

RESOLUTION NO. 17-

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE WISE FARMS PRELIMINARY PLAT; IMPOSING CONDITIONS OF APPROVAL; APPROVING THE WISE FARMS PRELIMINARY PLAT WITH CONDITIONS; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Board of Trustees of the Town of Erie, Colorado, held a Public Hearing for the Wise Farms Preliminary Plat on Tuesday, March 28, 2017, on the application of Elizabeth W. Kissell, and Wise Homestead, LLC, 11497 Jasper Road, Lafayette, CO, and Jasper Land Investments, LLC, 9162 S. Kenwood Court, Highlands Ranch, Colorado, such Preliminary Plat being a plat of the following real property; to wit:

See Exhibit "A," attached hereto and incorporated herein, and

WHEREAS, the Planning Commission of the Town of Erie, Colorado, conducted a Public Hearing for the Wise Farms Preliminary Plat on March 15, 2017, and;

WHEREAS, the application for Preliminary Plat is detailed on Exhibit B: Wise Farms Preliminary Plat, dated February 21, 2017.

WHEREAS, said Wise Farms Preliminary Plat is incorporated herein and made part hereof by this reference.

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

Section 1. Findings of Fact.

1. The applicant's application and supporting documents are in substantial compliance with Section 7.7.C of Title 10, Town of Erie Municipal Code.
2. The Preliminary Plat has met Municipal Code Title 10, Section 10.7.7 C.10. Approval Criteria:
 - a. The subdivision is generally consistent with the Town's Comprehensive Master Plan.
 - b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.
 - c. The general layout of lots, streets, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to meet the Town's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this UDC.
 - d. The subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of this UDC that have not otherwise been modified or waived pursuant to this Chapter or this UDC. Applicants shall refer to the Development Standards in Chapter 5 of this UDC and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
 - e. The subdivision complies with all applicable regulations, standards, requirements, or plans of the Federal or State governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.

- f. The subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
 - g. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.
 - h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
 - i. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.
 - j. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.
3. The Wise Farms PUD (Planned Unit Development) Zoning Overlay and Town of Erie Municipal Code and shall be followed in the development of the property.
 4. That a detailed Development Agreement (DA) will be required at such time as the property is approved for a Final Plat.
 5. That the following conditions shall be imposed as a condition of approval:
 - a. Executed Surface Use Agreements, with all mineral owners or leaseholders, shall be in place before a Wise Farms Final Plat is approved by the Town.
 - b. All existing encumbrances on proposed lots shall be vacated, removed, and/or relocated prior to Final Plat recordation.
 - c. Within the applicant's Environmental Site Assessment Report (Phase I), the existing Noble Energy oil and gas well and associated tank battery was recognized as an environmental condition. The well site was identified due to the age of the well and the concrete tank used to store the condensate. The applicant is required to submit a Phase II Environmental Assessment Report of this well site with the Final Plat application proposing to plat this area of Wise Farms.
 - d. Any abandoned oil and gas well, within a Wise Farms Final Plat for development, shall be located, monumented and identified on the final plat, as specified in the Municipal Code.
 - e. Easements, licenses and/or crossing agreements for off-site infrastructure improvements shall be required prior to recording any final plat allowing development.
 - f. All necessary license and/or crossing agreements for the ditch crossings, RTD crossing, WAPA power line crossings, etc., shall be in place prior to recording any final plat allowing development. At the final plat application submittal, the applicant shall detail what agreements are required and the status of those agreements.
 - g. The preservation of a hydrologically functional wetland which is an accessible public open space, to retain, to the extent possible, the existing vegetation including the large trees along Jasper Road, and location of the Town spine trail as well as potential neighborhood trails within and around these resources require additional information to

be provided at the time of final plat in order to be achieved as desired. A restoration ecologist or similar expert acceptable to the Town shall be retained to explore these issues holistically and provide a report, mapping, and recommendations regarding how best to achieve and balance the stated goals. A more in depth investigation of the wetland hydrology and the current boundaries, the impacts of the subdivision on the area hydrology, health, and ecology of the area, a tree survey, and coordination with Parks and Recreation Department regarding trail location is necessary. The required report shall be included as part of any final plat application allowing development.

