented to the Board of County Commissioners on this date.

The vote was:

Commissioner Bockenfeld, ____; Commissioner Doty ____; Commissioner Holen ____; Commissioner Jackson ____; Commissioner Sharpe, ____.

The Chair declared the motion carried and so ordered.



January 27, 2016

Arapahoe County Public Works and Development
Transportation Division
6924 South Lima Street
Centennial, CO 80112

RE: Case P15-006 & P 15-007 Copperleaf #12, Final Development Plan & Final Plat

Property Legal Description:

LOT 1, BLOCK 2, COPPERLEAF FILING NO. 2, RECORDED AT RECEPTION NO. B6106703 OF THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO.

Dear Jennifer Jepsen-Cook;

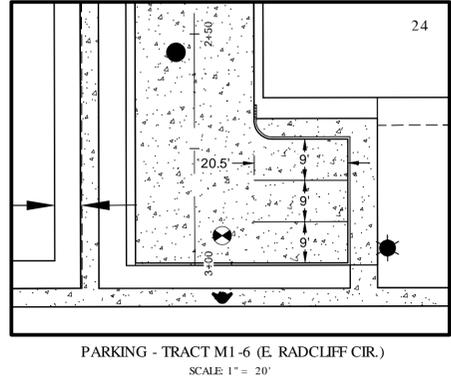
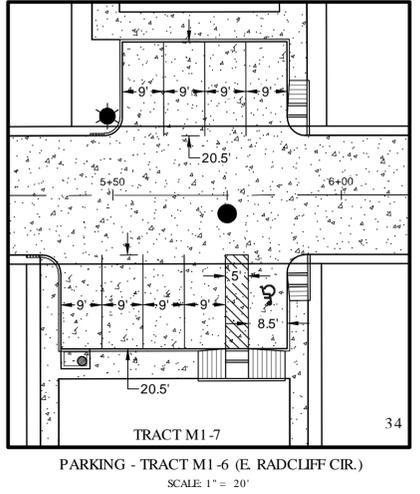
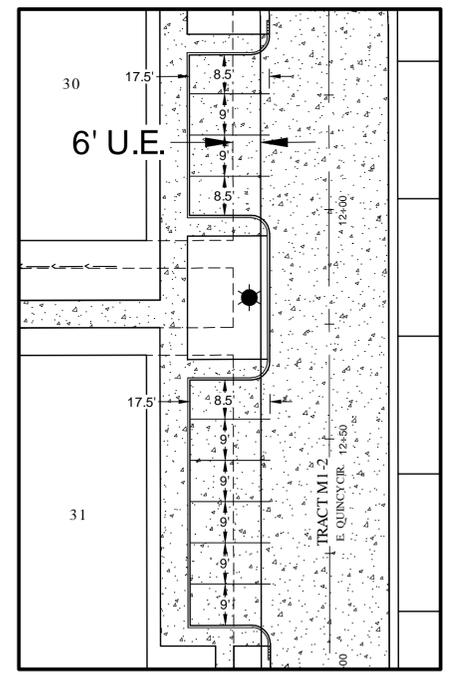
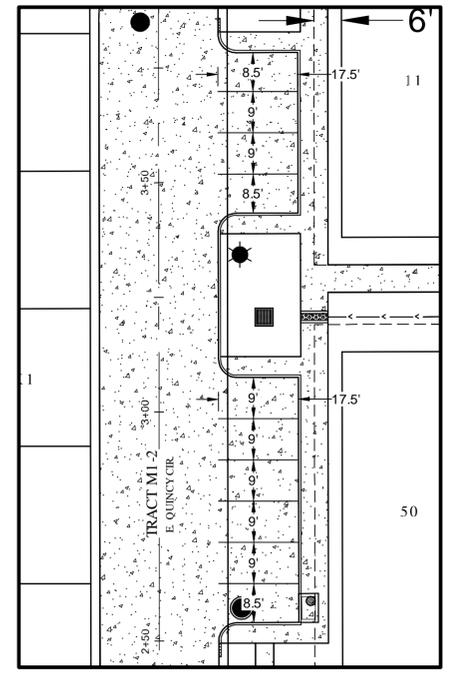
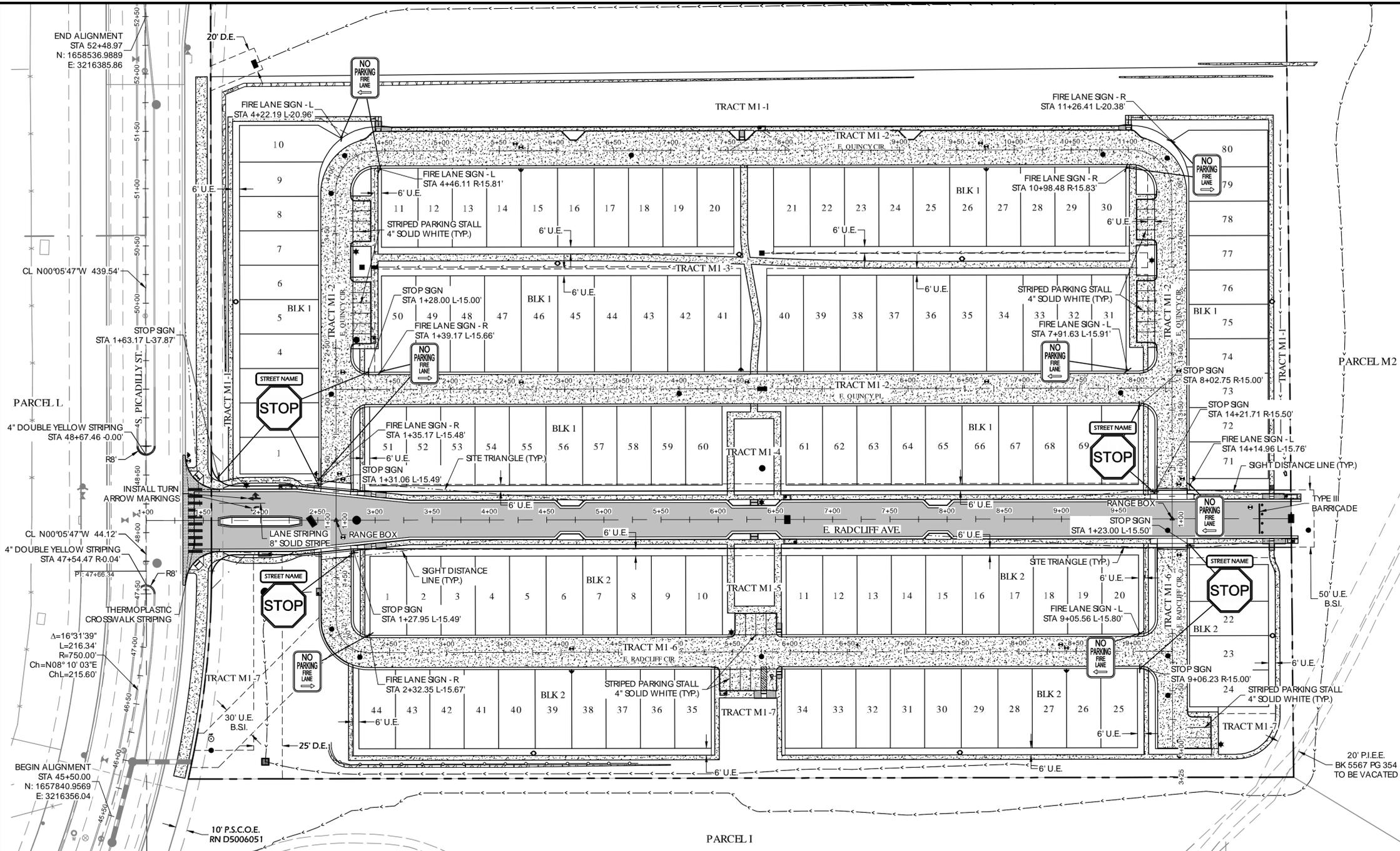
Please accept this letter for the property described above as a formal request to the Board of County Commissioners to approve a resolution to provide that the private drive aisles as shown on the attached signage and striping plan be accepted by Arapahoe County as fire lanes per the standards of the Cunningham Fire Protection District.

Sincerely;

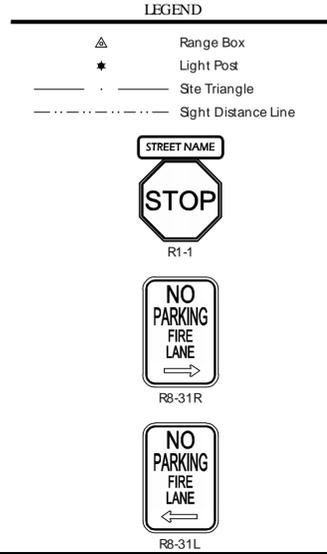
A handwritten signature in blue ink, appearing to read 'Morris Barbera', with a long horizontal flourish extending to the right.

Morris Barbera, VP: Entitlement and Land Development
KB Home Colorado Inc.

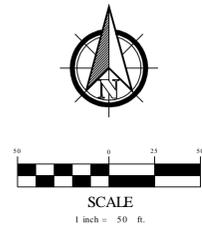
I:\JOB FOLDERS\1027 - KB HOMES\1027-01\PROD\CONST\STRIPING - PRINTED ON: 12/16/2015 6:37 PM



- SIGNING AND STRIPING NOTES:**
- ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE FEDERAL "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD), THE COLORADO SUPPLEMENTAL MUTCD AND THE "ARAPAHOE COUNTY INFRASTRUCTURE DESIGN & CONSTRUCTION STANDARDS". FURTHER SPECIFICATIONS AND ILLUSTRATIONS ARE LOCATED IN THE COLORADO DEPARTMENT OF TRANSPORTATION'S M&S STANDARDS.
 - A FIELD INSPECTION OF LOCATION AND INSTALLATION OF ALL SIGNS SHALL BE PERFORMED BY ARAPAHOE COUNTY. ALL DISCREPANCIES IDENTIFIED DURING THE FIELD INSPECTION MUST BE CORRECTED BEFORE THE TWO-YEAR WARRANTY PERIOD SHALL BEGIN.
 - THE CONTRACTOR INSTALLING SIGNS IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES.
 - SPECIAL CARE SHOULD BE TAKEN IN SIGN LOCATIONS TO ENSURE AN UNOBSTRUCTED VIEW OF EACH SIGN. IN URBAN AREAS 7-FOOT MINIMUM POST LENGTH SHALL BE MAINTAINED FROM BOTTOM OF THE SIGN PANEL TO THE NEW EDGE OF PAVEMENT. REFER TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD) FOR ADDITIONAL HEIGHT REQUIREMENTS IN URBAN AREAS.
 - LATERAL OFFSET SHALL BE 8-FEET MINIMUM FROM FLOWLINE ON COLLECTORS AND ARTERIALS AND 6-FEET MINIMUM ON LOCAL ROADWAYS.
 - SIGNAGE AND STRIPING HAS BEEN DETERMINED BY INFORMATION AVAILABLE AT THE TIME OF REVIEW. PRIOR TO INITIATION OF THE WARRANTY PERIOD, ARAPAHOE COUNTY RESERVES THE RIGHT TO REQUIRE ADDITIONAL SIGNAGE AND/OR STRIPING IF THEY DETERMINE THAT AN UNFORESEEN CONDITION WARRANTS SUCH SIGNAGE ACCORDING TO MUTCD OR CDOT M&S STANDARDS. ALL SIGNAGE AND STRIPING SHALL FALL UNDER THE REQUIREMENTS OF THE TWO (2) YEAR WARRANTY PERIOD FOR NEW CONSTRUCTION.
 - ON ALL SIGNAGE AND STRIPING PLANS IN THE "ACCEPTANCE BLOCK", IN ADDITION TO THE COUNTY TRAFFIC ENGINEER SIGNATURE AND DATE LINES A SIGNATURE AND DATE LINE SHALL ALSO BE PROVIDED FOR THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS.
 - ALL TRAFFIC CONTROL DEVICES SHALL BE HIGH INTENSITY GRADE REFLECTIVITY.
 - ALL REMOVED SIGNS SHALL BE RETURNED TO ARAPAHOE COUNTY.
 - SEE CDOT DETAIL S&14-2 FOR SIGN INSTALLATION DETAILS.
 - SIGN ARE CLASS 1 SIGN PANELS WITH 0.08" THICK SINGLE SHEET ALUMINUM.
 - RETROREFLECTIVE SHEETING OF THE SIGNS SHALL BE TYPE III AND CONFORM TO ASTM D4956.



PROJECT BENCHMARK:
 CITY OF AURORA BENCH 5S8610NE002 (AKA RV-105) BEING A CHISELED TRIANGLE SET ON THE WESTERLY CONCRETE BASE OF A HIGH TENSION POWERLINE TOWER 170+ FEET NORTH OF THE INTERSECTION OF SOUTH RESERVOIR ROAD AND SOUTH HIMALAYA STREET.
 NGVD29 ELEVATION = 5802.32



12071 Tejon Street, Suite 470
 Westminster, CO 80234
 Phone 303.421.4224
 www.innovativelandinc.com

Innovative Land Consultants, Inc.

Revision Type:	Revision No.:	Revision Date:	Revision Description:
	1		
	2		
	3		
	4		
	5		
	6		

Date: December 17, 2015
 Sheet: 28 of 35
 Horiz. Scale: 1" = 50'
 Vert. Scale: N/A

Designed By: ROC
 Prepared By: BID
 Approved By: TRH

Copperleaf Filing No. 12
 Arapahoe County, Colorado
 Street and Storm Sewer Construction Plans
 Signing & Striping Plan

NOT FOR CONSTRUCTION

811
 Know what's below.
 Call before you dig.

Sheet: 28



David C. Walcher
Sheriff

OFFICE OF THE SHERIFF
13101 E. Broncos Parkway
Centennial, Colorado 80112
Phone: 720-874-4176
Fax: 720-874-4158
www.arapahoesherriff.org
sheriff@arapahoegov.com

Board Summary Report

Date: January 8, 2016

To: Board of County Commissioners

Through: David C. Walcher, Sheriff

From: Olga Fajaros, Budget & Logistics Manager

Subject: First Amendment to IGA Between Arapahoe County and RTD for Shared Occupancy of Chevron Building Radio Site.

Request and Recommendation

Request the Board of County Commissioners to authorize the Chair of the Board of County Commissioners to sign the First Amendment to the Inter-Governmental Agreement between Arapahoe County and the Regional Transportation District (RTD) for shared occupancy of the Arapahoe County Administration Building radio site for the Statewide Public Safety Digital Trunked Radio System (DTRS) radio equipment.

Background

RTD shares the telecommunications tower site, as part of a separate agreement to share the site with the Arapahoe County Sheriff's Office to enhance their radio communications. RTD has agreed to pay for a total of eighteen (18) RTD Owned repeaters installed at the Radio Site, to be available for RTD radio capacity as well as other public safety use, and to be operated and maintained by the County.

Links to Align Arapahoe

The Arapahoe County Sheriff's Office maintaining these radio repeaters will optimize use of resources.

Discussion

RTD entered into an IGA on March 3, 2011 which provides for three radio repeaters to be located at the Radio Site. The repeaters are owned by RTD but are operated and maintained by the County, and provide radio system capacity for RTD as well as other public communications.

This original IGA is for five years and will expire in March 2016. The IGA will be renewed and extended for an additional 5 years by this written agreement.

The compensation for occupancy of the Radio Site for the term of the IGA was for three-sixteenths (3/16) of the total annual payment to the building owner. This formula was based on the number of repeaters

at the site, which was sixteen (16) and is now eighteen (18). The new formula will be three-eighteenths (3/18) of the total annual payment to the building owner.

Alternatives

The alternative is not to allow RTD the use of the radio site forcing RTD to undergo costly construction of a new radio site for the communication equipment, which may impede communication during an emergency.

Fiscal Impact

RTD will pay a sum of three-eighteenths (3/18) of the total annual payment the County now pays to the building owner.

Concurrence

The Sheriff's Office Support Services Bureau is in concurrence with this decision.

Attorney Comments

Reviewed By:

Olga Fujaros, Budget & Logistics Manager
Larry Etheridge, Support Services Chief
David C. Walcher, Sheriff
Finance Department
County Attorney

RESOLUTION NO. It was moved by Commissioner and duly seconded by Commissioner to authorize the Chair of the Board of County Commissioners to sign the First Amendment to the Intergovernmental Agreement by and between Arapahoe County and the Regional Transportation District relating to the shared use of the Chevron Building Radio Site for emergency communication equipment, pursuant to the terms contained therein.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen , ; Commissioner Jackson, ; Commissioner Sharpe, ;

The Chair declared the motion carried and so ordered.

FIRST AMENDMENT
TO
INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN
ARAPAHOE COUNTY AND
THE REGIONAL TRANSPORTATION DISTRICT (RTD)
FOR SHARED OCCUPANCY OF THE CHEVRON BUILDING RADIO SITE

THIS AMENDMENT ("Amendment") TO IGA BETWEEN ARAPAHOE COUNTY AND RTD FOR SHARED OCCUPANCY OF THE CHEVRON BUILDING RADIO SITE ("Radio Site"), is made this ___ day of ___, 2016, by and between Arapahoe County ("County") and the Regional Transportation District ("RTD"), a political subdivision of the State of Colorado.

WHEREAS, the County and RTD entered into an IGA on March 3, 2011, which provides for three radio repeaters to be located at the Radio Site. The repeaters are owned by RTD but are operated and maintained by the County, and provide radio system capacity for RTD as well as other public communications.

WHEREAS, the term of the original IGA is for five (5) years, and it will expire in March 2016. The IGA will be renewed and extended for an additional 5 years by this written amendment.

WHEREAS, the compensation for occupancy of the Radio Site for the term of the IGA was for three sixteenths (3/16) of the total annual payment to the building owner. This formula was based on the number of repeaters at the site, which was sixteen (16) and is now eighteen (18). The new formula will be three eighteenths (3/18) of the total annual payment to the building owner.

WHEREAS, the Chevron Building Radio Site license agreement between Arapahoe County and Property Colorado OBJLW One Corporation ("License Agreement") expires December 31, 2015. The License Agreement will be renewed and extended for an additional five (5) years, and is attached to this amendment as Exhibit B.

THEREFORE, the parties agree as follows:

1. Compensation.

- A. The above recitals are part of this agreement.
- B. The County shall invoice RTD annually for the amount described above, which will be payable within 60 days.
- C. This and any other invoices shall be sent to:
RTD
Manager of Technical Communications
1900 31st Street, DO-M2
Denver, CO 80216

2. Term.

- A. The term of this Agreement shall be five (5) years from the effective date, which shall be the date of the last and final signature to this amendment to the agreement, unless otherwise terminated in accordance with this agreement.

3. Renewal.

- A. The agreement shall be renewed and extended for additional terms only by a written amendment executed by the Parties.

IN WITNESS WHEREOF, the Parties have caused this Amendment to IGA Between Arapahoe County and Regional Transportation District For Shared Occupancy of the Chevron Building Radio Site to be executed by its duly authorized representatives.

ARAPAHOE COUNTY, COLORADO

REGIONAL TRANSPORTATION DISTRICT

 11-17-15

Signature Date

Signature Date

Name: _____

Name: DAVID A. GENOVA

Title: _____

Title: MEMBER GENERAL MANAGER; CEO

APPROVED AS TO LEGAL FORM FOR THE
REGIONAL TRANSPORTATION DISTRICT



LEGAL COUNSEL

INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN
ARAPAHOE COUNTY AND
THE REGIONAL TRANSPORTATION DISTRICT (RTD)
FOR SHARED OCCUPANCY OF THE CHEVRON BUILDING RADIO SITE

THIS AGREEMENT is made between Arapahoe County (County) and the Regional Transportation District (RTD) for the joint occupancy of the Plaza Tower One Building, also known as the Chevron Building Radio Site ("Radio Site") operated by the County. RTD is a political subdivision of the State of Colorado whose enabling act is found at C.R.S. 32-9-101, et seq. This agreement shall be effective on the date of the last and final signature to this agreement.

RECITALS

- A. The County and RTD are both members of the Consolidated Communications Network of Colorado, Inc. (CCNC), which manages the Digital Trunked Radio System (DTRS), which serves the public safety communications needs of the region through a cooperative and collaborative effort to share radio sites, frequencies, planning and cost.
- B. The County operates a public safety radio site located within spaced owned by Property Colorado OBJLW One Corporation, an Oregon corporation, and leased from the management company, CB Richard Ellis, Inc. This site is located at a building commonly known as Plaza Tower One, 6400 South Fiddlers Green Circle, Greenwood Village, Colorado 80111 at which it has allowed public safety and other governmental users to locate radio communications equipment. Historically, the CCNC has referred to this site as the Chevron Building Radio Site.
- C. RTD desires to locate radio communication equipment as more particularly described in **Exhibit A** ("Equipment") located in the Radio Site.
- D. The main purpose of the Radio Site is for emergency and public safety communications operations of the County and other members of the DTRS.
- E. The County and RTD, by completing this agreement are entering into an arrangement which saves public money, avoids duplication of facilities, and fosters cooperation among public agencies. This agreement also provides for increased interoperability among public agencies during an emergency.

NOW, THEREFORE, in consideration of the mutual covenants and commitments made herein, the Parties agree as follows:

AGREEMENT

1. PURPOSE.

1.1 Purposes. The general purposes of this Agreement are:

- A. To facilitate the efficient operation of the County public safety agencies, and the agencies they interact with, including RTD;
- B. To provide space for RTD's Equipment at the Radio Site,
- C. To facilitate communications among governmental entities to provide emergency, public safety and other governmental services to the public.

2. USE.

2.1 Use of Radio Site. The use of the Radio Site by RTD is for the installation and operation of the RTD's radio Equipment to the Radio Site for the operation of emergency, transit and public safety communication devices and for no other purpose. Such use shall be in accordance with and subject to all of the following:

- A. Applicable Federal Communications Commission (FCC) regulations governing the use of Land Mobile Radio systems and supporting equipment.
- B. Standards and practices of County, DTRS and other applicable emergency and public safety communications of governmental entities that interact with the County's radio systems.
- C. The August 31, 2005 license agreement, as amended, between the County and Property Colorado OBJLW One Corporation, attached to this Agreement as **EXHIBIT B** (hereinafter referred to as the "License Agreement").
- D. The terms of this Agreement.

2.2 Installation, Construction, Improvements, Operations and Repairs. The Equipment shall be erected, installed, maintained and removed in accordance with requirements of the FCC, the Federal Energy Regulatory Commission ("FERC"), the Occupational Safety and Health Administration ("OSHA"), the current editions of the National Electric Safety Code ("NESC") and the National Electrical Code ("NEC"), as they relate to the installation of RTD's equipment and the use of County's leased property. RTD shall also comply with any other applicable rules, regulations or orders now in effect or hereafter issued by any federal or state commission or any other public authority having jurisdiction including the Arapahoe County.

RTD has verified with the County that its Equipment will not negatively affect the use of any frequencies used by the County, or by any other occupant of the Radio Site, in accordance with Section 5 of **Exhibit B**. RTD shall coordinate frequencies, installation and maintenance of its Equipment through the Public Safety Bureau of the Arapahoe County Sheriff's Office. When possible, RTD shall provide at least 48 hours notice to the Public Safety Bureau of the Arapahoe County Sheriff's Office of its installation and maintenance schedules and provide the County with the opportunity to oversee all of such installation and maintenance. Person(s) doing work on behalf of the RTD at the Radio Site will be escorted onto the Radio Site by County personnel or other authorized personnel listed in Exhibit G of the License Agreement with the building owner in **Exhibit B** of this IGA.

After completing the installation of the Equipment, RTD shall notify the County in writing that the installation is complete. County may then conduct a post-construction inspection to ensure that the equipment installation has been made consistent with the requirements of this Agreement.

- 2.3 Maintenance of RTD Equipment. All preventative maintenance and regular maintenance of RTD equipment shall be performed by the County. RTD shall make available all parts and spares. If such parts and spares are not available, RTD agrees to reimburse the County for any parts and spares used for RTD equipment from the County's inventory or purchase.
- 2.4 No Modification. RTD shall not modify or change the position of its Equipment or place any additional facilities on the Radio Site, without prior approval from the County.
- 2.5 Removal By RTD. RTD may remove its Equipment from the Radio Site within 60 days of written notice of its intent to remove the Equipment. RTD shall be responsible for ensuring that a representative of the County will be present at the time the Equipment is removed in order to allow the County to monitor potential interference to the County's equipment.
- 2.6 Non-Interference. In the performance and exercise of RTD's rights and obligations under this Agreement, RTD's Equipment shall not interfere in any manner with the County's use, maintenance and operation of the Radio Site, or with any other tenant of the Radio Site, as described in **Exhibit B**.
- 2.7 Identification Tags. RTD must attach an identification tag to each piece of its Equipment.
- 2.8 Inspection and Maintenance. The County reserves the right to inspect the RTD's Equipment at reasonable intervals during the term of this IGA, and

to require maintenance work by the County on behalf of RTD as necessary to maintain operation and compliance with applicable codes, laws, and regulations.

- 2.9 Damage Repair. In the event of any damage to the Radio Site or other equipment and facilities associated therewith by RTD, RTD shall either repair all such damage at its own expense, or agree that such repairs shall be made by the County and the cost thereof charged to the RTD. In the event of any damage to the Radio Site or RTD's equipment and facilities associated therewith by County, its employees or contractors, RTD shall be entitled to recover the cost to repair or replace such damaged equipment or facilities from the County.
- 2.10 Coordination of Use. RTD and the County will provide each other at least 48 hours notice, when feasible, for planned outages and inform each other of unplanned outages within one (1) hour of discovery.

3. COMPENSATION.

- 3.1 Anticipated Compensation. In exchange for occupancy of the Radio Site for the term of this IGA (including automatic renewal terms) RTD agrees to contribute:
- A. A portion of cost incurred by the County to occupy the Radio Site equal to three sixteenths (3/16) of the total annual payment to the building owner required by the License Agreement. This amount will be rounded to the nearest dollar.
 - B. The County shall invoice RTD annually for the amount described in 3.1.A, which shall be payable within 60 days.
 - C. This and any other invoices shall be sent to:

RTD
Manager of Technical Communications
1900 31st Street, DO-M2
Denver, CO 80216

- 3.2 Unanticipated Compensation. County and RTD also agree to discuss the sharing of the cost for any upgrades to the Site relative to the benefit received by either or both Parties.

4. TERMINATION OF LICENSE AGREEMENT/RELOCATION OF SITE.

- 4.1 In the event that the License Agreement is not extended, or terminates for any reason, or if for any other reason the County is required to remove its equipment from the Radio Site, RTD shall remove its equipment from the

Radio Site within the same time frame as allotted to the County under the License Agreement. The County shall use its best efforts to provide reasonable advance notice in the event that the License Agreement is anticipated to terminate, or if for any other reason the County is required to remove its equipment from the Radio Site.

- 4.2 In the event that the License Agreement is terminated, the County and RTD intend to jointly seek a replacement site, and make good faith attempts to continue this agreement throughout its term at the replacement site. Nothing in this agreement shall require either RTD or the County to continue this agreement upon vacating the Radio Site.

5. TERM AND TERMINATION.

- 5.1 Term. The term of this Agreement shall be five (5) years from the effective date, which shall be the date of the last and final signature to this agreement, unless otherwise terminated in accordance with this Agreement.
- 5.2 Renewal. This agreement shall may be renewed and extended for additional terms only by a written amendment executed by the Parties.
- 5.3 Termination. This agreement may be terminated by the mutual consent of both parties in writing, with said termination becoming effective ninety (90) days after said consent.
- 5.4 Default. RTD shall be in default and in breach of this Agreement for (a) nonpayment of any bill or invoice due and payable under the terms of this Agreement from the County within sixty (60) days the same is received by RTD from the County; (b) violation of any term, condition or covenant of this Agreement; (c) non-compliance with the Agreement, Specifications or Laws. County shall notify RTD in writing of any and all causes for Default. Such notice shall describe the Default and the required cure and shall state that RTD has sixty (60) days to cure the Default, or face Termination of this Agreement.
- 5.5 Termination on Default and Right to Cure. Upon any written notice by the County of default of the RTD, County shall have the right to terminate this Agreement only after the expiration of the sixty (60) days written notice, and only in the event that the RTD has failed to cure, or made no substantial effort to cure such Default within the 60-day period.
- 5.6 Removal of RTD's Equipment Upon Termination. In the event that RTD fails to remove its equipment prior to the effective date of termination of this Agreement, or in the event that RTD fails to remove its equipment in compliance with Section 4.1 of this Agreement, the County may do so and RTD shall pay the reasonable, documented costs of such removal.

5.7 No Multiple Fiscal Year Obligation. RTD has budgeted, authorized and appropriated all funds required for performance of its obligations in 2010. Funds required for future years shall be subject to future budgeting authorization and appropriation. Failure of RTD to provide funding shall result in termination of this agreement per Section 5.3. Nothing in this Agreement shall be construed as a multiple fiscal year obligation by RTD.

6. RESPONSIBILITY AND LIMITATION OF LIABILITIES.

6.1 Assumption of Risk. RTD hereby acknowledges and agrees that County does not warrant the condition of the Radio Site or the premises surrounding such Radio Site. RTD hereby assumes all risk of any damage, injury or loss of any nature whatsoever to its equipment except as described in 6.3 below.

6.2 Damages. RTD shall be responsible for any liability, loss, damage, or injury, including costs, fees, and attorneys' fees, in any way arising out of, connected with or resulting from the exercise by RTD of the rights granted hereunder, including but not limited to claims for property damage, violation of occupancy agreements, violation of governmental laws, rules, regulations or ordinances, injury or death of any person, including RTD's agents and employees, in any way arising out of, connected with or resulting from the exercise by RTD of the rights granted hereunder, RTD's omission to perform any act required hereunder, or the negligent operation by RTD of RTD's Equipment at the Radio Site, or any other use of the Radio Site by the RTD, its employees, agents or contractors. Neither party waives or intends to waive the limitations on liability which are provided to the parties, their officers, and employees under the Colorado Governmental Immunity Act, Sec. 24-10-101 *et seq.* C.R.S.

6.3 Negligence. RTD's responsibility pursuant to this Agreement does not extend to any liability, loss, damage or injury caused solely by the negligence, gross negligence or willful misconduct of the County or its employees.

6.4 Liability. Except as expressly provided herein, NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING BUT NOT LIMITED TO, ANY LOSS OF USE, LOSS OF BUSINESS OR LOSS OF PROFIT; provided, however, there shall be no limitation on a party's liability to the other for any fines or penalties imposed on the other party by any court of competent jurisdiction or federal, state or local administrative agency resulting from the failure of the party to comply with any term or condition of this Agreement or any valid and applicable law, rule or regulation.

7. RADIO FREQUENCIES.

The use of radio frequencies by the County is described in **Exhibit D**. The frequencies that RTD intends to add to the site are described in **Exhibit C**. These frequencies have been coordinated with the County, and the Parties agree that the frequency coordination process has mitigated the possibilities of any harmful interference occurring now or in the future. In the event that the County adds frequencies in the future, County shall coordinate with RTD to insure that no interference to RTD's frequencies shall occur. In the event that RTD requires additional frequencies at the Radio Site in the future, it shall coordinate with the County to insure that no interference to County's frequencies shall occur. In the event that harmful interference directly or indirectly, occurs in the future, RTD and the County shall have joint responsibility to mitigate the interference. A list of frequencies for existing users is attached as Exhibit D.

8. MISCELLANEOUS PROVISIONS.

- 8.1 Waivers. Waiver by either party of any breach of any term, covenant, or condition of this Agreement shall not be deemed a waiver of such term, covenant or condition for any subsequent breach of the same or of any other term, covenant, or condition of this Agreement.
- 8.2 Non-exclusive. This Agreement is non-exclusive and the County reserves the right to grant similar agreements to others and to make other arrangements with third parties for the use of its Radio Site on a non-discriminatory basis. However, the County shall not grant any such agreements if the result of such agreement would require the RTD to move its equipment without prior agreement with the RTD. RTD understands that the County may have entered into agreements with other entities for the joint and/or licensed use of facilities. The rights of RTD hereunder are subject to the terms of those prior agreements, as they may be amended from time to time.
- 8.3 No Ownership or Property Rights. Nothing contained in this Agreement, nor the use of the Radio Site, however extended, including any payments made under this Agreement or other action of the County shall create or vest in RTD any ownership or property rights in the Radio Site, or any property interest of the County.
- 8.4 Breach. Either party shall have the right to enjoin any substantial breach or threatened breach of this Agreement by any other party and shall have the right to specific performance of this Agreement.
- 8.5 Applicable Law. The parties shall attempt to resolve any disputes by mediation prior to initiating litigation. This Agreement shall be construed and enforced in accordance with the laws of the State of Colorado. Venue for the trial of any action arising out of any dispute hereunder shall be in

Arapahoe County District Court, pursuant to the appropriate rules of civil procedure.

- 8.6 Third Parties. This Agreement is solely for the benefit of the Parties hereto and no third party shall be entitled to claim or enforce any rights hereunder except by a writing signed by the Parties.
- 8.7 Entire Agreement. This Agreement contains the entire agreement between the Parties and shall not be amended or modified in any manner except by writing signed by the Parties except that Exhibits may be amended in writing by the mutual consent of the County's Telecommunications Coordinator and the RTD Manager of Technical Communications representing the Regional Transportation District.
- 8.8 Notices. All notices to Parties shall be deemed to have been given when mailed to the following addresses for each Party.
- County: Arapahoe County Sheriff's Office
 Telecommunications Coordinator
 13101 E. Broncos Parkway
 Centennial, CO 80122
- RTD: Regional Transportation District
 Manager of Technical Communications
 1900 31st Street, DO-M2
 Denver, CO 80216
- 8.9 Validity. If any provisions of this Agreement or the application hereof to either party in any circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Agreement which can be given effect without the invalid provision or application; and to this end the provisions of this Agreement.
- 8.10 Agreement Execution. This Agreement may be executed in counterpart copies by each of the Parties and when both Parties have done so, the Agreement shall be in full force and effect between them as if they had both signed the same copy or the original of this Agreement.

IN WITNESS HEREOF, the Parties have executed this Agreement by their signatures below:

ARAPAHOE COUNTY

By: _____

Date: _____

Attest:

Director of Finance and Record
County Clerk

REGIONAL TRANSPORTATION DISTRICT

By:  _____

Carla Perez
Assistant General Manager of Administration

Date: 3/3/11 _____

Approved as to legal form:

 _____

Rolf G. Asphaug
Deputy General Counsel

EXHIBIT A - RTD Equipment List at Radio Site

EXHIBIT B - Lease Agreement between Arapahoe County and Radio Site Building Owner

EXHIBIT C - RTD Frequencies

EXHIBIT D - Frequencies of Existing Users for Radio Site

EXHIBIT A - RTD Equipment List at Radio Site

Quantity	Equipment Description
3	GTR-8000 base radios

**EXHIBIT B - Lease Agreement between Arapahoe County
and Radio Site Building Owner**



THIRD AMENDMENT TO LICENSE AGREEMENT

This Third Amendment to License Agreement ("**Third Amendment**"), dated as of the 23 day of September, 2015, is made by and between **GPI PLAZA TOWER, LP**, a Texas limited partnership ("**Licensor**"), successor in interest to **PROPERTY COLORADO OBJLW ONE CORPORATION**, and the **BOARD OF COUNTY COMMISSIONERS of the COUNTY OF ARAPAHOE**, a political subdivision of the State of Colorado ("**Licensee**"). Licensor and Licensee may hereinafter be collectively referred to as the "**Parties**" or individually as the "**Party**".

