



**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **FCC25152287-10**

Date: **03/29/2019**

Property Address: **VACANT, ERIE, CO 80516**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

Jackie Beck
2595 CANYON BLVD #340
BOULDER, CO 80302
(720) 406-2087 (Work)
(303) 393-4851 (Work Fax)
jbeck@ltgc.com
Company License: CO44565

Closer's Assistant

Alaina Greenhouse
2595 CANYON BLVD #340
BOULDER, CO 80302
(720) 406-2097 (Work)
(303) 393-3976 (Work Fax)
agreenhouse@ltgc.com
Contact License: CO545891
Company License: CO44565

For Title Assistance

Ft. Collins Customer Care
772 WHALERS WAY #100
FORT COLLINS, CO 80525
(970) 282-3649 (Work)
(970) 282-3652 (Work Fax)
customercare@ltgc.com

Buyer/Borrower

DAVID NASSAR
395 AIRPORT DRIVE
ERIE, CO 80516
david@marketwise.com
Delivered via: Electronic Mail

Seller/Owner

SHERIDAN SCHOFIELD AND PEGGY SCHOFIELD
44 BANTALA PLACE
CASTLE ROCK, CO 80108
(303) 663-3963 (Work)
jschofld@aol.com
Delivered via: Electronic Mail



Land Title Guarantee Company
Estimate of Title Fees

Order Number: **FCC25152287-10**

Date: **03/29/2019**

Property Address: **VACANT, ERIE, CO 80516**

Parties: **DAVID S. NASSAR**

**SHERIDAN SCHOFIELD AND PEGGY J. SCHOFIELD AND ERIE STORAGE, LLC, A
COLORADO LIMITED LIABILITY COMPANY AS THEIR INTEREST MAY APPEAR**

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees

"ALTA" Owner's Policy 06-17-06 Builder/Developer Rate	<u>\$706.00</u>
Deletion of Standard Exception(s)	\$100.00
Tax Certificate	\$26.00
	Total <u>\$832.00</u>

If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.

Thank you for your order!

Chain of Title Documents:

[Weld county recorded 11/02/2001 under reception no. 2897454](#)

[Weld county recorded 01/27/1993 under reception no. 2319662](#)

Plat Map(s):

[Weld county recorded 03/22/2019 under reception no. 4475348](#)

[Weld county recorded 05/03/1978 under reception no. 1752380](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: FCC25152287-10

Property Address:

VACANT, ERIE, CO 80516

1. Effective Date:

03/21/2019 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"ALTA" Owner's Policy 06-17-06 Builder/Developer Rate

\$450,000.00

Proposed Insured:

DAVID S. NASSAR

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A Fee Simple

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

SHERIDAN SCHOFIELD AND PEGGY J. SCHOFIELD AND ERIE STORAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY AS THEIR INTEREST MAY APPEAR

5. The Land referred to in this Commitment is described as follows:

TRACT E-2, ERIE AIR PARK TRACT E MINOR SUBDIVISION, COUNTY OF WELD, STATE OF COLORADO

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ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B-1
(Requirements)

Order Number: FCC25152287-10

The following are the requirements to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. (THIS ITEM WAS INTENTIONALLY DELETED)
2. WARRANTY DEED FROM SHERIDAN SCHOFIELD AND PEGGY J. SCHOFIELD TO DAVID S. NASSAR CONVEYING SUBJECT PROPERTY.
3. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT IMPROVEMENT SURVEY PLAT OR AN ALTA SURVEY OF SUBJECT PROPERTY. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID IMPROVEMENT SURVEY PLAT OR AN ALTA SURVEY.

SAID SURVEY MUST BE CERTIFIED TO LAND TITLE GUARANTEE COMPANY AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

4. (THIS ITEM WAS INTENTIONALLY DELETED)
5. GOOD AND SUFFICIENT DEED FROM ERIE STORAGE, LLC, TO DAVID S. NASSAR CONVEYING SUBJECT PROPERTY.
6. WRITTEN CONFIRMATION THAT THE INFORMATION CONTAINED IN STATEMENT OF AUTHORITY FOR ERIE STORAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY RECORDED MARCH 30, 2006 AT RECEPTION NO. [3374676](#) IS CURRENT.

NOTE: SAID INSTRUMENT DISCLOSES SAUNDERS BUCKSTEIN AS THE MEMBER AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF SAID ENTITY. IF THIS INFORMATION IS NOT ACCURATE, A CURRENT STATEMENT OF AUTHORITY MUST BE RECORDED.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B-1
(Requirements)

Order Number: FCC25152287-10

The following are the requirements to be complied with:

NOTE: ITEMS 1-3 OF THE STANDARD EXCEPTIONS WILL BE DELETED UPON RECEIPT OF AN APPROVED SURVEY. MATTERS DISCLOSED BY SAID SURVEY MAY BE ADDED TO SCHEDULE B-2 HEREOF.

UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM NO. 4 OF THE STANDARD EXCEPTIONS ON THE OWNER'S POLICY, WILL BE AMENDED AS FOLLOWS:

ITEM NO. 4 OF THE STANDARD EXCEPTIONS IS DELETED AS TO ANY LIENS OR FUTURE LIENS RESULTING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF SHERIDAN SCHOFIELD AND PEGGY J. SCHOFIELD AND ERIE STORAGE, LLC, A COLORADO LIMITED LIABILITY COMPANY AS THEIR INTEREST MAY APPEAR.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF DAVID S. NASSAR.

NOTE: ITEM 5 OF THE STANDARD EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

NOTE: UPON PROOF OF PAYMENT OF 2016 TAXES, ITEM 6 WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2017 AND SUBSEQUENT YEARS.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B-2

(Exceptions)

Order Number: [FCC25152287-10](#)

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. ALL MINERALS ON AND UNDER THE SUBJECT PROPERTY, INCLUDING BUT NOT LIMITED TO COAL, OIL AND GAS AS WELL AS THE RIGHT OF INGRESS AND EGRESS UPON AND ACROSS SAID LANDS FOR THE PURPOSE OF PROSPECTING FOR, MINING, TREATING, PROCESSING, TAKING AND TRANSPORTING ANY AND ALL MINERALS AND FOR THE CONSTRUCTION OF PLANTS, HOUSES, BUILDINGS, OFFICES, DUMPS, ROADS, POWER LINES, PIPE LINES AND OTHER STRUCTURES INCIDENTAL TO SUCH OPERATIONS, AS RESERVED BY THE ROCKY MOUNTAIN FUEL COMPANY IN WARRANTY DEED RECORDED AUGUST 27, 1946 IN BOOK 1186 AT PAGE [313](#), AND ANY INTEREST THEREIN OR RIGHTS THEREUNDER.
9. CONDITION THAT THE OWNER OF THE SUBJECT PROPERTY, HIS SUCCESSORS AND ASSIGNS, FOREVER WAIVES AND RELEASES ANY AND ALL CLAIM OR CLAIMS HE MIGHT HAVE OR ACQUIRE IN THE FUTURE ARISING OUT OF ANY INJURY FOR DAMAGES, AS WELL AS ANY RIGHT TO ENJOIN THE ROCKY MOUNTAIN FUEL COMPANY, ITS SUCCESSORS IN INTEREST AND ASSIGNS, BECAUSE OF ANY INJURY OR THREATENED INJURY CAUSED OR OCCASIONED AT ANY TIME BY SUBSIDENCE OR OTHER DISTURBANCES OF THE SURFACE OF THE SUBJECT PROPERTY OCCASIONED BY ANY MINING OPERATIONS OR ACTIVITIES INCIDENT THERETO INVOLVING THE MINERALS THEREON OR THEREUNDER, AS IMPOSED IN WARRANTY DEED FROM THE ROCKY MOUNTAIN FUEL COMPANY RECORDED AUGUST 27, 1946, IN BOOK 1186 AT PAGE [313](#).
10. RIGHT OF WAY FOR ELECTRIC TRANSMISSION LINE PURPOSES AS CONTAINED IN INSTRUMENT RECORDED JULY 21, 1954 IN BOOK 1395 AT PAGE [571](#).
11. RIGHT OF WAY EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED JULY 21, 1954, IN BOOK 1395 AT PAGE [573](#).

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B-2

(Exceptions)

Order Number: [FCC25152287-10](#)

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

12. RIGHT OF WAY EASEMENT AS GRANTED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY IN INSTRUMENT RECORDED APRIL 20, 1957, IN BOOK 1475 AT PAGE [553](#).
13. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT RECORDED OCTOBER 31, 1961 IN BOOK 1598 AT PAGE [165](#).
14. TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED DECEMBER 28, 1977 UNDER RECEPTION NO. [1739852](#).
15. TERMS, CONDITIONS AND PROVISIONS OF ERIE AIR PARK SUBDIVISION AGREEMENT RECORDED MAY 03, 1978 UNDER RECEPTION NO. [1752378](#).
16. TERMS, CONDITIONS AND PROVISIONS OF AVIATION EASEMENT AND AGREEMENT RECORDED MAY 11, 1978 UNDER RECEPTION NO. [1753139](#).
17. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT FOR RUNWAY LIGHT INSTALLATION AND MAINTENANCE, DRAINAGE AND SNOW REMOVAL AGREEMENT RECORDED MAY 11, 1978 UNDER RECEPTION NO. [1753142](#).
18. TERMS, CONDITIONS AND PROVISIONS OF SOLAR EASEMENT AND AGREEMENT RECORDED MAY 11, 1978 UNDER RECEPTION NO. [1753143](#).
19. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF ERIE AIR PARK SUBDIVISION RECORDED MAY 03, 1978 UNDER RECEPTION NO. [1752380](#).
20. THE EFFECT, IF ANY, OF LETTER RECORDED AUGUST 12, 1982 UNDER RECEPTION NO. [1900277](#).
21. TERMS, CONDITIONS AND PROVISIONS OF LEASE RECORDED SEPTEMBER 29, 1982 AT RECEPTION NO. [1905076](#).
NOTE: EXTENSION OF THE ABOVE LEASE AS CLAIMED BY AFFIDAVIT OF PRODUCTION WAS RECORDED OCTOBER 12, 1984 UNDER RECEPTION NO. [1984915](#).
22. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, AS CONTAINED IN INSTRUMENT RECORDED MAY 11, 1978, UNDER RECEPTION NO. [1753140](#) AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 30, 1993, UNDER RECEPTION NO. [2352630](#) IN BOOK 1404 AND AS AMENDED DECEMBER 27, 1993 AT RECEPTION NO. [2365912](#) AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 21, 1995, UNDER RECEPTION NO. [2468577](#) IN BOOK 1524 AND AMENDED OCTOBER 22, 2002 AT RECEPTION NO. [2998230](#)
23. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED APRIL 28, 1986 AT RECEPTION NO. [2051362](#).
24. TERMS, CONDITIONS AND PROVISIONS OF ASSESSMENT RECORDED NOVEMBER 21, 1990 AT RECEPTION NO. [2233799](#).
25. THE TERMS AND PROVISIONS OF ORDINANCE NOS. 409 AND 411, RECORDED FEBRUARY 4, 1991 UNDER RECEPTION NO. [2240420](#) AND FEBRUARY 25, 1991 UNDER RECEPTION NO. [2242128](#)
26. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED MARCH 05, 1991 AT RECEPTION NO. [2243072](#).

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B-2

(Exceptions)

Order Number: FCC25152287-10

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

27. ORDER OF INCLUSION FOR WELD COUNTY PORTION OF THE TOWN OF ERIE INTO THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT RECORDED FEBRUARY 6, 1992 UNDER RECEPTION NO. [2277399](#).
28. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS, AS CONTAINED IN AGREEMENT REGARDING INSTALLATION OF SANITARY SEWER LINES BY AND BETWEEN ERIE WATER AND SANITATION DISTRICT AND ROBERT LEE ROCK RECORDED AUGUST 13, 1992 UNDER RECEPTION NO. [2299958](#) IN BOOK 1347
29. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, AS CONTAINED IN INSTRUMENT RECORDED DECEMBER 27, 1993, UNDER RECEPTION NO. [2365912](#).
30. TERMS, CONDITIONS AND PROVISIONS OF ORDER RECORDED APRIL 18, 1995 AT RECEPTION NO. [2434694](#).
31. TERMS, CONDITIONS AND PROVISIONS OF ORDER RECORDED APRIL 27, 1995 AT RECEPTION NO. [2435904](#).
32. MATTERS AS SET FORTH ON SURVEY RECORDED JUNE 28, 2002 AT RECEPTION NO. [2969635](#)
33. TERMS, CONDITIONS AND PROVISIONS OF OPTION RECORDED MARCH 20, 2006 AT RECEPTION NO. [3371704](#).
34. TERMS, CONDITIONS AND PROVISIONS OF TAXIWAY EASEMENT DEED AND AGREEMENT RECORDED DECEMBER 15, 2006 AT RECEPTION NO. [3442230](#).
35. EXISTING LEASES OR TENANCIES, IF ANY
36. ANY LOSS OR DAMAGE WHICH THE PROPOSED INSUREDS MAY INCUR BY REASON OF THE FAILURE TO COMPLY WITH THE LAWS AND REGULATIONS OF ANY STATE, COUNTY OR OTHER AUTHORITY RELATING TO THE SUBDIVISION OF THE LAND TO BE INSURED.
37. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY CERTIFIED _____ PREPARED BY SCOTT, COX & ASSOCIATES, INC., JOB #17150A:
 - A. STORM DRAINAGE LINES AND MANHOLES
 - B. WATER LINESAID DOCUMENT STORED AS OUR ESI _____
38. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF ERIE AIR PARK TRACT E MINOR SUBDIVISION RECORDED MARCH 22, 2019 UNDER RECEPTION NO. [4475348](#).



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment to Insure ALTA Commitment - 2006 Rev.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, (Company), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the requirements; all subject to the provisions of Schedule A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company. All liability and obligation under this commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

Conditions and Stipulations

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at www.alta.org.

Standard Exceptions

In addition to the matters contained in the Conditions and Stipulations and Exclusions from Coverage above referred to, this Commitment is also subject to the following:

1. Rights or claims of parties in possession not shown by the Public records.
2. Easements, or claims of easements, not shown by the Public Records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey or inspection of the Land would disclose and which are not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880

President



Old Republic National Title Insurance
Company, a Stock Company
400 Second Avenue South
Minneapolis, Minnesota 55401
(612)371-1111

Mark Bilbrey, President

Rande Yeager, Secretary





State Documentary Fee
Date: March 27, 2019
\$45.00

Warranty Deed
(Pursuant to 38-30-113 C.R.S.)