- h. If site development and disturbance of trees occurs between April 1 and August 15, a survey for active nests should be conducted. Trees with an active nest shall not be removed until the nest is abandoned for the season.
 - i. Within the proposed development, the historic mill and two associated sheds, along Jasper Road, are located in existing Jasper Road right of way, in the future Jasper Road right of way dedication, and adjacent to future open space dedication to the Town of Erie. The owner and developer have agreed to either move or remove the structures from the right of way and open space. The proposed timing for moving or removing the structures shall be included as part of any final plat application allowing development.
 - j. The existing farm complex on the west end of the property south of Jasper Road has an accessory building that encroaches into the future Jasper Road right of way which must be removed from the future right of way. The proposed timing for removing the structure shall be included as part of any final plat application allowing development.
 - k. The property shall brought into full compliance with the Town Municipal Code, specifically, but not limited to the clean-up of outdoor storage and the removal of stored/junk vehicles prior to approval of any final plat allowing development.
 - l. The existing eastern residential complex, adjacent to Jasper Road, shall be removed and the property brought into compliance with Town Municipal Code requirements prior to any final plat allowing development.
 - m. The approval of the Wise Farms Preliminary Plat shall not come into effect until the Wise Farms Zoning Map and Wise Farms PUD Zoning Map is approved and recorded for the property.
 - n. Technical corrections to Wise Preliminary Plat shall be made to the Town's satisfaction.
6. That the Preliminary Plat as proposed, subject to the conditions set forth herein, will preserve the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado.

Section 2. Conclusions and Order Approving the Wise Farms Preliminary Plat.

- 1. Based on the above Findings of Fact, the Board of Trustees hereby approves the Wise Farms Preliminary Plat application with the conditions listed above.

ADOPTED AND APPROVED THIS ____ DAY OF _____ 2017 BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Tina Harris, Mayor

ATTEST:

By: _____
Nancy Parker, Town Clerk

Exhibit A
(Wise Farms Legal Description)

NORTH PARCEL:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE EAST-SOUTH ONE SIXTEENTH CORNER OF SAID SECTION 14 BEARS SOUTH 00°04'01" EAST, A DISTANCE OF 1316.88 FEET SAID LINE FORMING THE BASIS OF BEARINGS WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 88°24'34" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 30.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 119TH STREET;

THENCE CONTINUING SOUTH 88°24'34" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 627.28 FEET, TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING SOUTH 88°24'34" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 3.19 FEET;

THENCE NORTH 00°09'21" WEST, A DISTANCE OF 114.08 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE PREVIOUS UNION PACIFIC RAILROAD RIGHT-OF-WAY, SAID RIGHT-OF-WAY LINE BEING 50 FEET, BY PERPENDICULAR MEASUREMENT NORTHERLY OF THE CENTERLINE OF THE EXISTING TRACK, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 89°42'11" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 653.74 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING SOUTH 89°42'11" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1314.46 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING SOUTH 89°42'11" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1309.61 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14;

THENCE NORTH 00°29'33" WEST ALONG SAID WEST LINE, A DISTANCE OF 1119.88 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF JASPER ROAD;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. NORTH 88°21'52" EAST, A DISTANCE OF 1314.39 FEET;
2. NORTH 88°17'58" EAST, A DISTANCE OF 1317.03 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;
3. CONTINUING NORTH 88°17'58" EAST, A DISTANCE OF 599.53 FEET TO THE NORTHWESTERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 1555, AT RECEPTION NO. 953348;

THENCE SOUTH 00°09'21" EAST ALONG THE WESTERLY LINE OF SAID TRACT OF LAND, A DISTANCE OF 397.57 FEET TO THE MOST SOUTHERLY CORNER THEREOF;

THENCE NORTH 50°52'13" EAST ALONG THE SOUTHEASTERLY LINE OF SAID TRACT OF LAND, A DISTANCE OF 70.21 FEET;

THENCE SOUTH 00°09'21" EAST, DISTANCE OF 843.98 FEET TO THE POINT OF BEGINNING,

SAID PARCEL CONTAINING A CALCULATED AREA OF 3,782,135 SQUARE FEET OR 86.826 ACRES, MORE OR LESS.