A. Licensor and Licensee entered into that certain written Agreement dated August 31, 2005, as amended by the certain First Amendment to License Agreement dated November 2, 2009 and further amended by that certain Second Amendment to License Agreement dated December 9, 2010 (collectively the "**License**"), for the installation, operation, and maintenance of Licensee's Equipment on a certain portion of the roof ("**Premises**") and other portions of that certain office building known as Plaza Tower One, located at 6400 Fiddlers Green Circle, Greenwood Village, Colorado ("**Building**"), as more fully described in the License.

B. The Term of the License is to expire December 31, 2015. However, Licensee desires to extend the License Term for and additional five (5) year period. Licensor agrees to so extend the Term upon the terms and conditions out lined in this Third Amendment.

AGREEMENT

NOW, THEREFORE, for and in consideration of the facts mentioned above, the mutual promises set forth below and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties hereto agree as follows:

- 1. Effective Date.** This Third Amendment shall be effective upon its execution by both parties ("**Effective Date**").
- 2. Capitalized Terms.** All capitalized terms used in the Third Amendment which are not defined herein shall have the meanings for such terms which are set forth in the License
- 3. Term.** As of the Effective Date, Section 3.a. of the License shall be deleted in its entirety and replaced with the following:

"a. Term. The term ("**Term**") of this Agreement shall have commenced on September 1, 2005 ("**Commencement Date**"), and shall expire on December 31, 2020, unless sooner terminated as provided herein"
- 4. License Fee.** In consideration of the extension of the Term of the License as provided in the Third Amendment, Licensee shall pay Licensor an annual License Fee according to the following schedule on or before January 1 of each year of the extended Term:

<u>Payment Date</u>	<u>License Fee</u>
January 1, 2016	\$38,725.92
January 1, 2017	\$39,887.70
January 1, 2018	\$41,084.33
January 1, 2019	\$42,316.86
January 1, 2020	\$43,586.37

The License Fee shall be made payable to Licensor at the following address:

**GPI Plaza Tower, LP
PO Box 201365
Dallas, Texas 75320-1365**

Additionally, Licensee shall pay to Licensor, within thirty (30) days of receipt of an invoice therefor, any fees, taxes, or other assessments made against Licensor by any private or public body by reason of the presence of Licensee's Equipment on the Building.

5. Licensee's Equipment. As of the Effective Date, Licensee shall be permitted to operate and maintain Licensee's Equipment as shown on Exhibit "B-1" in the location shown on Exhibit "A-1". Further, as of the Effective Date, Exhibit "A-1" shall replace Exhibit "A" and Exhibit "B-1" shall replace Exhibit "B". Thereafter, all references in the License to Exhibit "A" shall be deemed to refer to Exhibit "A-1" and all references to Exhibit "B" shall be deemed to refer to Exhibit "B-1". The term "Licensee's Equipment" shall include equipment owned by Licensee, and may also include equipment owned by the Rapid Transit District ("RTD") that is installed by Licensee on the Premises pursuant to an Intergovernmental Agreement between Licensee and RTD; provided, however, that Licensee shall have full responsibility for all of RTD's equipment while it is on the Premises and RTD shall have no independent or third party rights under the License Agreement.

6. No Further Modifications. Except as otherwise set forth in this Third Amendment, the terms and conditions of the License shall remain unchanged and in full force and effect.

7. Counterparts. This Third Amendment may be executed in counterparts, each of which shall be deemed and original, and all of which when executed and delivered shall together constitute one and the same instrument.

8. Authority. Each party represents that the person executing this Third Amendment for such party is acting on behalf of such party and is duly authorized to execute this Third Amendment for such party.

9. Entire Agreement. This Third Amendment constitutes the entire and complete agreement of the parties with respect to the subject matter hereof, and supersedes all prior or contemporaneous agreements, statements, promises, understandings, arrangements, and commitments.

IN WITNESS WHEREOF, the Parties hereto have executed this Third Amendment as the date aforesaid.

LICENSOR:

GPI PLAZA TOWER, LP
a Texas limited partnership

By: Granite Properties, Inc.,
a Delaware corporation
its general partner

By: 

Name: Clint Osteen
Title: Director, IT

Date: 9/23/2015

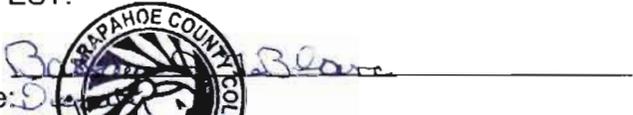
LICENSEE:

BOARD OF COUNTY COMMISSIONERS
of the **COUNTY OF ARAPAHOE,**
a political subdivision of the State of Colorado

By: 

Title: Board Chair

ATTEST:

By: 

Title:

Date: _____



EXHIBIT "A-1"
PREMISES
(DRAWING TO BE ATTCHED)

EXHIBIT "B-1"

LICENSEE'S EQUIPMENT

Radio Equipment:

- 7 – Modified 8' Equipment Racks
- 3 – Celwave Combiners
- 2 – Multicouplers
- 13 – Repeaters – Motorola Quantar 800 MHz
- 6 – Repeaters – Motorola GTR8000 700 MHz
- 1 – Router
- 1 – Switch
- 2 – Site Controllers
- 1 – UPS (Uninterruptible Power Supply) – 850 VA
- 6 – Back-up Batteries – 6V Sealed

Antennas:

- 5 – Fiberglass Omni-Directional
 - TX/RX ITAC 2
 - TX 700 MHz
 - RX 700 MHz
 - TX 800 MHz
 - RX 800 MHz

EXHIBIT "G-1"

ACCESS AUTHORIZATION

PROPERTY: GRANITE PLAZA TOWER ONE
6400 Fiddlers Green Circle
Greenwood Village, Colorado

LICENSEE: ARAPHOE COUNTY GOVERNMENT

ADDRESS: 5334 S. Prince Street
Littleton, CO 80166

PHONE: 303-795-4630

FAX: 303-738-7894

POC: Liz Shortt

ADDRESS: 13101 e. Broncos Pkwy.
Centennial, CO 80112

PHONE: 720-874-3720

E-MAIL: jshortt@araphoegov.com

AUTHORIZED PERSONNEL:

Liz Shortt	Telecom Coordinator	Arapahoe County Sheriff	720-874-3720
Paul Dunlap	Telecom Specialist	Arapahoe County Sheriff	720-874-3731
Gary Wilton	Telecom Specialist	Arapahoe County Sheriff	720-874-3723
Ed Boyer	Engineer	State of Colorado OIT	303-881-2480
Darryl Carsno	Technician	Wireless Advanced Comm	970-330-9415

Licensee does hereby verify that the above listed personnel and service companies are authorized to have 24-hour access to the equipment rooms and rooftop for the maintenance of its equipment.



Board Summary Report

Date: January 21, 2016
To: Board of County Commissioners
Through: Shannon Carter, Open Spaces Department Director
From: Josh Tenneson, Grants and Acquisitions Manager
Subject: Joint Project Proposal – City of Aurora – Triple Creek Greenway Corridor, Phase 3

Request and Recommendation:

The recommendation from Open Spaces staff and the Open Space Trails Advisory Board (“OSTAB”) to the Board of County Commissioners is to approve the funding request from the City of Aurora for \$2,050,000 for the Triple Creek Greenway Corridor, Phase 3 project, contingent on the contribution of other partner funds and the execution of an intergovernmental agreement between Arapahoe County and the City of Aurora.

This project proposal was heard and approved by the Board of County Commissioners at a study session on January 19, 2016.

Background:

The long-range vision for the Triple Creek Greenway Corridor (TCGC) is to create a continuous 27-mile corridor that stretches from the South Platte River in north Denver that follows Sand Creek and its tributaries south to the Aurora Reservoir and Arapahoe County Fairgrounds. The TCGC project will create 14 miles of new trail and greenway through southeast Aurora and unincorporated Arapahoe County. The project will provide significant regional benefits to wildlife as well as thousands of bicyclists, pedestrians, and equestrians by creating new access points and trail connections.

Phase 1 of the project was approved by Arapahoe County in 2009 (the County contributed \$155,000), which supported a greenway study and other planning-related tasks. In part, the study identified strategic acquisitions needed to achieve greenway continuity and functionality.

Phase 2 was approved by Arapahoe County in 2012 (the County contributed \$2 million). Through the Phase 2 effort, the project partners acquired numerous key open spaces properties along the TCGC, totaling 250 acres. Geographically, these acquisitions nearly completed the greenway acquisition phase from Colfax Avenue to E-470.

The City of Aurora now requests funding to acquire two of the final major open space land acquisitions remaining in the corridor.

Links to Align Arapahoe:

- Increase Intergovernmental Cooperation
- Increase Community and Regional Partnerships

Improve Park, Trail and Open Space Opportunities
 Improve Customer Experience
 Optimize Use of Resources
 Enhance Quality of Life

Discussion:

The City of Aurora has already been able to secure most of the funding needed to acquire over 388 additional acres of property in this TCGC Phase 3 effort. The City is now asking the County for some of the last funding (\$2,050,000) required to complete the acquisitions. Committed project partners include the City of Aurora, Trust for Public Land, Great Outdoors Colorado, Department of Defense, Natural Resources Damages Funds, and private funders.

The two properties that are being proposed for acquisition will remain undeveloped except for some limited recreation structures and trails. Both properties will be acquired within a two-year timeframe. Arapahoe County will hold a conservation easement on each of the properties.

The first property is known as the Murphy Creek Property (77.5 acres), and it sits just upstream from where Murphy Creek joins Coal Creek in the adjacent Confluence Open Space, which was acquired in Phase 2. In addition to providing benefits to the TCGC, the property also serves as a buffer to the Buckley Air Force Base. The second property is known as the Coal-Senac Creek Connection Property (310.8 acres), and it encompasses the confluence of Senac and Coal Creeks. This acquisition will buffer the large State Land Board property to the south.

As the following table demonstrates, the County’s funds will be highly leveraged by funds from the other project partners.

Partner Contributions:

<i><u>Use of Funds</u></i>	<i><u>Arapahoe County</u></i>	<i><u>Aurora</u></i>	<i><u>GOCO</u></i>	<i><u>NRDS</u></i>	<i><u>DOD</u></i>	<i><u>TPL & Private</u></i>	<i><u>Total</u></i>
Land Acquisition	\$2,050,000	\$335,000	\$2,000,000	\$4,000,000	\$1,100,000	\$515,000	\$10,000,000
Due Diligence Costs		\$3,000	\$50,000			\$47,000	\$100,000
Total	\$2,050,000	\$338,000	\$2,050,000	\$4,000,000	\$1,100,000	\$562,000	\$10,100,000

Alternatives:

Delay, modify or deny funding.

Fiscal Impact:

The Open Space Resolution authorizes the County to contribute funds from the Open Space Sales and Use Tax for eligible joint projects between the County and municipalities or other governmental entities in the County. \$2,050,000 of “joint project funding” from the Open Space Acquisition and Development fund will go towards this project. The fund balance exceeds this amount. The County will not incur annual maintenance cost for this project.

Concurrence:

Please see attached recommendation from OSTAB.

Attorney Comments:

None

Reviewed By:

Josh Tenneson

Grants and Acquisitions Manager

Shannon Carter, Director

Intergovernmental Relations and Open Spaces

Tiffanie Bleau

Assistant County Attorney

Janet Kennedy, Director

Finance

Attachments:

1. OSTAB Recommendation – December 7, 2015
2. Triple Creek Phase 3 Joint Project Request

RESOLUTION NO. 160xxx It was moved by Commissioner _____ and duly seconded by Commissioner _____ to approve a request for funding in the amount of \$2,050,000 in Open Space Acquisition and Trails funds towards the Triple Creek Greenway Corridor, Phase 3 project, contingent on the contribution of matching funds and the execution of an intergovernmental agreement (IGA) between Arapahoe County and the City of Aurora as presented to the Board of County Commissioners on this date.

The vote was:

Commissioner Bockenfeld,; Commissioner Doty,; Commissioner Holen,; Commissioner Jackson,; Commissioner Sharpe,.

The Chair declared the motion carried and so ordered.



OSTAB Recommendation

Date: December 7, 2015
To: Board of County Commissioners
From: Open Space Trails and Advisory Board (OSTAB)
Subject: Joint Project Proposal – City of Aurora – Triple Creek Greenway, Phase 3

OSTAB Recommendation – After considering the request from the City of Aurora as an action item on this date, OSTAB recommends to the BOCC expenditure of up to \$2,050,000 of Arapahoe County Open Space Acquisition and Development funds toward the Triple Creek Greenway, Phase 3 project, subject to full funding from all other sources and execution of an IGA.

Motion by: Sharon Powers

Seconded by: Harriet LaMair

Vote: 7 Yes
 0 No
 0 Abstain
 0 Absent and Excused





Open Space and Natural Resources
15151 E. Alameda Parkway, Ste. 4600
Aurora, Colorado 80012
303.739.7166
www.nature@aurora.org

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September 9, 2015

Mr. Shannon Carter, Open Spaces and Intergovernmental Relations Director, and
Arapahoe County Open Space & Trails Advisory Board (OSTAB)
6934 S Lima St, Unit A
Centennial, CO 80112

**Re: Joint Project Funding Request - Triple Creek Greenway Corridor Phase 3:
Implementation**

Dear Shannon and OSTAB Members:

The Aurora Parks, Recreation & Open Space Department (PROS) respectfully submits the enclosed Joint Project Funding Request to undertake Phase 3 of the Triple Creek Greenway Corridor.

Phase 1 of this project was approved by OSTAB and the Board of County Commissioners (BOCC) in 2009, resulting in a \$155k award from Arapahoe County Open Space Funds to prepare a greenway study and perform other planning-related tasks. The outcome of that effort has provided the foundation for advancing the Triple Creek project into Phase 2, which entails the purchase of properties that had been identified in the study as strategic acquisitions needed to achieve greenway continuity and functionality.

Phase 2 was approved by OSTAB and the BOCC in 2012, resulting in a \$2M award from the Arapahoe County Open Spaces Funds. This funding was used to match approximately \$7M in other funding sources for the implementation of Phase 2 acquisition efforts for Triple Creek Corridor. The first two Phases have been successfully concluded in the purchase of approximately 250 acres in trail and stream corridor.

Aurora PROS has been able to pull together an estimated \$8.05M from various sources to acquire 388 additional acres for greenway purposes and public benefit in Phase 3 of the Triple Creek project. The funding partners for Phase 3 include:

- City of Aurora
- Trust for Public Land;
- Great Outdoors Colorado
- Northeast Greenway Corridor, NRDS funds
- Department of Defense- REPI
- Arapahoe County Open Spaces Request

Aurora PROS is now seeking formal consideration and approval of the \$2,050,000M from Arapahoe County as Joint Project funds.

Thank you for your consideration of our Joint Project Funding Request, and for your continued support and partnership on this regionally significant trail project.

Sincerely,

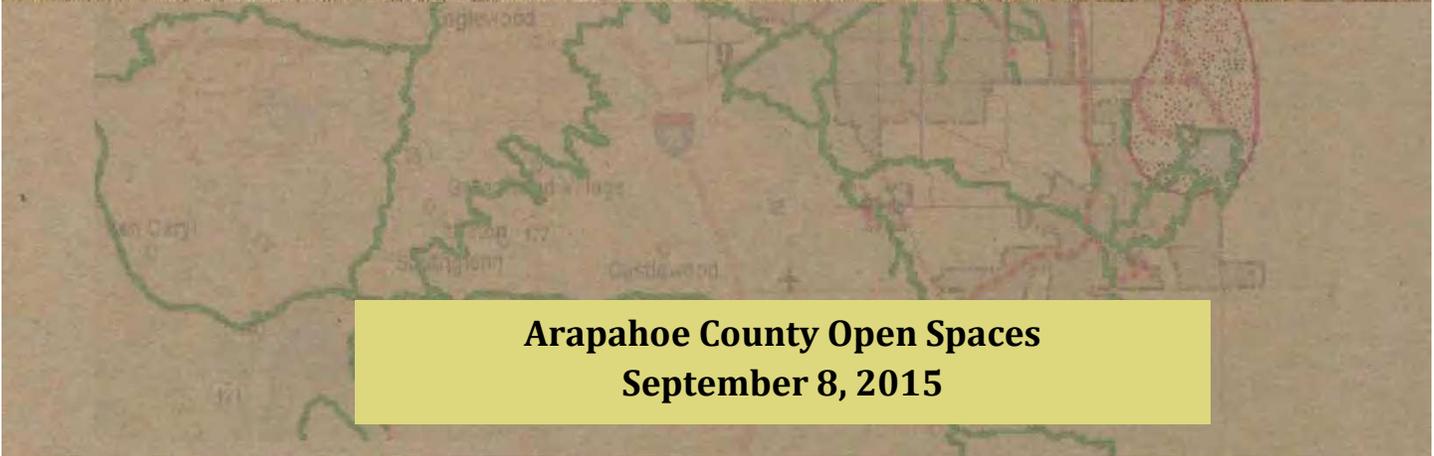
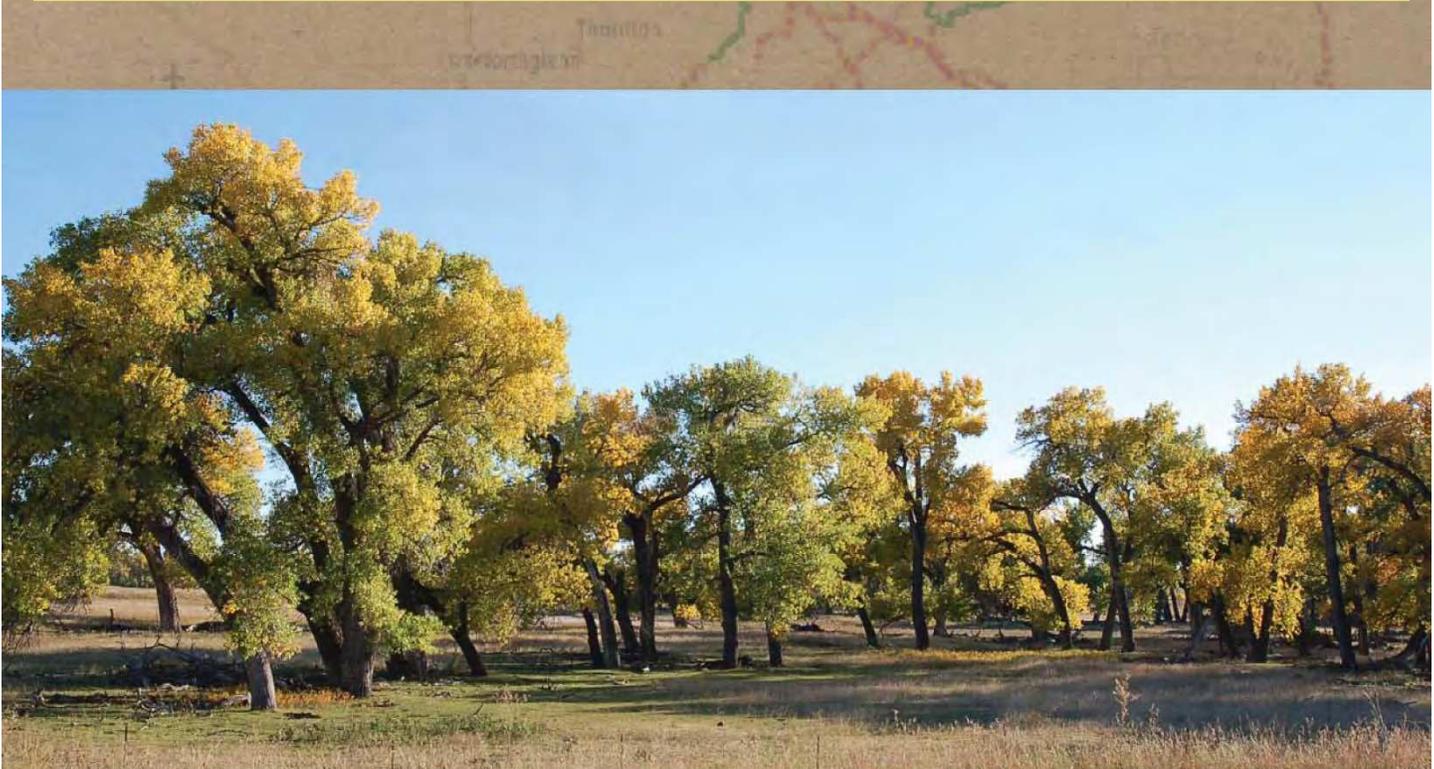
A handwritten signature in black ink, appearing to read "Thomas F. Barrett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas F. Barrett

Director

Aurora Parks, Recreation & Open Space Dept.

Joint Project Funding Request
For
Triple Creek Greenway Corridor
Phase 3: Implementation



Arapahoe County Open Spaces
September 8, 2015



City of Aurora
Parks, Recreation & Open Space (PROS)
The Quality of Life Department

JOINT PROJECT FUNDING REQUEST

Triple Creek Greenway Corridor

Phase 3: Acquisition

1) Scope of Project

The Triple Creek Greenway Corridor (TCGC) is comprised of land acquisitions, trail expansions, and trailhead development projects designed to expand and extend the greenway. Building on the success of acquisitions completed under our previous joint project, this phase includes properties that will complete the greenway and trail along Murphy Creek and protect the headwaters of Sand Creek at the confluence of Coal Creek and Senac Creek. A majority of these properties will remain undeveloped and provide permanent protection along an area otherwise prime for future development. Please see map titled [TCGW Phase3 AreaMap](#) for a view of all properties purchased in Phase 2 and planned acquisitions under this Joint funding project request.

2) Project Summary

The Triple Creek Greenway Corridor project, comprised of Sand Creek, Coal Creek, and Senac Creek in southeast Aurora, is an ambitious plan to add fourteen miles of interconnected greenway and trails between the existing terminus of the Sand Creek Regional Greenway and nearly 30,000 contiguous acres of publicly owned land surrounding the Aurora Reservoir. When completed, pedestrians, bicyclists, equestrians, and wildlife will be able to travel an uninterrupted 27-mile route from the Aurora Reservoir to the South Platte River. In the larger context, the corridor will provide additional connective loops to the Front Range Trail segments including the High Line Canal, Cherry Creek Trail and Toll Gate Creek Trail for a wide variety of uses and public benefit.

In 2012, Aurora began implementing Phase 2 of the TCGC initiative, a series of acquisitions made possible by combined funds from an Arapahoe County Open Spaces Joint Project, the first Natural Resource Damages (NRD) settlement from the Rocky Mountain Arsenal Wildlife Refuge, Great Outdoors Colorado's River Corridor Initiative (GOCO), and an Adams County Open Space grant, totaling over \$9 million which protected approximately 250 acres. Geographically, this extension completed the greenway from Colfax Avenue to E-470. Significant opportunities exist to acquire and preserve additional key properties that will expand and buffer the greenway and protect its natural functions along Murphy Creek, and to preserve the ecosystem at the confluence of Senac Creek and Coal Creek. Degraded areas will be restored to complement the ecological system, wildlife habitat, storm water management, water quality, and other open space values. This project provides significant benefits to thousands of residents who currently utilize the Sand Creek Regional Greenway and the High Line Canal Trail as well as provide an opportunity to introduce this amenity to individuals and families new to this growing metro area.

To gain additional credence toward our efforts to protect this series of stream corridors, we hired CNHP to prepare a survey of biological resources for the entire corridor. Please find a copy attached, which supports this special preservation effort.

Through this Phase 3 effort, Arapahoe County's \$2 million investment will help complete the next phase of the initiative, which add another 388.3 acres to the corridor, including the Murphy Creek Property (77.5 ac), and the Coal-Senac Creek Connection (310.80). The final 62.1-acre property is also shown in this application, but not included in the total acreage since we anticipate the requested GOCO funds will only allow us to acquire two of the final three critical acquisitions left to complete the Triple Creek Greenway Corridor Project. Future enhancements will also add connections to new recreation trails and to other Front Range Trail segments including an additional 67 miles of trail along the High Line Canal, the Cherry Creek Trail and the Toll Gate Creek Trail.

3) Plans and Vision

The open space acquisition and trail expansion components of the Triple Creek Greenway Corridor project dovetail with several goals and policies included in both Arapahoe County's and Aurora's Plans and Open Space Visions.

Arapahoe County Comprehensive Plan

This project helps implement the Open Space, Parks and Trails section of Arapahoe County's Comprehensive Plan, which recommends "using open space as a means to help direct growth, maintain rural character, conserve wildlife habitat, create edges to the urban environment and provide opportunities for education, scientific research, wildlife observation, hiking and passive and active recreation activities." Several open space goals and policies will also be achieved through this project, including:

- Goal OS 1 – Develop a Countywide Open Space, Parks and Trails System

Arapahoe County will have a countywide connected system of open space, and will contain parks, trails and recreation facilities in Growth Areas that provide active and passive recreation opportunities for County residents.

- Policy OS 1.1 – System of Connected Countywide System of Open Space, and Public Parks and Trails

Arapahoe County will work to improve a connected system of open space and increase residents' access to public parks and trails in Growth Areas.

- Policy OS 1.3 – Plan for Non-Motorized Trails in Growth Areas and for Regional Connections

The County will promote trails planning to provide a non-motorized transportation alternative.

Arapahoe County Open Space Resolution and Master Plan

Established in 2003 and extended in 2011, Arapahoe County's open space program is designed to "preserve urban and rural open space and natural lands; protect the land that preserves water quality in rivers, lakes and streams; provide, maintain and improve neighborhood parks, open space, sports fields, picnic facilities, and biking, walking and multiuse trails; protect wildlife habitat and corridors; protect views, vistas and

ridgelines; preserve agricultural and ranch lands; and enhance and maintain designated heritage areas.” Nearly all of these goals will be achieved through this joint project.

The Triple Creek Greenway Corridor is also identified as an “Open Space Opportunity Corridor” in the Arapahoe County Open Space Master Plan that was approved in June 2010. The Plan encourages preservation and enhancement of riparian corridors, in addition to creating an interconnected greenway system following waterways, grasslands, ridgelines and other appropriate corridors the link core habitat areas, parks and open spaces areas, as well as connections to neighborhoods, schools, businesses, and other activity centers.

Aurora’s Goals and Relevant Plans

In July 2011, Aurora and Arapahoe County completed Phase 1 of this long-term effort – the *Triple Creek Greenway Corridor Study* (Study), a joint planning effort designed to identify greenway and trail opportunities to connect the existing terminus of the Sand Creek Regional Trail at east Colfax Avenue to the Aurora Reservoir. The Study identified a preferred route for the greenway and trail and located a number of alternatives lest the requisite land acquisition and trail alignment to implement the favored option proved unfeasible. The Study also explored trail considerations, including universal design standards, street crossings and grade separations, floodplain encroachment, and trail width and surface types appropriate for varying uses such as foot traffic, road biking, and equestrians.

The transportation chapter of the 2009 City of Aurora Comprehensive Plan Update recommends the provision of a more balanced transportation system for the future of the city. An extensive trail network is mapped, which designates the Triple Creek Corridor as a “proposed soft surface regional trail.” Additionally, two key strategies in the Comprehensive Plan directly relate to this project:

“Preserve and interconnect open space corridors to preserve existing wildlife corridors and extend the urban trail system.”

“Expand and enhance trails and open space system as part of the regional network, connected to adjoining municipalities providing access via trails to destinations in Aurora.”

The Triple Creek Greenway Corridor concept is consistent with Aurora’s Parks, Recreation & Open Space (PROS) Department’s *Framework Master Plan 2007* that outlines the fundamental actions, roles, and responsibilities of the department. The plan explicitly recommends to: 1) “provide trails, greenways, and greenbelts as major connecting elements of the parks and open space system;” and 2) “strive to establish a well-integrated, community-wide system...for bicyclists and pedestrians.”

The City is currently finalizing an update to its *Bicycle and Pedestrian Master Plan*. The draft document reflects comments, concerns, ideas and recommendations gathered regarding needed improvements to the bicycle and pedestrian network. The public was encouraged to provide comments by way of an online survey and interactive mapping exercise as well as open house forums. Support for the Triple Creek Trail was evident as participants reviewed and marked up maps.

4) Describe Project and How It Fits into Joint Project Definition

a. County Preservation Focus

Acquisitions in Phase 3 of the Triple Creek Greenway Corridor will permanently protect approximately 388.3-acres for open space, wildlife habitat, and recreational access, including:

Coal-Senac Creek Connection Property

This property contains 310.8 acres and encompasses the confluence of Senac Creek and Coal Creek. The two creeks converge around the base of a ridge that rises some 70 feet between them to an elevation of 5,700 feet, and is dominated by a remnant patch of the Western Great Plains Shortgrass Prairie ecosystem. Additional shortgrass prairie patches exist on the uplands to the east of Coal Creek as it flows northward from the confluence. Studies completed by the Colorado Natural Heritage Program (CNHP) and the Nature Conservancy, reveal that grasslands and their associated riparian areas are among the most imperiled ecological systems in Colorado. Shortgrass prairie is a conservation priority in this project as it provides habitat for grassland bird species which, according to CNHP, may constitute one of the fastest declining vertebrate populations in North America.

The majority of this property is comprised of Western Great Plains Riparian Woodland, Shrubland and Herbaceous ecosystem. The mature cottonwoods and willows that sporadically line the two creeks provide nesting, perching and foraging cover for species including bald eagle, Bullock's oriole, northern flicker, western kingbird and western wood-pewee. This area also contains prairie dog colonies, providing prey for raptors and other predators, as well as potential nesting habitat for burrowing owls. Pronghorn frequent this area year-round, and the two creeks form major migration corridors for a healthy population of mule deer, as well as coyotes, raccoons and other mammals. This corridor is also an important fall and spring stopover for a wide range of migrating birds. Coal Creek only flows intermittently, leaving pools behind that are fed by underground seepage and rainfall. These emergent wetland pools provide habitat for northern leopard frogs and ornate box turtles, and breeding habitat for spadefoot and Woodhouse's toads, all indicators of good water quality. Native fish species including fathead minnows and black bullheads can also be found in the pools and in the streams when they are flowing. The acquisition and protection of this property will set aside nearly a mile and a half of this unique and diverse aquatic system.

Overall this property contains an incredible diversity of habitats, plants and animals due to the variety of ecosystem types and landforms converging here. Additionally, stunning views of the Front Range and the eastern plains greatly enhance the attractiveness of this property, which will attract countless visitors and residents to enjoy the Triple Creek Greenway Corridor and Trail. Please see map titled TCGW Phase3 Coal Senac Connection.

Murphy Creek Property

Straddling the Murphy Creek streambed, this 77.5-acre property is just upstream from where Murphy Creek joins Coal Creek in the adjacent Confluence Open Space, which was protected as part of the previous phase of acquisitions in the Triple Creek Greenway Corridor. The northern boundary of the property also adjoins the Picadilly East acquisition and lies in the broad relatively flat floodplain separating Murphy and Coal Creeks. This expanse contains very sandy soils, with remnant cottonwood trees which at one time grew along channels, but have long been abandoned by the meandering waters of the creek. A prairie dog colony here provides forage for the nearby wintering bald eagles, and ferruginous hawks are frequently observed in this area. This is a heavily used migration corridor for mammals including mule deer, white-tailed deer, coyotes, raccoons, and bobcat, and provides a key connection between other protected properties to the north and west, and the proposed open space acquisitions surrounding Buckley Air Force Base to the south. Please see map titled TCGW Phase3 MurphyCreekProperty.

b. *Need, Urgency and Opportunity*

This project builds on the success of the first phase of Triple Creek land acquisitions, providing additional opportunity to “start from scratch” and design the Triple Creek Greenway Corridor in a manner that includes large swaths of open space and trails to accommodate a wide range of users from pedestrians, to bicyclists, to equestrians while maintaining a healthy corridor for water and wildlife. While much of this area is within the flood plain, swift action must be taken to capitalize on existing opportunities that will vanish when the economy and the market for land sales and development improves. In the future, growth pressures will undoubtedly rebound and influence land use changes. Some strategically located properties are currently available and the owners have expressed interest in selling, resulting in a window of opportunity that will not last forever. Development on these parcels could have deleterious effects to the health of the riparian areas along the creeks and the wildlife that rely on this corridor for food and shelter. In addition, industrial, commercial, and residential uses on these parcels would prevent important trail connections and inhibit the long-term ability to achieve the full extent of the plan. In order to take advantage of the temporarily slow real estate market, partners must act quickly to implement the Triple Creek Greenway Corridor vision before these parcels are developed.

The land acquisition projects included in this application are urgent. Many of the landowners of the key properties are considering listing their land for sale when asked about their plans by The Trust for Public Land (TPL). TPL has negotiated an option agreement on the Murphy Creek property to allow the partners time to complete the fund raising for acquisition. This agreement will expire in the next 12-months should funding be unavailable to complete the acquisition, allowing the sellers to seek alternate buyers. The Coal-Senac Creek Connection is owned by developers who are waiting for the real estate market to recover and building to resume in southeastern Aurora before they submit development plans, so the window to acquire this land before it is developed is slowly closing. Aurora has secured matching funds from GOCO and NRDS to complete these acquisitions, but without the leverage of Arapahoe County funds, these acquisitions cannot be accomplished.

c. *Significant Regional Public Benefit and Users*

When the Triple Creek Greenway is eventually complete, it will create 14-miles of new trail and greenway in southeast Aurora, an area expected to add 166,000 new residents and businesses over the next 20 years. The existing Sand Creek Regional Greenway trail and the High Line Canal trail both end at Colfax Avenue, without a sufficient access point for citizens and visitors in this region to safely and efficiently enter the trails. The previous phase of the Triple Creek Greenway Corridor included acquisitions that provided pedestrian access to a number of existing parks, recreation facilities, and open space parcels in Arapahoe County, including the Aurora Sports Park, the Springhill Park and Golf Course, the Beck Recreation Center, Sand Creek Riparian Preserve, and the Coal Creek Rodeo Arena. The Phase 3 acquisitions will provide additional access to these facilities and focus on connecting the greenway and trail on the southeastern edge of the corridor to the 30,000 acres of public open space surrounding the Aurora Reservoir.

While there are several regional trails that provide open space and recreation opportunities north and west of this area, this section of Aurora and Arapahoe County is currently underserved. This project will buffer and expand the current open space and wildlife habitat along the corridor and make critical trail connections that provide access to several existing recreational amenities, while offering new recreation opportunities in advance of the expected growth.

The successful completion of the Triple Creek Greenway Corridor project will encourage healthy lifestyles and provide better opportunities for families to access trails, parks and natural areas close to home. Approximately 23,000 people currently live within one mile of the Triple Creek Greenway Corridor with an additional 17,000 homes projected within planned residential areas such as the Waterstone and Parklands Developments within coming years, located along Coal Creek, just east of E-470 and south of Alameda Avenue. Furthermore, over 7000 children and their families visit the Morrison Nature Center and Star K Ranch each year and their experiences have been greatly enhanced through acquisitions made under the Phase 2 project and the new trail linking the Sand Creek Trail to the High Line Canal Trail. This project will also provide significant regional benefits to the thousands of trail users who already frequent the Sand Creek Regional Greenway and the High Line Canal Trail while providing new trail heads and access points.

Several existing neighborhoods and planned communities will have trails that tie into the Triple Creek Greenway Corridor, providing access for walking, bicycling, and horseback riding, as well as off-street access to parks and recreation facilities. Additionally, the Arapahoe County Open Space Master Plan envisions a new 30-mile trail corridor along Quincy Avenue that will initially connect the Arapahoe County Fairgrounds to the Aurora Reservoir and eventually extend east to the 2800-acre Bijou Basin Open Space.