THIS DEED, made on **March 27th, 2019** by **SHERIDAN SCHOFIELD AND PEGGY J. SCHOFIELD** Grantor(s), of the County of **Douglas** and State of **Colorado** for the consideration of **(\$450,000.00) ***Four Hundred Fifty Thousand and 00/100***** dollars in hand paid, hereby sells and conveys to **DAVID S. NASSAR** Grantee(s), whose street address is **395 AIRPORT DRIVE, ERIE, CO 80516**, County of **Weld**, and State of **Colorado**, the following real property in the County of **Weld**, and State of **Colorado**, to wit:

TRACT E-2, ERIE AIR PARK TRACT E MINOR SUBDIVISION, COUNTY OF WELD, STATE OF COLORADO

also known by street and number as: **VACANT, ERIE, CO 80516**

with all its appurtenances and warrants the title to the same, subject to *general taxes for the year 2019 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Record Title Matters (Section 8.2) of the Contract to Buy and Sell Real Estate relating to the above described real property; distribution utility easements, (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Off-Record Title Matters (Section 8.3) and Current Survey Review (Section 9) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusions of the Property within any special tax district; Any special assessment if the improvements were not installed as of the date of Buyer's signature on the Contract to Buy and Sell Real Estate, whether assessed prior to or after Closing; and other NONE*

SHERIDAN SCHOFIELD

PEGGY J. SCHOFIELD

State of **Colorado**)
)ss.
County of **BOULDER**)

The foregoing instrument was acknowledged before me on this day of **March 27th, 2019** by **SHERIDAN SCHOFIELD AND PEGGY J. SCHOFIELD**

Witness my hand and official seal

My Commission expires: 5-24-19

Notary Public

JACQUELINE BECK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19914007156
My Commission Expires May 24, 2019

4477980 04/02/2019 08:10 AM
Total Pages: 1 Rec Fee: \$13.00 Doc Fee: \$45.00
Carly Koppes - Clerk and Recorder, Weld County, CO

When recorded return to: **DAVID S. NASSAR**
395 AIRPORT DRIVE, ERIE, CO 80516



State Documentary Fee
Date: 03/27/2019
\$0.00
No Doc Fee Required

Quit Claim Deed
(Pursuant to 38-30-116 C.R.S.)

THIS DEED, made on **March 27, 2019** by **DAVID S. NASSAR** Grantor(s) of the County of **BOULDER** and State of **COLORADO** for the consideration of ***** Ten Dollars and Other Good and Valuable Consideration ***** dollars in hand paid, hereby sells and quitclaims to **REAL INVESTMENTS LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantee(s), as Entity whose street address is **395 AIRPORT DRIVE, ERIE, CO 80516** County of **Weld**, State of **Colorado**, the following real property in the County of **Weld** and State of **Colorado**, to wit:

TRACT E-2, ERIE AIR PARK TRACT E MINOR SUBDIVISION, COUNTY OF WELD, STATE OF COLORADO

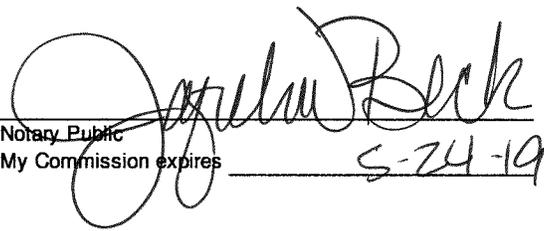
also known by street and number as **VACANT, ERIE, CO 80516**
with all its appurtenances.

DAVID S. NASSAR

DAVID S. NASSAR

State of Colorado)
County of Boulder)ss

The foregoing instrument was acknowledged before me on this day of **March 27, 2019** by **DAVID S. NASSAR**


Notary Public
My Commission expires 5-24-19

JACQUELINE BECK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19914007156
My Commission Expires May 24, 2019

When recorded return to:
VACANT, ERIE, CO 80516



October 7, 2019

Ms. Hannah Hippely
Town of Erie
645 Holbrook Street
P.O. Box 750
Erie, CO 80516

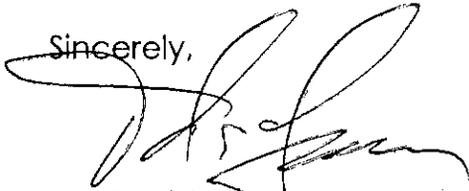
Reference: Lot E-2 Erie Air Park Tract E Minor Subdivision Replat A
2800 Airport Drive – Erie, Colorado

Dear Ms. Hippely:

The undersigned has hereby authorized Mr. Donald P. Ash to act as agent and/or make application to the Town of Erie for the above referenced property for the following applications:

- PUD Rezoning
- Minor Subdivision
- Site Plan

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Nassar', written over the word 'Sincerely,'.

Mr. David S. Nassar
Real Investments, LLC

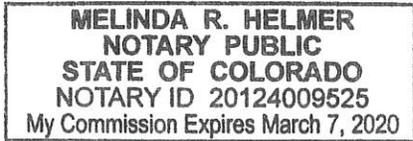
[NOTARY BLOCK FOLLOWS]

ACKNOWLEDGEMENT

STATE OF COLORADO)
)ss.
COUNTY OF Weld)

The foregoing instrument was acknowledged before me this 11th day of October, 2019 by David S. Nassar, as owner of Real Investments, LLC.

(SEAL)



NOTARY PUBLIC:

Sign: Melinda R. Helmer

Printed Name: Melinda R. Helmer

Commission Number: 20124009525

Commission Expiration: March 7, 2020

From: [Warren Turner](#)
To: [Don Ash](#)
Subject: Re: RM Fuel and Erie Air Park
Date: Friday, May 22, 2020 2:03:38 PM

Awesome. With oil at record lows and the current political climate, our guess was that those minerals would never develop.

On May 22, 2020, at 2:00 PM, Don Ash <ash@scottcox.com> wrote:

Ok. Great. Thanks for the info.

We are subdividing one of the tracts.

From: Warren Turner <tpccolorado@gmail.com>
Sent: Friday, May 22, 2020 1:58:20 PM
To: Don Ash <ash@scottcox.com>
Subject: Re: RM Fuel and Erie Air Park

Don,

I just got off the phone with our broker. They believe Rocky Mountain Fuel still owns them and the contracts did not change the ownership of these minerals.
Thanks,

Warren

On May 21, 2020, at 10:46 AM, Don Ash <ash@scottcox.com> wrote:

Hey Warren, this sounds good. Would there be a way for you to send me the contact person for this contract? I probably need to give them notice as well. It won't affect ownership or anything contractually between the two of you.

Thanks,

D

Donald P. Ash, P.E.

Chief Civil Engineer

[<image001.jpg>](#)

1530 55th Street • Boulder, CO 80303

W 303.444.3051 • F 303.444.3387 • C 303.918.7859

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#) [<image005.png>](#)

www.scottcox.com

From: Warren Turner <tpccolorado@gmail.com>

Sent: Thursday, May 21, 2020 10:14 AM

To: Don Ash <ash@scottcox.com>

Subject: Re: RM Fuel and Erie Air Park

Don,

Thanks for the response. There's some ambiguity as to ownership of those minerals do to an open ended contract. Thanks for reaching out. We have no comments or concerns.

Best regards,

Warren Turner

On May 21, 2020, at 12:11 AM, Don Ash
<ash@scottcox.com> wrote:

I sent you a flash drive a while back with some documents pertaining to a subdivision at the Erie Air Park. RM Fuel was listed as the mineral estate holder. Your email response was forwarded to me by Staff.

Have these assets been transferred to a different company? I can't seem to find any public records pertaining to any transfers. We are required to give the estate holders notice, but the proposed development does not affect your rights at all. So I'd like to figure out if there are any other notices required.

Let me know if there is a different owner, or we can talk about the plans. 303.918.7859.

Thanks,

D

Donald P. Ash, P.E.

Chief Civil Engineer

[<image001.jpg>](#)

1530 55th Street • Boulder, CO 80303

W 303.444.3051 • F 303.444.3387 • C 303.918.7859

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

[<image005.png>](#)

www.scottcox.com

AMENDED REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT
(C.R.S. § 24-65.5-101 et seq.)

STATE OF COLORADO)
COUNTY OF WELD)

WHEREAS, by Request for Notification of Surface Development dated June 18, 2019, recorded June 19, 2019 at Reception No. 4498658 in the records of Weld County, Colorado,

Crestone Peak Resources Holdings LLC (CPR) is the Mineral Estate Owner (as defined in C.R.S. Section 24-65.5-102(5)) underlying the following described land located in Weld County, Colorado (the "**Subject Lands**"), to-wit:

Township 1 North, Range 68 West, 6th P.M.
Section 30: ALL

WHEREAS, there were certain errors or omissions in the original Request and the undersigned wishes to amend the Request to correct the errors and omissions;

NOW, THEREFORE, the undersigned does hereby amend the Request for Notification of Surface Development by replacing the original document.

Pursuant to C.R.S. Section 24-65.5-103(3), CPR hereby requests written notification of any and all Applications for Development (as such term is defined in C.R.S. Section 24-65.5-102(2)) and all other proposed surface development activities on the Subject Lands in accordance with the terms of Article 24-65.5, C.R.S. Such notices should be sent to the following address:

Crestone Peak Resources Holdings LLC
1801 California Street, Suite 2500
Denver, CO 80202
Attn: DJ Surface Land Department

Executed this 15th day of July 2019.

Crestone Peak Resources Holdings LLC



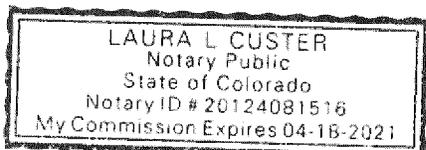
By: _____
Name: Shea Kauffman
Title: Director of Land & Business Development

STATE OF COLORADO)
)ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 15th day of July 2019, by Shea Kauffman, as Director of Land & Business Development of Crestone Peak Resources Holdings LLC, a Delaware limited liability company.

Witness my hand and official seal.

My Commission Expires: 4/18/21



Notary Public

AMENDED REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT
(C.R.S. § 24-65.5-101 et seq.)

STATE OF COLORADO)
COUNTY OF WELD)

WHEREAS, by Request for Notification of Surface Development dated June 18, 2019, recorded June 19, 2019 at Reception No. 4498659 in the records of Weld County, Colorado,

Crestone Peak Resources Holdings LLC (CPR) is the Mineral Estate Owner (as defined in C.R.S. Section 24-65.5-102(5)) underlying the following described land located in Weld County, Colorado (the "Subject Lands"), to-wit:

Township 1 North, Range 68 West, 6th P.M.
Section 31: ALL

WHEREAS, there were certain errors or omissions in the original Request and the undersigned wishes to amend the Request to correct the errors and omissions;

NOW, THEREFORE, the undersigned does hereby amend the Request for Notification of Surface Development by replacing the original document.

Pursuant to C.R.S. Section 24-65.5-103(3), CPR hereby requests written notification of any and all Applications for Development (as such term is defined in C.R.S. Section 24-65.5-102(2)) and all other proposed surface development activities on the Subject Lands in accordance with the terms of Article 24-65.5, C.R.S. Such notices should be sent to the following address:

Crestone Peak Resources Holdings LLC
1801 California Street, Suite 2500
Denver, CO 80202
Attn: DJ Surface Land Department

Executed this 15th day of July 2019.

Crestone Peak Resources Holdings LLC



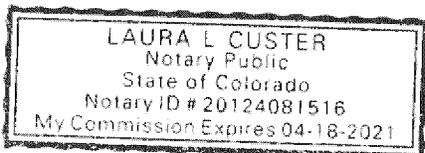
By: _____
Name: Shea Kauffman
Title: Director of Land & Business Development

STATE OF COLORADO)
)ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 15th day of July 2019, by Shea Kauffman, as Director of Land & Business Development of Crestone Peak Resources Holdings LLC, a Delaware limited liability company.

Witness my hand and official seal.

My Commission Expires: 4/18/21



Notary Public

KNOW ALL MEN BY THESE PRESENTS, That THE ROCKY MOUNTAIN FUEL COMPANY

a corporation duly organized and existing under and by virtue of the laws of the State of ~~Colorado~~ Delaware
of the first part for the consideration of

Two Hundred Fifty and $\frac{00}{100}$ (\$250.00) Dollars

in hand paid, hereby sell and convey to **GEORGE E. COUGER**

of ~~W&K~~ Broomfield County of Boulder

and the State of Colorado the following real property, situate in the

County of Weld and State of Colorado, to-wit:

The SURFACE ONLY of the Northeast quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-one (31), Township 1 North, Range 68 West, Weld County, Colorado, containing Forty (40) Acres, more or less.

The grantor reserves all minerals thereon and thereunder including, but not limited to coal, oil, and gas as well as the right of ingress and egress by the grantor, its successors in interest and assigns upon and across said lands for the purpose of prospecting for, mining, treating, processing, taking, and transporting any and all minerals and for the construction of plants, houses, buildings, offices, dumps, roads, power lines, pipe lines, and other structures incidental to such operations.

The second party, its successors and assigns as a part of the consideration of this deed, assigns and forever waives and releases any and all claim or claims it may have or acquire in the future arising out of any injury of for damages, as well as any right to enjoin the grantor, its successors in interest and assigns because of any injury or threatened injury caused or occasioned at any time by subsidence or other disturbances of the surface of the above described lands occasioned by any mining operations or activities incident thereto involving the minerals thereon or thereunder. It is definitely understood that the second party is not the owner of such minerals, and purchases subject to the right of the first party to enter upon said land and to remove said minerals and to do all other things incident to such mining operations.

with all its appurtenances, and warrant the title to the same, subject to all existing rights-of-way including railroads, public roads, ditches, power lines, telephone lines, etc.

The Grantee herein assumes and agrees to pay all taxes levied on the above described lands for the year 1946 and thereafter.

Signed, sealed and delivered this 1st day of August, A. D. 1946

ATTEST: THE ROCKY MOUNTAIN FUEL COMPANY
Mildred Lea Secretary. By H. M. Jones Vice-President.

STATE OF COLORADO,
City and County of Denver } ss.

The foregoing instrument was acknowledged before me this 1st day of August 1946, by H. M. Jones as Vice-President and Mildred Lea as Secretary of

The Rocky Mountain Fuel Company, a corporation.

My notarial commission expires
Witness my hand and official seal.

ETHEL G. WELLS, Notary Public. Ethel G. Wells
City and County of Denver, Colorado Notary Public.
My commission expires Nov. 4, 1948



Subsurface Mineral Rights – Last Known Contact Information:

The Rocky Mountain Fuel Company

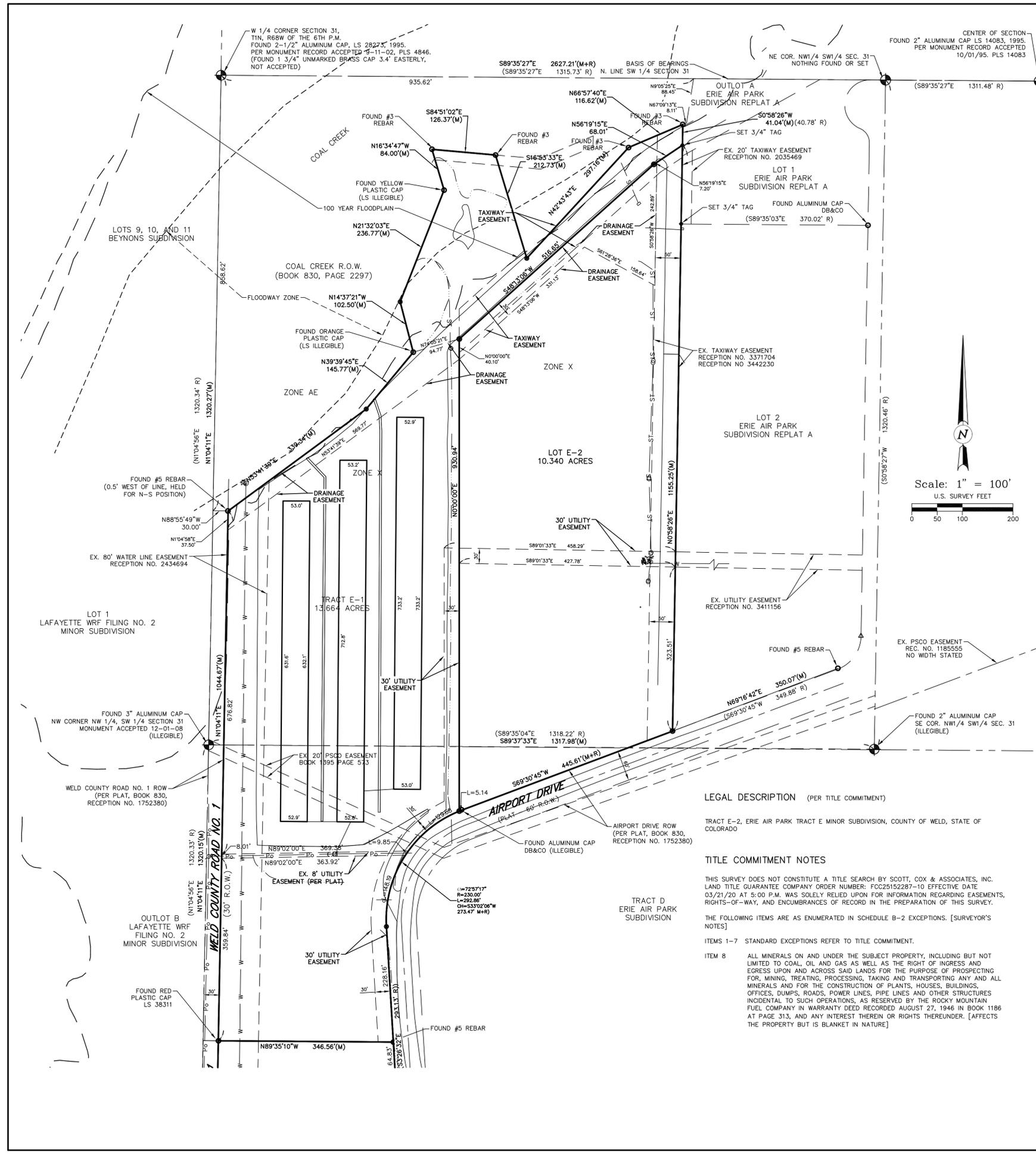
8020 S County Road Rd 5 #200

Fort Collins, CO 80528

(970) 207-1157

Warranty deed recorded at Weld County Assessors on August 27, 1946 at Book 1186 Page 313. See attached deed.