TOGETHER WITH:

SOUTH PARCEL:

A PARCEL OF LAND BEING A PART OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE EAST-SOUTH ONE SIXTEENTH CORNER OF SAID SECTION 14 BEARS SOUTH 00°04'01" EAST, A DISTANCE OF 1316.88 FEET, SAID LINE FORMING THE BASIS OF BEARINGS WITH ALL BEARINGS CONTAINED HEREWITH BEING RELATIVE THERETO;

THENCE SOUTH 88°24'34" WEST, A DISTANCE OF 30.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE TO NORTH 119TH STREET;

THENCE SOUTH 00°04'01" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 0.14 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE PREVIOUS UNION PACIFIC RAILROAD RIGHT-OF-WAY, SAID RIGHT-OF-WAY LINE BEING 50 FEET, BY PERPENDICULAR MEASUREMENT, SOUTHERLY OF THE EXISTING TRACK, SAID POINT BEING THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°04'01" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1316.79 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14;

THENCE SOUTH 88°18'16" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1282.39 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING SOUTH 88°18'16" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 1312.40 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14;

THENCE SOUTH 88°16'21" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 60.98 FEET TO THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND CONVEYED TO RONALD SCOTT JASPER, RONALD LEE JASPER AND VEE ANN JASPER AS DESCRIBED IN WARRANTY DEED RECORDED MAY 3, 1976, ON FILM 922 AS RECEPTION NO. 175271, OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE NORTH 00°19'00" WEST ALONG THE EASTERLY LINE OF SAID TRACT OF LAND, A DISTANCE OF 1381.63 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE PREVIOUS UNION PACIFIC RAILROAD RIGHT-OF-WAY, SAID RIGHT-OF-WAY BEING 50 FEET, BY PERPENDICULAR MEASUREMENT, SOUTHERLY OF THE EXISTING TRACK;

THENCE NORTH 89°42'11" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 62.45 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING NORTH 89°42'11" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1314.28 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING NORTH 89°42'11" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 653.74 FEET;

THENCE SOUTH 00°09'21" EAST, A DISTANCE OF 14.09 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE NORTH 88°24'34" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 3.19 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING NORTH 88°24'34" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 620.87 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID PREVIOUS UNION PACIFIC RAILROAD RIGHT-OF-WAY;

THENCE NORTH 89°42'11" EAST, ALONG SAID SOUTHERLY RAILROAD RIGHT-OF-WAY LINE, A DISTANCE OF 6.40 FEET TO THE POINT OF BEGINNING,

SAID SOUTH PARCEL CONTAINING A CALCULATED ARE OF 3,581,472 SQUARE FEET OR 82.219 ACRES, MORE OR LESS.

TOGETHER WITH:

JASPER ROAD RIGHT OF WAY PARCEL:

A PARCEL OF LAND BEING A PART OF THE NORTH HALF OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14, AND ASSUMING THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14 TO BEAR SOUTH 00°04'01" EAST, 1316.88 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH 00°29'33" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF JASPER ROAD;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING EIGHT (8) COURSES:

1. NORTH 88°21'52" EAST, A DISTANCE OF 986.68 FEET;
2. NORTH 00°15'36" WEST, A DISTANCE OF 20.01 FEET;
3. NORTH 88°21'52" EAST, A DISTANCE OF 327.86 FEET;
4. NORTH 88°17'58" EAST, A DISTANCE OF 604.84 FEET;
5. SOUTH 00°09'21" EAST, A DISTANCE OF 20.01 FEET;
6. NORTH 88°17'58" EAST, A DISTANCE OF 385.00 FEET;
7. NORTH 00°09'21" WEST, A DISTANCE OF 20.01 FEET;
8. NORTH 88°17'58" EAST, A DISTANCE OF 1604.42 FEET;

THENCE SOUTH 08°12'42" EAST, A DISTANCE OF 70.45 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF JASPER ROAD;

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES:

1. SOUTH 88°17'58" WEST, A DISTANCE OF 540.23 FEET;
2. NORTH 00°04'41" WEST, A DISTANCE OF 10.00 FEET;
3. SOUTH 88°17'58" WEST, A DISTANCE OF 2063.81 FEET;
4. SOUTH 88°21'52" WEST, A DISTANCE OF 1314.39 FEET;

THENCE NORTH 00°29'33" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING,

SAID JASPER ROAD RIGHT OF WAY PARCEL CONTAINING A CALCULATED AREA OF 212,737 SQUARE FEET OR 4.884 ACRES, MORE OR LESS.

SAID NORTH, SOUTH AND JASPER ROAD RIGHT OF WAY PARCELS CONTAINING A CALCULATED AREA OF 7,576,344 SQUARE FEET, OR 173.929 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE SAME INTO LOTS, BLOCKS, TRACTS AND RIGHT-OF-WAY AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF **WISE FARMS PRELIMINARY PLAT** AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE TOWN OF ERIE, COLORADO, FOR THE PERPETUAL USE OF THE PUBLIC, THE STREETS, AND EASEMENTS FOR PUBLIC PURPOSES SHOWN HEREON AND NOT PREVIOUSLY DEDICATED TO THE PUBLIC.