This project will also serve as an important model for the private sector – most notably the development community – to design and construct neighborhoods and commercial properties in concert with the overall greenway vision. Well-planned parks and inviting, safe public riparian open spaces that promote public access have a direct correlation to robust local economies. This project will bring maximum benefit to developers, merchants, and residents all along the corridor.

d. Not Readily Achievable Through Other Mechanisms

Land acquisition is the critical first step in implementing the Triple Creek Greenway Corridor project. The acquisitions included in this application have an estimated fair market value of \$10 million, and some of the landowners are eager to sell, providing a window of opportunity that could close if Arapahoe County funding is unavailable for this project. Aurora was awarded approximately \$4 million Natural Resource Damages funds from the Rocky Mountain Arsenal Settlement (also referred to as Northeast Greenways Corridor or NGC); however these funds may only be used on acquisition of lands for habitat replacement and restoration and must also be leveraged to maximize on-the-ground impacts. Great Outdoors Colorado has committed \$2.05 million to implement the next phase of the Triple Creek Greenway Corridor plan, and these funds must be spent within two years. Buckley Air Force Base has also committed \$1.1 million from the FY15 Department of Defense's Readiness and Environmental Protection Integration (REPI) program to help acquire the Murphy Creek property.

5) Partnerships

Aurora has partnered with The Trust for Public Land to implement the land acquisitions necessary to complete the greenway and trail. As mentioned above, GOCO awarded \$2,050,000 to help complete the next stage of the implementation, to add 388.3-acres to the greenway and fill in critical gaps to conserve unique plant, animal and cultural resources. The Natural Resource Damage Trustees have also awarded \$4 million in NRD funds resulting from the natural resource damages settlement related to the Rocky Mountain Arsenal and partners at Buckley Air Force Base have committed funds through REPI.

The Northeast Greenway Corridor Working Group, which includes the Sand Creek Regional Greenway Partnership, Aurora, Adams County, Brighton, Commerce City, Denver, and Thornton, is also undertaking complementary efforts designed to enhance the natural resources near the Rocky Mountain Arsenal National Wildlife Refuge through a connected system of stream and river corridors, riparian ecosystems, wildlife migration routes, and recreation trails in the northeast metro region. The connections and regional trailhead at the High Line Canal also complement the efforts of the High Line Canal Working Group.

6) Request and Budget Summary

Coal-Senac Creek Connection:

City of Aurora –	\$335,000 (appropriated cash and in-kind)
Arapahoe County Open Spaces –	\$1,750,000
Great Outdoors Colorado –	\$1,730,000
Natural Resource Damage Funds –	\$3,700,000
Private Grants –	\$515,000
Trust for Public Land –	\$20,000 (cash and in-kind)
<u>Total Estimated Cost –</u>	<u>\$8,050,000</u>

Murphy Creek Property:

City of Aurora –	\$3,000 (in-kind)
Arapahoe County Open Spaces –	\$300,000
Great Outdoors Colorado –	\$320,000
Natural Resource Damage Funds –	\$300,000
Department of Defense-REPI –	\$1,100,000
Trust for Public Land –	\$27,000 (cash and in-kind)
<u>Total Estimated Cost –</u>	<u>\$2,050,000</u>

Grand Total Estimated Cost - \$10,100,000

7) Timeline

September 2015

Arapahoe County OSTAB – Presentation and initial funding request

September 2015

Arapahoe County BOCC – Presentation and formal request for funding

October 2015

Aurora City Council – Approval of IGA for Joint Project

October 2015

Arapahoe County BOCC – Final Approval and Execution of IGA

February 2016

Aurora City Council – Closing on Murphy Creek Property

January 2016-2017

Continue negotiations and due diligence tasks

Prior to June 2017

Closing for Coal-Senac Creek Connection

APPLICANTS:

City of Aurora, Parks, Recreation & Open Space Department

Open Space & Natural Resources Division

15151 E. Alameda Parkway, suite 4600

Aurora, CO 80012

Attn: Pat Schuler

303-326-8947

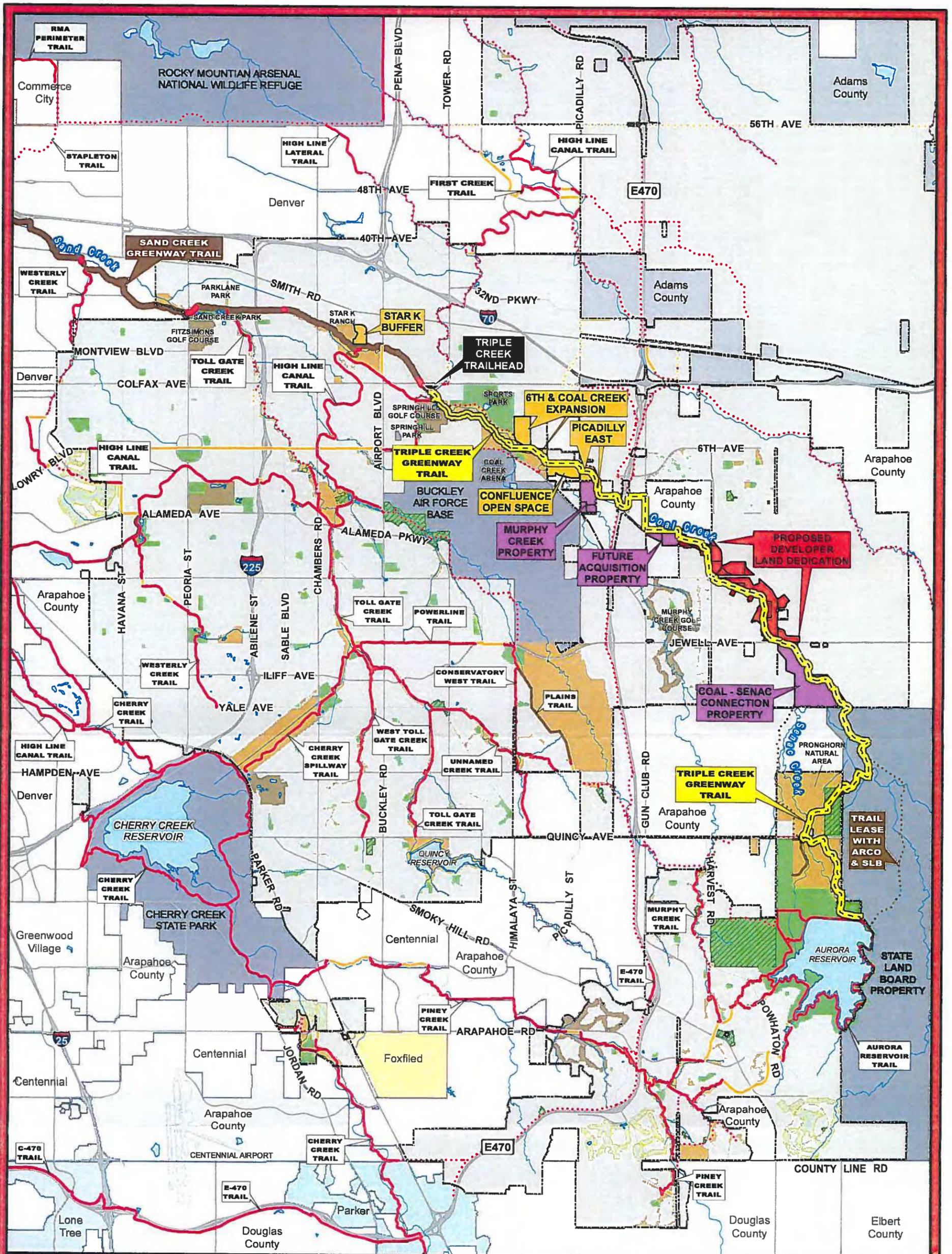
The Trust for Public Land

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Denver, CO 80202

Attn: Hillary Merritt

303-837-1414 x 302

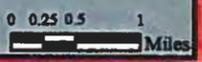


TRIPLE CREEK GREENWAY PHASE 3 AREA MAP

Parks, Recreation & Open Space Department
August, 2015



- | | | | | | |
|------------------------------------|------------------------------|--------------------------------------|--------------------------------------|------------------|---------------------|
| PHASE 3 ACQUISITIONS | PREFERRED TRAIL ROUTE | REGIONAL TRAILS | PROPOSED SOFT SURFACE REGIONAL TRAIL | PARK | PRIVATE GOLF COURSE |
| PROPOSED DEVELOPER LAND DEDICATION | EXISTING TRAIL | EXISTING HARD SURFACE REGIONAL TRAIL | SIDEWALK CONNECTOR | UNDEVELOPED PARK | CITY OF AURORA |
| COMPLETED ACQUISITIONS | PROPOSED TRAIL | PROPOSED HARD SURFACE REGIONAL TRAIL | PROPOSED SIDEWALK CONNECTOR | OPEN SPACE | GOVERNMENT LAND |
| WITH CONSERVATION EASEMENT | | EXISTING SOFT SURFACE REGIONAL TRAIL | | GOLF COURSE | |
| WITHOUT CONSERVATION EASEMENT | | | | | |



**Survey of Biological Resources
in the Triple Creek Greenway
City of Aurora**



**Colorado Natural Heritage Program
Colorado State University
College of Natural Resources
254 General Services Building
Ft. Collins, Colorado 80523**

March 2014



Prepared for:
City of Aurora
Parks, Recreation & Open Space Department
15151 E Alameda Pkwy., Suite 4600
Aurora, Colorado 80012

Prepared by:
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December, 2013

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This project was supported by funding secured by the City of Aurora Parks, Recreation & Open Space Department.

Cover photograph: An emergent wetland in the channel of Coal Creek within parcel c52 (*photo by John Sovell*)

Executive Summary

The proposed Triple Creek Greenway is located mainly within Arapahoe County, with the northern portion extending into Adams County. The Triple Creek Greenway will add 14 miles of interconnected open space and trails between the existing Sand Creek Regional Greenway and the public land surrounding the Aurora Reservoir. The project will offer pedestrians, bicyclists, and equestrians 27 miles of uninterrupted travel from the reservoir to the South Platte River. Through funding partnerships, the project has become a collaborative effort of many entities, including the City of Aurora, Great Outdoors Colorado, Arapahoe County Open Space, Adams County Open Space, Trust for Public Land, Sand Creek Regional Greenway Partnership and the Rocky Mountain Arsenal Natural Resource Damage Fund.

In August 2011 The City of Aurora contracted with Colorado State University, through its Colorado Natural Heritage Program (CNHP), to survey for critical biological resources in the vicinity of the proposed greenway. The results will provide an additional data resource for the City of Aurora in developing conservation priorities and management goals for the planned extension of the regionally-important open space corridor.

During 2012 and 2013, CNHP surveyed 66 parcels totaling almost 3,400 acres. The vegetation ranged from mature cottonwood galleries to abandoned homesteads and active agricultural lands. Two occurrences of the northern leopard frog (*Lithobates pipiens*) were documented along Coal and Senac creeks. A Ferruginous Hawk (*Buteo regalis*) was documented in the northeastern portion of the Survey Area and a pair of nesting Bald Eagles is present near the survey areas south boundary. Numerous black-tailed prairie dog (*Cynomys ludovicianus*) towns were delineated throughout the survey area. There were no significant plant communities or tracked plant or other animal species documented.

The ecological systems within the proposed greenway corridor include: Western Great Plains Shortgrass Prairie and Western Great Plains Riparian Woodland, Shrubland and Herbaceous. The riparian areas are located along Sand, Coal and Senac creeks. The riparian woodland and shrublands are degraded by several noxious non-native species e.g., leafy spurge (*Euphorbia esula*), Scotch thistle (*Onopordum acanthium*), and cheatgrass (*Bromus tectorum*). These invasive plants dominate the herbaceous understory and have successfully out-competed native forbs and grasses. The overstory of the three creeks is a mix of mature cottonwoods, peachleaf willow (*Salix amygdaloides*), crack willow (*Salix fragilis*) and Russian olive (*Elaeagnus angustifolia*) which grow within the wide floodplains of the major drainages. Although the creeks have an abundance of invasive plants, there is sparse regeneration of native cottonwood and willow within the woody understory of all three creeks.

The survey did not result in discoveries that warrant the designation of Potential Conservation Areas (PCAs) or Sites of Local Significance (SLS). Nonetheless, there are a number of rare biological resources that have been identified coupled with habitats and ecological integrity that are worthy of conservation as part of the Triple Creek Greenway. Engaging in management practices that protect and prolong the continued existence of these valuable resources is paramount to sustaining biodiversity for the greenway corridor.

ACKNOWLEDGEMENTS

The Colorado Natural Heritage Program would like to acknowledge and sincerely thank the following individuals and organizations for their assistance in completing this project:

Thank you to CNHP staff who contributed to this project, including Amy Lavender, Jeremy Siemers, and Katie Hestko for their assistance with data management and field work.

The City of Aurora Parks, Recreation & Open Space Department contracted with CNHP and oversaw management of the project. Funding assistance was provided by the Arapahoe County Open Space Program.

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Background

Location

The proposed Triple Creek Corridor extends from the existing Sand Creek Regional Greenway, at East Colfax Avenue, to beyond the Star K Ranch to connect with the Aurora Reservoir and Arapahoe County Fairgrounds and Regional Park. The name “Triple Creek” is derived from the three creeks within the proposed corridor, Sand, Coal, and Senac creeks (Figure 1).

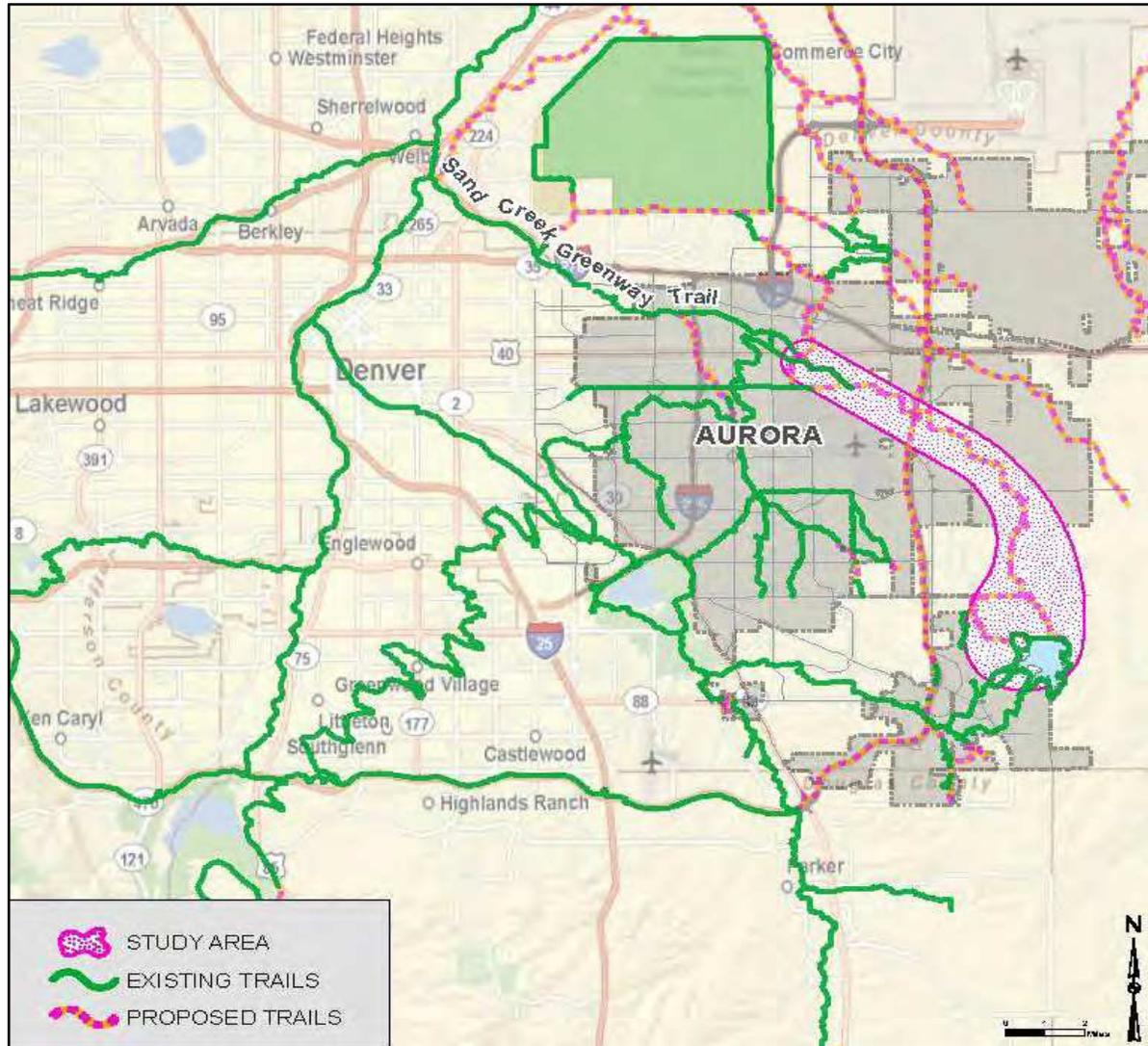


Figure 1. Conceptual boundary of the Triple Creek Greenway corridor with existing and proposed trails.

The proposed extension will connect existing trails, thus providing benefits to thousands of residents who currently utilize the Sand Creek Regional Greenway and the High Line Canal Trail. Contiguous habitats, especially wetland and riparian areas, provide habitat and food sources for wildlife, birds, and plants, as well as for people. Additionally, the survey area will provide citizens with a sense of the pre-urbanized character of the area. Pro-active and informed land planning decisions are necessary to preserve the natural resources and rural character that provide both economic assets and environmental qualities. The Colorado Natural Heritage Program (CNHP) approached this project with the intent of addressing this

need. CNHP is a research unit within the Warner College of Natural Resources at Colorado State University. CNHP is comprised of a multi-disciplinary team of scientists, information managers, and conservation planners that gathers and analyzes comprehensive information on rare, threatened, and endangered species and significant plant communities of Colorado. CNHP is the state's primary, comprehensive, biological diversity data center, gathering information and field observations to help develop statewide conservation priorities. CNHP is a member of NatureServe, an international network of conservation data centers that use the Biological and Conservation Data System developed by The Nature Conservancy. There are 85 conservation data centers, including one in each of the 50 United States. Information collected by the Heritage Programs throughout the globe provides a means to protect species before the need for legal endangerment status arises. Methods used to conduct this project were those employed worldwide throughout Natural Heritage Programs and Conservation Data Centers. CNHP's primary focus was to identify the locations of the plant and animal populations and plant communities on CNHP's list of rare and imperiled elements of biodiversity, assess their conservation value, and systematically prioritize these for conservation action.

The locations of biologically significant areas were identified by:

- Examining existing biological data for rare or imperiled plant and animal species and significant plant communities (collectively called elements);
- Accumulating additional existing information (e.g., interviews of local experts); and
- Conducting extensive field surveys.

Survey Area

The Triple Creek Greenway proposed site is located within northeastern Arapahoe County and southeastern Adams County (Figure 2). The Survey Area encompasses approximately 5,000 acres.

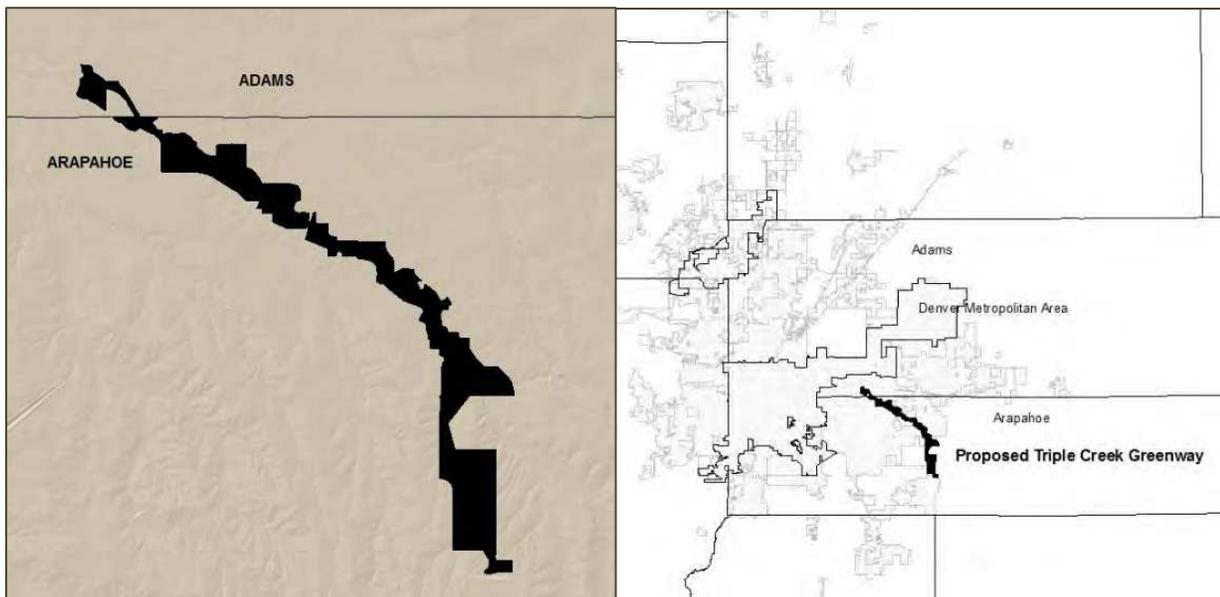


Figure 2. Location of Survey Area in Arapahoe and Adams Counties.

Land Ownership

Of the approximately 3,800 acre project area, 1,430 acres, or 38%, is owned by the City and maintained as either parks, open space, or a golf course. A total of 245 acres, or 6%, is additional City property. The remaining 2,145 acres, or 56%, is privately owned.

Buckley Air Force Base is located on the western boundary and the Lowry Range forms the southeastern boundary (Figure 3). Numerous subdivisions are located east and west of the Survey Area.

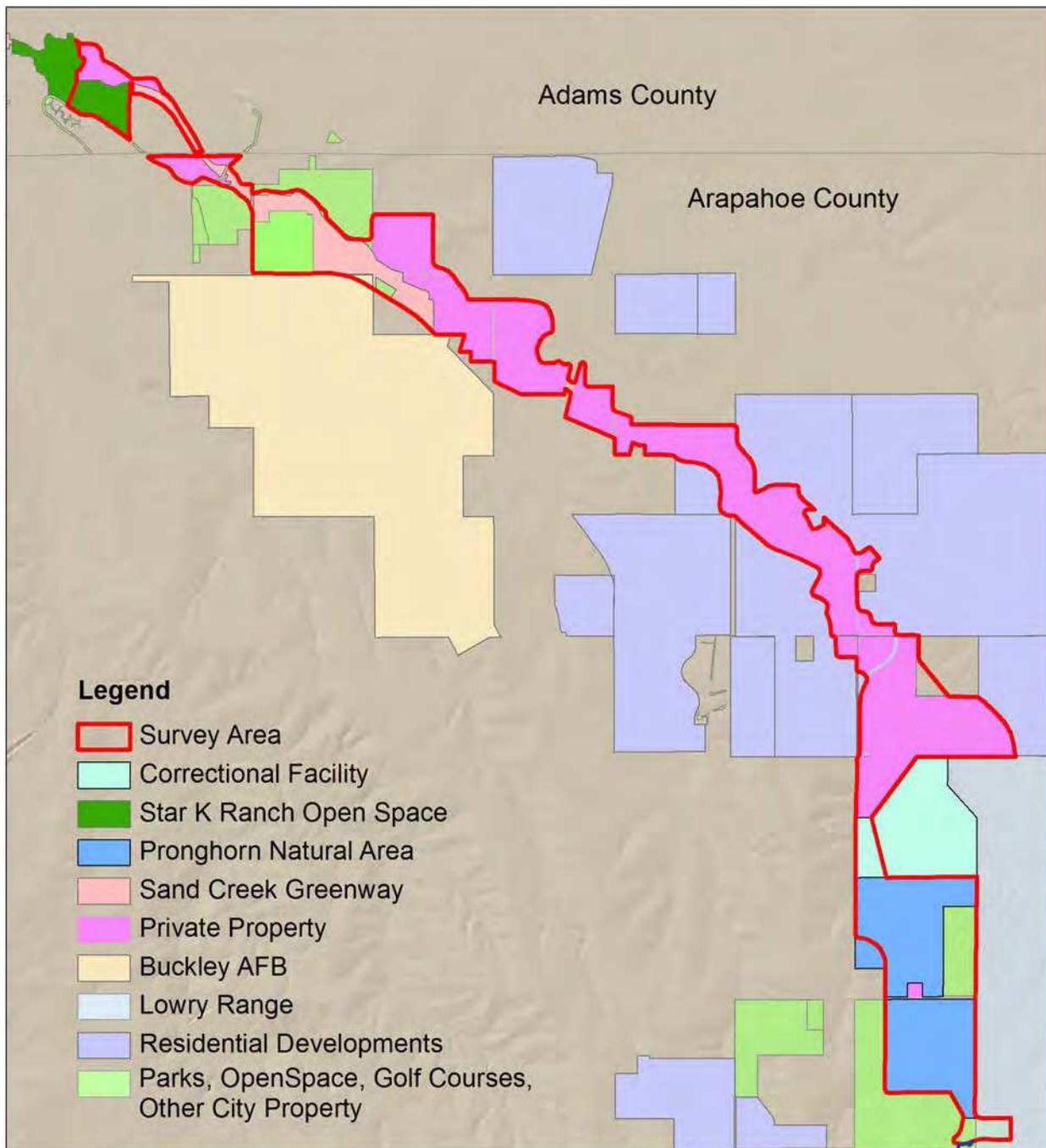


Figure 3. Land Ownership within and surrounding Triple Creek Greenway.

Hydrology

Senac Creek flows north into Coal Creek, which flows south to north from the Lowry Range located on the southeast edge of the project area. Coal Creek and Murphy Creek join to form Sand Creek, which continues to bisect the survey area, flowing in a north westerly direction (Figure 4). The entire survey area lies within the South Platte River watershed. Sand Creek is a direct tributary of the South Platte River.



Figure 4. Rivers and Reservoirs within Survey Area.

Geology

The geology of the survey area is defined by the Denver Basin, a huge depression that underlies most of northeastern Colorado, including Denver (Foutz 1994). Geologically the basin is defined by alluvium washed down from the mountains with eolian sand and silt deposited by winds, which overlie sedimentary sandstones, shales, mudstones, and claystones deposited by an ancient sea (Figure 5) (Chronic and Williams 2012).

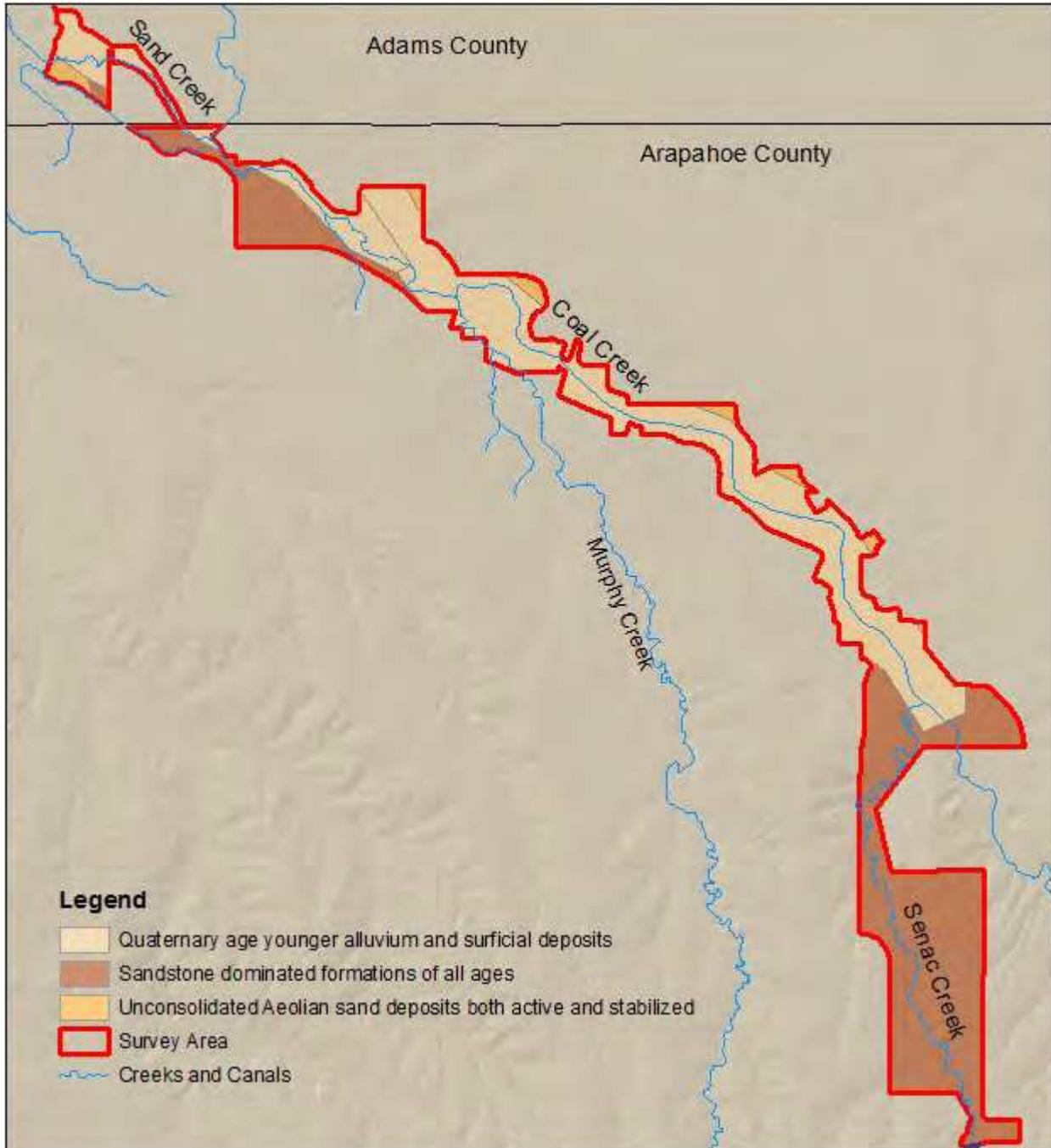


Figure 5. The Geology of the Study Area.

Soils

Soils within the survey area were formed from weathered sedimentary substrates, including hard shale and sandstones, alluvial sediments, and loose material deposited by wind. Soils are characterized as sandy loam, silt loam, clay, loam, loamy alluvial, and sandy alluvial deposits (U.S.D.A. Soil Conservation Service 1971).

Ecological Systems

Ecological systems are dynamic assemblages or complexes of plant and/or animal communities (Figure 5. Geology within Survey Area).

that 1) occur together on the landscape; 2) are tied together by similar ecological processes, underlying abiotic environmental factors or gradients; and 3) form a readily identifiable unit on the ground (CNHP 2013). Terrestrial ecological systems occur on the landscape at intermediate geographic scales of 10s to 1,000s of hectares and persist for 50 or more years. Systems are shaped by ecological processes that include natural disturbances such as fire, erosion, and flooding. The pattern and distribution of systems may be dependent on a variety of soil surface and bedrock features, or other environmental gradients including local climate and precipitation, area hydrology, and elevation.

The ecological system is a practical working unit for both land managers and conservation professionals. Viability specifications are useful tools for ranking occurrences of ecological systems and their constituent plant associations. Each system has specifications for ranking its quality based on size, condition, and landscape context. The ranking process facilitates the identification of the best examples of each system. The ecological system descriptions and specifications presented here are applicable to ecological occurrences throughout the Central Shortgrass Prairie ecoregion, and were used in developing conservation targets for the ecoregion as well as in the evaluation of potential conservation areas.

The use of ecological systems in ecoregional planning is intended to identify major native prairie types that, if conserved and managed at appropriate scales, would protect the majority of the plants, animals, and natural communities associated with them. A key assumption of this approach is that most native prairie species can be maintained in viable numbers in native prairie landscapes. Those exceptional species that either tolerate or specialize in habitats affected by conversion of native prairie to tilled agriculture may need to be dealt with on an individual basis.

There are two ecological systems (excluding residential and cultivated lands) within the Survey Area; Western Great Plains Riparian Woodland, Shrubland and Herbaceous and Western Great Plains Shortgrass Prairie (Table 1, Figure 6) (CNHP 2013).

Table 1. Ecological Systems within Triple Creek Greenway Survey Area

Ecological System	Acres
High Intensity Residential	2,157
Herbaceous Planted/Cultivated	954
Western Great Plains Riparian Woodland, Shrubland and Herbaceous	484
Western Great Plains Shortgrass Prairie	205
Total	3,800

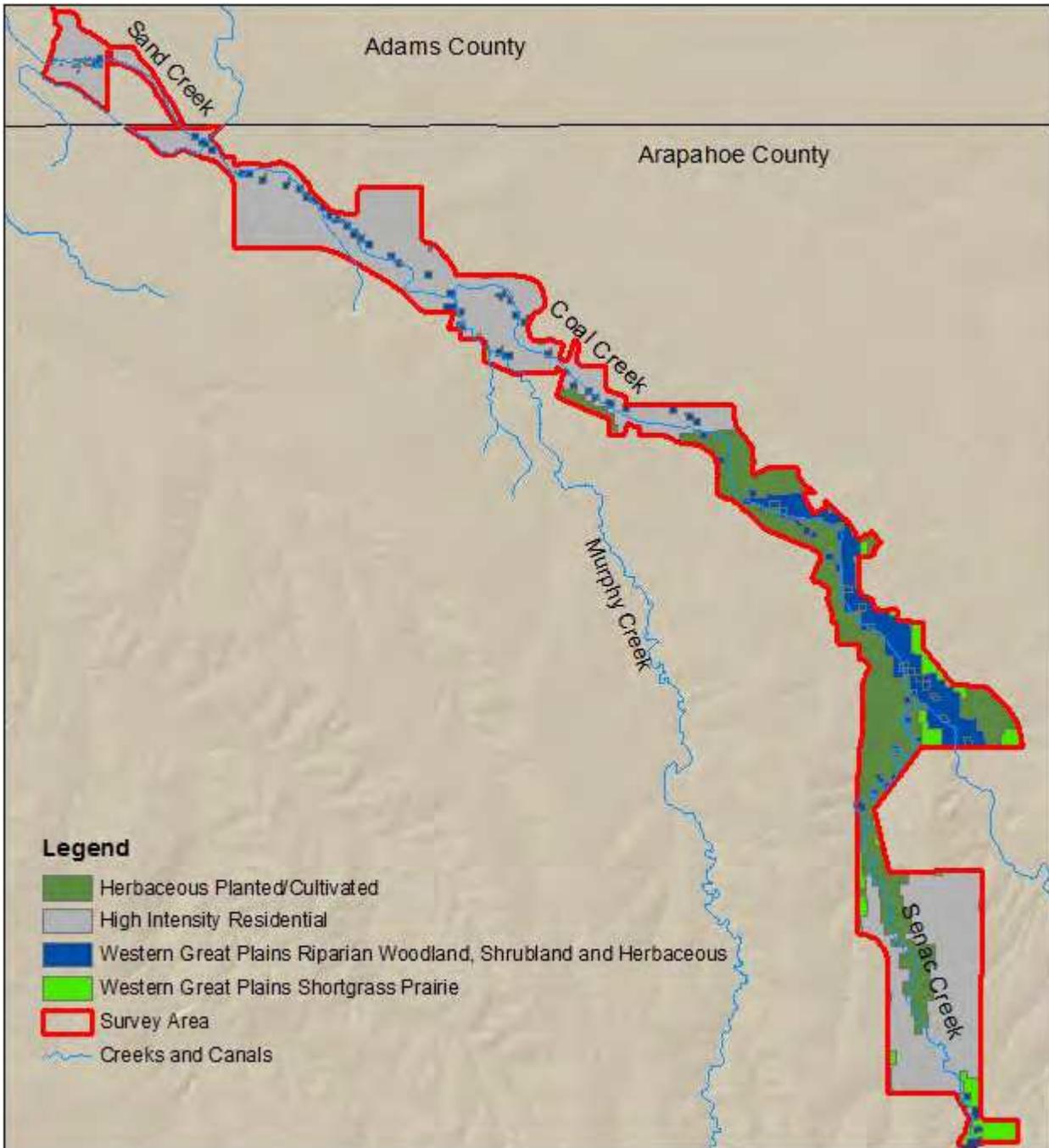


Figure 6. Ecological Systems within Survey Area.