The surface rights to the property were sold to George E. Gouger by The Rocky Mountain Fuel Company on August 27, 1946 per document recorded at Book 1186 Page 313. A copy of this deed has been attached to the submittal. The deed grants surface rights to the grantee, George E. Gouger. But the grantor, RM Fuel, reserved all surface and subsurface mineral rights to the property. There are no other surface right agreements or operating agreements in place. RM Fuel went bankrupt in 1944, but the assets that were not liquidated were maintained by other RM Fuel entities. Notice will be sent to the former RM Fuel office in Ft. Collins, but it appears that the office is permanently closed.



TITLE COMMITMENT NOTES (CONT'D)

- ITEM 9 CONDITION THAT THE OWNER OF THE SUBJECT PROPERTY, HIS SUCCESSORS AND ASSIGNS, FOREVER WAIVES AND RELEASES ANY AND ALL CLAIM OR CLAIMS HE MIGHT HAVE OR INCURE IN THE FUTURE ARISING OUT OF ANY INJURY FOR DAMAGES, AS WELL AS ANY RIGHT TO ENJOIN THE ROCKY MOUNTAIN FUEL COMPANY, ITS SUCCESSORS IN INTEREST AND ASSIGNS, BECAUSE OF ANY INJURY OR THREATENED INJURY CAUSED OR OCCASIONED AT ANY TIME BY SUBSIDENCE OR OTHER DISTURBANCES OF THE SURFACE OF THE SUBJECT PROPERTY OCCASIONED BY ANY MINING OPERATIONS OR ACTIVITIES INCIDENT THERETO INVOLVING THE MINERALS THEREON THEREUNDER, AS IMPOSED IN WARRANTY DEED FROM THE ROCKY MOUNTAIN FUEL COMPANY RECORDED AUGUST 27, 1946, IN BOOK 1186 AT PAGE 313. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 10 RIGHT OF WAY FOR ELECTRIC TRANSMISSION LINE PURPOSES AS CONTAINED IN INSTRUMENT RECORDED JULY 21, 1954 IN BOOK 1395 AT PAGE 571. [DOES NOT AFFECT THE PROPERTY]
- ITEM 11 RIGHT OF WAY EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED JULY 21, 1954, IN BOOK 1395 AT PAGE 573. [AFFECTS PROPERTY AND IS SHOWN]
- ITEM 12 RIGHT OF WAY EASEMENT AS GRANTED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY IN INSTRUMENT RECORDED APRIL 20, 1957, IN BOOK 1475 AT PAGE 553. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 13 TERMS, CONDITIONS AND PROVISIONS OF EASEMENT RECORDED OCTOBER 31, 1961 IN BOOK 1598 AT PAGE 165. [UNABLE TO READ]
- ITEM 14 TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED DECEMBER 28, 1977 UNDER RECEPTION NO. 1739852. [MAY INCLUDE A PORTION OF THE SITE]
- ITEM 15 TERMS, CONDITIONS AND PROVISIONS OF ERIE AIR PARK SUBDIVISION AGREEMENT RECORDED MAY 03, 1978 UNDER RECEPTION NO. 1752378. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 16 TERMS, CONDITIONS AND PROVISIONS OF AVIATION EASEMENT AND AGREEMENT RECORDED MAY 11, 1978 UNDER RECEPTION NO. 1753139. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 17 TERMS, CONDITIONS AND PROVISIONS OF EASEMENT FOR RUNWAY LIGHT INSTALLATION AND MAINTENANCE, DRAINAGE AND SNOW REMOVAL AGREEMENT RECORDED MAY 11, 1978 UNDER RECEPTION NO. 1753142. [DOES NOT AFFECT THE PROPERTY]
- ITEM 18 TERMS, CONDITIONS AND PROVISIONS OF SOLAR EASEMENT AND AGREEMENT RECORDED MAY 11, 1978 UNDER RECEPTION NO. 1753143. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE FOR COLLECTION OF SOLAR PANELS]
- ITEM 19 EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF ERIE AIR PARK SUBDIVISION RECORDED MAY 03, 1978 UNDER RECEPTION NO. 1752380. [AFFECTS PROPERTY AND IS SHOWN]
- ITEM 20 THE EFFECT, IF ANY, OF LETTER RECORDED AUGUST 12, 1982 UNDER RECEPTION NO. 1900277. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 21 TERMS, CONDITIONS AND PROVISIONS OF LEASE RECORDED SEPTEMBER 29, 1982 AT RECEPTION NO. 1905076. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- NOTE: EXTENSION OF THE ABOVE LEASE AS CLAIMED BY AFFIDAVIT OF PRODUCTION WAS RECORDED OCTOBER 12, 1984 UNDER RECEPTION NO. 1984915. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 22 RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, AS CONTAINED IN INSTRUMENT RECORDED MAY 11, 1978, UNDER RECEPTION NO. 1753140 AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 30, 1993, UNDER RECEPTION NO. 2352630 IN BOOK 1404 AND AS AMENDED DECEMBER 27, 1993 AT RECEPTION NO. 2365912 AND AS AMENDED IN INSTRUMENT RECORDED DECEMBER 21, 1995, UNDER RECEPTION NO. 2468577 IN BOOK 1524 AND AMENDED OCTOBER 22, 2002 AT RECEPTION NO. 2989230. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 23 TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED APRIL 28, 1986 AT RECEPTION NO. 2051362. [DOES NOT AFFECT THE PROPERTY]
- ITEM 24 TERMS, CONDITIONS AND PROVISIONS OF ASSESSMENT RECORDED NOVEMBER 21, 1990 AT RECEPTION NO. 2233799. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 25 THE TERMS AND PROVISIONS OF ORDINANCE NOS. 409 AND 411, RECORDED FEBRUARY 4, 1991 UNDER RECEPTION NO. 2240420 AND FEBRUARY 25, 1991 UNDER RECEPTION NO. 2242128. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 26 TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED MARCH 05, 1991 AT RECEPTION NO. 2243072. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 27 ORDER OF INCLUSION FOR WELD COUNTY PORTION OF THE TOWN OF ERIE INTO THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT RECORDED FEBRUARY 6, 1992 UNDER RECEPTION NO. 2277399. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 28 TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS, AS CONTAINED IN AGREEMENT REGARDING INSTALLATION OF SANITARY SEWER LINES BY AND BETWEEN ERIE WATER AND SANITATION DISTRICT AND ROBERT LEE ROCK RECORDED AUGUST 13, 1992 UNDER RECEPTION NO. 2299958 IN BOOK 1347. [DOES NOT AFFECT THE PROPERTY]
- ITEM 29 RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, AS CONTAINED IN INSTRUMENT RECORDED DECEMBER 27, 1993, UNDER RECEPTION NO. 2365912. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 30 TERMS, CONDITIONS AND PROVISIONS OF ORDER RECORDED APRIL 18, 1995 AT RECEPTION NO. 2434894. [DOES NOT AFFECT THE PROPERTY]
- ITEM 31 TERMS, CONDITIONS AND PROVISIONS OF ORDER RECORDED APRIL 27, 1995 AT RECEPTION NO. 2435904. [AFFECTS PROPERTY AND IS SHOWN] JOHN NEEDS TO LOOK AT
- ITEM 32 MATTERS AS SET FORTH ON SURVEY RECORDED JUNE 28, 2002 AT RECEPTION NO. 2989635. [AFFECTS PROPERTY AND IS SHOWN] (GILLANS SURVEY)]
- ITEM 33 TERMS, CONDITIONS AND PROVISIONS OF OPTION RECORDED MARCH 20, 2006 AT RECEPTION NO. 3371704. [AFFECTS PROPERTY AND IS SHOWN]
- ITEM 34 TERMS, CONDITIONS AND PROVISIONS OF TAXIWAY EASEMENT DEED AND AGREEMENT RECORDED DECEMBER 15, 2006 AT RECEPTION NO. 3442230. [AFFECTS PROPERTY AND IS SHOWN]
- ITEM 35 EXISTING LEASES OR TENANCIES, IF ANY. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 36 ANY LOSS OR DAMAGE WHICH THE PROPOSED INSUREDS MAY INCUR BY REASON OF THE FAILURE TO COMPLY WITH THE LAWS AND REGULATIONS OF ANY STATE, COUNTY OR OTHER AUTHORITY RELATING TO THE SUBDIVISION OF THE LAND TO BE INSURED. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 37 ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY CERTIFIED 03/18/19 PREPARED BY SCOTT, COX & ASSOCIATES, INC., JOB #17150A. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]
- ITEM 38 EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF ERIE AIR PARK TRACT E MINOR SUBDIVISION RECORDED MARCH 22, 2019 UNDER RECEPTION NO. 4475348. [AFFECTS THE PROPERTY AND IS SHOWN]

LEGEND

- 5475 --- EXISTING CONTOUR
- --- EXISTING SWALE
- PUBLIC LAND CORNER FOUND
- SET #5 REBAR WITH 1" RED PLASTIC CAP STAMPED SCOTT COX ASSOC PLS 24302 (P&C) (UNLESS NOTED)
- ⊕ SET NAIL AND 3/4" BRASS TAG STAMPED PLS 24302 (NAIL&TAG) AS NOTED
- FOUND MONUMENT AS NOTED
- ⊙ EXISTING ELECTRIC METER
- ⊗ EXISTING WATER VALVE
- ⊙ EXISTING GAS METER
- ⊙ EXISTING WATER METER
- △ CONTROL POINT
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING FENCE
- ⊕ EXISTING WATER W/FIRE HYDRANT
- ST --- EXISTING STORM SEWER W/MANHOLE
- (R) RECORD COURSE
- (M) MEASURED COURSE PER THIS SURVEY
- (S54°08'29"W 0.08')
- RECORD OR CALCULATED POSITION TO FOUND MONUMENT

SURVEY NOTES

1. THE BASIS OF BEARINGS IS THE WEST LINE OF THE SW 1/4 OF SECTION 31, T1N, R68W OF THE 6TH P.M. BETWEEN THE FOUND MONUMENTS SHOWN HEREON AND BEARS N01°04'56"E, PER THE PLAT.
2. BENCH MARK: NGS POINT A1917 (LOCUSR), AN ALUMINUM DISK SET IN TOP OF CONCRETE MONUMENT LOCATED 122.4 FEET WEST-SOUTHWEST FROM THE CENTER OF RUNWAY 15-33 AT ERIE AIR PARK. ELEVATION = +5117.77' NAVD88.
3. THE SIZE AND TYPE OF MONUMENTS FOUND ARE SHOWN HEREON.
4. NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED 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. CRS-13-80-105 (3)(c)
5. FLOOD PLAIN DESIGNATION OF THE SURVEYED PROPERTY PER FEMA FLOOD INSURANCE RATE MAP (FIRM) - MAP NUMBER 800130443K DATED AUGUST 15, 2019 IS ZONE X, BEING AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
6. THE LOCATION OF THE ABOVE GROUND UTILITIES SHOWN HEREON ARE BASED ON THE FIELD SURVEY BY SCOTT, COX & ASSOCIATES, INC. THE LOCATIONS OF THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON SAID SURVEY AND INFORMATION PROVIDED BY UNCO, CITY OF BOULDER, XCEL AND QWEST MAPPING. SCOTT, COX & ASSOCIATES, INC. IS NOT RESPONSIBLE FOR UTILITY INFORMATION PROVIDED BY OTHERS. SCOTT, COX & ASSOCIATES, INC. RECOMMENDS THAT THE LOCATION OF THE UTILITIES BE FIELD VERIFIED PRIOR TO ANY DIGGING ON, OR ADJACENT TO THE SUBJECT PROPERTY.
7. PLATS AND LAND SURVEY PLATS DEPOSITED AT BOULDER LAND USE DEPARTMENT, REFERENCED OR USED FOR THIS SURVEY: ERIE AIR PARK SUBDIVISION REPLAT A, RECEPTION NO. 02302520; ERIE AIR PARK SUBDIVISION, RECEPTION NO. 1752380.
8. ALL ADJOINING STREETS ARE PUBLIC.
9. THERE IS OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK. THERE IS NO OBSERVED EVIDENCE OF BUILDING CONSTRUCTION OR BUILDING ADDITIONS. NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS. NO OBSERVED EVIDENCE OF WETLAND AREAS AS DELINEATED BY APPROPRIATE AUTHORITIES. NO RECORD OF OFFSITE EASEMENTS OR SERVITUDES BENEFITING THE SURVEYED PROPERTY.

CERTIFICATION

TO: LAND TITLE GUARANTEE COMPANY; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND DAVID S. NASSAR.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-5, 6a, 8, 11, AND 13 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JANUARY 25, 2018.

ALTA/NSPS LAND TITLE SURVEY
TRACT E-2 ERIE AIR PARK TRACT E
MINOR SUBDIVISION
 LOCATED IN THE SW 1/4 SEC. 31
 T1N, R68W OF THE 6TH P.M.
 TOWN OF ERIE
 COUNTY OF BOULDER
 STATE OF COLORADO
 AIRPORT ROAD

SCOTT, COX & ASSOCIATES, INC.
 consulting engineers • surveyors
 1530 55th Street • Boulder, Colorado 80303
 (303) 444 - 3051

Designed by	AJB	Date	10/11/19	Scale	1"=100'	Drawing no.	17510C-1	Sheet	1
Drawn by	JAS	Revision	1	Description	TITLE COMMITMENT	Date	06/05/20	Project no.	17510C
Checked by	AJB								

LEGAL DESCRIPTION (PER TITLE COMMITMENT)

TRACT E-2, ERIE AIR PARK TRACT E MINOR SUBDIVISION, COUNTY OF WELD, STATE OF COLORADO

TITLE COMMITMENT NOTES

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SCOTT, COX & ASSOCIATES, INC. LAND TITLE GUARANTEE COMPANY ORDER NUMBER: FCC25152287-10 EFFECTIVE DATE 03/21/20 AT 5:00 P.M. WAS SOLELY RELIED UPON FOR INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, AND ENCUMBRANCES OF RECORD IN THE PREPARATION OF THIS SURVEY.