Exhibit B
(Wise Farms Preliminary Plat)

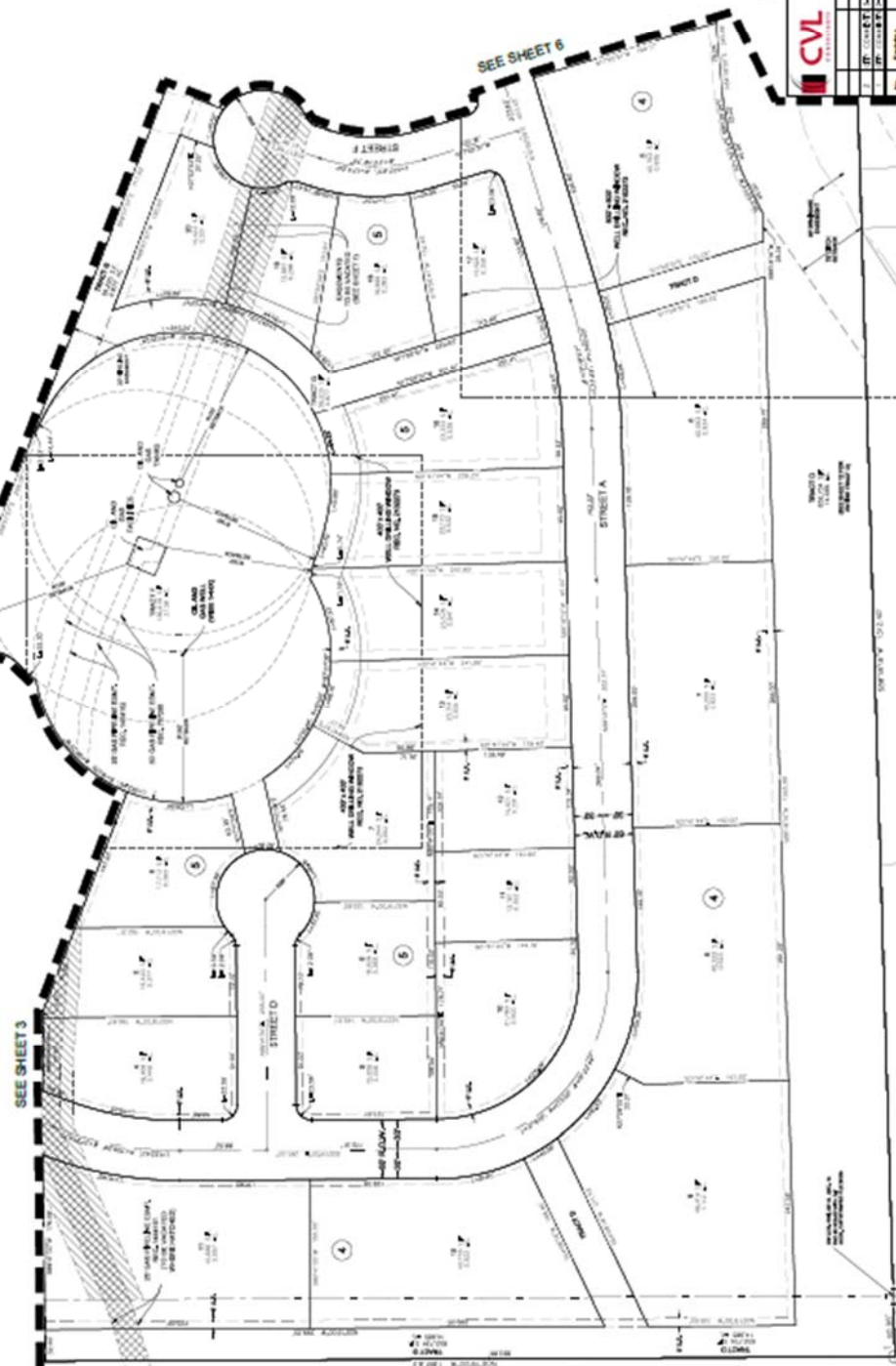
A PART OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6th P.M.,
TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO
173.929 ACRES - 102 LOTS/19 TRACTS
PP-000791-2016