Western Great Plains Shortgrass Prairie

This system is found primarily in the western half of the Western Great Plains Division east of the Rocky Mountains. It ranges from the Nebraska Panhandle south into Texas and New Mexico, although some examples may reach as far north as southern Canada where it grades into Northwestern Great Plains Mixedgrass Prairie.

In much of its range, this system forms the matrix system with grama grasses (*Bouteloua* spp.) dominating

this system. Other associated graminoids may include buffalo grasses (*Buchloe dactyloides*), needle and thread grass (*Hesperostipa comata*), June grass (*Koeleria macrantha*), Western wheatgrass (*Pascopyrum smithii*), three-awn grass (*Aristida purpurea*) and sand dropseed (*Sporobolus cryptandrus*). Although tallgrass and mixedgrass species may be present especially on more mesic soils, they are secondary in importance to the sod-forming short grasses. Shrub species such as fringed sage (*Artemisia frigida*) and rabbitbrush (*Chrysothamnus* spp.) that dominate the Western Great Plains shrubland systems may also be present.

This system, in combination with the associated wetland systems, represents one of the richest areas in the United States for large mammals. Grassland bird species may constitute one of the fastest declining vertebrate populations in North America. A healthy shortgrass prairie system should support viable populations of pronghorn, endemic grassland birds, prairie dog complexes, and other Great Plains mammals. Historically, such areas would also have been populated by bison in sufficient numbers to support populations of wolves.

Western Great Plains Riparian Woodland, Shrubland and Herbaceous

This system is found in the riparian areas of medium and small rivers and streams throughout the Western Great Plains. It is likely most common in the Central Shortgrass Prairie and Northern Great Plains Steppe, but extends west into the Wyoming Basins. Dominant vegetation overlaps broadly with portions of large river floodplain systems, but the overall abundance of vegetation is generally lower. Vegetation may be a mosaic of communities that are not always tree or shrub dominated. Communities within this system range from riparian forests and shrublands to tallgrass wet meadows and gravel/sand flats.

Dominant species include; plains cottonwood (*Populus deltoides*), willows (*Salix* spp.), western wheatgrass (*Pascopyrum smithii*), sand dropseed (*Sporobolus cryptandrus*), little bluestem (*Schizachyrium scoparium*), big bluestem (*Andropogon gerardii*), and Johnsongrass (*Sorghastrum nutans*). Plant associations of the North American Arid West Emergent Marsh ecological system may occur along or adjacent to portions of this system.

Native amphibians and reptiles (e.g., leopard frogs, spadefoot toads, ornate box turtles), and native prairie fishes are indicators of a healthy riparian shrubland and woodland system.

This system is composed of associations found on alluvial soils in highly variable landscape settings, from deep cut ravines to wide, braided streambeds. Hydrologically, the associated rivers tend to be more flashy with less developed floodplain than on larger rivers, and typically dry down completely for some portion of the year.

These areas are often subjected to heavy grazing and/or agriculture and can be heavily degraded. *Tamarix* spp. and less desirable grasses and forbs can invade degraded examples up through central Colorado. Furthermore, groundwater depletion and lack of fire have created additional species changes.

METHODS

The methods for assessing and prioritizing conservation needs over a large area, such as a county, are necessarily diverse. CNHP follows a general method that is continuously being developed specifically for this purpose. This *Survey of Biological Resources in the Triple Creek Greenway* was conducted in several steps summarized below. Additionally, input from the City of Aurora and its stakeholders were sought at all stages.

Collect Existing Information

A variety of sources were searched for existing information. For biological resources, data sources included CNHP's conservation database (Biotics), Colorado Division of Wildlife, published/unpublished literature, and others.

Identify rare or imperiled species and significant plant associations with potential to occur in Survey Area

The information collected in the previous step was used to refine a list of potential species (both plants and animals) and natural plant communities and to refine our search areas. In general, species and plant communities tracked by CNHP and that have been recorded from the survey site or from adjacent counties are included in this list.

Identify Targeted Inventory Areas

CNHP used existing databases, experts, and GIS layers (e.g., digital photo orthoquads, geology, landcover, soils, etc.) to develop the target species list and to identify areas to inventory ("targeted inventory areas"). Once the species list and targeted inventory area map were developed, an inventory time table was generated based on the species' natural history (e.g., breeding season).

Given the unique nature of this project, rather than identifying specific sub-areas as targeted inventory areas (TIAs), each individual parcel within the survey area was considered as one TIA. Seven parcels were eliminated from field survey per the City's request. Roadside surveys were useful in further resolving the natural condition of these areas. Because the condition of shrublands is especially difficult to discern from aerial photographs, a quick survey from the roads revealed such aspects as weed infestation and vegetation composition.

Contact Landowners

Obtaining permission to conduct surveys on private property was essential to this project. Land ownership of the parcels within the survey area was determined using GIS land ownership coverage obtained from the City. Landowners were then either contacted by phone or in person. If landowners could not be contacted, or if permission to access the property was denied, this was recorded and the site was not visited. **Under no circumstances were private properties surveyed without landowner permission.**

Conduct Field Surveys and Gather Data

TIAs where access could be obtained were visited at the appropriate time as dictated by the seasonal occurrence (or phenology) of the individual elements. It was essential to conduct the surveys during times when the targeted elements would be detectable. For instance, plants are often not identifiable without flowers or fruit that are only present during certain times of the year or breeding birds cannot be surveyed outside of the breeding season, because they are most visible in breeding plumage and are easier to spot when singing to attract mates. Amphibians are best surveyed in spring when adults are calling and mating,

in mid-summer when tadpoles are out and adults are still active and in late summer when metamorphs are present. The methods used in the surveys varied according to the elements that were being targeted. In most cases, the appropriate habitats were visually searched in a systematic fashion that would attempt to cover the area as thoroughly as possible in the given time. Where necessary and permitted, voucher specimens were collected and deposited in local university museums and herbaria.

When a rare species or significant plant community was discovered, its precise location and known extent were recorded with a global positioning system (GPS) unit. Other data recorded at each occurrence included numbers observed, breeding status, habitat description, disturbance features, observable threats, and potential protection and management needs. The overall significance of each occurrence, relative to others of the same element, was estimated by rating the size of the population or community, the condition or naturalness of the habitat, and the landscape context (its connectivity and its ease or difficulty of protecting) of the occurrence. These factors are combined into an element occurrence rank, useful in refining conservation priorities. See Appendix I, Natural Heritage Program Methodology, for more about element occurrence ranking.

Site visits and assessments were conducted on the following two levels:

1) Roadside or adjacent land assessments. Many of the sites could be viewed at a distance from a public road or from adjacent public land. While on the ground the field scientist was able to see, even from a distance, many features not apparent on maps and aerial photos. These assessments determined the extent of human and livestock impacts on the Study Area, which included ditching, adventive plant species, plant species indicative of intensive livestock use, stream bank destabilization, major hydrologic alterations, excessive cover of non-native plant species, or new construction. Sites with one or more of these characteristics were generally excluded as potential conservation areas and no extensive data were gathered at these areas. If roadside assessments of private lands yielded the potential presence of an element occurrence, landowner contact was initiated, and if permission was given, an on-site assessment was performed.

2) On-site assessments. On-site assessment was the preferred method, as it is the only assessment technique that can yield high-confidence statements concerning the known or potential presence of rare and imperiled elements or excellent examples of common associations. On-site assessments are also the most resource intensive because of the effort required to contact landowners. In several cases where on-site assessments were desired, they could not be conducted because either field personnel were denied access to the property by the landowner, or CNHP was unable to gain a response from the landowner during the time frame of the survey effort.

The methods used in the animal surveys varied according to the animal that was being targeted. In most cases, the appropriate habitats were visually searched in a systematic fashion, attempting to cover the area as thoroughly as possible in the given time. Some types of organisms require special techniques to document their presence. For animals, these techniques are summarized below followed by specific reference sources for animals:

- Amphibians: visual observation, vocal surveys and capture using aquatic dip nets (Hammerson 1999)
- Birds: visual observation or identification by song or call (Kingery 1998, Andrews and Righter 1992, National Geographic Society 2006)
- Invertebrates: sweep netting (Opler et al. 2009, Scott 1986)
- Mammals: visual observation, pit fall trapping, Sherman live trapping and mist-netting for bats (Fitzgerald et al. 1994)

The techniques used for plants and plant communities are summarized below also followed by specific reference sources:

- Lists of all plant associations in the Study Area, including the percent cover by that community. In almost all cases, plant associations were immediately placed within both the International National Vegetation Classification (Anderson et al. 1998; Comer et al. 2003) and the Comprehensive Statewide Wetlands Classification (Carsey et al. 2003). Plant synonym followed Kartesz (1999).
- Vegetation data using Weber and Wittman (2012) and Culver and Lemly (2013) for each major plant association in the wetland were collected using visual ocular estimates of species cover in a representative portion of the plant association, including non-native species.
- UTM coordinates and elevation from Garmin GPSmap 76CSx.
- Current and historic land use (e.g., grazing, logging, recreational use) when apparent.
- Notes on geology and geomorphology.
- Reference photos of the site.
- Indicators of disturbance such as logging, grazing, flooding, etc.

RESULTS

Prior to the 2012 summer field season, 97 Targeted Inventory Areas (TIAs) were identified from the parcels of interest in Adams and Arapahoe Counties. Seven parcels (268 acres) were not ground surveyed, but were road surveyed per the request of the City of Aurora. Thirty-one parcels (384 acres) were not field surveyed due to either obvious anthropogenic disturbances (e.g. landfill, airstrip, pasture, farm field) or because the landowners denied access or did not respond to requests for access. The remaining 59 parcels (3,098 acres) were field surveyed (Table 2, Figure 7).

A total of 115 plants and animals were recorded from the Triple Creek survey area including 44 vascular plants, and 71 animals. The animals included three amphibians, 41 birds, 15 invertebrates, 11 mammals, and one reptile. For a complete list of plants and animals see Appendix II.

Two new element occurrences of the northern leopard frog (*Lithobates pipiens*), two new occurrences of black-tailed prairie dog (*Cynomys ludovicianus*), an update of a known bald eagle (*Haliaeetus leucocephalus*) breeding occurrence, and one new occurrence of ferruginous hawk (*Buteo regalis*) were documented. (Table 3). A description of these critical animal resources and of the three creeks of the survey area starts below, followed by a discussion of the recorded invasive plant species.

Table 2. Targeted Inventory Area Results.

PARCEL STATUS	Number of Parcels	Acres	Percent
City Requested Do Not Contact	7	268	7
Not Ground Surveyed	31	384	10
Ground Surveyed	59	3098	83
TOTALS	97	3750	100

Table 3. Significant Species Documented from Survey Area.

Scientific Name	Common Name	Global Rank	State Rank	US ESA	Federal Sensitive	State Sensitive
Amphibians						
<i>Lithobates pipiens</i>	Northern Leopard Frog	G5	S3			
Birds						
<i>Haliaeetus leucocephalus</i>	Bald Eagle	G5	S1B, S3N		BLM/FS	ST
<i>Buteo regalis</i>	Ferruginous Hawk	G4	S3B, S4N		BLM/FS	SC
Mammals						
<i>Cynomys ludovicianus</i>	Black-tailed Prairie Dog	G4	S3		BLM/FS	SC

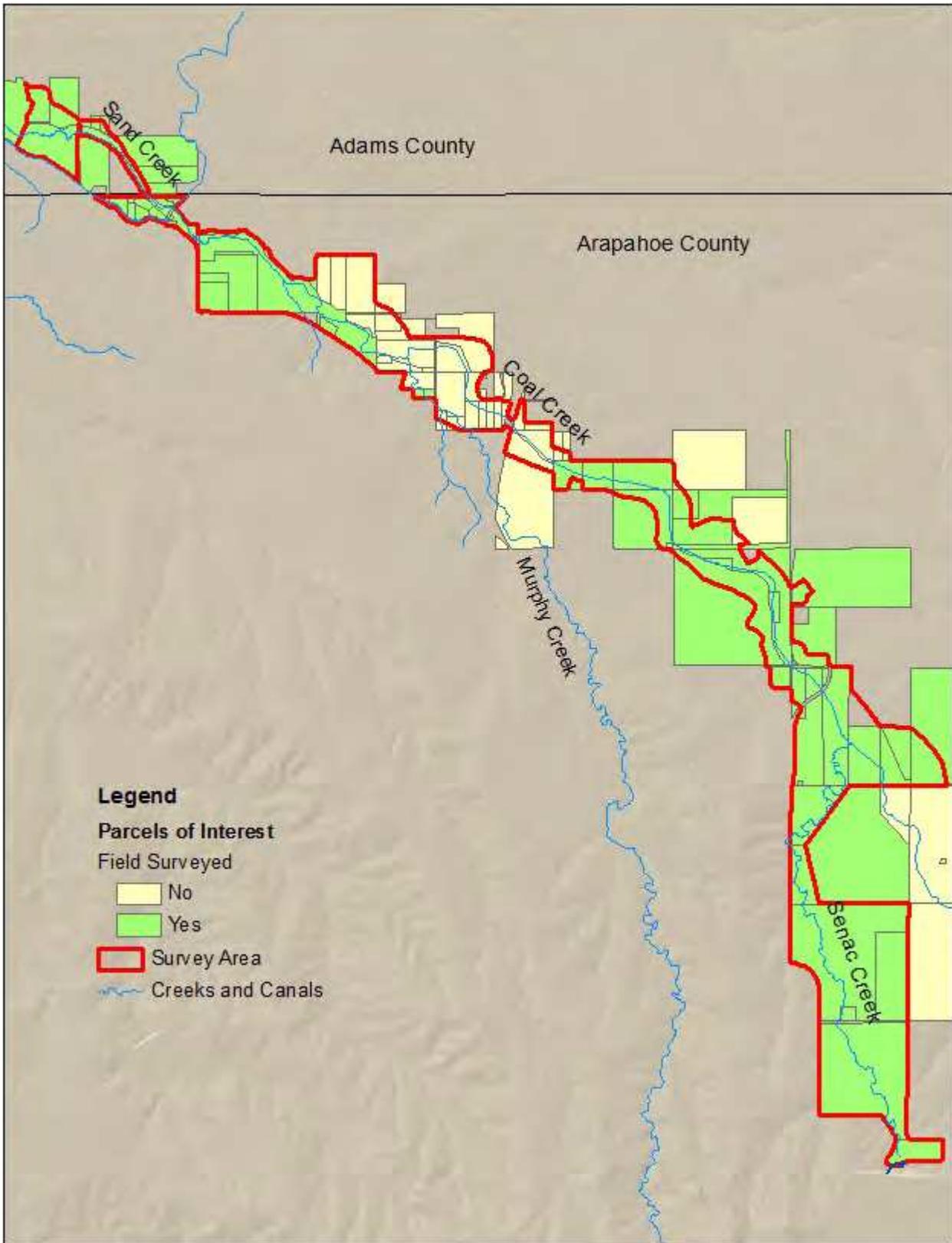


Figure 7. Survey status of the 97 parcels identified as Targeted Inventory Areas.

Amphibians

Northern Leopard Frog

The northern leopard frog was recorded from Senac and Coal creeks, in pools of the creek channel fed by rainwater runoff, and in wetlands associated with the drainages, but fed by groundwater seepage (Figure 8). The northern leopard frog occurs throughout Colorado from the plains to the mountains up to 12,000 feet (3,700 m). Northern leopard frogs are currently ranked by NatureServe as secure globally (G5) and vulnerable in Colorado (S3). However, populations of northern leopard frog are declining across their range. The exact cause of the decline is unknown and needs further investigation (Hammerson 1999), but threats include habitat loss, commercial overexploitation, and, in some areas, probably competition or predation by introduced species. Part of the statewide decline in Colorado may be due to predation by the increasingly abundant bullfrog (*Lithobates catesbiana*), which is native to the eastern U. S., but introduced in Colorado. Bullfrogs were observed further downstream on Sand Creek during this survey. Steps should be taken to prevent establishment of bullfrogs at the northern leopard frog sites and bullfrogs should be eradicated if they do become established. In summer, northern leopard frogs commonly occupy wet meadows and fields, and natural and irrigation-created wetlands.

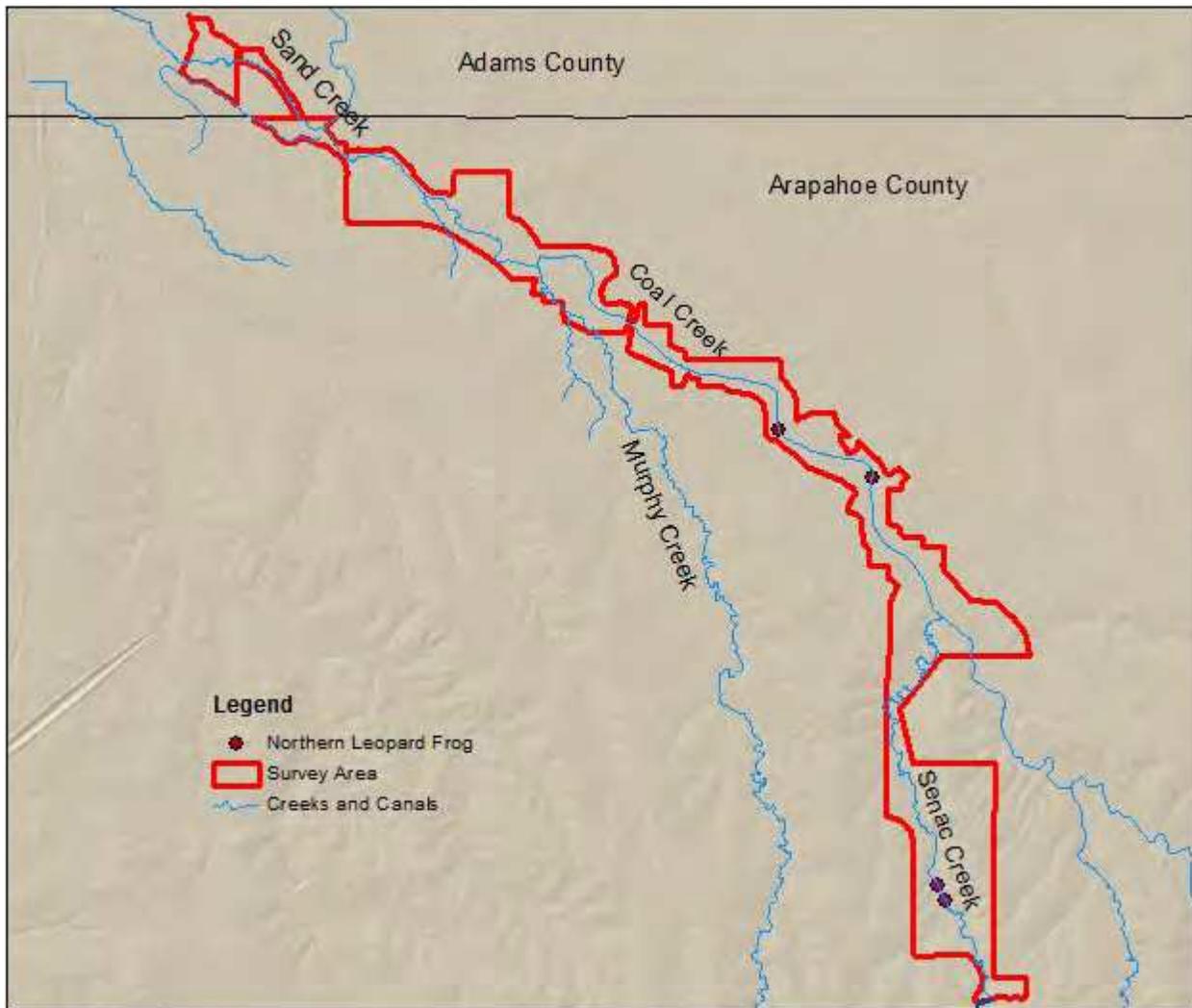


Figure 8. Location of Northern Leopard Frogs



Northern leopard frog. Photo by John Sovell.



Northern leopard frog. Photo by John Sovell.

Birds

Bald Eagle

A known occurrence of a bald eagle (*Haliaeetus leucocephalus*) nest was revisited and the pair was observed successfully breeding at the nest site with two chicks in the nest. Breeding habitat for bald eagles consists of forested areas near large bodies of water (Andrew and Mosher 1982, Usgaard and Higgins 1995); in this case Aurora Reservoir. Nests typically are placed in tops of tall trees located near suitable foraging habitat (Anthony and Isaacs 1989). Bald eagles are currently ranked by NatureServe as secure globally (G5) and breeding populations are rare in Colorado (S1B). Factors affecting the quality of foraging habitats include the characteristics of the prey base (Livingston et al. 1990), the structure of the aquatic habitat (MacDonald and Austin-Smith 1989), and the extent of human development and disturbance (McGarigal et al. 1991). This nest location is fairly isolated, but care must be taken in developing any recreational trails as activity during the breeding season within 400 meters will disturb the nesting pair, potentially causing them to abandon the nest site. Bald eagles breed in suitable habitats throughout much of North America, including Alaska, Canada, and all 48 contiguous states in the U.S. except for Vermont and Rhode Island, and parts of Mexico (Buehler 2000). No records exist of bald eagles breeding outside of North America (Buehler 2000). Many of the bald eagles breeding in Colorado, including this nesting pair, migrate seasonally as necessary when food becomes unavailable (Harmata and Stahlecker 1993). Bald eagles are opportunistic foragers and their diet varies greatly, depending upon the location and the availability of various types of prey (Todd et al. 1982). In most regions bald eagles forage in aquatic habitats and prefer fishes (Stalmaster and Kaiser 1998). Major threats to the bald eagle include the loss of critical habitat components such as nest trees (Weekes 1974), perch sites, and winter roosts (Hansen et al. 1981) to natural or man-induced causes. Human activities and disturbance can affect populations of bald eagles and other birds in many important ways. Human disturbance can alter foraging patterns, distribution, and breeding habitat use (Brown and Stevens 1997); reduce reproductive success and foraging efficiency (White and Thurow 1985, Stalmaster and Kaiser 1998); and increase energy expenditures and stress (Knight and Knight 1983, Fernandez and Azkona 1993). To protect this breeding site a map of the location is not being included in this report.

Colorado Parks and Wildlife has also identified Bald Eagle winter range along approximately 3 miles of Sand Creek within the proposed greenway corridor (Figure 9). The eagle winter range is associated with black-tailed prairie dog colonies present within, and adjacent to, the proposed greenway corridor. Prairie dogs supply important winter forage from November through February for the eagles. Care must be taken to avoid human disturbance from November through February, when eagles inhabit the site.



Figure 9. Location of Bald Eagle Winter Range



Immature Bald Eagle along Murphy Draw. Photo from the City of Aurora.

Ferruginous Hawk

One observation of ferruginous hawk (*Buteo regalis*) was recorded from the survey area, within the immediate vicinity of prairie dog towns (Figure 10). The ferruginous hawk occurs throughout the eastern half of Colorado and in northwestern Colorado from Moffat to Mesa counties (Kingery 1998). NatureServe ranks ferruginous hawks apparently secure across their range (G4), but Colorado's breeding population is considered vulnerable (S3B), based on human reduction of the primary winter prey base (prairie dog colonies), small population size, and human encroachment into available habitat. This raptor is also ranked apparently secure in the United States (N4) by NatureServe. In Colorado, ferruginous hawks are fairly common winter residents, but are rare to uncommon summer residents on the eastern plains (Andrews and Righter 1992, Kingery 1998). About 1,200 birds winter in Colorado (Johnsgard 1990), that comprises about 20 percent of the total winter population in the United States (Andrews and Righter 1992). North American Breeding Bird Survey data for the U.S. and Canada indicate a relatively stable population from 1990 – 2004 (Sauer *et al.* 2005). Ferruginous hawks inhabit grasslands and semi-desert shrublands, and are rare in pinon-juniper woodlands. Breeding birds nest in isolated trees, on rock outcrops, on structures such as windmills and power poles, or on the ground. Wintering birds concentrate around prairie dog towns, and their numbers and distribution vary widely with the availability of prairie dogs (Andrews and Righter 1992). Loss of grasslands is likely a long-term threat (Olendorff 1993). Ferruginous hawks are easily disturbed during the breeding season (February to July 15th) (Bechard *et al.* 1990) and will abandon nests, particularly in the early stages of nesting (White and Thurow 1985).

East of the Rocky Mountains on the plains of Colorado the ferruginous hawk winter primarily in grasslands, where prairie dogs are abundant (Bechard and Schmutz 1995). Wintering populations are tolerant of some human activity and agricultural practices including cultivation. Many prairie dog colonies exist both within the study area and adjacent to it. Consequently, City of Aurora biologists have observed ferruginous hawk along Sand Creek during winter, loafing and probably hunting prairie dogs that are active on warm, clear winter days.



Ferruginous Hawk. Photo from Wikipedia Commons



Figure 10. Location of Ferruginous Hawk.

Mammals

Black-tailed Prairie Dog

The Survey Area supports black-tailed prairie dog (*Cynomys ludovicianus*) population that is separated by Interstate E470, effectively creating two populations or independent complexes (Figure 11). In Colorado, black-tailed prairie dogs occupy the eastern 40 percent of the state (Fitzgerald *et al.* 1994). Throughout its range, the species occurs in much lower densities and in smaller colonies than it did historically (Fitzgerald *et al.* 1994, Hoogland 1996). NatureServe ranks this species as apparently secure across its range (G4), and vulnerable in Colorado (S3). Rangewide, the area prairie dogs occupy has declined dramatically, from about 110 million acres (45 million ha) historically to about 1.4 million acres (0.56 million ha) - a decline of about 99 percent (U.S. Fish and Wildlife Service 2002). Approximately 37 percent of the historical habitat has been converted to cropland, and is now generally unavailable as habitat due to continuous disturbance. In the metropolitan Denver area, populations of prairie dogs have also declined dramatically, as once suitable prairie has been converted to industrial and residential development and cropland. In urban areas, harassment and predation by domestic pets can be a problem. In addition, outbreaks of plague (caused by the bacillus *Yersinia pestis* and transmitted by fleas) continue to reduce or even eliminate some colonies (Barnes 1982). Through their foraging behavior and their clipping of tall plants, black-tailed prairie dogs significantly change the composition of plant communities throughout their range (Hoogland 1996). This alteration of the landscape improves the habitat for many other animals such as burrowing owl (*Athenia cunicularia*), which nest in their burrows and prairie dogs are an important prey species for many predators. Consequently, the presence of prairie dogs greatly increases the zoological diversity of prairie ecosystems (Clark *et al.* 1982, Hoogland 1995).

Within the vicinity of the study area black-tailed prairie dogs are increasingly competing for available habitat with human development. Urbanization impacts how prairie dogs interact with the landscape. Burrow density is significantly higher in colonies surrounded by urban development and roads and in urban areas, colonies actually occupy fewer surface acres than they would on more open landscapes (Johnson and Collinge 2003). Literally there are more prairie dogs packed into a smaller area. The implications of urbanization for prairie dogs and the habitats they occupy include increased prairie dog density, which increases competition for available resources leading to declines in habitat quality and ultimately declines in prairie dog population size. In essence, in urban areas higher prairie dog density, rather than indicating higher habitat quality, actually results in degraded landscapes. In addition, prairie dog dispersal is reduced in urbanized landscapes because of barriers such as roads and buildings, resulting in even higher prairie dog densities and even more habitat degradation. Furthermore, in the event of plague, high density colonies may experience increased plague transmission rates and decreased recolonization rates, due to dispersal barriers, jeopardizing the survival of urban colonies. However, the potential for plague to occur in an urban colony will depend on what species, in addition to prairie dogs, may transmit plague between colonies, and how potential dispersal barriers, such as roads, affect these species. In effect, because of their isolation, urban prairie dog colonies may be protected against plague outbreaks.

The effect that these high density urban prairie dog colonies are having on the proposed greenway corridor is discussed within the profile for Sand Creek (see page 36), where prairie dog densities are negatively impacting the landscape.

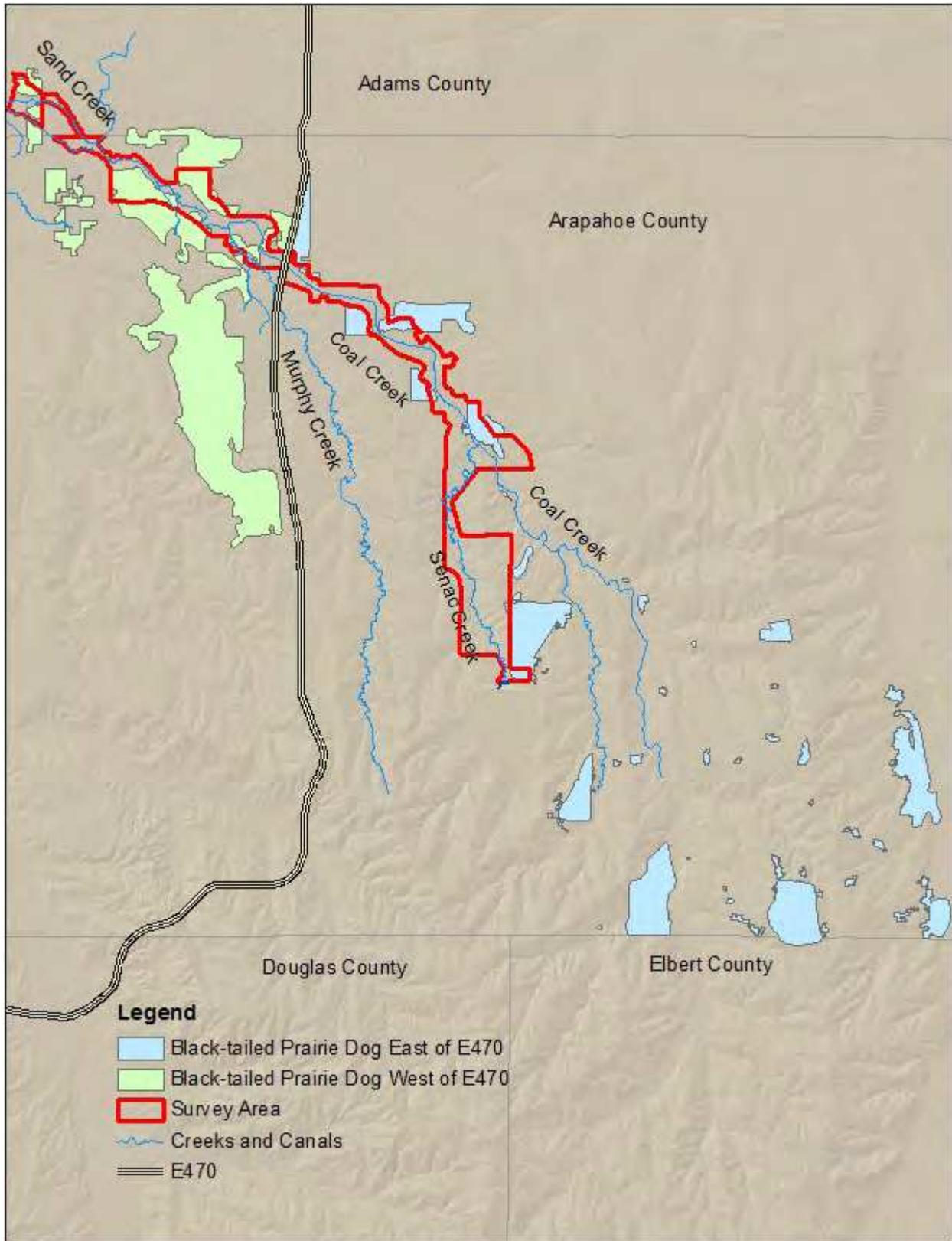


Figure 11. Location of Black-tailed Prairie Dog Towns.



Black-tailed prairie dog. Photo by John Sovell.

Senac Creek Profile

Senac Creek is the main outlet for Aurora Reservoir, flowing north through the Survey area. Agricultural areas and open space line the banks of the creek. It is an ephemeral stream with several low areas that retain water throughout the growing season. The Lowry Range is on the eastern boundary and Pronghorn Natural Area is located between Aurora Reservoir and the Ridge View Youth Services Center to the north. The vegetation is dominated by mature cottonwood (*Populus deltoides*) with Russian olive (*Elaeagnus angustifolia*) and non-native forbs, dominated by leafy spurge (*Euphorbia esula*) and Scotch thistle (*Onopordum acanthium*). There were a number of emergent wetland plants recorded from the area including Nebraska sedge (*Carex nebrascensis*), Bulrush (*Schoenoplectus acutus*), black sedge (*Carex praegracilis*), broadleaf cattail (*Typha latifolia*), narrowleaf cattail (*Typha angustifolia*), and three-square (*Scirpus pungens*).

Animals tracks documented by CNHP within this area include the northern leopard frog (*Lithobates pipiens*) and a nesting pair of bald eagles (*Haliaeetus Leucocephalus*), which occur within the area mapped in Figure 12. The eagles were originally observed nesting in the area in 2005 and have returned to the same nest site most of the intervening years up to and including 2013. This nest site should be protected from human disturbance and to maintain viability of the leopard frog population, bullfrogs (*Lithobates catesbeianus*) should be prevented from establishing within the pools found along the channel of Senac Creek. Bullfrogs are present farther up the drainage on Sand Creek. In addition to these two tracked species, the tracked black-tailed prairie dog also occupies the grassland of Pronghorn Natural Area within this reach of Senac Creek.

A wide range of birds use the cottonwood/ willow riparian habitat and the wetlands present along Senac Creek including Bullock's oriole (*Icterus bullockii*), red-tailed hawk (*Buteo jamaicensis*), red-winged blackbird (*Agelaius phoeniceus*) and western kingbird (*Tyrannus verticalis*) among others and these forests potentially supply important stopover habitat for numerous other birds during spring and fall migration. Evidence, including tracks and scat, of Coyote (*Canis latrans*), long-tailed weasel (*Mustela frenata*), mule deer (*Odocoileus hemionus*) and raccoon (*Procyon lotor*) were also recorded from this area.



Pronghorn Natural Area. Photo by John Sovell.



Prairie dog town. Photo by John Sovell



Senac Creek. Photo by John Sovell.