THE FOLLOWING ITEMS ARE AS ENUMERATED IN SCHEDULE B-2 EXCEPTIONS. [SURVEYOR'S NOTES]

ITEMS 1-7 STANDARD EXCEPTIONS REFER TO TITLE COMMITMENT.

ITEM 8 ALL MINERALS ON AND UNDER THE SUBJECT PROPERTY, INCLUDING BUT NOT LIMITED TO COAL, OIL AND GAS AS WELL AS THE RIGHT OF INGRESS AND EGRESS UPON AND ACROSS SAID LANDS FOR THE PURPOSE OF PROSPECTING FOR, MINING, TREATING, PROCESSING, TAKING AND TRANSPORTING ANY AND ALL MINERALS AND FOR THE CONSTRUCTION OF PLANTS, HOUSES, BUILDINGS, OFFICES, DUMPS, ROADS, POWER LINES, PIPE LINES AND OTHER STRUCTURES INCIDENTAL TO SUCH OPERATIONS, AS RESERVED BY THE ROCKY MOUNTAIN FUEL COMPANY IN WARRANTY DEED RECORDED AUGUST 27, 1946 IN BOOK 1186 AT PAGE 313, AND ANY INTEREST THEREIN OR RIGHTS THEREUNDER. [AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE]

ERIE AIR PARK REPLAT D

A REPLAT OF TRACT E-2, ERIE AIR PARK TRACT E MINOR SUBDIVISION
 A PARCEL OF LAND LOCATED IN THE SW 1/4 OF SECTION 31
 TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M.
 TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO
 10.340 ACRES - 1 LOT
 MS-001480-2022



VICINITY MAP
 SCALE: 1"=1000'

LAND SUMMARY CHART		
TYPE	AREA	% OF TOTAL AREA
LOTS	450,400 SF	100.00%
TRACTS	0 SF	0%
PUBLIC R.O.W.	0 SF	0%
TOTAL	450,400 SF	100.00%

SURVEY NOTES

1. THE BASIS OF BEARINGS IS THE NORTH LINE OF THE SW 1/4 OF SECTION 31, T1N, R68W OF THE 6TH P.M. BETWEEN THE FOUND MONUMENTS SHOWN HEREON AND BEARS S89°35'27"E, PER ERIE AIR PARK SUBDIVISION PLAT.
 2. 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.
 3. LAND TITLE GUARANTEE COMPANY/OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY ORDER NO. FCC25199546 EFFECTIVE DATE 07/01/22 AT 5:00 P.M. WAS RELIED UPON FOR INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN PREPARATION OF THIS PLAT.
 4. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
 5. FLOOD PLAIN DESIGNATION OF THE SURVEYED PROPERTY PER FIRM MAP NUMBER 08013C0443K, MAP REVISED AUGUST 15, 2019, IS ZONE X, BEING AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONE X (SHADED) BEING AREAS OF 0.2% ANNUAL CHANCE FLOOD.
 6. DUE TO THE PROXIMITY OF THE PROPERTY TO THE ERIE MUNICIPAL AIRPORT, THERE WILL BE AIRCRAFT PASSING OVER THE PROPERTY. AIRCRAFT PASSAGE MAY RESULT IN NOISE AND OTHER IMPACTS ON THE PROPERTY. AIRCRAFT MAY CROSS PROPERTY AT LOW ALTITUDE IN ACCORDANCE WITH FAA REGULATIONS. THE FREQUENCY OF AIRCRAFT PASSING OVER THE PROPERTY MAY INCREASE IN THE FUTURE. THE OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS SPECIFICALLY ACKNOWLEDGE THE RIGHT OF PASSAGE OVER THE PROPERTY FOR AIRCRAFT AND AGREE TO HOLD HARMLESS THE TOWN OF ERIE FOR AIRCRAFT OPERATIONS.
 7. PORTIONS OF ERIE AIR PARK REPLAT D ARE UNDERMINED. TO REDUCE RISK OF SUBSIDENCE-RELATED DAMAGE, NO BUILDING OR BUILDING SEGMENT MAY EXCEED 140 FEET IN LENGTH OR WIDTH.
- THE MINE SUBSIDENCE HAZARD AND MITIGATION RECOMMENDATIONS ARE DESCRIBED IN MINE SUBSIDENCE ASSESSMENT, TRACT E-2, ERIE AIR PARK SUBDIVISION (WESTERN ENVIRONMENT AND ECOLOGY, INC., SEPTEMBER 24, 2019). THIS REPORT IS ON FILE WITH THE TOWN OF ERIE PLANNING AND DEVELOPMENT DEPARTMENT, FILES: MS-001121-2019 AND PUD-001122-2019.

DEDICATION STATEMENT

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, OR LIEN HOLDERS OF CERTAIN LANDS IN THE TOWN OF ERIE, COUNTY OF WELD, COLORADO, DESCRIBED AS FOLLOWS:
 TRACT E-2, ERIE AIR PARK TRACT E MINOR SUBDIVISION, A PLAT RECORDED ON 03/22/19 AT RECEPTION NO. 4475348, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO.

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO A LOT AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF ERIE AIR PARK REPLAT D. THE EASEMENTS NOTED HEREON ARE DEDICATED TO THE TOWN OF ERIE, COLORADO FOR PUBLIC USES AND PURPOSES AS NOTED HERON.

OWNER SIGNATURE
 REAL INVESTMENTS LLC

BY: David S. Nassar 11/16/2022
(NAME OF AUTHORIZED OFFICIAL) (DATE)
 TITLE: MANAGING MEMBER

STATE OF COLORADO)
 COUNTY OF Weld) SS.

ACKNOWLEDGED BEFORE ME THIS 16 DAY OF December, 2022 BY DAVID S. NASSAR AS MEMBER OF REAL INVESTMENTS LLC.

WITNESS MY HAND AND OFFICIAL SEAL
Laurie Hurd
NOTARY PUBLIC
 MY COMMISSION EXPIRES: 8/19/25



TITLE VERIFICATION CERTIFICATE

WE, LAND TITLE GUARANTEE COMPANY DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS: THOSE LISTED IN THE TITLE INSURANCE PRODUCT FCC 25199546.

LAND TITLE GUARANTEE COMPANY

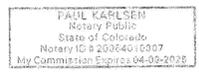
BY: Kimberly E. Zimmerman 11/15/2022
(NAME OF AUTHORIZED OFFICIAL) (DATE)
 TITLE: Assistant Vice President

ATTEST: (IF CORPORATION)
 SECRETARY/TREASURER

STATE OF COLORADO)
 COUNTY OF Boulder) SS.

ACKNOWLEDGED BEFORE ME THIS 15 DAY OF November, 2022 BY Kimberly E. Zimmerman AS Assistant Vice President of Land Title Guarantee Company

WITNESS MY HAND AND OFFICIAL SEAL
Paul Karlson
NOTARY PUBLIC
 MY COMMISSION EXPIRES: 4/9/25



LEGEND

- PUBLIC LAND CORNER FOUND
- SET #5 REBAR WITH 1" RED PLASTIC CAP STAMPED SCOTT COX ASC PLS 24302 (P&C) (UNLESS NOTED)
- ⊕ SET NAIL AND 3/4" BRASS TAG STAMPED PLS 24302 (NAIL&TAG) AS NOTED
- FOUND MONUMENT AS NOTED
- (R) RECORD COURSE PER PLAT
- (M) MEASURED COURSE PER THIS SURVEY
- (SS4'08'29"W 0.08')
- RECORD OR CALCULATED POSITION TO FOUND MONUMENT

PLANNING AND DEVELOPMENT APPROVAL CERTIFICATE

THIS PLAT IS HEREBY APPROVED BY THE TOWN OF ERIE PLANNING AND DEVELOPMENT DIRECTOR ON THIS 28th DAY OF November, 2022.
Sarah Hummel
PLANNING & DEVELOPMENT DIRECTOR

BOARD OF TRUSTEES APPROVAL CERTIFICATE

THIS PLAT IS TO BE KNOWN AS ERIE AIR PARK REPLAT D IS APPROVED AND ACCEPTED BY RESOLUTION NO. 22-134, PASSED AND ADOPTED AT THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF ERIE, COLORADO, HELD ON THE 15th DAY OF November, 2022.

MAYOR John Buri
 ATTEST Dorothy Stang
TOWN CLERK

SURVEYOR'S CERTIFICATE

I, A. JOHN BURI, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON JULY 29, 2022, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE TOWN OF ERIE UNIFIED DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS 8TH DAY OF NOVEMBER, 2022.

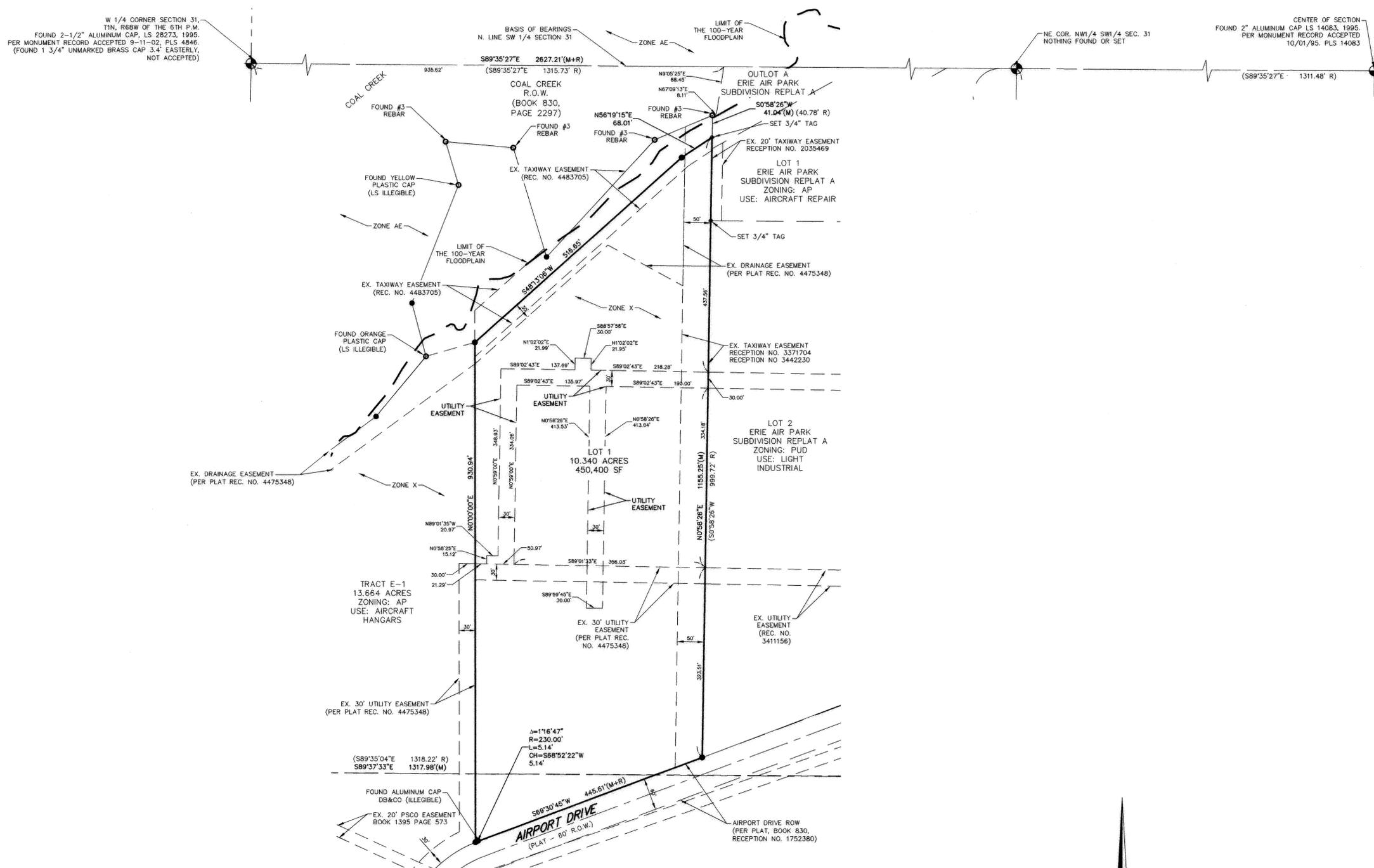
A. John Buri
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR # 24302

SITeworks
 civil engineering • planning • land entitlements
 5649 Pennsylvania Avenue • Boulder, Colorado 80303
 (303) 918 - 7859

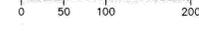
Designed by	AJB	Date	11/08/22	Scale	AS SHOWN	Drawing no.	17510C-2	Sheet	1
Drawn by	JAS	Revision		Description		Date		of	2
Checked by	AJB							Project no.	17510C

ERIE AIR PARK REPLAT D

A REPLAT OF TRACT E-2, ERIE AIR PARK TRACT E MINOR SUBDIVISION
A PARCEL OF LAND LOCATED IN THE SW 1/4 OF SECTION 31
TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M.
TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO
10.340 ACRES - 1 LOT
MS-001480-2022



Scale: 1" = 100'
U.S. SURVEY FEET



SITWORKS				
civil engineering • planning • land entitlements				
5649 Pennsylvania Avenue • Boulder, Colorado 80303				
(303) 918 - 7859				
Designed by	AJB	Date	Scale	Drawing no.
Drawn by	JAS	11/08/22	AS SHOWN	17510C-2
Checked by	AJB			
				Sheet 2 of 2
				Project no. 17510C

June 11, 2020

Mr. Chris LaRue
Town of Erie
645 Holbrook Street
P.O. Box 750
Erie, CO 80516

Reference: PUD and Minor Subdivision Comment Response Letter
PUD-001122-2019 and MS-001121-2019
Lot 1 – Erie Air Park Replat D
2800 Airport Drive – Erie, Colorado

Dear Mr. LaRue:

The following is a line item response to the Town of Erie review comments dated January 29, 2020 for the above referenced project. The comments are listed below with responses in italics. Please let us know if you have any questions or need any further clarification regarding these issues.

PUD COMMENTS

1. General

- a. Any potential PUD approval is conditional upon the approval of the related minor subdivision application.

Noted.

- b. While the UDC approval criteria could certainly permit some modifications to the uses allowed in the AP Zone, the scope of the changes is not supportable. Staff continues to consider what uses might be appropriate on this site and would like to discuss in person the list of proposed uses.

We have worked with Staff to come with a list of proposed uses which would be appropriate on this site. See the attached PUD tables for additional information.

2. PUD Narrative

- a. As required in the user guide, the narrative should provide a project concept and purpose. The narrative provided does not focus on the PUD proposed but instead speaks to the anticipated building proposed on the property. For the zoning narrative the focus and discussion should be on the proposed concept and purpose of the zoning changes.

Understood. The PUD Narrative has been revised accordingly.

- b. As required in the user guide, the narrative should provide a detailed description of proposed variation(s) of the underlying zone district standards and requirements and the District Specific Standards noted above and the justification for such variations, this was not provided. While a proposed list of uses was included a detailed description of the proposed variations was not provided.

Understood. The PUD Narrative has been revised accordingly.

- i. Site development is regulated by the Site Plan process, and Note 1 is not a change that can be proposed as the PUD cannot amend site plan approval processes. Delete this note.

The note has been deleted.

- ii. Note 3 references the building code as a way to describe allowed uses, this is not appropriate on a zoning document. Uses should be clearly described in the use table. Additionally this section of the building code does not list uses, rather it speaks to a building type with a hazardous occupancy.