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 Website: www.cvl.com

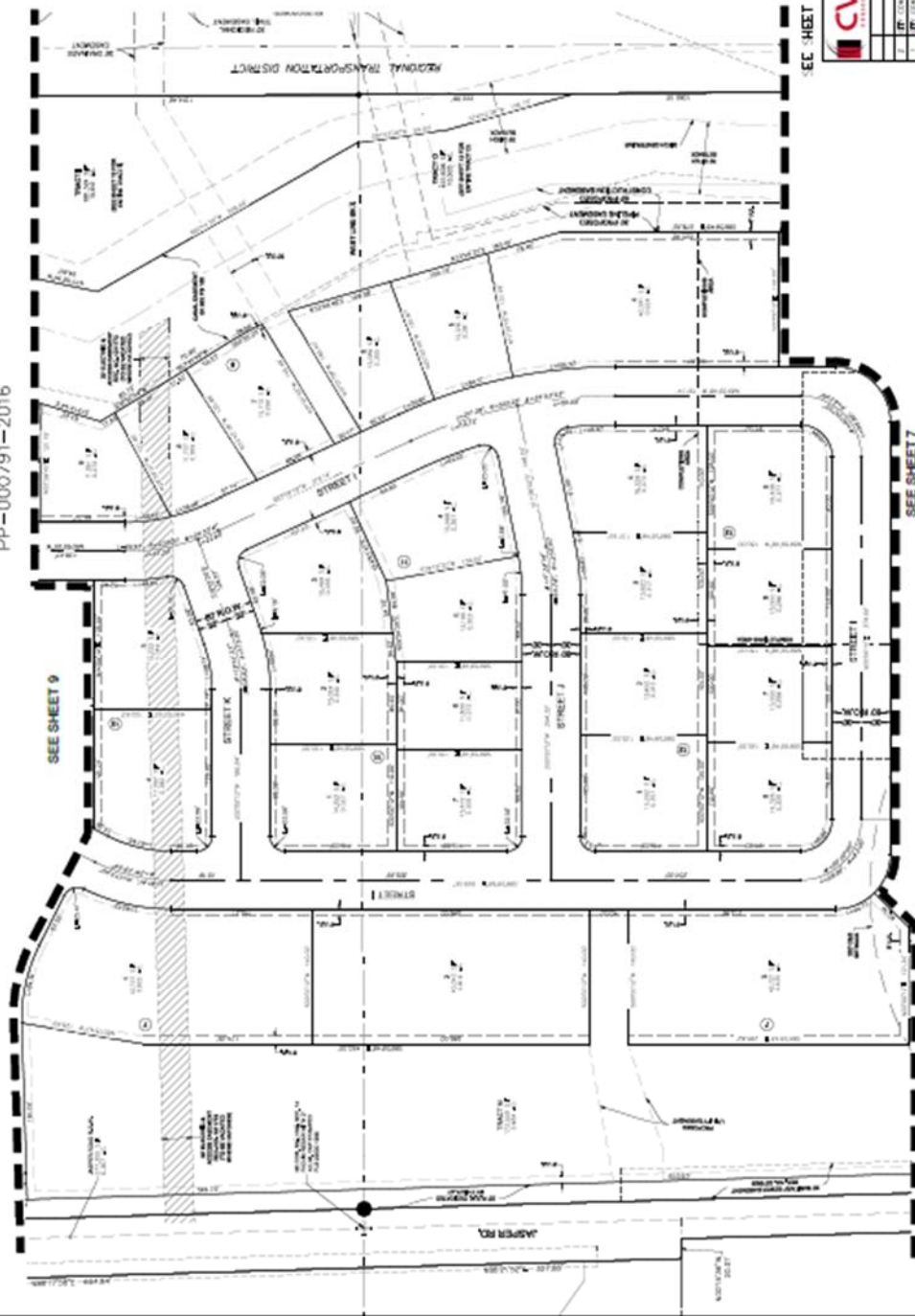
WISE FARMS PRELIMINARY PLAT

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WISE FARMS PRELIMINARY PLAT

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SYMBOL LEGEND	
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102	POI 102 - 100' x 100' x 100' x 100'

SEE SHEET 12 FOR ENTIRE TRACTS I, O AND JASPER R.O.W.

CVL	
CVL CONSULTING, LLC	
1000 N. 10TH AVE., SUITE 100	
DENVER, CO 80202	
TEL: 303.733.1111	
FAX: 303.733.1112	
WWW.CVLCOLORADO.COM	
DATE	10/1/2016
BY	JASPER LAND DEVELOPMENT, LLC
FOR	JASPER LAND DEVELOPMENT, LLC
PROJECT	WISE FARMS PRELIMINARY PLAT
SHEET	8 OF 12