Senac Creek. Photo by John Sovell

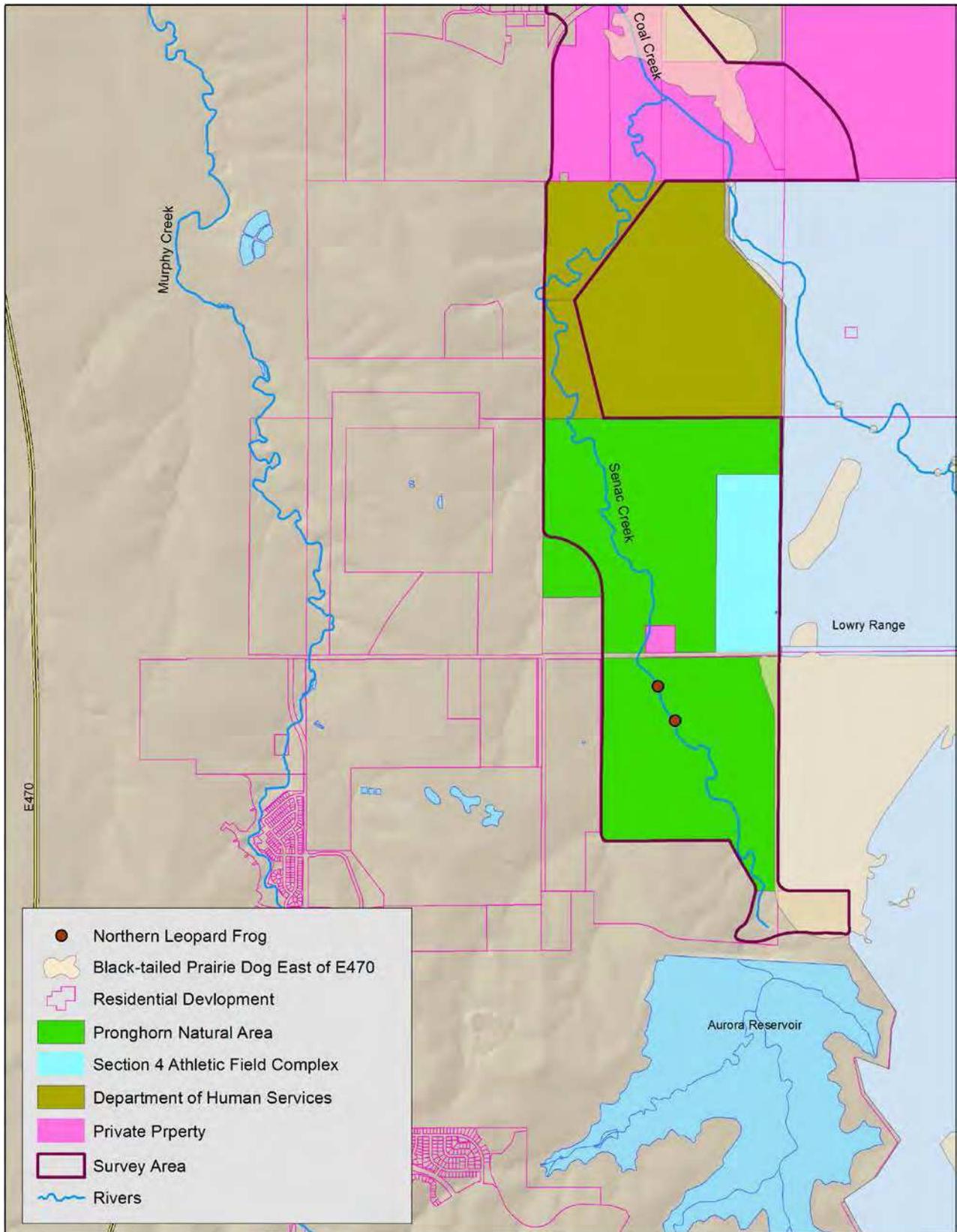


Figure 12. Overview of Senac Creek.

Coal Creek Profile

Coal Creek confluences with Senac Creek within the survey area, as it flows north to Sand Creek. Within this reach, the creek is ephemeral, generally dry and degraded, and flows north eventually passing through several residential areas (Figure 12). Most of the creek occurs within an entrenched channel where meanders of the creek have reestablished themselves. The dry banks of the upper floodplain support native herbaceous plants, but weedy nonnatives including kochia (*Bassia scoparia*), cheatgrass (*Bromus tectorum*), and smooth brome (*Bromus inermis*) are abundant. There is also an abundance of leafy spurge (*Tithymalus (Euphorbia) esula*) and cheatgrass in the herbaceous understory beneath the cottonwood (*Populus deltoides*) and peachleaf willow (*Salix amygdaloides*). Some of the emergent wetland plants recorded here includes softstem bulrush (*Schoenoplectus tabernaemontani*), cattail (*Typha* spp.) and spotted ladysthumb (*Polygonum persicaria*). Other wetland plants recorded included Nebraska sedge (*Carex nebrascensis*), Bulrush (*Schoenoplectus acutus*), black sedge (*Carex praegracilis*), beaked sedge (*Carex utriculata*), and spikerush (*Eleocharis palustris*).

Within the channel of the creek, pockets of water support occurrences of northern leopard frogs, which is a CNHP tracked species (Figure 12). To maintain viability of the leopard frog population, bullfrogs should be prevented from establishing within these pools of water. These pools also support populations of fathead minnows (*Pimephales promelas*) and black bullheads (*Ameiurus melas*). The marsh pond snail (*Lymnaea elodes*), Physid snails (*Physa* sp.) and tadpoles of the Woodhouse's toad (*Bufo woodhousii*) were also found in these pools. Such a diversity of aquatic life suggests that water quality is still fair-to-good along this portion of Coal Creek.

Upslope along the southern portions of the creek, where urban development has not yet reached, there are a number of black-tailed prairie dog towns, also a CNHP tracked species, occupying the grassland that exists here (Figure 13). According to GIS coverage's supplied to CNHP by the City of Aurora, the areas occupied by the prairie dogs have been approved for residential development. Completion of development within these areas will result in fragmentation and potential loss of the prairie dog populations.

A wide range of birds use the cottonwood/ willow riparian habitat, including American goldfinch (*Spinus tristis*), Bullock's oriole (*Icterus bullockii*), northern flicker (*Colaptes auratus*) western kingbird (*Tyrannus verticalis*), and western wood-pewee (*Contopus sordidulus*) among others and these forests potentially supply important stopover habitat for numerous other birds during spring and fall migration. Evidence, including tracks, scat and burrowing, of Coyote (*Canis latrans*), plains pocket gopher (*Geomys bursarius*), mule deer (*Odocoileus hemionus*) and raccoon (*Procyon lotor*) were also recorded from the Coal Creek reach.



Photos from the Coal Creek survey. Photos by John Sovell and Bernadette Kuhn.

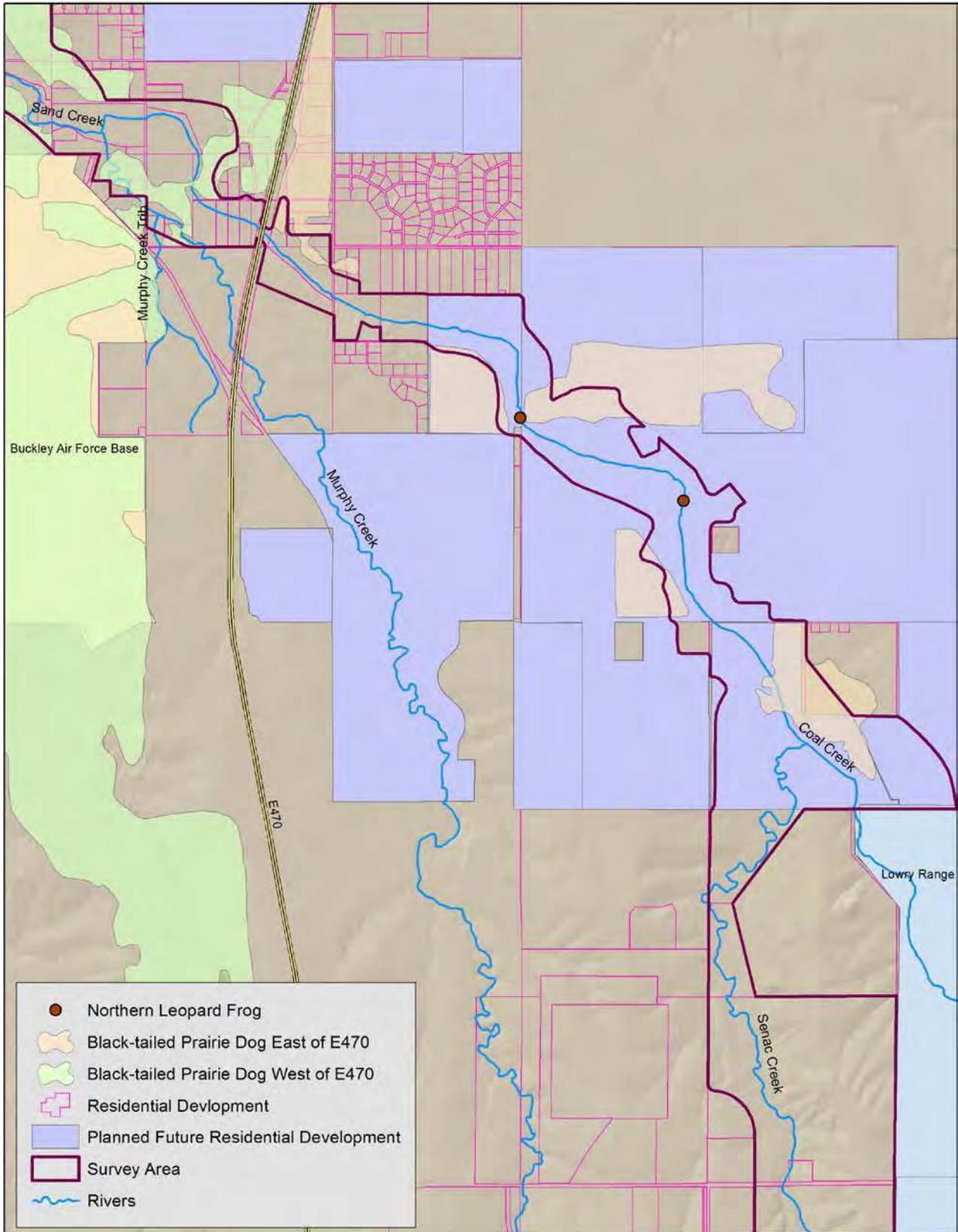


Figure 13. Overview of Coal Creek.

Sand Creek Profile

Sand Creek is a perennial stream that supports a mature cottonwood gallery forest with a non-native forb and graminoid understory. The creek is formed at the junction of Murphy Creek and Coal Creek and this is the most modified stretch of the survey area with dense residential and commercial development occupying the uplands along the creek (Figure 13). Sand Creek, along much of its length here, is protected within two open spaces, the Sand Creek Greenway and Star K Ranch Open Space. The Sand Creek Greenway is an existing recreational path that follows Sand Creek into the Star K Ranch Open Space, in Adams County. The creek is highly incised here and occupies a deep channel lacking stream meanders and stream braiding resulting in stagnant waters that are highly eutrophic and that contain a great deal of algae. The large amount of development adjacent to the creek with a high percent of paved surfaces and landscaped lawns appears to result in a great deal of pollution running-off into the creek, creating these eutrophic conditions.

On the west side of Airport Road, the plant community along Sand Creek is an open, cottonwood gallery forest with an understory dominated by a non-native grass- smooth brome (*Bromus inermis*). Large stands of plains cottonwood (*Populus deltoides*) dominate the overstory. Noxious weeds are present in small patches including Canada thistle (*Cirsium arvense*), teasel (*Dipsacus fullonum*), and leafy spurge (*Euphorbia esula*). As Sand Creek flows east under Airport Road, the channel becomes more incised. The banks are dominated by peachleaf willow (*Salix amygdaloides*), crack willow (*Salix fragilis*), and coyote willow (*Salix exigua*). Emergent wetland plants are present along the creek, including softstem bulrush (*Schoenoplectus tabernaemontani*), cattail (*Typha* spp.) and spotted ladythumb (*Polygonum persicaria*).

There were two CNHP tracked species recorded from the Sand Creek portion of the Survey area, the ferruginous hawk and the black-tailed prairie dog (Figure 14). The ferruginous hawk was observed hunting in a large prairie dog town north of Buckley Air Force Base. In this part of the Survey area, prairie dogs were exploiting grassland that still persisted as patches spread amongst the dense residential and commercial developments. The areas occupied by the prairie dogs are intensely grazed and degraded with high abundance of nonnative plant species. Because of the intense development, there is no room for prairie dog towns to move on the landscape or for new recruits into the population to expand into adjacent and unoccupied habitat because none exists. Consequently, colony density is high and prairie dog grazing has reduced herbaceous ground cover resulting in a high percentage of bare ground that has been exploited by weedy vegetation resulting in a ground cover dominated by kochia (*Bassia sieversiana*) and cowpen daisy (*Verbesina enceloides*). In addition, this area is utilized by wintering bald eagles and has been identified by the Colorado Division of Parks and Wildlife as bald eagle winter range.

In addition to the tracked species, CNHP also found black bullhead (*Ameiurus melas*), which are tolerant of low levels of dissolved oxygen, red shiner (*Cyprinella lutrensis*), the nonnative bullfrog, grasshoppers, dragonflies and damselflies in the area. Additional sightings and evidence, such as tracks and scat, of mammals included bobcat (*Lynx rufus*), coyote, desert cottontail (*Sylvilagus audobonii*), fox squirrel (*Sciurus niger*), mule deer and white-tailed deer (*Odocoileus virginianus*). It also appears that there are active beaver (*Castor canadensis*) dams and ponds in this area, although no beavers, tracks, or scat were observed during completion of survey work.

The expansive cottonwood gallery forest along this reach of Sand Creek provides good quality habitat for riparian songbirds and raptors. The numerous birds observed here included American robin (*Turdus migratorius*), black-billed magpie (*Pica hudsonia*), blue jay (*Cyanocitta cristata*), house wren (*Troglodytes aedon*), northern flicker, mourning dove (*Zenaida macroura*), red-tailed hawk, Say's phoebe (*Sayornis saya*), and western wood-peewee among others.



Eutrophic water conditions along Sand Creek.



Denuded black-tailed prairie dog colony.



Pond along Sand Creek.



Black bullhead catfish.

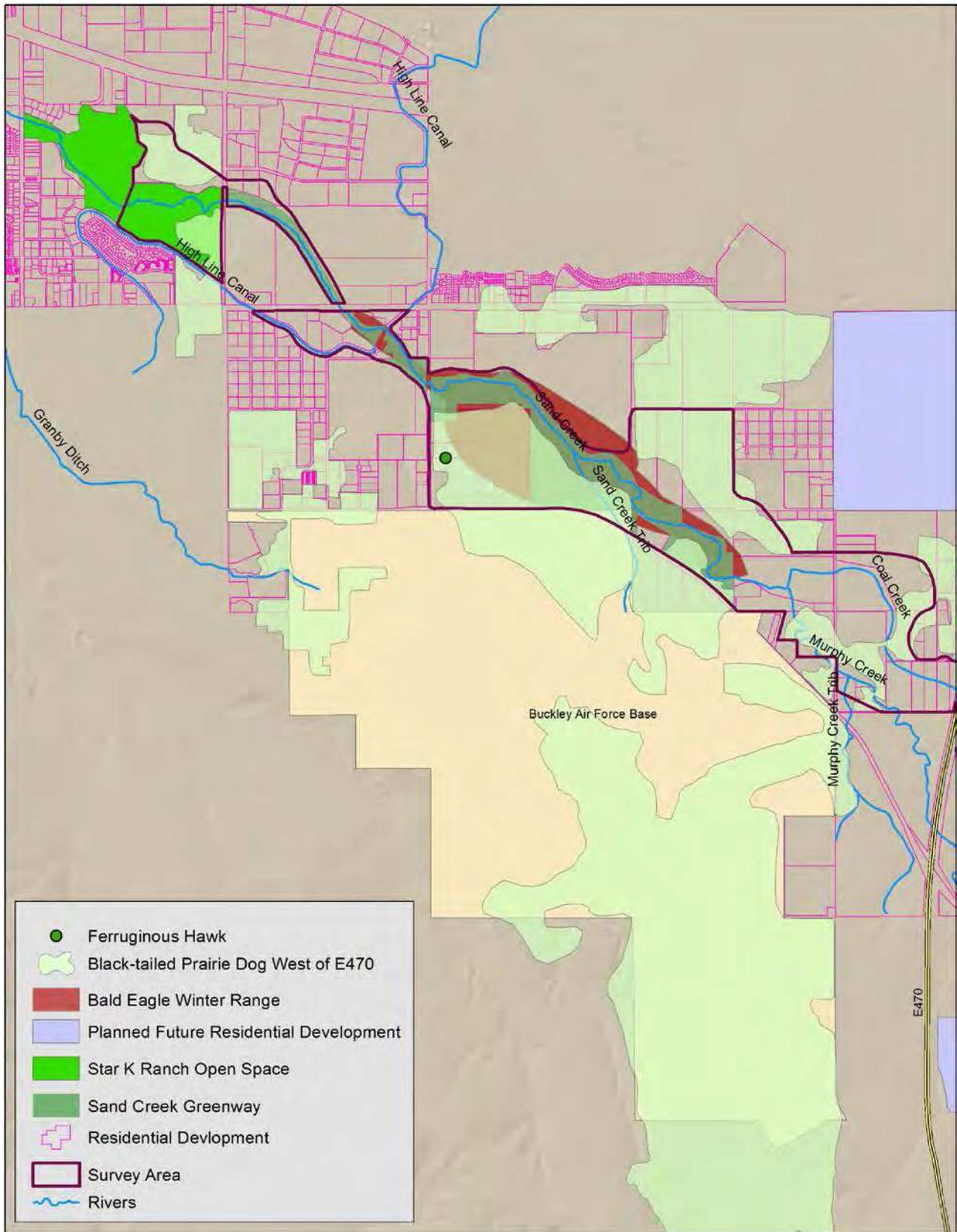


Figure 14. Overview of Sand Creek.

Non-native Plant Species

In Colorado there are 498 (14.5% of total flora) invasive plant species (CDA 2013). Invasion of non-native and aggressive species and their replacement of native species is a threat to Colorado. The Colorado Department of Agriculture Noxious Weed Program lists species according to their degree of invasiveness. List A species are designated by the State Commissioner for eradication. No List A species were documented during the project. List B weed species are species for which the State develops and implements state noxious weed management plans designed to stop the continued spread of these species. List C weed species are species for which the Commissioner will develop and implement state noxious weed management plans designed to support the efforts of local governing bodies to facilitate more effective integrated weed management on private and public lands. Below is a table listing the List B and C species documented within the survey area.

List B species

documented within the watershed:

Bull thistle (*Cirsium vulgare*)
Butter and eggs (*Linaria vulgaris*)
Canada thistle (*Breca arvensis*)
Dalmatian toadflax (*Linaria dalmatica*)
Houndstongue (*Cynoglossum officinale*)
Leafy spurge (*Euphorbia esula*)
Musk Thistle (*Carduus nutans*)
Ox-eye daisy (*Chrysanthemum leucanthemum*)
Perennial pepperweed (*Lepidium latifolium*)
Quackgrass (*Elytrigia repens*)
Russian-olive (*Elaeagnus angustifolia*)
Salt cedar (*Tamarix ramosissima*)
Scotch thistle (*Onopordum tauricum*)
White top or hoary cress (*Cardaria draba*)

List C species

documented within the watershed:

Chicory (*Cichorium intybus*)
Common burdock (*Arctium minus*)
Common mullein (*Verbascum thaspus*)
Downy brome (*Bromus tectorum*)
Field bindweed (*Convolvulus arvensis*)
Johnsongrass (*Sorghum halepense*)
Perennial sowthistle (*Sonchus arvensis*)
Puncturevine (*Tribulus terrestris*)
Redstem filaree (*Erodium cicutarium*)
Wild proso millet (*Panicum millaceum*)



Scotch thistle. Gary A. Monroe @ USDA-NRCS PLANTS Database



Russian olive. J.S. Peterson @ USDA-NRCS PLANTS Database



Leafy spurge. Photo from Wikipedia Commons.

DISCUSSION

Preservation of the ecological integrity of Sand, Coal, and Senac creeks and the critical biological resources of the surrounding uplands will benefit from maintaining the natural hydrology of the creeks and from preventing excessive disturbance of their associated wetlands and cottonwood gallery forests. In addition, needed restoration of the Survey area through elimination of weeds would improve ecological integrity and habitat values for wildlife and enhance biodiversity of the Triple Creek project area.

This study has identified that there are a number of rare biological resources present within the Triple Creek project area that are sensitive to human disturbance and human induced changes to the landscape. These include populations of northern leopard frog and black-tailed prairie dog and ferruginous hawk, a nesting occurrence of bald eagles, winter hunting and loafing habitat for bald eagles and cottonwood gallery forests that support a diverse population of breeding songbirds, raptors and supply stopover habitat in the spring and fall suitable for migrating birds. When developing the planned greenway, care should be taken to avoid surface disturbance to the landscapes supporting these biological resources. Human recreational activity should be managed to avoid disturbing the nesting bald eagles during the breeding season, March 1 through August 31, with no activity allowed within 400 meters of the nest (Mathisen et al. 1971). The greenway should be designed to protect riparian functions. Efforts should concentrate on including the flood plain, its banks, and portions of the uplands in the greenway system on at least one side of the river and preferably both sides. It is during this journey from upland to creek channel that most of the filtering of sediments and chemicals takes place. This protected area should be wide enough to filter out sediment and nutrients. The following is a list of guidelines for maintaining riparian functions in a greenway (Labaree 1997):

- Make greenways continuous along the creek.
- Cover both sides of the creek if possible.
- Include in the greenway the creek's floodplain, riparian forest, associated wetlands, intermittent tributaries, gullies, and swales.
- Undertake a comprehensive study of the site's sediment and nutrient flow to establish how much is entering the riparian zone and how much it will need to filter. If this is not possible, rely on results from studies done at similar sites.
- Base greenway width on comprehensive study of the site. Riparian greenways which neighbor intensive land uses such as clearcutting, monoculture, or shopping malls will need to be wide enough to absorb excess nutrients and toxins.
- Maintain a band of natural vegetation along the banks of the creek to protect its temperature moderation function.
- Avoid mowing creekside vegetation, as this practice will decrease its filtering effectiveness.
- Supplement natural sediment trapping function of the greenway with retention basins or vegetated berms where necessary.
- Supplement, if necessary, natural nutrient filtering functions of the greenway with a tree harvesting regime (derived in consultation with local forester and ecologist) to maximize nutrient uptake.

Management is necessary to control and eliminate weeds within the floodplains of the drainage, which are dominated by exotic species (see above). An integrated weed management strategy should be implemented to control exotics. The use of many pesticides is restricted within riparian zones. If chemical controls are used, care should be taken to ensure that the method of application is designed to avoid adverse impacts to native species. If herbicide application occurs, seeding or planting native species could improve the ecological integrity of the site. Occasional spring burning may also be effective in controlling

exotic species. Fires were frequent in plains riparian woodlands and they helped maintain the characteristic open canopy of the woodland. Thus, periodic controlled burns may have the added benefit of maintaining community structure as well as controlling weeds.

Water flow, or discharge, within streams of a region will exhibit seasonal patterns influenced by many factors, including precipitation, temperature, runoff from the surrounding landscape, and ground water discharge. Patterns in water flow of streams from the area of the Triple Creek project exhibit peak volumes of flow in late spring, with a smaller peak in late summer corresponding to the onset of the summer monsoons (Figure 15). Flows during winter are generally low. Alteration in the patterns of natural stream flow can result from water diversion projects such as ground water pumping and the construction of dams, and by changing the extent and rate of surface water runoff. The effect that alterations within the landscape will have on stream flows depends on the type and number of alterations, and can include a decline in the volume of peak flow, an increase in peak flow, and/or a change in the timing of peak flows (Figure 15). Changes in the natural patterns of stream flow can have many effects on riparian corridors.

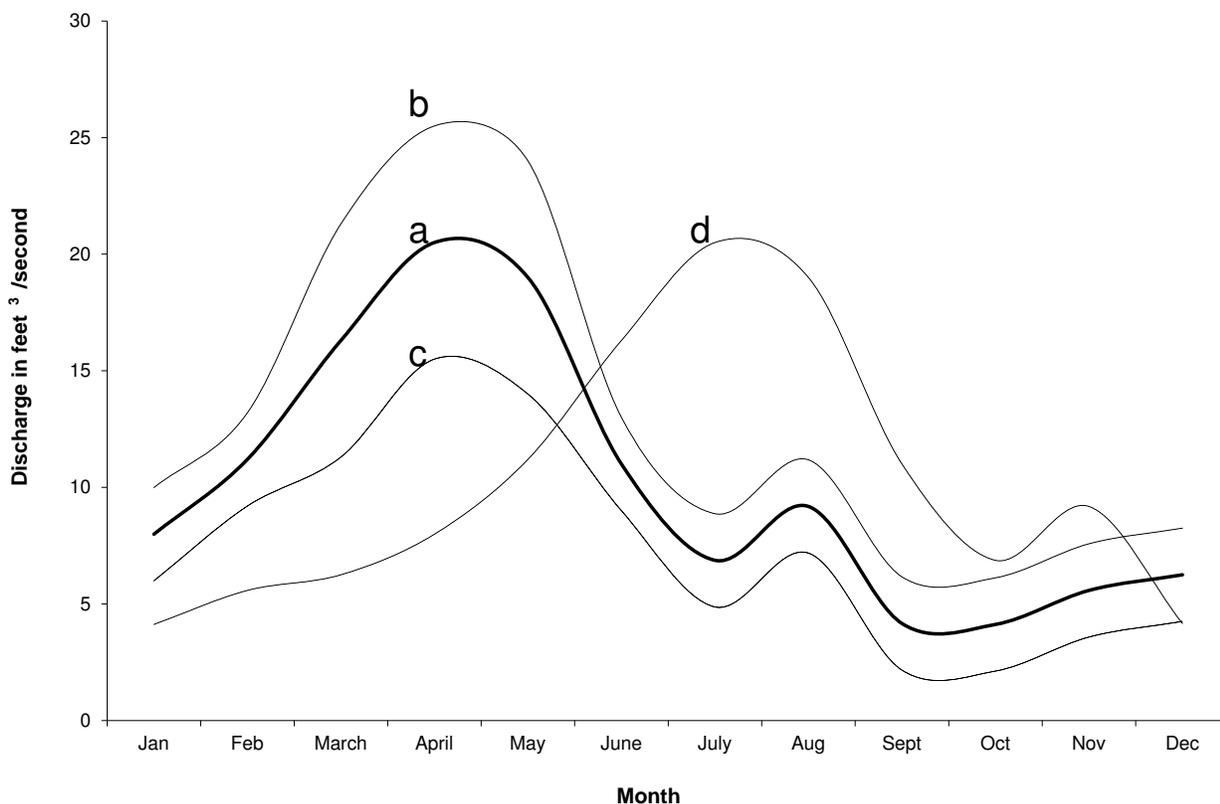


Figure 15. Mean monthly stream flow statistics for Cherry Creek at Parker, Colorado from 1991-2005: (a) (USGS National Water Information System Web Data 2005). Modification to this natural pattern of stream flow could include increasing the volume of peak flows (b), decreasing peak flows (c), or changing the time at which peak flows occur (d).

Increasing urban development adjacent to the creeks will continue to degrade their biological values. Urbanization can result in the loss of upland vegetation leading to more rapid water runoff, an influx of pollutants, elevated stream flows, and increased erosion after rainfall events and during periods of snowmelt (Patten 1998, USDA et al. 1998). Elevated stream flows can lead to channelization and loss of stream meanders and stream braiding, both important for substrate deposition that creates barren bars

upon which plant regeneration can occur. Channelization also can disrupt riffle and pool complexes needed at different times in the life cycle of aquatic animals including amphibians, fish, and aquatic invertebrates (USDA et al. 1998). Increased runoff can increase sediment loading, which decreases water quality and compromises survival of aquatic animals (USDA et al. 1998). Increases in water runoff will also lead to a proportional reduction in ground water recharge, leading to a lowered water table, reducing water available to riparian vegetation. Groundwater withdrawal also can cause a drop in the water table resulting in reduced stream flows and reducing the amount of water available to riparian vegetation, ultimately leading to decline and death of the vegetation. Dams can retain water in spring, during periods of heightened rainfall and snowmelt, causing insufficient spring flows required for seed dispersal and channel scouring (Patten 1998). Scouring leaves barren sandy areas where seeds can implant and germinate. Without these mechanisms riparian plants such as cottonwood cannot regenerate. The release of water from dams can cause higher than normal summer flows that scour away spring germinating saplings, again resulting in a lack of plant regeneration (Patten 1998). Sand and gravel mining intercepts the water table, disrupting runoff and ground water flow into stream channels, and reducing the water available to the riparian corridor (Patten 1998, USDA et al. 1998). This again, has an impact on the survival of riparian plants and animals. Finally, these alterations in seasonal patterns of flow compromise the survival of native plant species adapted to such conditions and favors establishment of non-native plants (USDA et al. 1998). The effects of these alterations may be detrimental to maintaining the viability and integrity of semi-arid riparian ecosystems like those of the Triple Creek project area.

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APPENDIX I

NATURAL HERITAGE METHODOLOGY

The Natural Heritage Ranking System

To determine the status of species within Colorado, CNHP gathers information on plants, animals and plant communities. Each of these elements of natural diversity is assigned a rank that indicates its relative degree of imperilment on a five-point scale (for example, 1 = extremely rare/imperiled, 5 = abundant/secure). The primary criterion for ranking elements is the number of occurrences (in other words, the number of known distinct localities or populations). This factor is weighted more heavily than other factors because an element found in one place is more imperiled than something found in twenty-one places. Also of importance are the size of the geographic range, the number of individuals, the trends in both population and distribution, identifiable threats and the number of protected occurrences.

Element imperilment ranks are assigned both in terms of the element's degree of imperilment within Colorado (its State-rank or S-rank) and the element's imperilment over its entire range (its Global-rank or G-rank). Taken together, these two ranks indicate the degree of imperilment of an element. CNHP actively collects maps and electronically processes specific occurrence information for animal and plant species considered extremely imperiled to vulnerable in the state (S1 - S3). Several factors, such as rarity, evolutionary distinctiveness and endemism (specificity of habitat requirements), contribute to the conservation priority of each species. Certain species are "watchlisted," meaning that specific occurrence data are collected and periodically analyzed to determine whether more active tracking is warranted. A complete description of each of the Natural Heritage ranks is provided in Table 4.

This single rank system works readily for all species except those that are migratory. Those animals that migrate may spend only a portion of their life cycles within the state. In these cases, it is necessary to distinguish between breeding, non-breeding and resident species. As noted in Table 4, ranks followed by a "B," for example S1B, indicate that the rank applies only to the status of breeding occurrences. Similarly, ranks followed by an "N," for example S4N, refer to non-breeding status, typically during migration and winter. Elements without this notation are believed to be year-round residents within the state.

Table 4. Definition of Natural Heritage Imperilment Ranks.

G/S1	Critically imperiled globally/state because of rarity (5 or fewer occurrences in the world/state; or 1,000 or fewer individuals), or because some factor of its biology makes it especially vulnerable to extinction.
G/S2	Imperiled globally/state because of rarity (6 to 20 occurrences, or 1,000 to 3,000 individuals), or because other factors demonstrably make it very vulnerable to extinction throughout its range.
G/S3	Vulnerable through its range or found locally in a restricted range (21 to 100 occurrences, or 3,000 to 10,000 individuals).
G/S4	Apparently secure globally/state, though it may be quite rare in parts of its range, especially at the periphery. Usually more than 100 occurrences and 10,000 individuals.
G/S5	Demonstrably secure globally/state, though it may be quite rare in parts of its range, especially at the periphery.
G/SX	Presumed extinct globally, or extirpated within the state.
G#?	Indicates uncertainty about an assigned global rank.
G/SU	Unable to assign rank due to lack of available information.
GQ	Indicates uncertainty about taxonomic status.
G/SH	Historically known, but usually not verified for an extended period of time.
G#T#	Trinomial rank (T) is used for subspecies or varieties. These taxa are ranked on the same criteria as G1-G5.
S#B	Refers to the breeding season imperilment of elements that are not residents.

S#N	Refers to the non-breeding season imperilment of elements that are not permanent residents. Where no consistent location can be discerned for migrants or non-breeding populations, a rank of SZN is used.
SZ	Migrant whose occurrences are too irregular, transitory and/or dispersed to be reliably identified, mapped and protected.
SA	Accidental in the state.
SR	Reported to occur in the state but unverified.
S?	Unranked. Some evidence that species may be imperiled, but awaiting formal rarity ranking. Note: Where two numbers appear in a state or global rank (for example, S2S3), the actual rank of the element is uncertain, but falls within the stated range.

Legal Designations for Rare Species

Natural Heritage imperilment ranks should not be interpreted as legal designations. Although most species protected under state or federal endangered species laws are extremely rare, not all rare species receive legal protection. Legal status is designated by both the U.S. Fish and Wildlife Service under the Endangered Species Act or by the Colorado Division of Wildlife under Colorado Statutes 33-2-105 Article 2. In addition, the U.S. Forest Service recognizes some species as “Sensitive,” as does the Bureau of Land Management. Table 5 defines the special status assigned by these agencies and provides a key to abbreviations used by CNHP.

Table 5. Federal and State Agency Special Designations for Rare Species.

Federal Status:	
1. U.S. Fish and Wildlife Service (58 Federal Register 51147, 1993) and (61 Federal Register 7598, 1996)	
LE	Listed Endangered: defined as a species, subspecies, or variety in danger of extinction throughout all or a significant portion of its range.
LT	Listed Threatened: defined as a species, subspecies, or variety likely to become endangered in the foreseeable future throughout all or a significant portion of its range.
P	Proposed: taxa formally proposed for listing as Endangered or Threatened (a proposal has been published in the Federal Register, but not a final rule).
C	Candidate: taxa for which substantial biological information exists on file to support proposals to list them as endangered or threatened, but no proposal has been published yet in the Federal Register.
PDL	Proposed for delisting.
XN	Nonessential experimental population.
2. U.S. Forest Service (Forest Service Manual 2670.5) (noted by the Forest Service as “S”)	
FS	Sensitive: those plant and animal species identified by the Regional Forester for which population viability is a concern as evidenced by: Significant current or predicted downward trends in population numbers or density. Significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution.
3. Bureau of Land Management (BLM Manual 6840.06D) (noted by BLM as “S”)	
BLM	Sensitive: those species found on public lands designated by a State Director that could easily become endangered or extinct in a state. The protection provided for sensitive species is the same as that provided for C (candidate) species.
4. State Status:	
The Colorado Division of Wildlife has developed categories of imperilment for non-game species (refer to the Colorado Division of Wildlife’s Chapter 10 – Nongame Wildlife of the Wildlife Commission’s regulations). The categories being used and the associated CNHP codes are provided below.	
E	Endangered: those species or subspecies of native wildlife whose prospects for survival or

T	recruitment within this state are in jeopardy, as determined by the Commission. Threatened: those species or subspecies of native wildlife which, as determined by the Commission, are not in immediate jeopardy of extinction but are vulnerable because they exist in such small numbers, are so extremely restricted in their range, or are experiencing such low recruitment or survival that they may become extinct.
SC	Special Concern: those species or subspecies of native wildlife that have been removed from the state threatened or endangered list within the last five years; are proposed for federal listing (or are a federal listing “candidate species”) and are not already state listed; have experienced, based on the best available data, a downward trend in numbers or distribution lasting at least five years that may lead to an endangered or threatened status; or are otherwise determined to be vulnerable in Colorado.

Element Occurrences and their Ranking

Actual locations of elements, whether they are single organisms, populations, or plant communities, are referred to as element occurrences. The element occurrence is considered the most fundamental unit of conservation interest and is at the heart of the Natural Heritage Methodology. To prioritize element occurrences for a given species, an element occurrence rank (EO-Rank) is assigned according to the ecological quality of the occurrences whenever sufficient information is available. This ranking system is designed to indicate which occurrences are the healthiest and ecologically the most viable, thus focusing conservation efforts where they will be most successful. The EO-Rank is based on three factors:

Size – a measure of the area or abundance of the element’s occurrence. Takes into account factors such as area of occupancy, population abundance, population density, population fluctuation and minimum dynamic area (which is the area needed to ensure survival or re-establishment of an element after natural disturbance). This factor for an occurrence is evaluated relative to other known and/or presumed viable, examples.

Condition/Quality – an integrated measure of the composition, structure and biotic interactions that characterize the occurrence. This includes measures such as reproduction, age structure, biological composition (such as the presence of exotic versus native species), structure (for example, canopy, understory and ground cover in a forest community) and biotic interactions (such as levels of competition, predation and disease).