The note has been deleted.

- c. The narrative indicates that the expanded list of uses would attract users to the Erie Air Park. How do these additional uses benefit or support the airport and its operations? Will any of the development be reserved for airport related uses such as hangers?
 - i. It isn't clear how the second paragraph relates to public benefits provided by the PUD.

The PUD Narrative has been revised accordingly.

- d. The statement provided does not address the question, it merely restates the purpose of the PUD. Please describe what the expected level of development is on this site. Given the extensive and varies list of uses it is important that the proposed level of use be understood.

Understood. The PUD Narrative has been revised accordingly.

- f. Please review the comments from Town Engineering regarding proposed utilities. The Fire District that provides service in this area will certainly be impacted by additional development and potentially hazardous uses. The Fire District provided a referral response, please be sure to address their questions and concerns, particularly the lack of fire hydrants. These should be shown on the CDs which are part of the related minor subdivision application.

Noted. See attached responses to Engineering comments. We have revised the Utility Plans to show the required 300' hydrant spacing. The references to hazardous uses have been deleted. Future roads will be designed in accordance with the District's vehicle standards. This should meet the Fire District's requirements.

3. Sheet Review

- a. Review attached redlines and make corrections.
- b. Update the title to reflect the name of the lot and associated minor subdivision.
- c. Add a note to sheet 1 which states that the purpose of the PUD and the relationship of the PUD to the UDC.
- d. Label all boundary lines with bearings, distance, curve data and lot/block numbers as shown on the final plat.
- e. A scaled vicinity map that depicts the area around the proposal within a 1-mile radius, revise the provided map.
- f. A written legal description for subdivided property is necessary but should reflect the new legal which would be created upon the completion of the associated minor subdivision.
- g. Depict property lines and rights-of-way within 100' of the proposal. Said information for adjacent properties shall be screened back. The legal description of each parcel does not need to be identified, remove unwanted information. No parcel information was given south of Airport Drive.
- h. Land use and zone district information of all adjacent property is to be shown but, this has not been provided for the properties to the north. Please make edits to existing information as shown.
- i. All easements must be properly identified, referenced, and dimensioned.

The PUD Zoning Map has been revised accordingly.

MINOR SUBDIVISION PLANNING COMMENTS

1. General

- a. Any potential subdivision approval would require a development agreement. Attached is the template development agreement, please provide a draft of the development agreement including the required Exhibit B as part of the resubmittal.

We will continue to work with Staff to develop the agreement as we move forward.

- b. Without resolution of the lingering service/facility shortfalls of this area this minor subdivision could not be approved.

See attached responses to Engineering comments. We feel like we have address Staff's concerns.

- c. The oil and gas estate situation is not clear, please provide clarification regarding mineral interest owners and lessees. State law requires these entities to be identified and noticed. Crestone Peak Resources, Inc. should be included in notifications.

RM Fuel was notified as part of the referral submittal. They responded that they are no longer in operation. Crestone Peak Resources, Inc. was also one of the referral agencies. There are no records showing that the mineral estate has been transferred or deeded to any other entity.

Further discussion with the RM Fuel has determined that the company still has ownership of the subsurface rights. There are no other surface right agreements or operating agreements in place. The mineral owner has stated they have no objection to the project. This meets the notification requirements of the State Statutes.

- d. Update the ALTA to reflect a current title report.

The ALTA survey has been updated as requested.

- e. Please provide a status update on the improvements that are the subject of Note 8 Erie Air Park Tract E Minor Subdivision. The referenced drainage plan was to address the flows from Tract E-1, it does not appear that this was included in the submitted plans.

It was unclear at the time of the initial Tract E Minor Subdivision if additional drainage or roadway improvements would be required for subsequent replats. It was decided at the time that additional engineering work would be completed during the Lot 1 subdivision, in order to further explore Staff drainage and site access concerns. Money was set aside in escrow in case additional work was required.

One of the requirements from Staff at the time dealt with the proximity of the Tract E-1 and Lot 1 drive entrances. At the time, Staff had concerns that the two (2) access points were too close or did not meet the required sight triangles. The Roadway Engineering Plans that were prepared for this submittal shows that the two (2) access points will meet the Town sight and spacing requirements. Therefore, work on the Tract E-1 drive entrance would not be required.

The second requirement from Staff dealt with the drainage from Tract E-1. At the time, Staff was concerned about the drainage from Tract E-1 and whether the developed runoff would be impacted by the proposed Lot 1 plans. There were discussions about providing detention for Tract E-1 if the drainage could not be conveyed to the major drainageway. The Grading Plans and Drainage Report both show that drainage from Tract E-1 can easily be accommodated through the existing drainage infrastructure. The existing culverts and swales associated with drainage in this area can accommodate the anticipated design flow. These drainage patterns would remain unchanged during subsequent development plans and/or SIP submittals.

2. Narrative

- a. The provided narrative should focus on this application, which is a subdivision application, this narrative focuses on the next potential step which would be the development of the property. For example the concept and purpose should speak to the recognition of the tract as a lot, why this is necessary and how the tract will be made suitable for development (and thus why it can be recognized as a lot). The description of the phasing should speak to the installation and construction timeline of the infrastructure improvements which

are necessary to development rather than the proposed construction timeline of building which are not part of this application or review. Please refocus and scale back the narrative to focus on the subdivision.

The MS Narrative has been revised accordingly.

- b. Please review the comments from Town Engineering regarding proposed utilities and update the narrative in response to these.

Noted. See attached responses to Engineering comments.

- c. The Fire District that provides service in this area will certainly be impacted by additional development and the Town's police force would certainly respond to calls and complaints in this area. The narrative should at least adequately reflect this. Has outreach to either of these agencies occurred? It is known that in addition to the Building Division, both the Fire District and the Erie PD have been involved in resolving issues at the existing business park. How will these known problems be prevented at the new facility so that this site does not become a negative impact on these service providers?

The PUD Narrative has been revised accordingly. We acknowledge there has been permitting concerns at some of the existing facilities. But we have been working diligently with Staff, Planning, Building and the Fire District, in order to resolve some of these lingering concerns.

- c. The section related to covenants, etc. speaks to mineral interests but fails to discuss any of the covenants that the PUD application indicates would be in place.

The MS Narrative has been revised accordingly.

- d. The narrative fails to discuss any of the improvements at Airport Drive and Hwy 7 that the traffic study indicates are necessary. The traffic study itself fails to consider the broad types of uses that are proposed by the PUD as the trip generation numbers only include light industrial and office uses. Unless the uses are restricted to these types, the traffic study should be amended to reflect more accurately the intended mix of uses and types of traffic to the site. Given the results of the traffic study that was provided, it does not seem appropriate to add uses which would add heavy truck traffic to this intersection.

See attached responses to Engineering comments.

- e. Improvements along Airport Drive and the creation of a new access point was not discussed in the narrative (nor did the provided plans show these improvements on all of the sheets).

The MS Narrative has been revised accordingly. Final design of the proposed access point would be part of any future SIP submittals and may change based on different site plan configurations. Additional engineering plans would be prepared at the time of SIP submittal.

- f. The recognition of the tract as a lot requires some substantial improvements in infrastructure (roads, water, sewer, storm) and in general the narrative fails to recognize this and explain how and when these improvements will be made. Nor do the materials demonstrate that the improvements are sufficient for the proposed level of development.

The MS Narrative has been revised accordingly. See attached responses to Engineering comments.

3. Reports and Construction Plans

- a. Update all plans to reflect the access and other improvements along Airport Drive.

Final design of the proposed access point would be part of any future SIP submittals and may change based on different site plan configurations. Additional engineering plans would be prepared at the time of SIP submittal. There are currently no plans to construct the access point until the SIP is approved.

The intersection improvements located at Airport Drive and Baseline Road have been included on the Roadway Construction Plans.

- b. The traffic study should be reevaluated in light of the proposed mix of uses proposed by the PUD since it only contemplates office and light industrial uses but the PUD allows significant variation and combination of uses. Reconsidering the list of proposed uses may help to relieve some of the transportation and compatibility concerns.

As discussed with Staff, we have updated the proposed PUD uses to be more in line with an office and light industrial user. Those uses were reflected in the TIS that was submitted with the original submittal. See attached responses to Engineering comments.

- c. The geotechnical information provided was not site specific. Please review the response from CGS. Either include a limit on building length as a plat note or provide an in depth and site specific geotechnical review in the resubmittal.

The site-specific Geotechnical Report has been attached to this submittal. As we have with other projects, we will work with our Structural Engineer, Geotechnical Engineer and Mining Subsidence consultant to provide building separation and other designs that will be able to meet the specific geotechnical and geological requirements.

- d. Revision of plans shall address all of the referral comments.

Noted.

4. Plat Sheet Review

- a. See the attached redlines and make corrections.
- b. On Sheet 1, provide the following plat notes:
 - 1) A Basis of Bearings Statement;
 - 2) 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.
 - 3) DUE TO THE PROXIMITY OF THE PROPERTY TO THE ERIE MUNICIPAL AIRPORT, THERE WILL BE AIRCRAFT PASSING OVER THE PROPERTY. AIRCRAFT PASSAGE MAY RESULT IN NOISE AND OTHER IMPACTS ON THE PROPERTY. AIRCRAFT MAY CROSS PROPERTY AT LOW ALTITUDE IN ACCORDANCE WITH FAA REGULATIONS. THE FREQUENCY OF AIRCRAFT PASSING OVER THE PROPERTY MAY INCREASE IN THE FUTURE. THE OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS SPECIFICALLY ACKNOWLEDGE THE RIGHT OF PASSAGE OVER THE PROPERTY FOR AIRCRAFT AND AGREE TO HOLD HARMLESS THE TOWN OF ERIE FOR AIRCRAFT OPERATIONS
- c. Provide complete information for all easements, including the reception number of the relevant document.
- d. Clarify the boundary of the floodplain.

- e. Show all lot lines within 100 feet of the lot.
- f. Show land use and zone district of all adjacent property.

The Final Plat has been revised accordingly.

ENGINEERING COMMENTS DATED FEBRUARY 7, 2020

- 1. A water loop through the Tract E-2 needs to be provided which connects back to Airport Drive water line near the gated access to the airfield.

The Engineering Plans have been revised to show a looped connection back to Airport Drive.

- 2. The water quality pond onsite is encroached upon by Building G. The sizing and storage capacity of the pond needs to be verified.

The size and location of Building G is subject to change and has been removed from the drainage easement as required.

The capacity of the existing water quality pond was surveyed in 2017. The pond volume calculations have been included with the updated drainage report. The pond has been maintained by the applicant and the HOA on a regular basis. The pond was cleaned out after the major storm event in 2013 and again after a major storm event in 2019.

- 3. See attached Drainage Report Comments from Merrick dated January 10, 2020.

See the following sections for response to the Merrick comments.

- 4. The Town will require the Tract E-2 and new future development in the area to be served by the Town's sanitary sewer system.
 - a. Either a connection can be made by the installation of the proposed South Coal Creek Sewer trunk line in Airport Drive to the area of the airplane taxiway bridge over Coal Creek. The Parkdale development will install the north segment of the South Coal Creek Sewer trunk line from the connection point near the Vista Parkway bridge over Coal Creek to the airplane taxiway bridge. From airplane taxiway bridge, Parkdale will branch off under Coal Creek to install their connecting sanitary trunk line.

- b. Otherwise, a shorter connection from Tract E-2 can be proposed under Coal Creek to connect to the Parkdale trunk line.

We have explored the Parkdale plans with Staff and developed some preliminary engineering plans for a possible connection. We feel that a future connection to the Parkdale line would be an unreasonable offsite improvement to be required of this development.

The anticipated design flows from the proposed uses would be less than 2,000 gallons per day and could easily be accommodated in a standard septic system. The office and light industrial uses proposed for the site would not discharge any deleterious liquids from the site, so a standard septic system could accommodate the anticipated flows. We have constructed a similar system at Lot 2 which is performing as intended.

A proposed connection to the point proposed by Staff in Option A would be over 1,300' from northern corner of the site and would involve over 4,000 LF of sanitary sewer main extension. We estimate the total cost of this main extension to be close to \$1MM, compared to \$60,000 for a fully permitted septic system. We feel that these offsite improvements are not cost beneficial.

Option B to the Parkdale trunk line underneath of Coal Creek would not provide gravity service to the site. Service to this area would require a lift station and would not extend the Town's sanitary sewer system in this area.

We feel that these offsite improvements are unnecessary, cost prohibitive, out of proportion to the scale of the project, and are not required to adequately serve the proposed development. There are no sanitary sewer impacts proposed by this development. The anticipated sanitary sewer flows can safely be accommodated in a non-State permitted septic system

5. A utility study needs to be provided showing the integration and flows of the sanitary and water lines with Town's networks.

A Utility Report has been included with this submittal.

6. The exact future uses in Tract E is unknown at this time, but the potential proposed uses could generate significant traffic. The Town is concerned about the need for a signal at SH7 and Airport Drive. If a signal is warranted,

the SH7 Access Control Plan would need to be modified to account for the signal. The Town will condition future uses off Airport Drive to evaluate the need for a signal at SH7.

We met with Staff on February 24, 2020 to review the traffic concerns with our Traffic Engineer. We have acknowledged that there has been concerns about the level of service at this intersection. As noted in the TIS, we have proposed to construct a southbound, right turn lane, at the intersection of Airport Drive and SH7. The proposed improvements have been shown on the revised Roadway Engineering Plans attached to this submittal. This will help to alleviate the LOS delays that occur at the intersection. We have also adjusted the proposed PUD uses to minimize truck traffic and will continue to work with Staff and our tenants to minimize truck traffic in and out of the development.

As noted in our meeting, the Traffic Engineer has stated that we do not meet the warrants required by CDOT for a fully signalized intersection. The LOS delays that are experienced at the intersection are mainly due to the overcapacity volume of traffic on SH7, and not the minimal traffic associated with Airport Drive. Any additional work at the SH7 intersection to alleviate the LOS delays would necessitate a widening of SH7 to four lanes, auxiliary acceleration and deceleration lanes, left turn lane, drainage improvements, construction of a box culvert at the major drainageway, and additional ROW dedications. The severe magnitude of the anticipated transportation improvements is well outside the scope of this project.

Our Traffic Engineer can provide additional discussions regarding the signal warrants if required.

7. CDOT will need to approve the Airport Drive SH7 auxiliary lane improvements.

Noted. See previous response.

8. Any work in the Coal Creek floodplain will require the necessary USACOE permits and/or Town of Erie floodplain development permits.

Noted. See previous response.

MERRICK COMMENTS DATED JANUARY 10, 2020

Phase III Drainage Report –

1. On the signature page, provide the Town Acceptance statement and signature line per Town Standards for drainage reports.

The required signature page has been provided with the revised drainage report.

2. There are several references in the text and on the Drainage Plan that say details of proposed site and building improvements will be submitted during the Site Plan Review process. While this may be true, a Phase III drainage report must include all information for proposed drainage improvements for the site. Refer to Town Standards and Specifications Section 100 for requirements for a Phase III Drainage Report and revise this report as necessary.

We met with Staff on February 24, 2020 to review the drainage comments. Currently, the final development plans for Tract E-2 are unknown. Therefore, it would be premature to complete final design on proposed improvements based on unknown plans. For purposes of this Minor Subdivision submittal, a Phase III Drainage Report was provided which analyzes all of the existing drainage improvements. This included all of the relevant culverts, swales and water quality ponds. A subsequent Phase III Drainage Report would be submitted concurrent with the SIP phase of the project, as required by the Town. That that time, final design of the proposed drainage improvements would be provided.

Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

3. Since the proposed storm sewer system was not shown on the Drainage Plan, we could not correlate the sizing calculations to the Drainage Plan. Therefore, we did not review the culvert or channel/swale calculations or designs.

See comment response above. Drainage calculations were provided for the existing improvements. Culvert and/or channel/swale calculations were provided as required.

4. In Section I.A. and II.2., it is stated that the project site is located within Drainageway 2 South from the Erie Outfall Systems Plan (OSP) West of Coal Creek by Respec and WRC Engineering (2014). The site does not fall within the basin boundaries of the 2014 OSP as it is located on the east side of Coal Creek, not the west side. An OSP for the east side of Coal Creek was performed by Love and Associates in 2007 that includes this site. Verify that proposed drainage improvements are consistent with any proposed major drainageway improvements from that study.

Noted. We could not find the 2007 Love OSP in any of the available resources. Kindly provide the required OSP and we can reference it in the report.

5. In Section II.A.4., the text states that there are no ponds which may influence the local drainage. However, there is an existing onsite water quality pond that was built as part of the Erie Convair Hangar Complex to the east. Revise text to mention the water quality pond.

The report has been revised accordingly.

6. From existing contours on Drainage Map D1.01, a large majority of the site will drain to the northwest and not northeast to the existing water quality pond as indicated in the report text. Provide proposed grading and drainage improvements to drain the entire site to the water quality pond.

See comment response above. The existing drainage patterns will be maintained until time of development.

Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

7. The text describing offsite drainage from Basins OS2 through OS5 states that the flow will be conveyed to the south side of Airport Drive and through the 24" CMP under Airport Drive. However, from the existing contours on Drainage Map D1.01, it appears that these offsite basins overland flow to the project site. Revise text to accurately describe the flow patterns. Also, show the 24" CMP on the Drainage Map.

The plan and report have been revised accordingly. Basins OS1 and OS2

drain to the existing 24" CMP under Airport Drive. Basins OS3 through OS5 drain through the subject property.

8. On page 3, the text refers to Lot 2 Erie Air Park Subdivision Replat A within Basin C1. This is shown as Lot 1, not Lot 2, on the Drainage Map. Correct as needed.

The plan and report have been revised accordingly.

9. Table 2 shows the WQCV water surface elevation at 5114. This elevation does not match the contours and grading for the pond as shown on Drainage Map D1.01. Clarify which elevation is correct and revise in the report and plans as necessary.

The original water quality pond design was part of the Erie Convair project circa 2008 and was based on a local benchmark survey. It was later determined there was a 20' bust in the benchmark elevations. The bust was determined with our recent differential level survey control loop to the NGS benchmark located adjacent to Erie Air Park and checked with a GPS control loop. There is a 20' bust between the two reports.

The as-built pond elevations and volumes have been provided with the resubmittal. The plan and report have been revised accordingly.

10. The Town Standards and Specifications have changed since the Erie Convair Hangar Complex Drainage Report (2009) was prepared. Verify that the assumptions for the subject property including imperviousness and runoff values are consistent with the latest Town Standards. Revise water quality pond as necessary to provide adequate storage and release rates.

We have updated all of the plans and calculations based on current Town Standards. Please note the following changes:

1. We used the new Mile High Flood District Detention spreadsheet to redesign the pond.
2. The imperviousness used in the previous WQ pond design was 95%. The Town of Erie Light Industrial imperviousness per Table 800-3 is 80%. Therefore, the pond is slightly oversized and will accommodate subsequent land use changes.
3. Rainfall data was updated based on the current Town of Erie One-

Hour Rainfall Depth per Table 800-2.

4. The pond was surveyed in 2018. The as-built contour elevations were used in the pond analysis.
5. The existing outlet structure will be sufficient for the proposed use.
6. The holes in the existing perforated plate were slightly smaller than required to allow for the 40 hour drain time used on the new MHFD spreadsheet. This might have been due to calculation differences between the different spreadsheets. Regardless, we are proposing to modify the existing perforated plate to provide a higher drain time. New 1" diameter holes will be drilled into the existing 3/4" holes in order to meet current standards.
7. The new water quality volume required will be 25,700 CF. The new water quality volume provided will be 42,917 CF.

Drainage Plan

11. Refer to Section 100 of the Town Standards and Specifications for what is required for drainage maps, especially proposed drainage patterns.

See comment response above for the proposed drainage improvements.

12. Per Town criteria, provide contours to 150 feet beyond the project site.

The plans have been revised accordingly.

13. On Sheet D1.01, several contour labels along the west site boundary are covered by Basin boundary lines. Move contour labels so they are shown clearly.

The plans have been revised accordingly.

14. The area of Basin OS1 on the plan (18.62 ac) does not match the value shown in the Runoff Summary table on Sheet D1.01 (10.453 ac). Revise the map and any runoff calculations with the correct area. Also, provide a drawing that shows the entire drainage area for Basins OS1 and C1.

The plans and report have been revised accordingly. The area on the plan was changed. The overall basin map has been included with the revised submittal.

15. The drainage basin boundaries for Basin B, B1, and B1-1 are unclear from the Drainage Plan. Clarify the boundaries.

The overall basin map has been included with the revised submittal.

Area Grading Plan

16. No proposed grading is shown on the plan. As stated in comment 6, the existing contours indicate that runoff from a significant portion of the site will drain to the northwest to an existing ditch and culvert, instead of to the existing water quality pond. Provide proposed grading and improvements (curbs, berms, swales, concrete pans) as needed to drain the entire site to the water quality pond as originally designed. In addition, since the pond was graded several years ago and may have silted in, cleaning out the pond will be required to reestablish the volume needed and to clean out the outlet structure.

See comment response above. The existing drainage patterns will be maintained until time of development.

Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

The capacity of the existing water quality pond was surveyed in 2018. The pond volume calculations have been included with the updated drainage report. The pond has been maintained by the applicant and the HOA on a regular basis. The pond was cleaned out after the major storm event in 2013 and again after a major storm event in 2019.

Utility Construction Plan

17. On Sheet C2.01, label the size and type of the existing storm sewer pipes. Also, show and label existing inlets, if available.

The plans have been revised accordingly.

Conceptual Site Plan

18. On Sheet C1.01 (Conceptual Site Plan), Building G is shown to be intruding into the drainage easement and grading for the existing water quality pond located at the northeast corner of the site. Additionally, it appears

Mr. Chris LaRue
Town of Erie
June 11, 2020
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Buildings J, H, and G are located over existing storm pipes along the east sides of the buildings. Buildings must not intrude into the drainage easement/water quality pond limits or bury storm pipes. Revise site plan as necessary.

See comment response above for the proposed drainage improvements.

The size and location of Building G is subject to change and has been removed from the drainage easement as required.

The existing storm sewer lines in conflict with Buildings J, H and G is to be relocated as part of the subsequent SIP submittal. The buildings in this area have been located outside of any drainage easements.

Should you have any questions or comments concerning this letter kindly give us a call.

September 3, 2020

Mr. Chris LaRue
Town of Erie
645 Holbrook Street
P.O. Box 750
Erie, CO 80516

Reference: PUD and Minor Subdivision Comment Response Letter
PUD-001122-2019 and MS-001121-2019
Lot 1 – Erie Air Park Replat D
2800 Airport Drive – Erie, Colorado

Dear Mr. LaRue:

The following is a line item response to the Town of Erie review comments dated January 29, 2020 for the above referenced project. The comments are listed below with responses in italics. Please let us know if you have any questions or need any further clarification regarding these issues.

PUD COMMENTS

1. General

- a. Any potential PUD approval is conditional upon the approval of the related minor subdivision application.

Noted.

- b. While the UDC approval criteria could certainly permit some modifications to the uses allowed in the AP Zone, the scope of the changes is not supportable. Staff continues to consider what uses might be appropriate on this site and would like to discuss in person the list of proposed uses.

We have worked with Staff to come with a list of proposed uses which would be appropriate on this site. See the attached PUD tables for additional information.

2. PUD Narrative

- a. As required in the user guide, the narrative should provide a project concept and purpose. The narrative provided does not focus on the PUD proposed but instead speaks to the anticipated building proposed on the property. For the zoning narrative the focus and discussion should be on the proposed concept and purpose of the zoning changes.

Understood. The PUD Narrative has been revised accordingly.

- b. As required in the user guide, the narrative should provide a detailed description of proposed variation(s) of the underlying zone district standards and requirements and the District Specific Standards noted above and the justification for such variations, this was not provided. While a proposed list of uses was included a detailed description of the proposed variations was not provided.

Understood. The PUD Narrative has been revised accordingly.

- i. Site development is regulated by the Site Plan process, and Note 1 is not a change that can be proposed as the PUD cannot amend site plan approval processes. Delete this note.

The note has been deleted.

- ii. Note 3 references the building code as a way to describe allowed uses, this is not appropriate on a zoning document. Uses should be clearly described in the use table. Additionally this section of the building code does not list uses, rather it speaks to a building type with a hazardous occupancy.

The note has been deleted.

- c. The narrative indicates that the expanded list of uses would attract users to the Erie Air Park. How do these additional uses benefit or support the airport and its operations? Will any of the development be reserved for airport related uses such as hangars?
 - i. It isn't clear how the second paragraph relates to public benefits provided by the PUD.

The PUD Narrative has been revised accordingly.

- d. The statement provided does not address the question, it merely restates the purpose of the PUD. Please describe what the expected level of development is on this site. Given the extensive and varies list of uses it is important that the proposed level of use be understood.

Understood. The PUD Narrative has been revised accordingly.

- f. Please review the comments from Town Engineering regarding proposed utilities. The Fire District that provides service in this area will certainly be impacted by additional development and potentially hazardous uses. The Fire District provided a referral response, please be sure to address their questions and concerns, particularly the lack of fire hydrants. These should be shown on the CDs which are part of the related minor subdivision application.

Noted. See attached responses to Engineering comments. We have revised the Utility Plans to show the required 300' hydrant spacing. The references to hazardous uses have been deleted. Future roads will be designed in accordance with the District's vehicle standards. This should meet the Fire District's requirements.

3. Sheet Review

- a. Review attached redlines and make corrections.
- b. Update the title to reflect the name of the lot and associated minor subdivision.
- c. Add a note to sheet 1 which states that the purpose of the PUD and the relationship of the PUD to the UDC.
- d. Label all boundary lines with bearings, distance, curve data and lot/block numbers as shown on the final plat.
- e. A scaled vicinity map that depicts the area around the proposal within a 1-mile radius, revise the provided map.
- f. A written legal description for subdivided property is necessary but should reflect the new legal which would be created upon the completion of the associated minor subdivision.
- g. Depict property lines and rights-of-way within 100' of the proposal. Said information for adjacent properties shall be screened back. The legal description of each parcel does not need to be identified, remove unwanted information. No parcel information was given south of Airport Drive.
- h. Land use and zone district information of all adjacent property is to be shown but, this has not been provided for the properties to the north. Please make edits to existing information as shown.
- i. All easements must be properly identified, referenced, and dimensioned.

The PUD Zoning Map has been revised accordingly.

MINOR SUBDIVISION PLANNING COMMENTS

1. General

- a. Any potential subdivision approval would require a development agreement. Attached is the template development agreement, please provide a draft of the development agreement including the required Exhibit B as part of the resubmittal.

We will continue to work with Staff to develop the agreement as we move forward.

- b. Without resolution of the lingering service/facility shortfalls of this area this minor subdivision could not be approved.

See attached responses to Engineering comments. We feel like we have address Staff's concerns.

- c. The oil and gas estate situation is not clear, please provide clarification regarding mineral interest owners and lessees. State law requires these entities to be identified and noticed. Crestone Peak Resources, Inc. should be included in notifications.

RM Fuel was notified as part of the referral submittal. They responded that they are no longer in operation. Crestone Peak Resources, Inc. was also one of the referral agencies. There are no records showing that the mineral estate has been transferred or deeded to any other entity.

Further discussion with the RM Fuel has determined that the company still has ownership of the subsurface rights. There are no other surface right agreements or operating agreements in place. The mineral owner has stated they have no objection to the project. This meets the notification requirements of the State Statutes.

- d. Update the ALTA to reflect a current title report.

The ALTA survey has been updated as requested.

- e. Please provide a status update on the improvements that are the subject of Note 8 Erie Air Park Tract E Minor Subdivision. The referenced drainage plan was to address the flows from Tract E-1, it does not appear that this was included in the submitted plans.

It was unclear at the time of the initial Tract E Minor Subdivision if additional drainage or roadway improvements would be required for subsequent replats. It was decided at the time that additional engineering work would be completed during the Lot 1 subdivision, in order to further explore Staff drainage and site access concerns. Money was set aside in escrow in case additional work was required.

One of the requirements from Staff at the time dealt with the proximity of the Tract E-1 and Lot 1 drive entrances. At the time, Staff had concerns that the two (2) access points were too close or did not meet the required sight triangles. The Roadway Engineering Plans that were prepared for this submittal shows that the two (2) access points will meet the Town sight and spacing requirements. Therefore, work on the Tract E-1 drive entrance would not be required.

The second requirement from Staff dealt with the drainage from Tract E-1. At the time, Staff was concerned about the drainage from Tract E-1 and whether the developed runoff would be impacted by the proposed Lot 1 plans. There were discussions about providing detention for Tract E-1 if the drainage could not be conveyed to the major drainageway. The Grading Plans and Drainage Report both show that drainage from Tract E-1 can easily be accommodated through the existing drainage infrastructure. The existing culverts and swales associated with drainage in this area can accommodate the anticipated design flow. These drainage patterns would remain unchanged during subsequent development plans and/or SIP submittals.

2. Narrative

- a. The provided narrative should focus on this application, which is a subdivision application, this narrative focuses on the next potential step which would be the development of the property. For example the concept and purpose should speak to the recognition of the tract as a lot, why this is necessary and how the tract will be made suitable for development (and thus why it can be recognized as a lot). The description of the phasing should speak to the installation and construction timeline of the infrastructure improvements which

are necessary to development rather than the proposed construction timeline of building which are not part of this application or review. Please refocus and scale back the narrative to focus on the subdivision.

The MS Narrative has been revised accordingly.

- b. Please review the comments from Town Engineering regarding proposed utilities and update the narrative in response to these.

Noted. See attached responses to Engineering comments.

- c. The Fire District that provides service in this area will certainly be impacted by additional development and the Town's police force would certainly respond to calls and complaints in this area. The narrative should at least adequately reflect this. Has outreach to either of these agencies occurred? It is known that in addition to the Building Division, both the Fire District and the Erie PD have been involved in resolving issues at the existing business park. How will these known problems be prevented at the new facility so that this site does not become a negative impact on these service providers?

The PUD Narrative has been revised accordingly. We acknowledge there has been permitting concerns at some of the existing facilities. But we have been working diligently with Staff, Planning, Building and the Fire District, in order to resolve some of these lingering concerns.

- c. The section related to covenants, etc. speaks to mineral interests but fails to discuss any of the covenants that the PUD application indicates would be in place.

The MS Narrative has been revised accordingly.

- d. The narrative fails to discuss any of the improvements at Airport Drive and Hwy 7 that the traffic study indicates are necessary. The traffic study itself fails to consider the broad types of uses that are proposed by the PUD as the trip generation numbers only include light industrial and office uses. Unless the uses are restricted to these types, the traffic study should be amended to reflect more accurately the intended mix of uses and types of traffic to the site. Given the results of the traffic study that was provided, it does not seem appropriate to add uses which would add heavy truck traffic to this intersection.

See attached responses to Engineering comments.

- e. Improvements along Airport Drive and the creation of a new access point was not discussed in the narrative (nor did the provided plans show these improvements on all of the sheets).