Landscape Context – an integrated measure of two factors: the dominant environmental regimes and processes that establish and maintain the element and connectivity. Dominant environmental regimes and processes include herbivory, hydrologic and water chemistry regimes (surface and groundwater), geomorphic processes, climatic regimes (temperature and precipitation), fire regimes and many kinds of natural disturbances. Connectivity includes such factors as a species having access to habitats and resources needed for life cycle completion, fragmentation of ecological communities and systems and the ability of the species to respond to environmental change through dispersal, migration, or re-colonization.

Each of these factors is rated on a scale of A through D, with A representing an excellent rank or D representing a poor rank. These ranks for each factor are then averaged to determine an appropriate EO-Rank for the occurrence. If not enough information is available to rank an element occurrence, an EO-Rank of E is assigned. EO-Ranks and their definitions are summarized in Table 6.

Table 6. Element Occurrence Ranks and their Definitions.

A	Excellent viability.
B	Good viability
C	Fair viability.
D	Poor viability.
H	Historic: known from historical record, but not verified for an extended period of time.
X	Extirpated (extinct within the state).
E	Extant: the occurrence does exist but not enough information is available to rank.
F	Failed to find: the occurrence could not be relocated.

Identify Conservation Needs and Opportunities

Once the biological inventory has identified species, plant communities, and ecological systems in the Survey Area, it is necessary to interpret these data from a conservation planning standpoint. In order to do this, CNHP has developed methods to delineate the local geographic areas that are necessary to maintain long-term persistence of the species and plant communities of interest. Potential Conservation Areas (PCAs) are delineated to focus attention on species and plant communities of highest conservation priority at global and statewide levels (see The Natural Heritage Ranking Method for details on PCA methods). In addition, Sites of Local Significance (SLSs) are identified in order to emphasize biological resources that are not among the highest priorities for conservation at a statewide level, but are nonetheless very significant to supporting species at the local level. SLSs contribute to the character of the local area and the overall local diversity of plants and communities present, and therefore warrant conservation consideration.

APPENDIX II

PLANT AND ANIMAL SPECIES LIST

Species in bold font indicate those that are tracked by CNHP

Common Name	Scientific Name	Parcel No.	Date
AMPHIBIANS			
Bullfrog	<i>Lithobates catesbeianus</i>	G, H and I	7/31/2013
Bullfrog	<i>Lithobates catesbeianus</i>	Sand Creek Greenway S. of Colfax	8/1/2012
Woodhouse Toad (tadpoles)	<i>Bufo woodhousii</i>	c63	6/3/2013
Northern Leopard Frog	<i>Lithobates pipiens</i>	c62	6/3/2013
Woodhouse Toad (tadpoles)	<i>Bufo woodhousii</i>	c62	6/3/2013
Northern Leopard Frog	<i>Lithobates pipiens</i>	c53	6/18/2013
Northern Leopard Frog	<i>Lithobates pipiens</i>	Pronghorn Open Space South of Quincy	6/20/2013
BIRDS			
Red-tailed Hawk	<i>Buteo jamaicensis</i>	c32	10/10/2011
Northern Flicker	<i>Colaptes auratus</i>	Star K Ranch	7/31/2012
Mourning Dove	<i>Zenaida macroura</i>	Star K Ranch	7/31/2012
Teal	<i>Anas sp.</i>	Star K Ranch	7/31/2012
American Robin	<i>Turdus migratorius</i>	H and I	7/31/2012
Blue Jay	<i>Cyanocitta cristata</i>	G	7/31/2012
Western Wood-Pewee	<i>Contopus sordidulus</i>	G	7/31/2012
House Wren	<i>Troglodytes aedon</i>	G	7/31/2012
Horned Lark	<i>Eremophila alpestris</i>	A and B	7/31/2012
Red-tailed Hawk	<i>Buteo jamaicensis</i>	Star K Ranch	8/1/2012
Say's Phoebe	<i>Sayornis saya</i>	Star K Ranch	8/1/2012
Western Kingbird	<i>Tyrannus verticalis</i>	Star K Ranch	8/1/2012
House Wren	<i>Troglodytes aedon</i>	Star K Ranch	8/1/2012
Western Kingbird	<i>Tyrannus verticalis</i>	Sand Creek Greenway S. of Colfax	8/1/2012
Blue Jay	<i>Cyanocitta cristata</i>	Sand Creek Greenway S. of Colfax	8/1/2012
Morning Dove	<i>Zenaida macroura</i>	Sand Creek Greenway S. of Colfax	8/1/2012
Northern Flicker	<i>Colaptes auratus</i>	Sand Creek Greenway S. of Colfax	8/1/2012
Black-billed Magpie	<i>Pica hudsonia</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
Ferruginous Hawk	<i>Buteo regalis</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
Black-billed Magpie	<i>Pica hudsonia</i>	Sand Creek Greenway N. of Highway 30	8/6/2012
Red-tailed Hawk	<i>Buteo jamaicensis</i>	Sand Creek Greenway N. of Highway 30	8/6/2012
Mourning Dove	<i>Zenaida macroura</i>	Sand Creek Greenway N. of Highway 30	8/6/2012
Western Kingbird	<i>Tyrannus verticalis</i>	Sand Creek Greenway N. of Highway 30	8/6/2012
Northern Flicker	<i>Colaptes auratus</i>	c60	8/6/2012

Common Name	Scientific Name	Parcel No.	Date
Western Meadowlark	<i>Sturnella neglecta</i>	c60	8/6/2012
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	c62	6/3/2013
Eastern Kingbird	<i>Tyrannus tyrannus</i>	c62	6/3/2013
Mourning Dove	<i>Zenaida macroura</i>	c62	6/3/2013
Lark Sparrow	<i>Chondestes grammacus</i>	c62	6/3/2013
Mourning Dove	<i>Zenaida macroura</i>	c62	6/3/2013
European Starling	<i>Sturnus vulgaris</i>	c62	6/3/2013
Western Kingbird	<i>Tyrannus verticalis</i>	c62	6/3/2013
American Robin	<i>Turdus migratorius</i>	c62	6/3/2013
Killdeer	<i>Charadrius vociferus</i>	c62	6/3/2013
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	c60	6/3/2013
Great Horned Owl	<i>Bubo virginianus</i>	c63	6/3/2013
Western Wood-Pewee	<i>Contopus sordidulus</i>	c63	6/3/2013
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	c58	6/18/2013
American Goldfinch	<i>Spinus tristis</i>	c58	6/18/2013
Western Kingbird	<i>Tyrannus verticalis</i>	C56	6/18/2013
Western Meadowlark	<i>Sturnella neglecta</i>	c53	6/18/2013
House Finch	<i>Haemorhous mexicanus</i>	c56	6/18/2013
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	c53	6/18/2013
Western Wood-Pewee	<i>Contopus sordidulus</i>	c53	6/18/2013
Black-crowned Night Heron	<i>Nycticorax nycticorax</i>	c53	6/18/2013
Mourning Dove	<i>Zenaida macroura</i>	c68	6/18/2013
Mourning Dove	<i>Zenaida macroura</i>	c70	6/19/2013
American Kestrel	<i>Falco sparverius</i>	c70	6/19/2013
Eastern Kingbird	<i>Tyrannus tyrannus</i>	c70	6/19/2013
Vesper Sparrow	<i>Poocetes gramineus</i>	c69	6/19/2013
Western Kingbird	<i>Tyrannus verticalis</i>	c69	6/19/2013
Swainson's Hawk	<i>Buteo swainsoni</i>	c69	6/19/2013
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	u74	6/19/2013
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	u74	6/19/2013
Killdeer	<i>Charadrius vociferus</i>	u74	6/19/2013
Red-tailed Hawk	<i>Buteo jamaicensis</i>	u75	6/19/2013
Bald Eagle (Nesting pair 2 fledglings)	<i>Haliaeetus leucocephalus</i>	u76	6/19/2013
Bullock's Oriole	<i>Icterus bullockii</i>	Pronghorn Open Space North of Quincy	6/20/2013
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	Pronghorn Open Space North of Quincy	6/20/2013
Mallard	<i>Anas platyrhynchos</i>	Pronghorn Open Space North of Quincy	6/20/2013

Common Name	Scientific Name	Parcel No.	Date
Western Kingbird	<i>Tyrannus verticalis</i>	Pronghorn Open Space North of Quincy	6/20/2013
Vesper Sparrow	<i>Poaeetes gramineus</i>	Pronghorn Open Space North of Quincy	6/20/2013
FISH			
Fathead Minnow	<i>Pimephales promelas</i>	G, H and I	7/31/2013
Black Bullhead	<i>Ameiurus melas</i>	G, H and I	7/31/2013
Red Shiner	<i>Cyprinella lutrensis</i>	Sand Creek Greenway S. of Colfax	8/1/2012
Red Shiner	<i>Cyprinella lutrensis</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
Fathead Minnow	<i>Pimephales promelas</i>	Sand Creek Greenway N. of Highway 30	8/6/2013
Black Bullhead	<i>Ameiurus melas</i>	Sand Creek Greenway N. of Highway 30	8/6/2012
Fathead Minnow	<i>Pimephales promelas</i>	c53	6/18/2013
		c53	6/18/2013
INVERTEBRATES			
Amphipoda			
Amphipoda	unknown	Star K Ranch	8/1/2012
Hemiptera			
Backswimmer	unknown	Star K Ranch	8/1/2012
Hymenoptera			
Western Harvester Ant	<i>Pogonomyrmex occidentalis</i>	Star K Ranch	8/1/2012
Western Harvester Ant	<i>Pogonomyrmex occidentalis</i>	Sand Creek Greenway S. of Colfax	8/1/2012
Lepidoptera			
Painted Lady	<i>Vanessa cardui</i>	u75	6/19/2013
Odonata			
Twelve-spotted Skimmer	<i>Libellula pulchella</i>	H and I	7/31/2013
Common Green Darner	<i>Anax junius</i>	H and I	7/31/2013
Variable Darner	<i>Aeshna interrupta</i>	H and I	7/31/2013
Widow Skimmer	<i>Libellula luctuosa</i>	H and I	7/31/2013
Common Green Darner	<i>Anax junius</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
Common Whitetail	<i>Plathemis lydia</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
Common Green Darner	<i>Anax junius</i>	Sand Creek Greenway N. Highway 30	8/6/2012
Orthoptera			
Two-striped Grasshopper	<i>Melanoplus bivittatus</i>	G	7/31/2013
Carolina Grasshopper	<i>Dissosteira longipennis</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
Carolina Grasshopper	<i>Dissosteira longipennis</i>	Sand Creek Greenway N. of Highway 30	8/6/2012
Mollusca			

Common Name	Scientific Name	Parcel No.	Date
Physid snail	<i>Physa</i> sp.	G, H and I	7/31/2013
Marsh Pond Snail	<i>Lymnaea elodes</i>	Parcel c62 @ Riverbend Marsh Pond Snail	6/3/2013

MAMMALS

Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c12	10/10/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c17 and c18	10/10/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c21 and c22	10/10/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	BB	10/10/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c29	10/10/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c31 and c32	10/10/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	u49	10/10/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c69	10/10/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c69, 70 and c71	10/11/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c72	10/11/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	u79	10/11/2011
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	Star K Ranch	7/31/2012
Bobcat (tracks)	<i>Lynx rufus</i>	H and I	7/31/2012
Raccoon (tracks)	<i>Procyon lotor</i>	H and I	7/31/2012
Common Muskrat	<i>Ondatra zibethicus</i>	G	7/31/2012
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	B and A	7/31/2012
Coyote	<i>Canis latrans</i>	Star K Ranch	8/1/2012
Mule Deer	<i>Odocoileus hemionus</i>	Star K Ranch	8/1/2012
Desert Cottontail	<i>Sylvilagus Audabonii</i>	Star K Ranch	8/1/2012
Fox Squirrel	<i>Sciurus niger</i>	Star K Ranch	8/1/2012
Mule Deer	<i>Odocoileus hemionus</i>	c11	8/1/2012
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c11	8/1/2012
Plains Pocket Gopher	<i>Thomomys or Geomys</i>	c11	8/1/2012
Coyote	<i>Canis latrans</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
White-tailed Deer	<i>Odocoileus virginianus</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	Sand Creek Greenway E. of Tower Rd	8/1/2012
Raccoon (tracks)	<i>Procyon lotor</i>	Sand Creek Greenway N. Highway 30	8/6/2012
Fox Squirrel	<i>Sciurus niger</i>	Sand Creek Greenway N. Highway 30	8/6/2012
Mule Deer (tracks)	<i>Odocoileus hemionus</i>	Sand Creek Greenway N. Highway 30	8/6/2012
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	Sand Creek Greenway N. Highway 30	8/6/2012

Common Name	Scientific Name	Parcel No.	Date
Plains Pocket Gopher	<i>Geomys bursarius</i>	Sand Creek Greenway N. Highway 30	8/6/2012
Mule Deer (tracks)	<i>Odocoileus hemionus</i>	c62	6/3/2013
Raccoon (tracks)	<i>Procyon lotor</i>	c62	6/3/2013
Plains Pocket Gopher	<i>Geomys bursarius</i>	c62	6/3/2013
Plains Pocket Gopher	<i>Geomys bursarius</i>	c68	6/18/2013
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	c72	6/19/2013
Mule Deer (tracks)	<i>Odocoileus hemionus</i>	Pronghorn Open Space North of Quincy	6/20/2013
Raccoon (tracks)	<i>Procyon lotor</i>	Pronghorn Open Space North of Quincy	6/20/2013
Coyote (scat)	<i>Canis latrans</i>	Pronghorn Open Space North of Quincy	6/20/2013
Mule Deer (two fawns)	<i>Odocoileus hemionus</i>	Pronghorn Open Space South of Quincy	6/20/2013
Long-tailed Weasel	<i>Mustela frenata</i>	Pronghorn Open Space South of Quincy	6/20/2013
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>	Pronghorn Open Space South of Quincy	6/20/2013

REPTILES

Plains Garter Snake	<i>Thamnophis radix</i>	c62	6/3/2013
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VASCULAR PLANTS

Spotted ladythumb	<i>Polygonum persicaria</i>	Star K Open Space; Sand Creek Greenway	8/1/2012
Kochia	<i>Bassia sieversiana (Kochia scoparia)</i>	entire site	6/18-20/2013
Canada thistle	<i>Breca (Cirsium) arvense</i>	entire site	6/18-20/2013
Smooth brome	<i>Bromus inermis</i>	entire site	6/18-20/2013
Cheatgrass	<i>Bromus tectorum</i>	entire site	6/18-20/2013
Nebraska sedge	<i>Carex nebrascensis</i>	entire site	6/18-20/2013
Black sedge	<i>Carex praegracilis</i>	entire site	6/18-20/2013
Beaked sedge	<i>Carex utriculata</i>	entire site	6/18-20/2013
Poison hemlock	<i>Conium maculatum</i>	entire site	6/18-20/2013
Bindweed	<i>Convolvulus arvensis</i>	entire site	6/18-20/2013
Houndstongue	<i>Cynoglossum officinale</i>	entire site	6/18-20/2013
Teassel	<i>Dipsacus fullonum</i>	entire site	6/18-20/2013
Russian olive	<i>Elaeagnus angustifolia</i>	entire site	6/18-20/2013
Spikerush	<i>Eleocharis palustris</i>	entire site	6/18-20/2013
Slender wheatgrass	<i>Elymus trachycaulus</i>	entire site	6/18-20/2013
Scouringrush horsetail	<i>Equisetum hyemale var. affine</i>	entire site	6/18-20/2013
Golden-aster	<i>Heterotheca villosa</i>	entire site	6/18-20/2013
Foxtail grass	<i>Hordeum jubatum</i>	entire site	6/18-20/2013
Baltic rush	<i>Juncus balticus</i>	entire site	6/18-20/2013

Common Name	Scientific Name	Parcel No.	Date
Common duckweed	<i>Lemna minor</i>	entire site	6/18-20/2013
Blue flax	<i>Linum perenne</i>	entire site	6/18-20/2013
Alfalfa	<i>Medicago sativa</i>	entire site	6/18-20/2013
Yellow sweetclover	<i>Melilotus officinale</i>	entire site	6/18-20/2013
Scotch thistle	<i>Onopordum acanthium</i>	entire site	6/18-20/2013
Switchgrass	<i>Panicum virgatum</i>	entire site	6/18-20/2013
Western wheatgrass	<i>Pascopyrum smithii</i>	entire site	6/18-20/2013
Kentucky bluegrass	<i>Poa pratensis</i>	entire site	6/18-20/2013
Smartweed	<i>Polygonum ambibium</i>	entire site	6/18-20/2013
Plains cottonwood	<i>Populus deltoides</i> ssp. <i>monilifera</i>	entire site	6/18-20/2013
Cursed buttercup	<i>Ranunculus sceleratus</i> var. <i>multifidus</i>	entire site	6/18-20/2013
Skunk brush	<i>Rhus trilobata</i>	entire site	6/18-20/2013
Arumleaf arrowhead	<i>Sagittaria cuneata</i>	entire site	6/18-20/2013
Peach-leaf willow	<i>Salix amygdaloides</i>	entire site	6/18-20/2013
Coyote willow	<i>Salix exigua</i>	entire site	6/18-20/2013
Crack willow	<i>Salix fragilis</i>	entire site	6/18-20/2013
Bulrush	<i>Schoenoplectus acutus</i>	entire site	6/18-20/2013
Three-square	<i>Scirpus pungens</i>	entire site	6/18-20/2013
Cultivated ryegrass	<i>Secale cereale</i>	entire site	6/18-20/2013
Sago pondweed	<i>Stuckenia pectinata</i>	entire site	6/18-20/2013
Leafy spurge	<i>Tithymalus (Euphorbia) esula</i>	entire site	6/18-20/2013
Narrowleaf cattail	<i>Typha angustifolia</i>	entire site	6/18-20/2013
Broadleaf cattail	<i>Typha latifolia</i>	entire site	6/18-20/2013
Cowpen daisy	<i>Verbesina enceloides</i>	entire site	6/18-20/2013
Water speedwell	<i>Veronica anagallis-aquatica</i>	entire site	6/18-20/2013



Board Summary Report

Date: January 26, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Ben Swartzendruber, Assistant County Attorney
Subject: Approval of Settlement Agreement resolving property tax appeal

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the signing of a Settlement Agreement that has been negotiated between Dennis R. Muck and Assessor Corbin Sakdol and the Arapahoe County Board of Equalization.

Background

Property owner Dennis R. Muck commenced litigation in the Arapahoe County District Court, challenging the property tax classification and valuation of his property located at 6464 Greenbriar Drive, Englewood, CO 80111, for tax year 2015, in a lawsuit titled *Dennis R. Muck v. Corbin Sakdol, Arapahoe County Assessor, and the Arapahoe County Board of Equalization*, Case No. 2015-cv-32141 ("the Litigation"). Mr. Muck contends his property was overvalued and should properly be classified as "agricultural" for tax years 2015 and 2016. The Assessor and CBOE contend that Muck failed to comply with the requirements of C.R.S. § 39-1-102 and cannot meet the requirements for classification of his property as "agricultural."

Discussion

An agreement resolving the matter has been reached between all parties and is enclosed herewith. Mr. Muck has agreed to dismiss the Litigation with prejudice in exchange for a slight reduction in the valuation of the property from \$1,640,600 to \$1,495,000 for tax years 2015 and 2016, as recommended by the Assessor's Office at the CBOE appeal, and the property shall remain classified as "residential" for tax years 2015 and 2016. This reduced value is still a substantial increase from the value of \$452,700 for tax year 2014, at which time the property was classified as "agricultural."

Alternatives:

Continue with the Litigation and attempt to obtain a judgment substantially similar to that set forth in the Settlement Agreement. This alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Minimal reduction in the amount of property taxes collected for the above listed property.

Concurrence

Ron Carl, County Attorney

Corbin Sakdol, Arapahoe County Assessor

Karen Hart, Land Division Supervisor, Arapahoe County Assessor's Office

RESOLUTION NO. _____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, litigation was commenced in the Arapahoe County District Court by Dennis Muck challenging the *ad valorem* tax classification and valuation of his property located at 6464 Greenbriar Drive, Englewood, CO 80111, for tax year 2015, in the lawsuit titled *Dennis R. Muck v. Corbin Sakdol, Arapahoe County Assessor, and the Arapahoe County Board of Equalization*, Case No. 2015-cv-32141 (“the Litigation”); and

WHEREAS, a mutually satisfactory resolution to the Litigation has been achieved between the parties; and

WHEREAS, the County Attorney recommends that the Board formally ratify and approve the agreement negotiated between the parties; and

WHEREAS, the Board has been fully apprised of the facts, circumstances, and terms of the parties’ Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, Colorado, that the Settlement Agreement resolving the Litigation is hereby approved, pursuant to the terms contained therein, and that the Chair of the Board is authorized and directed to execute such documentation on behalf of the Arapahoe County Board of Equalization and the Board of County Commissioners as necessary to implement and conclude the settlement.

The vote was:

Commissioner Bockenfeld, ____; Commissioner Doty, ____; Commissioner Holen, ____; Commissioner Jackson, ____; and Commissioner Sharpe, ____.

The Chair declared the motion carried and so ordered.

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made and entered into this ___ day of January 2016 by and between Dennis Muck ("Muck"), Corbin Sakdol, Arapahoe County Assessor and the Arapahoe County Board of Equalization (collectively the "Board").

RECITALS

A. Dennis Muck is a taxpayer and the owner of record of certain real property and improvements located in Arapahoe County, Colorado described as 6464 Greenbriar Drive, Englewood, Colorado 80111 (the "Property").

B. Prior to 2015, Muck's property was classified as agricultural for tax purposes. In 2015, the Board issued a Notice of Valuation which re-classified the Property from agricultural to residential and significantly increased the assessed value. Muck submitted a protest which was denied by the Board. The Board has taken the position that Muck failed to comply with the requirements of C.R.S. § 39-1-102 with respect to the classification of "agricultural land".

C. Muck filed a Complaint challenging the Board's determination regarding the classification and valuation of the Property (the "Litigation").

D. The parties hereto wish to resolve their differences with respect to the issues raised relating to the Property without further litigation.

NOW, THEREFORE, in consideration of the mutual covenants, promises and conditions contained in this Agreement, the parties agree as follows:

1. **Valuation of the Property.** The parties agree that the Property shall be assessed for the 2015 and 2016 tax years in the amount of \$1,495,000. This agreement is not an admission by any party or person with respect to the value of the property for future tax years or for any other purpose.

2. **Agricultural Classification.** The Board shall, in good faith, work with Muck to re-evaluate the potential for agricultural classification beginning in 2017 or at any time thereafter when Muck may meet the required criteria. Should Muck provide evidence of draft activities or other qualifying activities as set forth in C.R.S. § 39-1-102, the Board shall, in good faith, consider his request for reinstatement of the agricultural classification.

3. **Dismissal of the Litigation.** Within five (5) days following execution of this Agreement, Muck shall cause to be filed a Stipulated Notice of Dismissal. The Parties shall be responsible for their own respective costs, attorneys' fees and expenses incurred in connection with these proceedings.

4. **Entire Agreement.** This Agreement represents the entire Agreement between the Parties and supersedes all prior negotiations, representations and agreements between the Parties,

either written or oral, on the subject matter of this Agreement. This Agreement may be amended only by a written instrument designated as an amendment to this Agreement and executed by all the Parties.

5. **Choice of Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

6. **Counterparts.** This Agreement may be executed in counterparts each of which counterpart, when so executed and delivered, shall be deemed an original and, taken together, shall constitute one and the same instrument. A party may execute this Agreement by electronic signature, and an executed counterpart received by any party electronically shall be deemed an original counterpart for all purposes.

Agreed to as of the date first set forth above.

Dennis Muck

Corbin Sakdol, County Assessor

Arapahoe County Board of Equalization
By Its _____



Board Summary Report

Date: January 20, 2016

To: Arapahoe County Board of County Commissioners

Through: David M. Schmit, PE, Director
Public Works and Development

Through: Chuck Haskins, PE, Division Manager
Public Works and Development – Engineering Services Division

From: Sue Liu, PE, Engineer III
Engineering Services Division

Case name: Lot 2, Block 1, Wabash Center Subdivision Filing No. 1 – Drainage Easement Dedication

Subject: Approval and acceptance of the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easements within Lot 2, Block 1, Wabash Center Subdivision Filing No. 1

Purpose and Recommendation:

The purpose of this report is to request the Board accept the conveyance of one (1) drainage easement to the pond and its related drainage facilities for recordation by separate document and to allow David M. Schmit, Director, Department of Public Works and Development to execute the specific easement on behalf of the Board.

Staff has reviewed the drainage easement and has determined that it meets the County's requirements. Staff recommends that the drainage easement, granted by Wabash Marketplace, LLC, be accepted by the Board.

Background:

The drainage easement to the pond and its related drainage facilities is related to the development known Lot 2, Block 1, Wabash Center Subdivision Filing No. 1 (hereinafter referred to as "Development"), within the Four Square Mile Area of Arapahoe County. The Owner of the Development requests that the attached drainage easement be conveyed to the County.

There is one major drainageway in the area, Cherry Creek. This development seeks to discharge approved quantities and flows of clean stormwater into the Cherry Creek, Arapahoe County.

Links to Align Arapahoe

To enhance the quality of life for citizens of Arapahoe County to address their basic needs.

Alternatives

N/A

Fiscal Impact

There is no fiscal impact related to this request.

Concurrence

The Uniform Easement Deed and Revocable Storm Drainage License Agreement was reviewed by the County Attorney's Office and the attached legal description was prepared by Mapping.

Actions Requested:

1. Approval and acceptance of the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement within Lot 2, Block 1, Wabash Center Subdivision Filing No. 1
2. Authorize David M. Schmit, Director, Department of Public Works and Development to execute the specific easements on behalf of the Board.



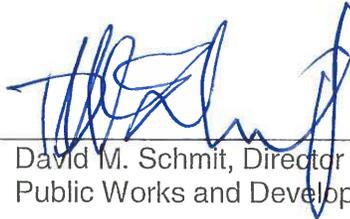
Sue Liu, PE, Engineer III
Engineering Services Division



Chuck Haskins, PE, Division Manager
Engineering Services Division



Robert Hill, Senior Assistant County Attorney
Attorney's Office



David M. Schmit, Director
Public Works and Development

Attachments: Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement



ACCEPTANCE OF DRAINAGE EASEMENT

RESOLUTION NO. ____ It was moved by Commissioner ____ and duly seconded by Commissioner ____ to accept, upon recommendation of the County Engineer and Director of the Public Works and Development Department, the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement within Lot 2, Block 1, Wabash Center Subdivision Filing No. 1, dated August 6, 2015, granted by Wabash Marketplace, LLC conveying the following real property interest to the County:

LEGAL DESCRIPTION:

DRAINAGE EASEMENT

A 25' Drainage Easement located within Lot 2, Block 1, Wabash Center Subdivision Filing No. 1 as recorded in Reception No. B7018154 of the records of Arapahoe County, Colorado, lying within Section 28, Township 4 South, Range 67 West of the Sixth Principal Meridian, Arapahoe County, Colorado, more particularly described as follows:

BEGINNING at the northwest corner of said Lot 2, Block 1, Wabash Center Subdivision Filing No. 1;

THENCE along the northerly line of said Lot 2, North 89°49'49" East, a distance of 25.00 feet;

THENCE South 00°08'00" East, a distance of 170.33 feet;

THENCE North 89°46'25" East, a distance of 99.81 feet;

THENCE South 00°13'35" East, a distance of 25.00 to the southerly line of said Lot 2;

THENCE along said southerly line, South 89°46'25" West, a distance of 124.85 feet to the southwest corner of said Lot 2;

THENCE along the westerly line of said Lot 2, North 00°08'00" West, a distance of 195.34 feet to the **POINT OF BEGINNING**.

Containing 0.169 acres, or 7379 square feet of land, more or less.

Subject to existing rights-of-way and easements.

BASIS OF BEARING: All bearings are based on the Westerly line of Lot 2, Block 1, Wabash Center Subdivision Filing No. 1 as recorded at Reception No. B7018154 of the records of Arapahoe County, Colorado, and said westerly line bears North 00°08'00" West.

The Easements shall be used in connection with Arapahoe County Case No. E13-047, Lot 2, Block 1, Wabash Center Subdivision Filing No. 1, and are accepted for the easement purposes expressed in the instrument.



ACCEPTANCE OF DRAINAGE EASEMENT

Unless expressly stated in the instrument, Arapahoe County does not accept any interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

Authorization is hereby given to the Director of the Department of Public Works and Development to execute the subject easements on behalf of the Board of County Commissioners.

VOTE

The vote was:

Commissioner Doty, ; Commissioner Sharpe, ; Commissioner Bockenfeld, ; Commissioner Jackson, ;
Commissioner Holen,

The Chair declared the motion carried and so ordered.

**UNIFORM EASEMENT DEED AND REVOCABLE
STORM DRAINAGE LICENSE AGREEMENT**

This Easement Deed and Revocable Storm Drainage License Agreement is made this _____ day of _____, 20____, between Wabash Marketplace, LLC, a Colorado limited liability company, whose legal address is 8200 East Pacific Place, Unit #404, Denver CO 80231-3214, for itself and for its successors, tenants, licensees, heirs (if applicable) and assigns, (the "Owner"), and THE BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO, a body corporate and politic, whose legal address is 5334 South Prince Street, Littleton, Colorado 80166, (the "County").

Owner is the owner in fee simple of the property described in Exhibit A (the "Easement Property"), and of the property upon which the Easement Property is located within Lot 2, Block 1, Wabash Center Subdivision Filing No. 1 (the "Development"). Owner desires a license to use certain components of County's storm drainage facilities to discharge approved volumes of clean stormwater from the Development. County has agreed to license Owner's use upon the terms of this Agreement, which include the grant by Owner of a permanent drainage and storm drainage easement to County. For and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner hereby grants and conveys to County, its successors and assigns, a permanent easement to enter, re-enter, occupy and use the Easement Property, and warrants the title to the same, for the purpose of constructing, connecting, disconnecting, rerouting, enlarging, removing, repairing, operating, monitoring and testing, and maintaining above ground, surface and underground:

storm sewer facilities, detention ponds and related drainage facilities

which may include all necessary above ground, surface and underground facilities and appurtenances related thereto, including but not limited to: mains, manholes, conduits, valves, pavement, vaults, ventilators, retaining walls, drop structures, inlets, outfalls, erosion control structures, culverts, pipes, electric or other control systems, cable, wires and connections, including telephone wiring; in, upon, under, through and across the Easement Property, upon the terms and conditions stated in the instrument recorded at **Reception No. A7066570**, incorporated herein by this reference, and subject to the terms of any Deed of Trust recorded against the Easement Property as of the date hereof; to the approval of any lienholder holding any interest in the Easement Property as of the date hereof; and to the terms of that certain Drainage Agreement by and between Owner, Cherry Creek Valley water and Sanitation District and the County of Arapahoe dated on or about October 9, 2015, all of which are incorporated herein by this reference.

County hereby grants a revocable license to Owner and to the successors, heirs and permitted assigns of Owner, to discharge approved quantities and flows of clean stormwater into Cherry Creek, Arapahoe County, Colorado, (the "Outfall") upon the terms and conditions stated in the instrument recorded at Reception No. A7066570, incorporated herein by this reference.

This instrument relates to that certain Engineering Case, Case No. E13-047 (the "Plan") and known as Cherry Creek Valley Water & Sanitation District (CCVW&S) Access Roadway and Drainage Improvements.

The Special Conditions, if any, attached to this instrument are a part of this instrument and if in conflict with any other term shall supersede and control over any other term.

Except to the extent described in any Special Conditions, the parties intend that the terms of this License Agreement be interpreted in accordance with the requirements of the Plan, if any. In the event of irreconcilable conflict between or among the terms of this License Agreement or the terms of the Plan, the terms of this License Agreement shall control.

Termination, revocation or nonrenewal of the License Agreement shall not affect County's rights granted under this Easement. Each and every one of the benefits and burdens of this Easement shall inure to and be binding upon the respective legal representatives, successors and assigns of the Owner and County.

This License Agreement may be assigned, in whole or in part, by the County. Upon such assignment the County shall be released from all obligations and liabilities that run with this License Agreement.

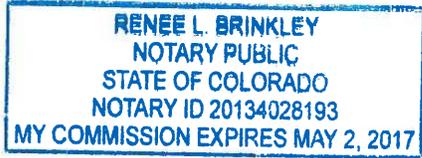
Owner: Wabash Marketplace LLC
by: John Fairbairn Manager
NAME TITLE

County of Denver)
) s.s.
State of Colorado)

This instrument was acknowledged before me this 6th day of January, 2016, by as John Fairbairn of Wabash Marketplace LLC, an authorized representative of the Owner.

My commission expires: May 2, 2017. Witness my hand and official seal.

Renee L. Brinkley
Signature
Renee L. Brinkley
Name of notary
2338 N. Citencoe St. Denver, CO 80207
Address of notary



Lender: FirstBank Leah M. Dirks, Senior Vice President
by: Leah Dirks Senior Vice President
NAME TITLE

County of Arapahoe)
) s.s.
State of Colorado)

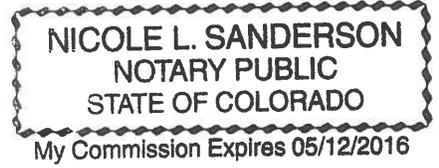
This instrument was acknowledged before me this 20th day of November, 2015, by as Leah Dirks of FirstBank, an authorized representative of the Owner. Lender.

My commission expires: 5/12/2016. Witness my hand and official seal.

Nicole L. Sanderson
Signature

Nicole L. Sanderson
Name of notary

101 W County Line Rd, Littleton, CO 80129
Address of notary



ACCEPTANCE AND APPROVAL:
For the Board of County Commissioners of Arapahoe County

David M. Schmit, P.E., Director, Public Works and Development
Authorization pursuant to Resolution No. 150211

EXHIBIT A

{Legal Description of the Easement Property}

E. ILIFF AVENUE

FOUND 2" METAL CAP
STAMPED R&R ENG-SUR
PLS 28291

POINT OF BEGINNING
NW CORNER OF
LOT 2, BLOCK 1,
WABASH CENTER
SUBDIVISION
FILING NO. 1

8.00' N89°49'49"E

25.00'

WABASH CENTER SUBDIVISION
FILING NO. 1
LOT 2, BLOCK 1
RECEPTION NO. B7018154

N00°08'00"W 203.34'

N00°08'00"W 195.34'

S00°08'00"E 170.33'

EXISTING CONCRETE BLOCK BUILDING

PROPOSED 25' DRAINAGE EASEMENT

N89°46'25"E 99.81'

FOUND ORANGE
PLASTIC CAP STAMPED
AZTEC LS 33204

S89°46'25"W 124.85'

S00°13'35"E
25.00

FOUND 2"
METAL CAP
STAMPED JR ENG
LS 29039

THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS ONLY
INTENDED TO DEPICT THE ATTACHED
LEGAL DESCRIPTION

**ARAPAHOE COUNTY
MAPPING DEPARTMENT**

6924 South Lima Street
Centennial, Colorado 80112
720-874-6686



ARAPAHOE COUNTY
COLORADO'S FIRST



EXHIBIT "A"

WABASH CENTER SUBDIVISION FILING NO. 1
LOT 2, BLOCK 1
PROPOSED DRAINAGE EASEMENT
08-06-2015
PAGE 2 OF 2
NOT TO SCALE

EXHIBIT "A"
Lot 2, Block 1, Wabash Center Subdivision
25' Drainage Easement

PARCEL DESCRIPTION

A 25' Drainage Easement located within Lot 2, Block 1, Wabash Center Subdivision Filing No. 1 as recorded in Reception No. B7018154 of the records of Arapahoe County, Colorado, lying within Section 28, Township 4 South, Range 67 West of the Sixth Principal Meridian, Arapahoe County, Colorado, more particularly described as follows:

BEGINNING at the northwest corner of said Lot 2, Block 1, Wabash Center Subdivision Filing No. 1;

THENCE along the northerly line of said Lot 2, North 89°49'49" East, a distance of 25.00 feet;

THENCE South 00°08'00" East, a distance of 170.33 feet;

THENCE North 89°46'25" East, a distance of 99.81 feet;

THENCE South 00°13'35" East, a distance of 25.00 to the southerly line of said Lot 2;

THENCE along said southerly line, South 89°46'25" West, a distance of 124.85 feet to the southwest corner of said Lot 2;

THENCE along the westerly line of said Lot 2, North 00°08'00" West, a distance of 195.34 feet to the **POINT OF BEGINNING**.