The MS Narrative has been revised accordingly. Final design of the proposed access point would be part of any future SIP submittals and may change based on different site plan configurations. Additional engineering plans would be prepared at the time of SIP submittal.

- f. The recognition of the tract as a lot requires some substantial improvements in infrastructure (roads, water, sewer, storm) and in general the narrative fails to recognize this and explain how and when these improvements will be made. Nor do the materials demonstrate that the improvements are sufficient for the proposed level of development.

The MS Narrative has been revised accordingly. See attached responses to Engineering comments.

3. Reports and Construction Plans

- a. Update all plans to reflect the access and other improvements along Airport Drive.

Final design of the proposed access point would be part of any future SIP submittals and may change based on different site plan configurations. Additional engineering plans would be prepared at the time of SIP submittal. There are currently no plans to construct the access point until the SIP is approved.

The intersection improvements located at Airport Drive and Baseline Road have been included on the Roadway Construction Plans.

- b. The traffic study should be reevaluated in light of the proposed mix of uses proposed by the PUD since it only contemplates office and light industrial uses but the PUD allows significant variation and combination of uses. Reconsidering the list of proposed uses may help to relieve some of the transportation and compatibility concerns.

As discussed with Staff, we have updated the proposed PUD uses to be more in line with an office and light industrial user. Those uses were reflected in the TIS that was submitted with the original submittal. See attached responses to Engineering comments.

- c. The geotechnical information provided was not site specific. Please review the response from CGS. Either include a limit on building length as a plat note or provide an in depth and site specific geotechnical review in the resubmittal.

The site-specific Geotechnical Report has been attached to this submittal. As we have with other projects, we will work with our Structural Engineer, Geotechnical Engineer and Mining Subsidence consultant to provide building separation and other designs that will be able to meet the specific geotechnical and geological requirements.

- d. Revision of plans shall address all of the referral comments.

Noted.

4. Plat Sheet Review

- a. See the attached redlines and make corrections.
- b. On Sheet 1, provide the following plat notes:
 - 1) A Basis of Bearings Statement;
 - 2) 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.
 - 3) DUE TO THE PROXIMITY OF THE PROPERTY TO THE ERIE MUNICIPAL AIRPORT, THERE WILL BE AIRCRAFT PASSING OVER THE PROPERTY. AIRCRAFT PASSAGE MAY RESULT IN NOISE AND OTHER IMPACTS ON THE PROPERTY. AIRCRAFT MAY CROSS PROPERTY AT LOW ALTITUDE IN ACCORDANCE WITH FAA REGULATIONS. THE FREQUENCY OF AIRCRAFT PASSING OVER THE PROPERTY MAY INCREASE IN THE FUTURE. THE OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS SPECIFICALLY ACKNOWLEDGE THE RIGHT OF PASSAGE OVER THE PROPERTY FOR AIRCRAFT AND AGREE TO HOLD HARMLESS THE TOWN OF ERIE FOR AIRCRAFT OPERATIONS
- c. Provide complete information for all easements, including the reception number of the relevant document.
- d. Clarify the boundary of the floodplain.

- e. Show all lot lines within 100 feet of the lot.
- f. Show land use and zone district of all adjacent property.

The Final Plat has been revised accordingly.

ENGINEERING COMMENTS DATED FEBRUARY 7, 2020

- 1. A water loop through the Tract E-2 needs to be provided which connects back to Airport Drive water line near the gated access to the airfield.

The Engineering Plans have been revised to show a looped connection back to Airport Drive.

- 2. The water quality pond onsite is encroached upon by Building G. The sizing and storage capacity of the pond needs to be verified.

The size and location of Building G is subject to change and has been removed from the drainage easement as required.

The capacity of the existing water quality pond was surveyed in 2017. The pond volume calculations have been included with the updated drainage report. The pond has been maintained by the applicant and the HOA on a regular basis. The pond was cleaned out after the major storm event in 2013 and again after a major storm event in 2019.

- 3. See attached Drainage Report Comments from Merrick dated January 10, 2020.

See the following sections for response to the Merrick comments.

- 4. The Town will require the Tract E-2 and new future development in the area to be served by the Town's sanitary sewer system.
 - a. Either a connection can be made by the installation of the proposed South Coal Creek Sewer trunk line in Airport Drive to the area of the airplane taxiway bridge over Coal Creek. The Parkdale development will install the north segment of the South Coal Creek Sewer trunk line from the connection point near the Vista Parkway bridge over Coal Creek to the airplane taxiway bridge. From airplane taxiway bridge, Parkdale will branch off under Coal Creek to install their connecting sanitary trunk line.

- b. Otherwise, a shorter connection from Tract E-2 can be proposed under Coal Creek to connect to the Parkdale trunk line.

We are proposing to accomplish the required sanitary sewer connection via Option B noted above and presented by Staff. The PUD Narrative, MS Narrative and the Engineering Plans have been revised accordingly.

The Town of Erie sanitary sewer mains are not located adjacent to the subject property. A future 15" sanitary sewer main extension is anticipated to be constructed as part of the Parkdale development. This proposed sanitary sewer main extension is to be constructed along the north side of Coal Creek, north of the subject property. The project proposes to extend a new 8" sanitary sewer main north, underneath of Coal Creek, and connecting to the proposed Parkdale 15" sanitary sewer main.

Should the Parkdale main not be constructed, then the subject property would be provided wastewater services through an individual sewage disposal system (ISDS) in accordance with Weld County Standards.

5. A utility study needs to be provided showing the integration and flows of the sanitary and water lines with Town's networks.

A Utility Report has been included with this submittal.

6. The exact future uses in Tract E is unknown at this time, but the potential proposed uses could generate significant traffic. The Town is concerned about the need for a signal at SH7 and Airport Drive. If a signal is warranted, the SH7 Access Control Plan would need to be modified to account for the signal. The Town will condition future uses off Airport Drive to evaluate the need for a signal at SH7.

We met with Staff on February 24, 2020 to review the traffic concerns with our Traffic Engineer. We have acknowledged that there has been concerns about the level of service at this intersection. As noted in the TIS, we have proposed to construct a southbound, right turn lane, at the intersection of Airport Drive and SH7. The proposed improvements have been shown on the revised Roadway Engineering Plans attached to this submittal. This will help to alleviate the LOS delays that occur at the intersection. We have also adjusted the proposed PUD uses to minimize

truck traffic and will continue to work with Staff and our tenants to minimize truck traffic in and out of the development.

As noted in our meeting, the Traffic Engineer has stated that we do not meet the warrants required by CDOT for a fully signalized intersection. The LOS delays that are experienced at the intersection are mainly due to the overcapacity volume of traffic on SH7, and not the minimal traffic associated with Airport Drive. Any additional work at the SH7 intersection to alleviate the LOS delays would necessitate a widening of SH7 to four lanes, auxiliary acceleration and deceleration lanes, left turn lane, drainage improvements, construction of a box culvert at the major drainageway, and additional ROW dedications. The severe magnitude of the anticipated transportation improvements is well outside the scope of this project.

Our Traffic Engineer can provide additional discussions regarding the signal warrants if required.

7. CDOT will need to approve the Airport Drive SH7 auxiliary lane improvements.

Noted. See previous response.

8. Any work in the Coal Creek floodplain will require the necessary USACOE permits and/or Town of Erie floodplain development permits.

Noted. See previous response.

MERRICK COMMENTS DATED JANUARY 10, 2020

Phase III Drainage Report –

1. On the signature page, provide the Town Acceptance statement and signature line per Town Standards for drainage reports.

The required signature page has been provided with the revised drainage report.

2. There are several references in the text and on the Drainage Plan that say details of proposed site and building improvements will be submitted

during the Site Plan Review process. While this may be true, a Phase III drainage report must include all information for proposed drainage improvements for the site. Refer to Town Standards and Specifications Section 100 for requirements for a Phase III Drainage Report and revise this report as necessary.

We met with Staff on February 24, 2020 to review the drainage comments. Currently, the final development plans for Tract E-2 are unknown. Therefore, it would be premature to complete final design on proposed improvements based on unknown plans. For purposes of this Minor Subdivision submittal, a Phase III Drainage Report was provided which analyzes all of the existing drainage improvements. This included all of the relevant culverts, swales and water quality ponds. A subsequent Phase III Drainage Report would be submitted concurrent with the SIP phase of the project, as required by the Town. That that time, final design of the proposed drainage improvements would be provided.

Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

3. Since the proposed storm sewer system was not shown on the Drainage Plan, we could not correlate the sizing calculations to the Drainage Plan. Therefore, we did not review the culvert or channel/swale calculations or designs.

See comment response above. Drainage calculations were provided for the existing improvements. Culvert and/or channel/swale calculations were provided as required.

4. In Section I.A. and II.2., it is stated that the project site is located within Drainageway 2 South from the Erie Outfall Systems Plan (OSP) West of Coal Creek by Respec and WRC Engineering (2014). The site does not fall within the basin boundaries of the 2014 OSP as it is located on the east side of Coal Creek, not the west side. An OSP for the east side of Coal Creek was performed by Love and Associates in 2007 that includes this site. Verify that proposed drainage improvements are consistent with any proposed major drainageway improvements from that study.

Noted. We could not find the 2007 Love OSP in any of the available resources. Kindly provide the required OSP and we can reference it in the

report.

5. In Section II.A.4., the text states that there are no ponds which may influence the local drainage. However, there is an existing onsite water quality pond that was built as part of the Erie Convair Hangar Complex to the east. Revise text to mention the water quality pond.

The report has been revised accordingly.

6. From existing contours on Drainage Map D1.01, a large majority of the site will drain to the northwest and not northeast to the existing water quality pond as indicated in the report text. Provide proposed grading and drainage improvements to drain the entire site to the water quality pond.

See comment response above. The existing drainage patterns will be maintained until time of development.

Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

7. The text describing offsite drainage from Basins OS2 through OS5 states that the flow will be conveyed to the south side of Airport Drive and through the 24" CMP under Airport Drive. However, from the existing contours on Drainage Map D1.01, it appears that these offsite basins overland flow to the project site. Revise text to accurately describe the flow patterns. Also, show the 24" CMP on the Drainage Map.

The plan and report have been revised accordingly. Basins OS1 and OS2 drain to the existing 24" CMP under Airport Drive. Basins OS3 through OS5 drain through the subject property.

8. On page 3, the text refers to Lot 2 Erie Air Park Subdivision Replat A within Basin C1. This is shown as Lot 1, not Lot 2, on the Drainage Map. Correct as needed.

The plan and report have been revised accordingly.

9. Table 2 shows the WQCV water surface elevation at 5114. This elevation does not match the contours and grading for the pond as shown on Drainage Map D1.01. Clarify which elevation is correct and revise in the report and plans as necessary.

The original water quality pond design was part of the Erie Convair project circa 2008 and was based on a local benchmark survey. It was later determined there was a 20' bust in the benchmark elevations. The bust was determined with our recent differential level survey control loop to the NGS benchmark located adjacent to Erie Air Park and checked with a GPS control loop. There is a 20' bust between the two reports.

The as-built pond elevations and volumes have been provided with the resubmittal. The plan and report have been revised accordingly.

10. The Town Standards and Specifications have changed since the Erie Convair Hangar Complex Drainage Report (2009) was prepared. Verify that the assumptions for the subject property including imperviousness and runoff values are consistent with the latest Town Standards. Revise water quality pond as necessary to provide adequate storage and release rates.

We have updated all of the plans and calculations based on current Town Standards. Please note the following changes:

1. We used the new Mile High Flood District Detention spreadsheet to redesign the pond.
2. The imperviousness used in the previous WQ pond design was 95%. The Town of Erie Light Industrial imperviousness per Table 800-3 is 80%. Therefore, the pond is slightly oversized and will accommodate subsequent land use changes.
3. Rainfall data was updated based on the current Town of Erie One-Hour Rainfall Depth per Table 800-2.
4. The pond was surveyed in 2018. The as-built contour elevations were used in the pond analysis.
5. The existing outlet structure will be sufficient for the proposed use.
6. The holes in the existing perforated plate were slightly smaller than required to allow for the 40 hour drain time used on the new MHFD spreadsheet. This might have been due to calculation differences between the different spreadsheets. Regardless, we are proposing to modify the existing perforated plate to provide a higher drain time.

New 1" diameter holes will be drilled into the existing 3/4" holes in order to meet current standards.

7. The new water quality volume required will be 25,700 CF. The new water quality volume provided will be 42,917 CF.

Drainage Plan

11. Refer to Section 100 of the Town Standards and Specifications for what is required for drainage maps, especially proposed drainage patterns.

See comment response above for the proposed drainage improvements.

12. Per Town criteria, provide contours to 150 feet beyond the project site.

The plans have been revised accordingly.

13. On Sheet D1.01, several contour labels along the west site boundary are covered by Basin boundary lines. Move contour labels so they are shown clearly.

The plans have been revised accordingly.

14. The area of Basin OS1 on the plan (18.62 ac) does not match the value shown in the Runoff Summary table on Sheet D1.01 (10.453 ac). Revise the map and any runoff calculations with the correct area. Also, provide a drawing that shows the entire drainage area for Basins OS1 and C1.

The plans and report have been revised accordingly. The area on the plan was changed. The overall basin map has been included with the revised submittal.

15. The drainage basin boundaries for Basin B, B1, and B1-1 are unclear from the Drainage Plan. Clarify the boundaries.

The overall basin map has been included with the revised submittal.

Area Grading Plan

16. No proposed grading is shown on the plan. As stated in comment 6, the existing contours indicate that runoff from a significant portion of the site will drain to the northwest to an existing ditch and culvert, instead of to the

existing water quality pond. Provide proposed grading and improvements (curbs, berms, swales, concrete pans) as needed to drain the entire site to the water quality pond as originally designed. In addition, since the pond was graded several years ago and may have silted in, cleaning out the pond will be required to reestablish the volume needed and to clean out the outlet structure.

See comment response above. The existing drainage patterns will be maintained until time of development.

Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

The capacity of the existing water quality pond was surveyed in 2018. The pond volume calculations have been included with the updated drainage report. The pond has been maintained by the applicant and the HOA on a regular basis. The pond was cleaned out after the major storm event in 2013 and again after a major storm event in 2019.

Utility Construction Plan

17. On Sheet C2.01, label the size and type of the existing storm sewer pipes. Also, show and label existing inlets, if available.

The plans have been revised accordingly.

Conceptual Site Plan

18. On Sheet C1.01 (Conceptual Site Plan), Building G is shown to be intruding into the drainage easement and grading for the existing water quality pond located at the northeast corner of the site. Additionally, it appears Buildings J, H, and G are located over existing storm pipes along the east sides of the buildings. Buildings must not intrude into the drainage easement/water quality pond limits or bury storm pipes. Revise site plan as necessary.

See comment response above for the proposed drainage improvements.

The size and location of Building G is subject to change and has been removed from the drainage easement as required.

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Town of Erie
September 3, 2020
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The existing storm sewer lines in conflict with Buildings J, H and G is to be relocated as part of the subsequent SIP submittal. The buildings in this area have been located outside of any drainage easements.

Should you have any questions or comments concerning this letter kindly give us a call.

January 13, 2021

Mr. Chris LaRue
Town of Erie
645 Holbrook Street
P.O. Box 750
Erie, CO 80516

Reference: PUD and Minor Subdivision Comment Response Letter
PUD-001122-2019 and MS-001121-2019
Lot 1 – Erie Air Park Replat D
2800 Airport Drive – Erie, Colorado

Dear Mr. LaRue:

The following is a line item response to the Town of Erie review comments dated November 3, 2020 for the above referenced project. The comments are listed below with responses in italics. Please let us know if you have any questions or need any further clarification regarding these issues.