Containing 0.169 acres, or 7379 square feet of land, more or less.

Subject to existing rights-of-way and easements.

BASIS OF BEARING: All bearings are based on the Westerly line of Lot 2, Block 1, Wabash Center Subdivision Filing No. 1 as recorded at Reception No. B7018154 of the records of Arapahoe County, Colorado, and said westerly line bears North 00°08'00" West.

For and on behalf of Arapahoe County
Patrick T. Hubert, PLS 38357
6924 S. Lima Street
Centennial, CO 80112



EXHIBIT B

Easement Property is located over a portion of the following property:

Lot 2, Block 1, Wabash Center Subdivision Filing No. 1



Board Summary Report

Date: February 8, 2016

To: Board of County Commissioners

From: Dick Hawes, Department Director, Facilities and Fleet Management

Subject: Select Source Procurement Waiver – ACJC Building Assessment

Request and Recommendation

Facilities and Fleet Management requests the Board of County Commissioners approve a resolution authorizing a Waiver of Purchasing Policies for select source procurement with DLR Group to complete a building assessment of the Arapahoe County Justice Center.

Background

This request was heard before the Board of County Commissioners at a drop-in session on February 8, 2016. It was recommended for approval by a majority of the commissioners in attendance and moved to the Consent Agenda with no changes.

Attested By: Dick Hawes

RESOLUTION NO. _____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the (Name of Contract, Policy, or other item being presented for approval) as presented to the Board of County Commissioners on this date.

The vote was:

Commissioner Bockenfeld ____; Commissioner Doty, ____; Commissioner Holen____; Commissioner Jackson ____; Commissioner Sharpe _____.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. It was moved by Commissioner and duly seconded by Commissioner to authorize the Waiver of Purchasing Policies for select source procurement with DLR Group to complete a building assessment of the Arapahoe County Justice Center.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner , ;
Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: February 8, 2016

To: Board of County Commissioners

From: Dick Hawes, Department Director, Facilities and Fleet Management

Subject: Select Source Procurement Waiver – Detention Center Intake Assessment

Request and Recommendation

Facilities and Fleet Management requests the Board of County Commissioners approve a resolution authorizing a Waiver of Purchasing Policies for select source procurement with Reilly Johnson Architecture to complete an assessment of the Detention Center Bookings and Release space.

Background

This request was heard before the Board of County Commissioners at a drop-in session on February 8, 2016. It was recommended for approval by a majority of the commissioners in attendance and moved to the Consent Agenda with no changes.

Attested By: Dick Hawes

RESOLUTION NO. _____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the (Name of Contract, Policy, or other item being presented for approval) as presented to the Board of County Commissioners on this date.

The vote was:

Commissioner Bockenfeld ____; Commissioner Doty, ____; Commissioner Holen____; Commissioner Jackson ____; Commissioner Sharpe _____.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. It was moved by Commissioner and duly seconded by Commissioner to authorize the Waiver of Purchasing Policies for select source procurement with Reilly Johnson Architecture to complete an assessment of the Detention Center Bookings and Release space.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner , ;
Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: January 27, 2016

To: Arapahoe County Board of County Commissioners

Through: David M. Schmit, PE, Director
Public Works and Development

Through: Chuck Haskins, PE, Division Manager
Public Works and Development – Engineering Services Division

From: Spencer M. Smith, PE, Engineer III
Engineering Services Division

Case name: **Southcreek Subdivision Filing No. 9 (City of Centennial) – Quitclaim of Existing Easements**

Subject: Approval of two (2) Quitclaim Deeds

Purpose and Recommendation:

The purpose of this report is to request the Board approve two resolutions to authorize the execution of two Quitclaim Deeds to (1) convey a portion of a permanent slope easement (dedicated to Arapahoe County by separate document) to the City of Centennial; and to (2) convey all easements dedicated to Arapahoe County via the Southcreek Subdivision No. 8 plat to the City of Centennial.

Background:

Permanent Slope Easement: The applicant for the Southcreek Subdivision Filing No. 9 project, located within the City of Centennial is requesting that Arapahoe County vacate a portion of an existing permanent slope easement adjacent to S. Jordan Rd., on the north side of the S. Jordan Rd. and E. Broncos Pkwy. intersection. The elevation difference of S. Jordan Rd. and the adjacent Southcreek Subdivision Filing No. 8 required that additional area outside of the road right-of-way be preserved to allow room for a safe slope transition from elevated roadway to existing grade. The Southcreek Subdivision Filing No. 8 and S. Jordan Rd. right-of-way adjacent to the Southcreek have since been annexed by the City of Centennial. The property owner is processing a resubdivision in the City of Centennial (Southcreek Subdivision No. 9) and has revised the site grading such that a permanent slope easement is no longer necessary. In conveying the slope easement to the City of Centennial, it would allow the city to vacate the portion of the easement as it finds appropriate in processing the development.

Easements Dedicated with Southcreek Subdivision No. 8 Plat:

The easements dedicated to the County via the Southcreek Subdivision No. 8 Plat for drainage, public use and traffic signal were based on the proposed site per the Southcreek Subdivision No. 8 project. Since the property has been annexed by the City of Centennial and the property is being resubdivided, the County has no need to maintain its interest in the existing easements. In conveying the easements to

the City of Centennial, it would allow the city to prepare easements as necessary, to process the development.

County staff has reviewed the request for quitclaim by the land owner to the City of Centennial and has no objection.

A copy of the original easement agreement document that conveyed the permanent slope easement to Arapahoe County, as well as a copy of the Southcreek Subdivision No. 8 Plat are attached for reference.

Links to Align Arapahoe

To enhance the quality of life for citizens to address their basic needs.

Alternatives

N/A

Fiscal Impact

There is no fiscal impact related to this request.

Concurrence

The Quitclaim Deeds were prepared by the City of Centennial and reviewed by the County Attorney's Office.

Actions Requested:

1. Approval of Quitclaim Deed.
2. Authorize the Chair of Board of County Commissioners to execute the Quitclaim Deed on behalf of the Board.

Spencer M. Smith, PE, Engineer III
Engineering Services Division

Chuck Haskins, PE, Division Manager
Engineering Services Division

Robert Hill, Senior Assistant County Attorney
Attorney's Office

David M. Schmit, Director
Public Works and Development

Attachments: Quitclaim Deed
Permanent Slope Easement Agreement
Southcreek Subdivision No. 8 Plat

RETURN TO: Carol Goodman
DSIM - ENGINEERING DIVISION
REQUESTED BY: Brian Jure
CASE NUMBER: C97-009

PERMANENT SLOPE
EASEMENT AGREEMENT

17

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, Peak Development Group, LLC, (the "Grantor"), hereby grants, bargains, sells and conveys to the COUNTY OF ARAPAHOE, COLORADO, a body corporate and politic duly organized and existing under and by virtue of the laws of the state of Colorado, whose address is 5334 South Prince Street, Littleton, Colorado 80166 (the "Grantee"), its successors and permitted assigns, a perpetual non-exclusive easement (the "Easement") to construct and maintain slopes and cuts and fills; to ensure proper support for and drainage from the adjacent roadway (Jordan Road); to construct or reconstruct, install, operate, use, maintain, repair, replace and/or remove certain utilities, including but not limited to, gas, electric, irrigation, storm drainage facilities such as ditches culverts or pipes, underground telephone lines, and street lights, and appurtenances thereto; certain public signage; and for purposes of snow storage (collectively the "Improvements") in, to, through, over, under and across a certain parcel of real property located in Arapahoe County, Colorado, as more particularly described in Exhibit A (Parcel PSE-29), attached hereto, and incorporated herein by this reference (the "Premises"), pursuant to the following terms and conditions:

1. The Grantee, its agents, successors and permitted assigns, shall have and exercise the right of ingress and egress in, to, through, over, under and across the Premises for any purpose necessary for the construction, reconstruction, installation, operation, use, maintenance, repair, replacement and/or removal of the Improvements.

2/1

2. The Grantor shall not construct or place any structure or building, street light, power pole, yard light, mail box or sign, whether temporary or permanent, or plant any shrub, tree, woody plant, nursery stock, garden or other landscaping design feature on any part of the Premises, except with the prior consent of the Grantee. Any structure or building, street light, power pole, yard light, mail box or sign, whether temporary or permanent, or shrub, tree, woody plant, nursery stock, garden or other landscaping design feature of any kind situated on the Premises as of the date of this Easement or subsequently placed thereon may, except where the Grantee has consented thereto, be removed by the Grantee without liability for damages arising therefrom.

3. Upon completion of its activities, the Grantee, to the extent practicable, shall restore the Premises, including the surface of the ground and all landscaping, reasonably to the condition it was in immediately prior to the initiation of construction, except as necessarily modified to accommodate the Improvements.

4. The Grantee shall have the right to enter upon the Premises and to survey, construct, reconstruct, operate, use, maintain, repair, replace, and remove the Improvements, and to remove objects interfering therewith, including but not limited to these items placed on the Premises under paragraph 2 hereof. In addition, the Grantee shall have the right, subject to the Grantor's approval, to use so much of the adjoining premises of the Grantor during surveying, construction, reconstruction, use, maintenance, repair, replacement and/or removal of the Improvements as may be reasonably required.

5. The Grantee shall have and exercise the right of subjacent and lateral support to whatever extent is necessary or desirable for the operation and maintenance of the Improvements. It is specifically agreed between and among the parties that, except as provided in this Agreement, the Grantor shall not take any action which would impair the lateral or subjacent support for the

3/1

Improvements.

6. It is expressly acknowledged and agreed that the Grantee shall have the right and authority to assign to any appropriate local governmental entity or to any public utility provider all rights to use, and all obligations associated with, the Easement as are granted to and assumed by the Grantee herein. In addition, the Grantee shall have the right and authority to grant temporary construction easements or license agreements to any appropriate local governmental entity or public utility provider for purposes authorized herein with respect to the Improvements.

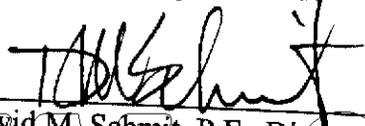
7. The Grantee agrees that at such time and in the event that the Easement described herein be abandoned by the Grantee and any permitted assignee under paragraph 6 hereof, such Easement shall terminate and the real property interest represented by such Easement shall revert to the Grantor, its heirs, successors and/or assigns.

8. The Grantor warrants, covenants, grants, bargains and agrees to and with the Grantee that the Grantor is well seized of the premises above conveyed and has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, except matters of record. The Grantor further promises and agrees to warrant and forever defend the Grantee in its quiet and peaceful possession of the Premises in the exercise of its rights hereunder against all and every person or person lawfully claiming or to claim the whole or any part thereof.

9. Each and every one of the benefits and burdens of this Easement shall inure to and be binding upon the respective legal representatives, heirs, administrators, successors and permitted assigns of the Grantor and the Grantee.

5/7

For the Board of County Commissioners,
Arapahoe County, Colorado



~~David M. Schmit, P.E., Director,
Development Services/Infrastructure Management
Authorization pursuant to Resolution No. 020198~~

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4/1

LEGAL DESCRIPTION PERMANENT SLOPE EASEMENT

A PARCEL OF LAND FOR A PERMANENT SLOPE EASEMENT BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE COUNTY OF ARAPAHOE, STATE OF COLORADO AND BEING ENTIRELY IN THAT PORTION OF LAND DESCRIBED UNDER RECEPTION NO. A7130606 IN THE ARAPAHOE COUNTY OFFICE OF THE CLERK AND RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 32, AND CONSIDERING THE WESTERLY LINE OF SAID NORTHWEST QUARTER TO BEAR SOUTH 00°06'08" EAST, AND ALL BEARINGS ARE MADE AS A REFERENCE HEREON; THENCE SOUTH 52°15'01" EAST, 1042.69 FEET TO THE FUTURE NORTHEASTERLY RIGHT-OF-WAY OF SOUTH JORDAN ROAD AND THE TRUE POINT OF BEGINNING;

THENCE DEPARTING SAID FUTURE RIGHT-OF-WAY NORTH 72°44'27" EAST 24.99 FEET;

THENCE SOUTH 17°15'33" EAST 40.00 FEET;

THENCE SOUTH 43°49'27" EAST 67.08 FEET;

THENCE SOUTH 17°15'33" EAST 783.18 FEET;

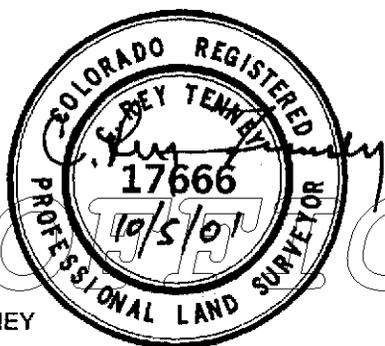
THENCE SOUTH 03°12'56" EAST 40.90 FEET TO THE NORTHERLY RIGHT-OF-WAY OF EAST DRY CREEK ROAD AS DEDICATED BY SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. A8206706 IN SAID ARAPAHOE COUNTY RECORDS BEING ALSO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 50.00 FEET AND A RADIAL BEARING OF NORTH 11°03'03" WEST;

THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY AND ALONG SAID CURVE 73.09 FEET THROUGH A CENTRAL ANGLE OF 83°45'38" TO SAID FUTURE NORTHEASTERLY RIGHT-OF-WAY OF SOUTH JORDAN ROAD;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND ALONG SAID FUTURE RIGHT-OF-WAY NORTH 17°17'25" WEST 873.19 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 1.095 ACRES (47,701 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



C. REY TENNEY

COLORADO REGISTERED LAND SURVEYOR L.S. 17666

FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

7/7

POINT OF COMMENCEMENT
NW COR., NW 1/4 SEC. 32
T. 5S., R. 66W 6TH. P.M.

S 52°15'01" E
1042.69'

S. JAMISON STREET

TRUE POINT
OF BEGINNING

N 72°44'27" E
24.99'

S 17°15'33" E
40.00'

S 43°49'27" E
67.08'

PARCEL CONTAINS 1.095 ACRES
(47,701 SQ.FT.), MORE OR LESS

FUTURE SOUTH CREEK FILING NO. 4

PROPERTY OWNER:
PEAK DEVELOPMENT GROUP LLC
3821 SOUTH HILLCREST DRIVE
DENVER, CO 80237-1107
RECEPTION NO. A7130608
AZTEC ID: 28
NW 1/4
SECTION 32

UNOFFICIAL COPY

UNOFFICIAL COPY

UNOFFICIAL COPY

WRLY LINE NW 1/4 (BASIS OF BEARINGS)
00°06'08" E

SOUTH JORDAN ROAD (VARIABLE WIDTH)

N 17°17'25" W
117.725' W

S 17°15'33" E
1783.18'

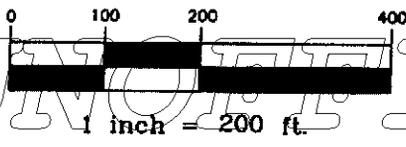
FUTURE NEARLY RIGHT-OF-WAY

S 03°12'56" E
40.90'

E DRY CREEK ROAD (REC #A87106706)
N 11°03'03" W (RAD)

Δ=83°45'38"
R=50.00'
L=73.09'

DOVE VALLEY PARKWAY
(AKA BRONCOS BLVD.)
BOOK 214 PAGE 199



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MOUNUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

P: 100-12399-01 LEGALS
DWG NAME: PSE_29.DWG
DWG: TSG CHK:
DATE: 10-4-2001
SCALE: 1" = 200'



Aztec CONSULTANTS, Inc.

8000 South Lincoln Street, Unit 5
Littleton, Colorado 80122
Phone: (303)713-1898 Fax: (303)713-1897

**SOUTH JORDAN ROAD
PERMANENT SLOPE EASEMENT
PARCEL NO. 29
ARAPAHOE COUNTY, COLORADO**

JOB NUMBER 12399-01-05 2 OF 2 SHEETS

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF A PERMANENT SLOPE EASEMENT RECORDED UNDER RECEPTION NO. B2162841 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE AND A PORTION OF LOT 1, BLOCK 1 SOUTHCREEK SUBDIVISION FILING NO. 8 RECORDED UNDER RECEPTION NO. D0020608, IN SAID RECORDS, LOCATED IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF CENTENNIAL, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 1, WHENCE THE NORTHERLY BOUNDARY OF SAID LOT 1 BEARS NORTH 72°42'35" EAST, WITH ALL BEARINGS HEREON REFERENCED THERETO;

THENCE ALONG SAID NORTHERLY BOUNDARY, NORTH 72°42'35" EAST, A DISTANCE OF 54.45 FEET TO THE EASTERLY BOUNDARY OF SAID PERMANENT SLOPE EASEMENT;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING TWO (2) COURSES:

1. SOUTH 17°15'27" EAST, A DISTANCE OF 170.33 FEET;
2. SOUTH 03°12'50" EAST, A DISTANCE OF 36.08 FEET TO THE NORTHERLY RIGHT-OF-WAY OF EAST BRONCOS PARKWAY;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

1. SOUTH 72°37'51" WEST, A DISTANCE OF 0.54 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 48.50 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 17°22'42" WEST;
2. WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°28'54", AN ARC LENGTH OF 36.81 FEET TO THE EASTERLY RIGHT-OF-WAY OF SOUTH JORDAN ROAD, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 50.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 32°48'33" EAST;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:

1. NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°54'02", AN ARC LENGTH OF 34.82 FEET;
2. NORTH 17°17'25" WEST, A DISTANCE OF 160.00 FEET TO THE **POINT OF BEGINNING**.

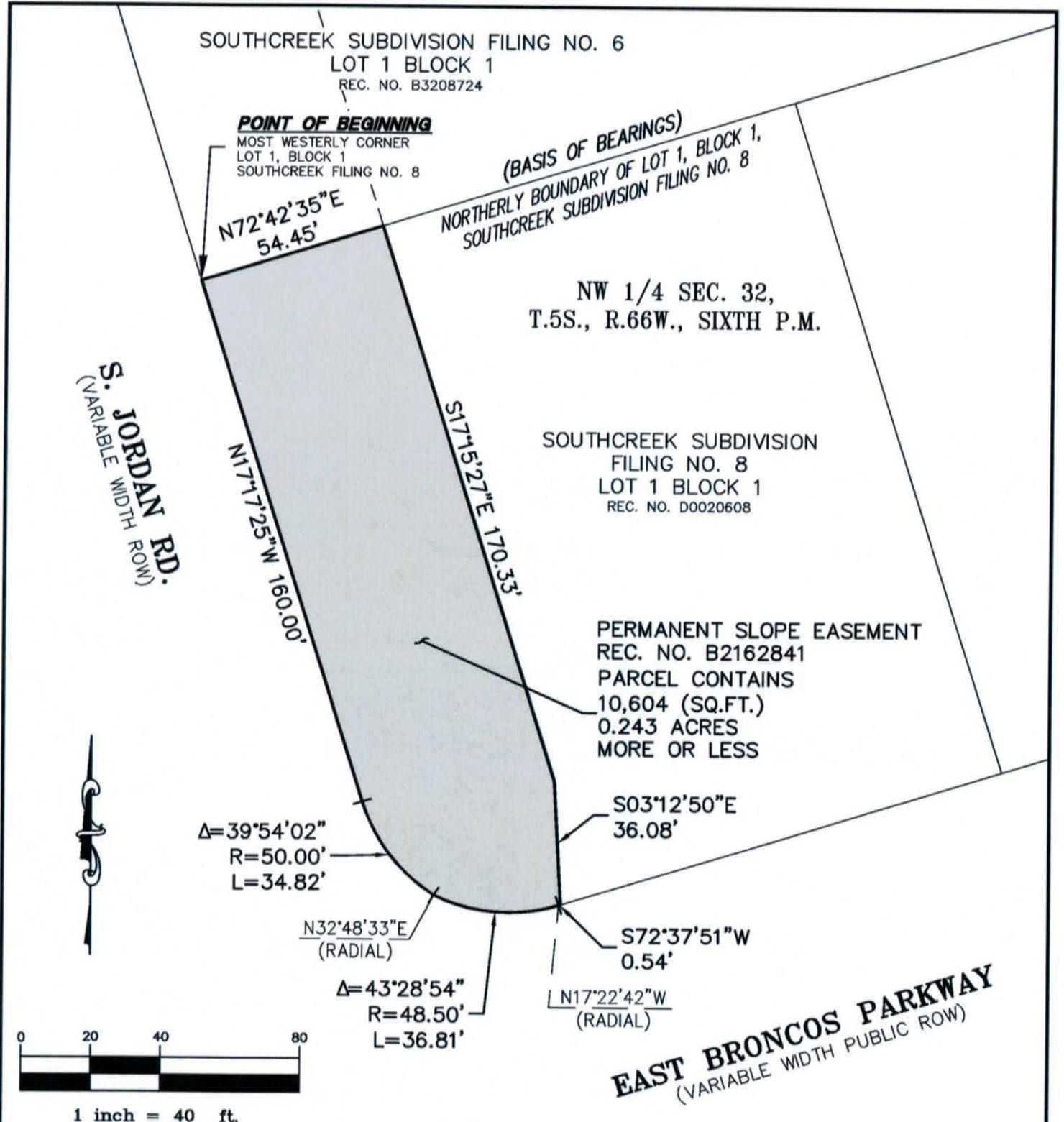
CONTAINING AN AREA OF 0.243 ACRES, (10,604 SQUARE FEET), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.

DEREK S. BROWN, PLS 38064
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
300 EAST MINERAL AVE., SUITE 1, LITTLETON, CO 80122
303-713-1898



ILLUSTRATION TO EXHIBIT A



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: _____
 DWG NAME: SLOPE EASEMENT.DWG
 DWG: JFT CHK: DSB
 DATE: 01/28/16
 SCALE: 1" = 40'

AZTEC
 CONSULTANTS, INC.

300 East Mineral Ave,
 Suite 1
 Littleton, Colorado 80122
 Phone: (303)713-1898
 Fax: (303)713-1897
www.aztecconsultants.com

V:\21415-23 - Southcreek Final Plat\Dwg\EASEMENT EXHIBIT

SLOPE EASEMENT
 NW 1/4 SEC. 32, T.5S., R.66W., 6TH P.M.
 CITY OF CENTENNIAL, STATE OF COLORADO
 JOB NUMBER 21415-23
 2 OF 2 SHEETS

CERTIFICATE OF DEDICATION AND OWNERSHIP

THE UNDERSIGNED CERTIFIES TO AND FOR THE BENEFIT OF THE BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, THAT AS OF THE DATE SET FORTH BELOW AND THE DATE OF RECORDING OF THIS DOCUMENT, THE UNDERSIGNED CONSTITUTE ALL OF THE OWNERS OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAT, THAT THE UNDERSIGNED HAVE GOOD RIGHT AND FULL POWER TO CONVEY, ENCUMBER AND SUBDIVIDE SAME, AND THAT THE PROPERTY IS FREE AND CLEAR OF ALL LIENS, ENCUMBRANCES, EASEMENTS AND RIGHTS OF WAY EXCEPT THE EASEMENTS AND RIGHTS-OF-WAY DEPICTED ON THIS PLAT, AND THE LIENS HELD BY OTHER SIGNATORIES TO THIS DOCUMENT, IN THE EVENT OF A DEFECT IN SAID TITLE WHICH BREACHES THE WARRANTIES IN THIS CERTIFICATE, THE UNDERSIGNED, JOINTLY AND SEVERALLY, AGREE(S) TO REMEDY SUCH DEFECT UPON DEMAND BY ARAPAHOE COUNTY, WHICH REMEDY SHALL NOT BE DEEMED EXCLUSIVE.

KNOW ALL MEN BY THESE PRESENTS, THAT SOUTHCREEK VENTURES, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER AND COLORADO CAPITAL BANK A COLORADO CORPORATION BEING THE MORTGAGEE OF CERTAIN LANDS IN ARAPAHOE COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING LOTS 2, 3 AND 4, BLOCK 1, SOUTHCREEK SUBDIVISION FILING NO. 6, AS RECORDED UNDER RECEPTION NO. B3208724 OF THE ARAPAHOE COUNTY CLERK AND RECORDER'S RECORDS, SITUATED IN THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE 6TH P.M. COUNTY OF ARAPAHOE, STATE OF COLORADO,

SAID PARCEL CONTAINS 222,846 SQ. FT. OR 5.12 ACRES, MORE OR LESS.

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND A BLOCK AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF SOUTHCREEK SUBDIVISION FILING NO. 8 AND DO HEREBY DEDICATE AND CONVEY TO ARAPAHOE COUNTY, COLORADO, AND WARRANTS TITLE TO SAME, FOR THE USE OF THE PUBLIC, THE STREETS AND OTHER PUBLIC WAYS AND LANDS SHOWN HEREON, AND DO HEREBY DEDICATE TO ARAPAHOE COUNTY, COLORADO, AND APPROPRIATE UTILITY COMPANIES AND EMERGENCY ASSISTANCE ENTITIES, THE EASEMENTS AS SHOWN HEREON FOR THE PURPOSES STATED.

EXECUTED THIS 29th DAY OF December A.D., 2009

OWNER OF RECORD SOUTHCREEK VENTURES, LLC BY: Michael G. Messina AS: Manager STATE OF Colorado } S.S. COUNTY OF Denver }

THE FOREGOING CERTIFICATION OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS 29th DAY OF Dec A.D., 2009 BY Michael Messina

AS Manager OF SOUTHCREEK VENTURES, LLC, AN AUTHORIZED SIGNATORY.

BY: Daniel S. Foster NOTARY PUBLIC My Commission Expires: 12-22-2012

1391 Speer Blvd, Ste 390 Denver CO 80204

MORTGAGEE COLORADO CAPITAL BANK, BY: Daniel S. Foster AS: Senior Vice President STATE OF Arapahoe } S.S. COUNTY OF Colorado }

THE FOREGOING CERTIFICATION OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS 30 DAY OF December A.D., 2009 BY Daniel S. Foster

AS Senior Vice President OF COLORADO CAPITAL BANK, AN AUTHORIZED SIGNATORY.

BY: Richanna R. Fabian NOTARY PUBLIC My Commission Expires: 02-07-2010

5251 DTC Parkway Suite 1120 Greenwood Village CO 80111

RICHANNA R. FABIAN NOTARY PUBLIC STATE OF COLORADO My Commission Expires Feb. 7, 2010

STANDARD NOTES:

THE OWNER(S), DEVELOPER(S) AND/OR SUBDIVIDER(S) OF THE FINAL PLAT KNOWN AS SOUTHCREEK SUBDIVISION FILING NO. 8, THEIR RESPECTIVE SUCCESSORS, HEIRS AND/OR ASSIGNS AGREE TO THE FOLLOWING NOTES:

STREET MAINTENANCE

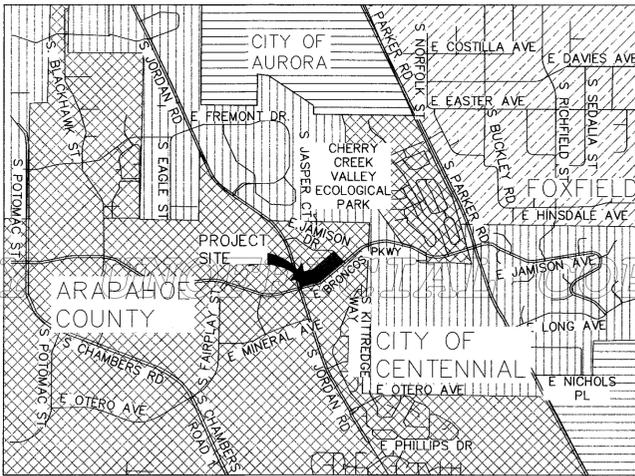
IT IS MUTUALLY UNDERSTOOD AND AGREED THAT THE DEDICATED ROADWAYS SHOWN ON THIS PLAT WILL NOT BE MAINTAINED BY THE COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE CONSTRUCTION PLANS ARE APPROVED, AND PROVIDED CONSTRUCTION OF SAID ROADWAYS IS STARTED WITHIN ONE YEAR OF THE CONSTRUCTION PLAN APPROVAL. THE OWNERS, DEVELOPERS AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE FOR STREET MAINTENANCE UNTIL SUCH TIME AS THE COUNTY ACCEPTS THE RESPONSIBILITY FOR MAINTENANCE AS STATED ABOVE.

DRAINAGE MAINTENANCE

THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE FACILITIES INSTALLED PURSUANT TO THE SUBDIVISION AGREEMENTS. REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO MAINTAINING THE SPECIFIED STORM WATER DETENTION/RETENTION VOLUMES, MAINTAINING OUTLET STRUCTURES, FLOW RESTRICTION DEVICES AND FACILITIES NEEDED TO CONVEY FLOW TO SAID BASINS. ARAPAHOE COUNTY SHALL HAVE THE RIGHT TO ENTER PROPERLY TO INSPECT SAID FACILITIES AT ANY TIME. IF THESE FACILITIES ARE NOT PROPERLY MAINTAINED, THE COUNTY MAY PROVIDE NECESSARY MAINTENANCE AND ASSESS THE MAINTENANCE COST TO THE OWNER OF THE PROPERTY.

SOUTHCREEK SUBDIVISION FILING NO. 8

A Resubdivision of Lots 2, 3 and 4, Block 1, Southcreek Subdivision Filing No. 6, Situated in the Northwest 1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M. County of Arapahoe, State of Colorado. Sheet 1 of 3



VICINITY MAP SCALE: 1"=2000'

STANDARD NOTES (CONT):

EMERGENCY ACCESS NOTE

EMERGENCY ACCESS IS GRANTED HERewith OVER AND ACROSS ALL PAVED AREAS FOR POLICE, FIRE AND EMERGENCY VEHICLES.

DRIVES, PARKING AREAS, AND UTILITY EASEMENTS MAINTENANCE

THE OWNERS OF THIS PLAT, THEIR SUCCESSORS, AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNERS' ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF ANY AND ALL DRIVES, PARKING AREAS, AND EASEMENTS, I.E.: CROSS ACCESS EASEMENTS, DRAINAGE EASEMENTS, ETC.

PRIVATE STREET MAINTENANCE

IT IS MUTUALLY UNDERSTOOD AND AGREED THAT THE PRIVATE ROADWAYS SHOWN ON THIS PLAT ARE NOT IN CONFORMANCE WITH ARAPAHOE COUNTY ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND WILL NOT BE MAINTAINED BY THE COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN CONFORMANCE WITH THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE OF THE REQUEST FOR DEDICATION. THE OWNERS, DEVELOPERS, AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE FOR STREET MAINTENANCE UNTIL SUCH TIME AS THE COUNTY ACCEPTS RESPONSIBILITY FOR MAINTENANCE AS STATED ABOVE.

DRAINAGE LIABILITY

IT IS THE POLICY OF ARAPAHOE COUNTY THAT IT DOES NOT AND WILL NOT ASSUME LIABILITY FOR THE DRAINAGE FACILITIES DESIGNED AND/OR CERTIFIED BY HARRIS KOCHER SMITH. ARAPAHOE COUNTY REVIEWS DRAINAGE PLANS PURSUANT TO COLORADO REVISED STATUTES TITLE 30, ARTICLE 28, BUT CANNOT, ON BEHALF OF SOUTHCREEK VENTURES, LLC., A COLORADO LIMITED LIABILITY COMPANY, GUARANTEE THAT FINAL DRAINAGE DESIGN REVIEW WILL ABSOLVE SOUTHCREEK VENTURES, LLC., A COLORADO LIMITED LIABILITY COMPANY, AND/OR THEIR SUCCESSORS AND/OR ASSIGNS OF FUTURE LIABILITY FOR IMPROPER DESIGN. IT IS THE POLICY OF ARAPAHOE COUNTY THAT APPROVAL OF THE FINAL PLAT DOES NOT IMPLY APPROVAL OF THE HARRIS KOCHER SMITH DRAINAGE DESIGN.

LANDSCAPE MAINTENANCE

THE OWNERS OF THIS PLAT, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNER'S ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF PERIMETER FENCING, LANDSCAPED AREAS AND SIDEWALKS BETWEEN THE FENCE LINE/PROPERTY LINE AND ANY PAVED ROADWAYS. THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, OR SOME OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, AGREE TO THE RESPONSIBILITY OF MAINTAINING ALL OTHER OPEN SPACE AREAS ASSOCIATED WITH THIS DEVELOPMENT.

SIGHT TRIANGLE MAINTENANCE

THE OWNERS OF PRIVATE PROPERTY CONTAINING A TRAFFIC SIGHT TRIANGLE ARE PROHIBITED FROM ERECTING OR GROWING ANY OBSTRUCTIONS OVER THREE FEET IN HEIGHT ABOVE THE ELEVATION OF THE LOWEST POINT ON THE CROWN OF THE ADJACENT ROADWAY WITHIN SAID TRIANGLE.

PUBLIC IMPROVEMENTS NOTE

AFTER FINAL PLAT APPROVAL, ISSUANCE OF INDIVIDUAL BUILDING PERMITS WILL BE SUBJECT TO THE FOLLOWING STIPULATIONS AND/OR CONDITIONS PRECEDENT, WHICH OWNER AGREES TO IN CONJUNCTION WITH APPROVAL OF THE FINAL PLAT. SUCH BUILDING PERMITS WILL BE ISSUED ONLY AFTER THE OWNERS GUARANTEE PUBLIC IMPROVEMENTS IN A FORM ACCEPTABLE TO THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO STATE STATUTE.

DRAINAGE MASTER PLAN NOTE

THE POLICY OF THE COUNTY REQUIRES THAT ALL NEW DEVELOPMENT AND REDEVELOPMENT SHALL PARTICIPATE IN THE REQUIRED DRAINAGE IMPROVEMENTS AS SET FORTH BELOW: 1. DESIGN AND CONSTRUCT THE LOCAL DRAINAGE SYSTEM AS DEFINED BY THE PHASE III DRAINAGE REPORT AND PLAN. 2. DESIGN AND CONSTRUCT THE CONNECTION OF THE SUBDIVISION DRAINAGE SYSTEM TO A DRAINAGEWAY OF ESTABLISHED CONVEYANCE CAPACITY SUCH AS A MASTER PLANNED OUTFALL STORM SEWER OR MASTER PLANNED MAJOR DRAINAGEWAY. THE COUNTY WILL REQUIRE THAT THE CONNECTION OF THE MINOR AND MAJOR SYSTEMS PROVIDE CAPACITY TO CONVEY ONLY THOSE FLOWS (INCLUDING OFFSITE FLOWS) LEAVING THE SPECIFIC DEVELOPMENT SITE. TO MINIMIZE OVERALL CAPITAL COSTS, THE COUNTY ENCOURAGES ADJACENT DEVELOPMENTS TO JOIN IN DESIGNING AND CONSTRUCTING CONNECTION SYSTEMS. ALSO, THE COUNTY MAY CHOOSE TO PARTICIPATE WITH A DEVELOPER IN THE DESIGN AND CONSTRUCTION OF THE CONNECTION SYSTEM. 3. EQUITABLE PARTICIPATION IN THE DESIGN AND CONSTRUCTION OF THE MAJOR DRAINAGEWAY SYSTEM THAT SERVES THE DEVELOPMENT AS DEFINED BY ADOPTED MASTER DRAINAGEWAY PLANS (SECTION 3.3.2 OF THE ARAPAHOE DRAINAGE CRITERIA MANUAL) OR AS REQUIRED BY THE COUNTY AND DESIGNATED IN THE PHASE III DRAINAGE REPORT.

SPECIFIC NOTES:

AIRPORT INFLUENCE AREA NOTE (OFF-SITE IMPROVEMENTS)

- TO CARRY OUT ONE OR MORE OF THE FOLLOWING AS MAY BE REQUIRED BY THE BOARD OF COUNTY COMMISSIONERS: 1) TO INCLUDE SAID DEVELOPMENT WITHIN A SPECIAL DISTRICT FOR THE PURPOSE OF PARTICIPATION IN THE CONSTRUCTION OF NECESSARY OFF-SITE IMPROVEMENTS AT THE TIME OF APPROVAL OF FINAL DEVELOPMENT PLANS. 2) TO COOPERATE WITH OTHER OWNERS OF OTHER PARCELS AND/OR OTHER SPECIAL DISTRICTS IN OFF-SITE ROADWAY IMPROVEMENTS AS NECESSITATED BY THE DEVELOPMENT IMPACTS AS MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS. 3) TO COMPLETE SUCH OTHER IMPROVEMENTS TO PUBLIC ROADWAYS BROUGHT ABOUT OR IMPACTED BY THIS DEVELOPMENT AS MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS. 4) TO PARTICIPATE AND COOPERATE IN ANY TRANSPORTATION MANAGEMENT PROGRAM AS SPECIFIED IN THE AIRPORT INFLUENCE AREA TRANSPORTATION STUDY, IF SUCH A PROGRAM IS APPROVED AND/OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS.

AIRPORT INFLUENCE AREA NOTE (EASEMENT/HAZARD EASEMENT)

AN AVIGATION AND HAZARD EASEMENT AFFECTING ALL PROPERTY CONTAINED WITHIN THIS FINAL PLAT HAS BEEN LEGALLY EXECUTED. SAID EASEMENT DOCUMENT CAN BE FOUND AT RECEPTION NO. A9054852, OF THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER. THE LANDS CONTAINED WITHIN THIS FINAL PLAT LIE WITHIN THE AIRPORT INFLUENCE AREA, AN AREA WHICH IS LIKELY TO BE AFFECTED BY AIRCRAFT OPERATIONS AND THEIR POTENTIAL NOISE AND/OR CRASH HAZARDS TO A GREATER DEGREE THAN LANDS SITUATED OUTSIDE OF THE INFLUENCE AREA. ALL LANDS CONTAINED WITHIN THIS FINAL PLAT SHALL COMPLY WITH F.A.R. PART 77, "HEIGHT AND OBSTRUCTIONS CRITERIA".

PRIVATE OPEN SPACE

- A. THE PRIVATE PARK SITE AS SHOWN ON THIS PLAT SHALL BE MAINTAINED IN PERPETUITY BY THE OWNER(S), HOMEOWNER'S ASSOCIATION, AND/OR ENTITY OTHER THAN ARAPAHOE COUNTY. B. BUILDING PERMITS WILL BE ISSUED FOR ONLY ONE-HALF OF THE LOTS IN THIS SUBDIVISION UNTIL THE PARK FACILITIES HAVE BEEN INSTALLED IN ACCORDANCE WITH THE APPROVED PLAN. C. WHEN A PROJECT CONSISTS OF ONE LOT, THE PRIVATE PARK SHALL BE INSTALLED PRIOR TO THE CERTIFICATE OF OCCUPANCY.

STREET LIGHTING

ALL LOTS ARE SUBJECT TO AND BOUND BY TARIFFS WHICH ARE NOW AND MAY IN THE FUTURE BE FILED WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO RELATING TO STREET LIGHTING IN THIS PLAT, TOGETHER WITH RATES, RULES, AND REGULATIONS THEREIN PROVIDED AND SUBJECT TO ALL FUTURE AMENDMENTS AND CHANGES THERETO. THE OWNER OR OWNERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL PAY AS BILLED, A PORTION OF THE COST OF PUBLIC STREET LIGHTING IN THE PLAT ACCORDING TO APPLICABLE RATES, RULES, AND REGULATIONS, INCLUDING FUTURE AMENDMENTS AND CHANGES ON FILE WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO.

DRAINAGE

ALL DRAINAGE, DETENTION POND AND STORM SEWER EASEMENTS SHOWN HEREON BURDEN AND RUN WITH ALL LANDS DESCRIBED IN THIS PLAT TO THE BENEFIT OF ARAPAHOE COUNTY AND ITS ASSIGNS, AND ARE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS, HEIRS AND ASSIGNS. THE EASEMENTS ARE GOVERNED BY THE TERMS AND CONDITIONS OF ARAPAHOE COUNTY'S STORMWATER AND DRAINAGE REGULATIONS AND STANDARDS AND ALL TERMS AND CONDITIONS OF RECORD, INCLUDING THOSE RECORDED ON JUNE 5, 1997, AT RECEPTION NUMBER A7066570, AS THOSE REGULATIONS, STANDARDS, TERMS AND CONDITIONS EXIST AT THE TIME OF COUNTY APPROVAL OF THIS DOCUMENT AND AS THEY MAY BE AMENDED FROM TIME TO TIME.

PUBLIC USE EASEMENT

ALL PUBLIC USE EASEMENTS SHOWN HEREON BURDEN AND RUN WITH ALL LANDS DESCRIBED IN THIS PLAT TO THE BENEFIT OF ARAPAHOE COUNTY AND ITS ASSIGNS, AND ARE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS, HEIRS AND ASSIGNS. THE PUBLIC USE EASEMENTS ARE GOVERNED BY THE TERMS AND CONDITIONS OF ARAPAHOE COUNTY'S EASEMENT REGULATIONS AND STANDARDS AND ALL TERMS AND CONDITIONS OF RECORD, IF ANY, AS THOSE REGULATIONS, STANDARDS, TERMS AND CONDITIONS EXIST AT THE TIME OF COUNTY APPROVAL OF THIS DOCUMENT AND AS THEY MAY BE AMENDED FROM TIME TO TIME.

CROSS ACCESS

A PUBLIC ACCESS EASEMENT IS GRANTED ACROSS ALL PAVED DRIVEWAYS IN THIS SUBDIVISION FOR THE PURPOSES OF VEHICULAR ACCESS TO ALL LOTS.

EMERGENCY ACCESS

AN EMERGENCY ACCESS EASEMENT IS GRANTED ACROSS ALL PAVED DRIVEWAYS IN THIS SUBDIVISION FOR THE PURPOSES OF EMERGENCY VEHICULAR ACCESS TO ALL LOTS.

GENERAL NOTES:

- 1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. 2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO THE STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES. 3. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE 6TH P.M., MONUMENTED AT THE NORTHWEST CORNER BY A 3 1/4" ALUMINUM CAP PLS 10377 AND AT THE NORTH QUARTER CORNER BY A 100' WITNESS CORNER BEING A 3 1/4" ALUMINUM CAP PLS 36062, AS BEARING NORTH 89°49'00" EAST PER THE ARAPAHOE COUNTY CONTROL NETWORK. 4. BENCHMARK: BENCHMARK IS A CITY OF AURORA BRASS CAP SET IN CONCRETE SLAB OF THE STORM SEWER INLET AT THE NORTHEAST CORNER OF SOUTH JORDAN ROAD AND EAST ARAPAHOE ROAD. 556619SW002. (AKA JR-130A) (JR-130A REPLACED JR-130) ELEVATION=5673.98 (NGVD 29 W/COA ADJUSTMENTS) ELEVATION=5676.784 US FT. (NAVD 88) 5. PER FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 08005C0485J, DATED AUGUST 16, 1995, LETTER OF MAP REVISION DATED OCTOBER 12, 1999 AND LETTER OF MAP REVISION DATED APRIL 27, 2006, THE SUBJECT PARCEL IS WITHIN ZONE X (OUTSIDE THE 500-YEAR FLOOD PLAIN) AND ZONE X (INSIDE THE 500-YEAR FLOOD PLAIN). THE FLOOD PLAIN AS SHOWN HEREON WAS SCALED FROM FROM SAID SOURCES AND IS SHOWN HEREON AS APPROXIMATE ONLY. 6. NO OFFSET MONUMENTS ARE TO BE SET IN CONJUNCTION WITH THIS PLAT. 7. FIELD WORK FOR THIS SURVEY WAS COMPLETED ON DECEMBER 7, 2007. 8. THERE IS NO INGRESS/EGRESS FROM S. JORDAN ROAD TO LOT 1.

BOARD OF COUNTY COMMISSIONERS APPROVAL

APPROVED BY THE ARAPAHOE COUNTY BOARD OF COMMISSIONERS, THIS 20th DAY OF January A.D., 2009

CHAIR: Luciano Beckman

ATTEST: Nancy A. Doty, Clerk & Recorder

UNOFFICIAL COPY

SURVEYING CERTIFICATE

I, MARK T. WILSON, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

MARK T. WILSON, PLS 36062



SURVEYOR NOTE

THE DIMENSIONS, LOCATIONS AND OTHER INFORMATION REGARDING RECORDED RIGHTS-OF-WAY AND EASEMENTS WERE DERIVED FROM COPIES OF THE ACTUAL RECORDED DOCUMENTS. THE UNDERSIGNED SURVEYOR DID NOT PERSONALLY SEARCH THE PUBLIC RECORDS TO DETERMINE THE RECORDED RIGHTS-OF-WAY AND EASEMENTS AFFECTING THE PROPERTY, BUT INSTEAD RESEARCH WAS OBTAINED FROM STEWART-TITLE OF COLORADO. THE RESEARCH IS BELIEVED BY THE UNDERSIGNED TO BE RELIABLE, COMPLETE AND CORRECT, AND IS NOT CONTRADICTED BY ANY OTHER INFORMATION KNOWN TO THE SURVEYOR. THIS DISCLOSURE IS PROVIDED TO COMPLY WITH 38-51-106, C.R.S. AND FOR NO OTHER PURPOSE.

ATTORNEY CERTIFICATE

I, Gary F. Albrecht, AN ATTORNEY AT LAW DULY LICENSED TO PRACTICE IN THE STATE OF COLORADO, REGISTRATION NO. 26761, STATE THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY DESCRIBED IN THIS PLAT AND STATE FURTHER THAT, IN MY OPINION, TITLE TO ALL LANDS DESCRIBED IN THIS PLAT IS MERCHANTABLE IN THE OWNER AND IS FREE AND CLEAR OF ALL EASEMENTS, RIGHTS-OF-WAY, COVENANTS, LIENS AND ENCUMBRANCES EXCEPT (A) THOSE EASEMENTS AND RIGHTS-OF-WAY DEPICTED ON THE PLAT AND (B) THOSE HELD BY OTHER SIGNATORIES TO THIS PLAT. I FURTHER STATE THAT, IN MY OPINION, THE PERSON SIGNING AS OWNER IS AUTHORIZED TO DO SO.

SIGNED THIS 14th DAY OF January A.D., 2010

BY: Gary F. Albrecht

RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ARAPAHOE COUNTY AT 8:36 (A.M.) ON THE 3rd DAY OF March A.D., 2010 IN

BOOK 402, PAGE 15-17, MAP 1, RECEPTION NO. D0020608

COUNTY CLERK AND RECORDER

Nancy A. Doty, Clerk & Recorder

PREPARATION DATE: 12-11-07 402-15

HARRIS KOCHER SMITH

engineers & land surveyors 1391 Speer Blvd. - Suite 390 Denver, Colorado 80204 Phone (303) 623-6300 Fax (303) 623-6311

SOUTHCREEK SUBDIVISION FILING NO. 8

**A Resubdivision of Lots 2, 3 and 4, Block 1, Southcreek Subdivision Filing No. 6,
Situated in the Northwest 1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M.
County of Arapahoe, State of Colorado.
Sheet 2 of 3**

- LEGEND**
- FOUND 1 1/2" ALUMINUM CAP PLS 25942
 - FOUND 1 1/2" ALUMINUM CAP PLS 29039
 - ◆ FOUND PK NAIL WITH BRASS TAG PLS 25942
 - ◆ FOUND PK NAIL WITH BRASS TAG PLS 29039
 - ▲ FOUND #5 REBAR
 - SET #5x30" REBAR IN CONCRETE COLLAR WITH PLASTIC CAP PLS 36062
 - ◆ SET PK NAIL WITH BRASS TAG PLS 36062
 - (NR) NON-RADIAL
 - (RAD) RADIAL

NORTHWEST CORNER SECTION 32,
T5S, R66W, 6TH P.M.
FOUND 3 1/4" ALUMINUM
CAP PLS 10377

BASIS OF BEARINGS
N89°49'00"E 2545.35'
NORTH LINE OF THE NW 1/4 SEC. 32,
T5S, R66W OF THE 6TH P.M.

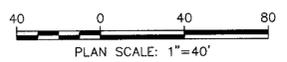
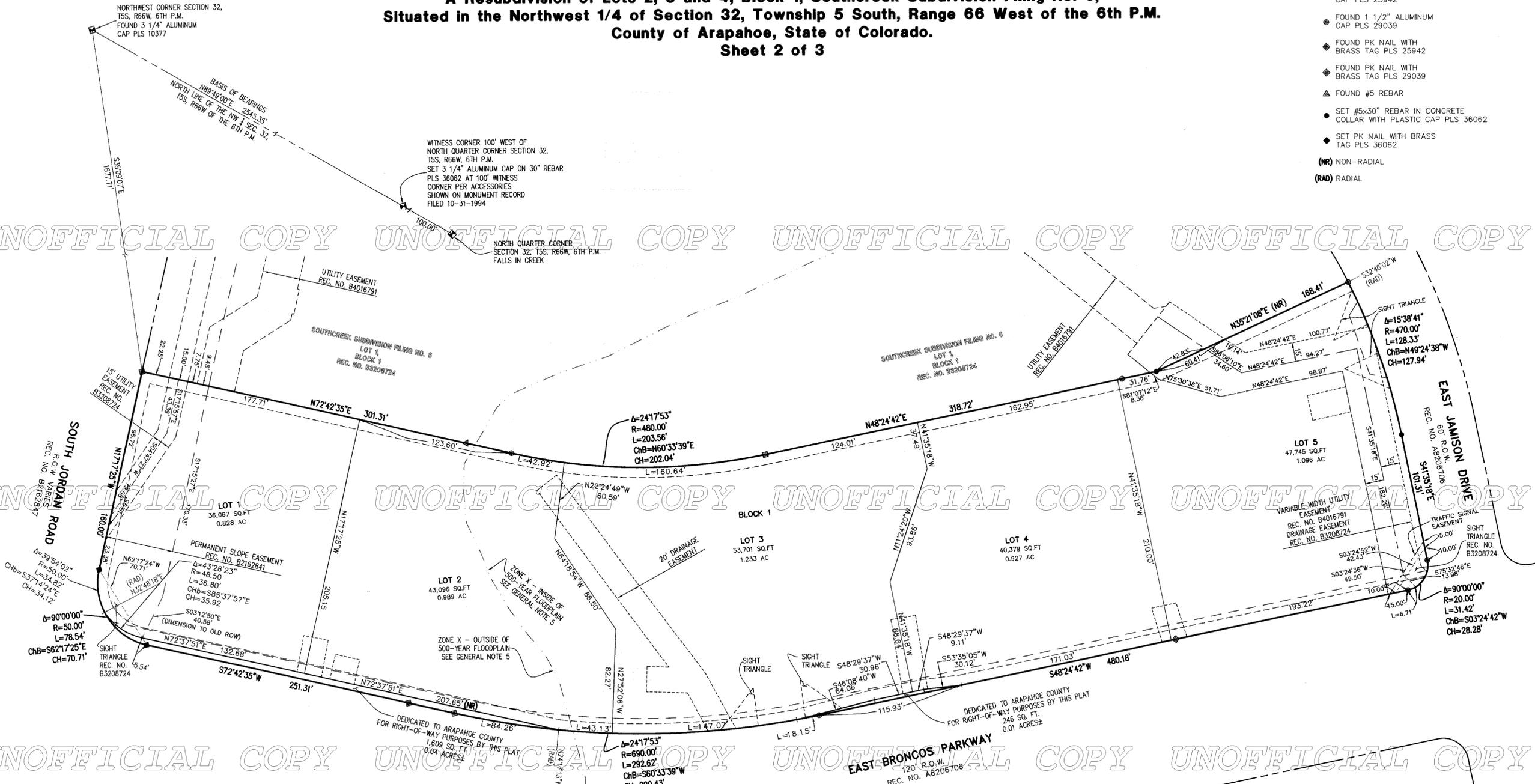
WITNESS CORNER 100' WEST OF
NORTH QUARTER CORNER SECTION 32,
T5S, R66W, 6TH P.M.
SET 3 1/4" ALUMINUM CAP ON 30" REBAR
PLS 36062 AT 100' WITNESS
CORNER PER ACCESSORIES
SHOWN ON MONUMENT RECORD
FILED 10-31-1994

NORTH QUARTER CORNER
SECTION 32, T5S, R66W, 6TH P.M.
FALLS IN CREEK

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* SEE SHEET 3 FOR EASEMENT DETAIL.

2055

402-16

REVISED: 2-18-08
 REVISED: 8-27-08
 REVISED: 10-16-08
 REVISED: 01-05-09
 REVISED: 07-17-09

HARRIS KOCHER SMITH
 engineers • land surveyors
 1391 Speer Blvd. - Suite 390
 Denver, Colorado 80204
 Phone (303) 623-6300
 Fax (303) 623-6311

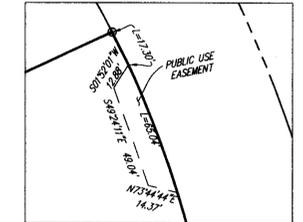
SOUTHCREEK SUBDIVISION FILING NO. 8

A Resubdivision of Lots 2, 3 and 4, Block 1, Southcreek Subdivision Filing No. 6,
 Situated in the Northwest 1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M.
 County of Arapahoe, State of Colorado.

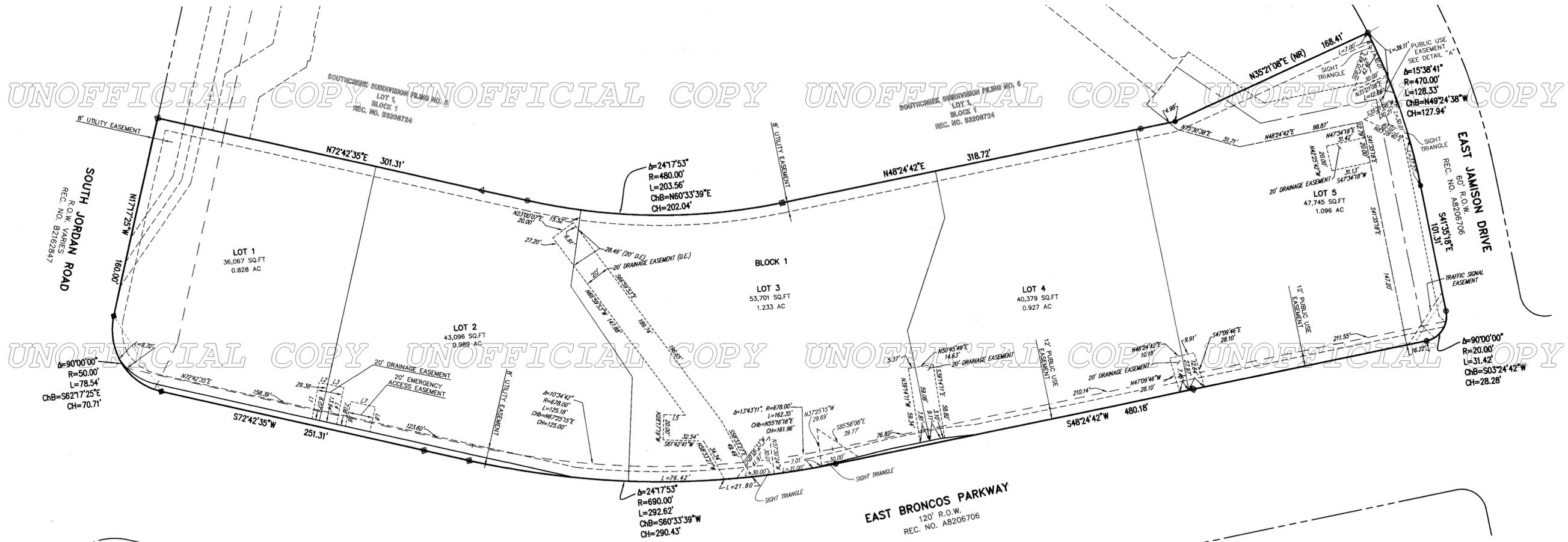
Sheet 3 of 3

EASEMENT DETAIL

DETAIL "A"



SCALE: 1"=40'



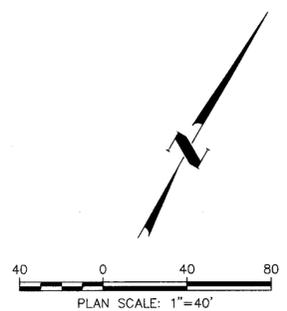
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EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L1	29.21'	N19°06'29"W
L2	7.00'	N70°53'31"E
L3	13.00'	N70°53'31"E
L4	29.82'	S19°06'29"E
L5	17.45'	N61°42'41"E
L6	20.12'	N17°17'25"W
L7	20.00'	N72°42'35"E
L8	20.09'	S17°17'25"E

- LEGEND**
- FOUND 1 1/2" ALUMINUM CAP PLS 25942
 - FOUND 1 1/2" ALUMINUM CAP PLS 29039
 - ◆ FOUND PK NAIL WITH BRASS TAG PLS 25942
 - ◆ FOUND PK NAIL WITH BRASS TAG PLS 29039
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 - ◆ SET PK NAIL WITH BRASS TAG PLS 36062
- (NR) NON-RADIAL
 (RAD) RADIAL



3 of 3

402-17

HARRIS KOCHER SMITH
 engineers, land surveyors

REVISED: 2-18-08
 REVISED: 8-27-08
 REVISED: 10-16-08
 REVISED: 01-05-09
 REVISED: 07-17-09

1391 Speer Blvd. - Suite 390
 Denver, Colorado 80204
 Phone (303) 623-6300
 Fax (303) 623-6311

Following recordation, return to:

Marcus McAskin
Deputy City Attorney, City of Centennial
c/o Widner, Michow & Cox LLP
13133 E. Arapahoe Road, Suite 100
Centennial, Colorado 80112

NO DOCUMENTARY FEE REQUIRED PER C.R.S. § 39-13-104(1)(a)

QUITCLAIM DEED

This Quitclaim Deed is made by and between **ARAPAHOE COUNTY, COLORADO**, whose address is 5334 S. Prince Street, Littleton, Colorado 80120-1136, (“Grantor”), and the **CITY OF CENTENNIAL**, a home rule municipality of the State of Colorado, whose address is 13133 East Arapahoe Road, Centennial, Colorado 80112 (the “Grantee”).

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto Grantee and Grantee’s successors, and assigns, forever, all right, title, interest, claim and demand which Grantor has in and to the real property, together with improvements, if any situate, lying and being in the County of Arapahoe, State of Colorado, described as follows:

Any and all of Grantor’s interest in and to that specific portion of the permanent slope easement described in **Exhibit A** attached hereto (the “Slope Easement”), being a portion of that certain permanent slope easement granted to Grantor pursuant to that certain Permanent Slope Easement Agreement recorded on September 3, 2002 at Reception No. B2162841 in the real property records of Arapahoe County.

TO HAVE AND TO HOLD the described portion of the Slope Easement, 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 Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee and Grantee’s successors, and assigns forever.

[Remainder of Page Intentionally Left Blank]

Following recordation, return to:

Marcus McAskin
Deputy City Attorney, City of Centennial
c/o Widner, Michow & Cox LLP
13133 E. Arapahoe Road, Suite 100
Centennial, Colorado 80112

NO DOCUMENTARY FEE REQUIRED PER C.R.S. § 39-13-104(1)(a)

QUITCLAIM DEED

This Quitclaim Deed is made by and between **ARAPAHOE COUNTY, COLORADO**, whose address is 5334 S. Prince Street, Littleton, Colorado 80120-1136, (“Grantor”), and the **CITY OF CENTENNIAL**, a home rule municipality of the State of Colorado, whose address is 13133 East Arapahoe Road, Centennial, Colorado 80112 (the “Grantee”).

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto Grantee and Grantee’s successors, and assigns, forever, all right, title, interest, claim and demand which Grantor has in and to the real property, together with improvements, if any situate, lying and being in the County of Arapahoe, State of Colorado, described as follows:

Any and all of Grantor’s interest in and to all easements pursuant that Southcreek Subdivision Filing No. 8 plat recorded on March 3, 2010 at Reception No. D0020608 (Plat Book 402 Page 15) in the real property records of Arapahoe County, Colorado (the “Easements”).

TO HAVE AND TO HOLD the Easements, 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 Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee and Grantee’s successors, and assigns forever.

[Remainder of Page Intentionally Left Blank]



Quitclaim Deed of Permanent Slope Easement

RESOLUTION NO. _____ It was moved by Commissioner ____ and duly seconded by Commissioner _____ to approve and authorize the Chair to execute a Quitclaim Deed conveying to the City of Centennial a Permanent Slope Easement, the legal description of which follows.

LEGAL DESCRIPTION FOR THE PERMANENT SLOPE EASEMENT

Any and all of Grantor's interest in and to that specific portion of the permanent slope easement described in **Exhibit A** attached hereto (the "Slope Easement"), being a portion of that certain permanent slope easement granted to Grantor pursuant to that certain Permanent Slope Easement Agreement recorded on September 3, 2002 at Reception No. B2162841 in the real property records of Arapahoe County.

This conveyance is upon the recommendation of the County's Engineering Services Division and Director of the Public Works and Development Department,

VOTE

The vote was:

Commissioner Doty, ; Commissioner Sharpe, ; Commissioner Bockenfeld, ; Commissioner Jackson, ;
Commissioner Holen,

The Chair declared the motion carried and so ordered.



Quitclaim Deed of Platted Easements

RESOLUTION NO. _____ It was moved by Commissioner ____ and duly seconded by Commissioner _____ to approve and authorize the Chair to execute a Quitclaim Deed conveying to the City of Centennial all easements, the legal description of which follows.

LEGAL DESCRIPTION FOR THE PLATTED EASEMENTS

Any and all of Grantor's interest in and to all easements pursuant that Southcreek Subdivision Filing No. 8 plat recorded on March 3, 2010 at Reception No. D0020608 (Plat Book 402 Page 15) in the real property records of Arapahoe County, Colorado (the "Easements").

This conveyance is upon the recommendation of the County's Engineering Services Division and Director of the Public Works and Development Department,

VOTE

The vote was:

Commissioner Doty, ; Commissioner Sharpe, ; Commissioner Bockenfeld, ; Commissioner Jackson, ;
Commissioner Holen,

The Chair declared the motion carried and so ordered.



ARAPAHOE COUNTY
PROTECT. CONNECT. ENJOY.

Board Summary Report

Date: January 20, 2016
To: Board of County Commissioners
Through: Tammy King, Zoning Administrator
From: Russell Johnson, Weed Control Specialist
Subject: Release of Weed Ordinance Lien for 569 S. Owens Cir.

Request and Recommendation

For the property located on 569 S. Owens Cir., staff recommends the release of a lien filed in the amount of \$500.00

Background

Through resolution 080049, a lien was filed against the property located at 569 S. Owens Cir. for mowing services rendered on October 2, 2007. The lien has now been paid in full.

Discussion

It is hereby requested that the assessment in the amount of \$500.00 be released against the following described property:

Address:	569 S. Owens Cir., Byers, CO 80103
Schedule No.:	1985-16-2-21-002
Legal Description:	Lot 16 Blk 0 Hawkes Sub

Alternatives

No alternatives exist for the action requested.

Fiscal Impact

The cost of the work performed on 569 S. Owens Cir. is as follows:

\$350.00 – cost of the work performed
\$150.00 – incidental costs assessed in accordance to County Ordinance 2001-2
\$500.00 – Total cost

Reviewed by

This has been reviewed by Russell Johnson, Arapahoe County Weed Control Specialist, Tammy King, Arapahoe County Zoning Administrator and Robert Hill, Assistant Arapahoe County Attorney.

Attorney Comments

RELEASE OF WEED ORDINANCE LIEN

RESOLUTION NO. XXXXXX

It was moved by Commissioner X and duly seconded by Commissioner X to adopt the following Resolution:

WHEREAS, on January 15, 2008, by the adoption of Resolution No. 080049, the Board of County Commissioners of Arapahoe County, Colorado, did impose a lien in the amount of \$500.00 on the real property known as 569 S. Owens Cir., Byers, CO 80103, pursuant to Arapahoe County Ordinance No. 2001-02 in relation to the removal of weeds and brush from said property at County expense on October 2, 2007; and

WHEREAS, the County's Weed Inspector has recommended that above lien be released as this lien has now been paid in full by the property owner;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that the Arapahoe County lien imposed pursuant to Resolution No. 080049 adopted on January 15, 2008, and recorded on June 1, 2008 at Reception No. B8069624 in the records of the Arapahoe County Clerk and Recorder, in the amount of \$500.00 on the real property known as 569 S. Owens Cir., Byers, CO 80103 (Arapahoe County Tax Schedule No. 1985-16-2-21-002), is hereby released.

The Clerk to the Board is hereby directed to record a certified copy of this Resolution in the Office of the Clerk and Recorder to make of record the action taken by the Board on this date.

The vote was:

Commissioner Bockenfeld, X; Commissioner Doty, X; Commissioner Holen, X; Commissioner Jackson, X; Commissioner Sharpe, X.

The Chair declared the motion carried and so ordered.



ARAPAHOE COUNTY
PROTECT. CONNECT. ENJOY.

Board Summary Report

Date: January 20, 2016

To: Board of County Commissioners

Through: Tammy King, Zoning Administrator

From: Russell Johnson, Weed Control Specialist

Subject: Release of Weed Ordinance Lien for 6091 S Valdai Way

Request and Recommendation

For the property located on 6091 S. Valdai Way, staff recommends the release of a lien filed in the amount of \$250.00

Background

Through resolution 090172, a lien was filed against the property located at 6091 S. Valdai Way for mowing services rendered on July 18, 2008. The lien has now been paid in full.

Discussion

It is hereby requested that the assessment in the amount of \$250.00 be released against the following described property:

Address:	6091 S. Valdai Way, Aurora, CO 80015
Schedule No.:	2073-24-1-03-011
Legal Description:	Lot 11 Blk 13 Saddle Rock Ridge 3 rd Flg

Alternatives

No alternatives exist for the action requested.

Fiscal Impact

The cost of the work performed on 6091 S. Valdai Way is as follows:

\$194.00	– cost of the work performed
<u>\$ 56.00</u>	– incidental costs assessed in accordance to County Ordinance 2001-2
\$250.00	– Total cost

Reviewed by

This has been reviewed by Russell Johnson, Arapahoe County Weed Control Specialist, Tammy King, Arapahoe County Zoning Administrator and Robert Hill, Assistant Arapahoe County Attorney.

Attorney Comments

RELEASE OF WEED ORDINANCE LIEN

RESOLUTION NO. XXXXXX

It was moved by Commissioner X and duly seconded by Commissioner X to adopt the following Resolution:

WHEREAS, on February 17, 2009, by the adoption of Resolution No. 090172, the Board of County Commissioners of Arapahoe County, Colorado, did impose a lien in the amount of \$250.00 on the real property known as 6091 S. Valdai Way, Aurora, CO 80015, pursuant to Arapahoe County Ordinance No. 2001-02 in relation to the removal of weeds and brush from said property at County expense on July 18, 2008; and

WHEREAS, the County's Weed Inspector has recommended that above lien be released as this lien has now been paid in full by the property owner;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that the Arapahoe County lien imposed pursuant to Resolution No. 090172 adopted on February 17, 2009, and recorded in the records of the Arapahoe County Clerk and Recorder, in the amount of \$250.00 on the real property known as 6091 S. Valdai Way, Aurora, CO 80015 (Arapahoe County Tax Schedule No. 2073-24-1-03-011), is hereby released.

The Clerk to the Board is hereby directed to record a certified copy of this Resolution in the Office of the Clerk and Recorder to make of record the action taken by the Board on this date.

The vote was:

Commissioner Bockenfeld, X; Commissioner Doty, X; Commissioner Holen, X; Commissioner Jackson, X; Commissioner Sharpe, X.

The Chair declared the motion carried and so ordered.



ARAPAHOE COUNTY
PROTECT. CONNECT. ENJOY.

Board Summary Report

Date: January 20, 2016

To: Board of County Commissioners

Through: Tammy King, Zoning Administrator

From: Russell Johnson, Weed Control Specialist

Subject: Release of Weed Ordinance Lien for 16349 E. Phillips Dr.

Request and Recommendation

For the property located on 16349 E. Phillips Dr., staff recommends the release of a lien filed in the amount of \$350.00

Background

Through resolution 110287, a lien was filed against the property located at 16349 E. Phillips Dr. for mowing services rendered on July 21, 2010. The lien has now been paid in full.

Discussion

It is hereby requested that the assessment in the amount of \$350.00 be released against the following described property:

Address:	16349 E. Phillips Dr., Englewood, CO 80112
Schedule No.:	2073-32-4-05-081
Legal Description:	Lot 81 Blk 10 Southcreek Sub 1 st Flg

Alternatives

No alternatives exist for the action requested.

Fiscal Impact

The cost of the work performed on 16349 E. Phillips Dr. is as follows:

\$263.75 – cost of the work performed
\$ 86.25– incidental costs assessed in accordance to County Ordinance 2001-2
 \$350.00 – Total cost

Reviewed by

This has been reviewed by Russell Johnson, Arapahoe County Weed Control Specialist, Tammy King, Arapahoe County Zoning Administrator and Robert Hill, Assistant Arapahoe County Attorney.

Attorney Comments

RELEASE OF WEED ORDINANCE LIEN

RESOLUTION NO. XXXXXX

It was moved by Commissioner X and duly seconded by Commissioner X to adopt the following Resolution:

WHEREAS, on March 29, 2011, by the adoption of Resolution No. 110287, the Board of County Commissioners of Arapahoe County, Colorado, did impose a lien in the amount of \$350.00 on the real property known as 16349 E. Phillips Dr., Englewood, CO 80112, pursuant to Arapahoe County Ordinance No. 2001-02 in relation to the removal of weeds and brush from said property at County expense on July 21, 2010; and

WHEREAS, the County's Weed Inspector has recommended that above lien be released as this lien has now been paid in full by the property owner;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that the Arapahoe County lien imposed pursuant to Resolution No. 110287 adopted on March 29, 2011, and recorded on May 9, 2011 at Reception No. D1044171 in the records of the Arapahoe County Clerk and Recorder, in the amount of \$500.00 on the real property known as 16349 E. Phillips Dr., Englewood, CO 80112 (Arapahoe County Tax Schedule No. 2073-32-4-05-081), is hereby released.

The Clerk to the Board is hereby directed to record a certified copy of this Resolution in the Office of the Clerk and Recorder to make of record the action taken by the Board on this date.

The vote was:

Commissioner Bockenfeld, X; Commissioner Doty, X; Commissioner Holen, X; Commissioner Jackson, X; Commissioner Sharpe, X.

The Chair declared the motion carried and so ordered.