PUD COMMENTS

1. Sheet Review
 - a. Review attached redlines and make corrections.

The PUD Zoning Map has been revised accordingly.

ENGINEERING COMMENTS DATED NOVEMBER 3, 2020

See the following sections for response to the Merrick comments.

Phase III Drainage Report

2. There are several references in the text and on the Drainage Plan that say details of proposed site and building improvements will be submitted during the Site Plan Review process. While this may be true, a Phase III drainage report must include all information for proposed drainage improvements for the site. Refer to Town Standards and Specifications Section 100 for requirements for a Phase III Drainage Report and revise this report as necessary.

Comment: We met with Staff on February 24, 2020 to review the drainage comments. Currently, the final development plans for Tract E-2 are unknown. Therefore, it would be premature to complete final design on proposed improvements based on unknown plans. For purposes of this Minor Subdivision

submittal, a Phase III Drainage Report was provided which analyzes all of the existing drainage improvements. This included all of the relevant culverts, swales and water quality ponds. A subsequent Phase III Drainage Report would be submitted concurrent with the SIP phase of the project, as required by the Town. That that time, final design of the proposed drainage improvements would be provided.

Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

Updated Comment: The drainage report needs to show how the onsite drainage will be routed to the pond and that the pond is adequately sized. When the SIPs come in for each building, then drainage conformance reports can be provided showing adherence to the minor subdivision drainage report for the specific drainage structures on each site.

Noted. The plans now show all of the proposed drainage improvements. The Phase III Drainage Report has been revised and updated. All calculations for the proposed improvements have been included.

3. Since the proposed storm sewer system was not shown on the Drainage Plan, we could not correlate the sizing calculations to the Drainage Plan. Therefore, we did not review the culvert or channel/swale calculations or designs.

Comment: See comment response above. Drainage calculations were provided for the existing improvements. Culvert and/or channel/swale calculations were provided as required.

The proposed storm sewer system needs to be designed, aligned, and modeled accordingly for the entire minor subdivision.

Noted. The plans now show all of the proposed drainage improvements. The Phase III Drainage Report has been revised and updated. All calculations for the proposed improvements have been included.

4. In Section I.A. and II.2., it is stated that the project site is located within Drainageway 2 South from the Erie Outfall Systems Plan (OSP) West of Coal Creek by Respec and WRC Engineering (2014). The site does not fall within the basin boundaries of the 2014 OSP as it is located on the east side of Coal Creek, not the west side. An OSP for the east side of Coal Creek was performed by Love and

Associates in 2007 that includes this site. Verify that proposed drainage improvements are consistent with any proposed major drainageway improvements from that study.

Comment: Noted. We could not find the 2007 Love OSP in any of the available resources. Kindly provide the required OSP and we can reference it in the report.

The Town will provide a copy of the 2007 Love OSP.

The Love OSP has been included with the Phase III Drainage Report.

6. From existing contours on Drainage Map D1.01, a large majority of the site will drain to the northwest and not northeast to the existing water quality pond as indicated in the report text. Provide proposed grading and drainage improvements to drain the entire site to the water quality pond.

Comment: See comment response above. The existing drainage patterns will be maintained until time of development. Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

See Comment #2 response.

Noted. The plans now show all of the proposed drainage improvements. Drainage swales have been designed in order to drain the site to the water quality pond. The Phase III Drainage Report has been revised and updated. All calculations for the proposed improvements have been included.

11. Refer to Section 100 of the Town Standards and Specifications for what is required for drainage maps, especially proposed drainage patterns.

Comment: See comment response above for the proposed drainage improvements.

See Comment #2 response.

Noted. The plans now show all of the proposed drainage improvements. The Phase III Drainage Report has been revised and updated. All calculations for the proposed improvements have been included.

Area Grading Plan

16. No proposed grading is shown on the plan. As stated in comment 6, the existing contours indicate that runoff from a significant portion of the site will drain to the northwest to an existing ditch and culvert, instead of to the existing water quality pond. Provide proposed grading and improvements (curbs, berms, swales, concrete pans) as needed to drain the entire site to the water quality pond as originally designed. In addition, since the pond was graded several years ago and may have silted in, cleaning out the pond will be required to reestablish the volume needed and to clean out the outlet structure.

Comment: See comment response above. The existing drainage patterns will be maintained until time of development. Staff seemed agreeable to this approach. The drainage report has been revised in anticipation of future SIP submittals.

The capacity of the existing water quality pond was surveyed in 2018. The pond volume calculations have been included with the updated drainage report. The pond has been maintained by the applicant and the HOA on a regular basis. The pond was cleaned out after the major storm event in 2013 and again after a major storm event in 2019.

See Comment #2 response.

Noted. The plans now show all of the proposed drainage improvements. The Phase III Drainage Report has been revised and updated. All calculations for the proposed improvements have been included.

Conceptual Site Plan

18. On Sheet C1.01 (Conceptual Site Plan), Building G is shown to be intruding into the drainage easement and grading for the existing water quality pond located at the northeast corner of the site. Additionally, it appears Buildings J, H, and G are located over existing storm pipes along the east sides of the buildings. Buildings must not intrude into the drainage easement/water quality pond limits or bury storm pipes. Revise site plan as necessary.

Comment: See comment response above for the proposed drainage improvements. The size and location of Building G is subject to change and has been removed from the drainage easement as required.

Mr. Chris LaRue
Town of Erie
January 13, 2021
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The existing storm sewer lines in conflict with Buildings J, H and G is to be relocated as part of the subsequent SIP submittal. The buildings in this area have been located outside of any drainage easements.

See Comment #3 response.

Noted. The plans now show all of the proposed drainage improvements. The storm sewer in question has been shown to be removed and relocated. The Phase III Drainage Report has been revised and updated. All calculations for the proposed improvements have been included.

4. The Town will require the Tract E-2 and new future development in the area to be served by the Town's sanitary sewer system.

a. Either a connection can be made by the installation of the proposed South Coal Creek Sewer trunk line in Airport Drive to the area of the airplane taxiway bridge over Coal Creek. The Parkdale development will install the north segment of the South Coal Creek Sewer trunk line from the connection point near the Vista Parkway bridge over Coal Creek to the airplane taxiway bridge. From airplane taxiway bridge, Parkdale will branch off under Coal Creek to install their connecting sanitary trunk line.

b. Otherwise, a shorter connection from Tract E-2 can be proposed under Coal Creek to connect to the Parkdale trunk line.

Comment:

We are proposing to accomplish the required sanitary sewer connection via Option B noted above and presented by Staff. The PUD Narrative, MS Narrative and the Engineering Plans have been revised accordingly.

The Town of Erie sanitary sewer mains are not located adjacent to the subject property. A future 15" sanitary sewer main extension is anticipated to be constructed as part of the Parkdale development. This proposed sanitary sewer main extension is to be constructed along the north side of Coal Creek, north of the subject property. The project proposes to extend a new 8" sanitary sewer main north, underneath of Coal Creek, and connecting to the proposed Parkdale 15" sanitary sewer main.

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Should the Parkdale main not be constructed, then the subject property would be provided wastewater services through an individual sewage disposal system (ISDS) in accordance with Weld County Standards.

The Town prefers Option A and requests the applicant provide a cost estimate for Option A. As discussed with the applicant's representatives in separate meetings, the Airport Drive alignment also contains an asbestos concrete water line that needs to be replaced which the Town has budgeted for. The Town wants to work with the applicant on a possible cost sharing agreement for Option A before approving the Option B alignment.

The plans have been revised to reflect discussions we have had with Staff and will proposed the Option A route. We will continue to work with Staff on possible cost sharing agreements.

5. A utility study needs to be provided showing the integration and flows of the sanitary and water lines with Town's networks.

Comment: A Utility Report has been included with this submittal.

Additional Utility Report Comments will be provided by Merrick shortly.

See below.

6. The exact future uses in Tract E is unknown at this time, but the potential proposed uses could generate significant traffic. The Town is concerned about the need for a signal at SH7 and Airport Drive. If a signal is warranted, the SH7 Access Control Plan would need to be modified to account for the signal. The Town will condition future uses off Airport Drive to evaluate the need for a signal at SH7.

Comment: We met with Staff on February 24, 2020 to review the traffic concerns with our Traffic Engineer. We have acknowledged that there has been concerns about the level of service at this intersection. As noted in the TIS, we have proposed to construct a southbound, right turn lane, at the intersection of Airport Drive and SH7. The proposed improvements have been shown on the revised Roadway Engineering Plans attached to this submittal. This will help to alleviate the LOS delays that occur at the intersection. We have also adjusted the proposed PUD uses to minimize truck traffic and will continue to work with Staff and our tenants to minimize truck traffic in and out of the development.

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As noted in our meeting, the Traffic Engineer has stated that we do not meet the warrants required by CDOT for a fully signalized intersection. The LOS delays that are experienced at the intersection are mainly due to the overcapacity volume of traffic on SH7, and not the minimal traffic associated with Airport Drive. Any additional work at the SH7 intersection to alleviate the LOS delays would necessitate a widening of SH7 to four lanes, auxiliary acceleration and deceleration lanes, left turn lane, drainage improvements, construction of a box culvert at the major drainageway, and additional ROW dedications. The severe magnitude of the anticipated transportation improvements is well outside the scope of this project.

Our Traffic Engineer can provide additional discussions regarding the signal warrants if required.

The variety of trips generated from the proposed uses needs to be updated. Provide updated traffic count ranges based upon the range of uses that are proposed to be approved for the site.

We met with Staff on November 11, 2020 to discuss the proposed uses and traffic impacts. The PD zoning has been revised and has eliminated the higher trip generating uses. The uses proposed for the site matches the TIS trip generation values. No further updates of the TIS will be required.

7. CDOT will need to approve the Airport Drive SH7 auxiliary lane improvements.

Comment: Noted. See previous response.

CDOT Region 1 will need to grant a new Access Permit for the expanded Airport Drive access with SH7. The Access Permit needs to be provided prior to going to the Town Board of Trustees for approval. The CDOT Notice to Proceed needs to be provided prior to the project's preconstruction meeting.

We will continue to work with Staff on the timing of this permit.

8. Any work in the Coal Creek floodplain will require the necessary USACOE permits and/or Town of Erie floodplain development permits.

Comment: Noted. See previous response.

If the Option B sanitary sewer alignment is the ultimate alignment, then these permits will be required prior to Board of Trustees approval.

Noted. See previous response regarding Option A. Some of this work will also be in the floodplain, but not the regulatory wetlands. We will continue to work with Staff on the timing of this permit.

New Comments:

9. See attached Erosion Comments from dated November 2, 2020.

1. Include flow arrows.

The SWMP has been revised as requested.

2. Place all control measures within the limits of construction.

The SWMP has been revised as requested.

3. Include all proposed work activities within the limits of construction.

The SWMP has been revised as requested.

4. Provide detail for temporary and permanent stabilization methods.

Temporary and permanent stabilization methods have been noted in the Stormwater Management Notes on sheet C1.01. Additional notes are included in the Town of Erie General Notes on sheet C1.02. Specific BMP details are shown on sheets C3.0x. If there are other BMPs requested, then kindly let us know.

5. Identify state waters.

Coal Creek has been shown. The SWMP has been revised as requested.

General Comment:

1. Complete Post Construction Design Standards form

Completed

UTILITY COMMENTS

General

1. Per the Subsurface Utility Engineering legislation, locate and verify existing underground utilities. The construction plans shall note the existing utility type, size, depth, and pipe material at all proposed utility crossings or potential conflicts.

SUE has been provided as per SB 18-167 to a Quality Level B (QL B). Some lines have been located to QL C as noted. We are in the process of updating pothole information at the gravity line crossings as required. Updated SUE to QL A will be provided with the final approved plans. These crossing have been well documented with prior projects. So, we are confident that the potholing will not substantially change the proposed alignments.

2. Revise construction drawings correcting for overlapping labels, inconsistencies, and omissions between the plan and profile drawings. Include and label clearance dimensions at buried utility crossings on profile drawings; minimum clearance is 18- inches. Provide a location key on plan and profile drawings. Include all pipes and label pipes in succession.

The plans have been revised accordingly.

Sanitary Sewer System

3. Update wastewater flow projections calculations per the latest design criteria. (Town's option)

The wastewater flow projections have been updated to the current 2021 Standards.

4. At the Town's option, revise the Parkdale sanitary sewer connection and replace with an alignment running northeast along the taxiway to Airport Drive and then north up to Parkdale SSMH 352.

The plans have been revised to reflect discussions we have had with Staff and will proposed the Option A route.

5. Avoid manhole depths greater than 15 feet deep. Revise the grade of the Coal Creek crossing or provide justification for the design. Where a deep manhole is unavoidable, the minimum diameter shall be 5 feet and the manhole shall be installed with a permanent stainless steel access ladder.

We are following the Town's South Coal Creek plans for this main extension. The plans show manholes in excess of twenty feet (20') deep. The manholes have been revised to be 5' diameter. Current Town Standards require a permanent stainless steel ladder.

6. Consider extending the proposed sanitary sewer line through the middle corridor between the five buildings. Future connections shall be made to the line directly, not to manholes per the Town's preference.

The plans have been revised accordingly.

7. Include a standard stream detail in the construction plans (see enclosed).
Potable Water System

This will not be needed for Option A.

Water

8. Update water demand calculations per the latest design criteria. (Town's option)

The water flow projections have been updated to the current 2021 Standards.

9. Update fire flow demands to be 3,500 gpm for 3 hours duration per the revised standards.

The water flow projections have been updated to the current 2021 Standards.

10. Update water demand estimates as more information becomes available about the industrial/commercial customers at the site.

Noted. The water flow projections have been updated to the current 2021 Standards.

Mr. Chris LaRue
Town of Erie
January 13, 2021
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11. Provide all tees with three isolation valves each.

The plans have been revised accordingly.

12. Consider increasing the number of fire hydrants along the northernmost water line. The Fire District shall review and approve construction drawings as more information becomes available about the industrial/commercial customers at the site.

The plans have been revised accordingly.

13. Where local high points are located at fire hydrant lines, demonstrate that the fire hydrant line continues to slope up to the fire hydrant by providing assembly profile drawings or fire hydrant assembly pipe elevation.

The plans have been revised accordingly.

14. Provide a hydraulic model for system connections in the subsequent report. We will provide hydraulic model results at the proposed connection points once plans have been finalized.

An XML export has been provided with this submittal.

15. Realign the water main to minimize the number of bends in the eastern Airport Drive line or provide justification for this section (see C4.02 in the Construction Plans Markup).

The plans have been revised accordingly.

16. Increase the proposed utility easement along the western edge of the development from 25' to 30', which is the Town's standard.

The plans have been revised accordingly.

Should you have any questions or comments concerning this letter kindly give us a call.

May 24, 2021

Mr. Chris LaRue
Town of Erie
645 Holbrook Street
P.O. Box 750
Erie, CO 80516

Reference: PUD and Minor Subdivision Comment Response Letter
PUD-001122-2019 and MS-001121-2019
Lot 1 – Erie Air Park Replat D
2800 Airport Drive – Erie, Colorado

Dear Mr. LaRue:

The following is a line item response to the Town of Erie review comments dated February 26, 2021 for the above referenced project. The comments are listed below with responses in italics. Please let us know if you have any questions or need any further clarification regarding these issues.

PUD COMMENTS

1. Sheet Review
 - a. Review attached redlines and make corrections.

The PUD Zoning Map has been revised accordingly.

MERRICK COMMENTS DATED MARCH 16, 2021

See the following sections for response to the Merrick comments.

Phase III Drainage Report

1. Since the final development plans for Tract E-2 are unknown at this time, it is our understanding that an updated Phase III drainage report or conformance letters will be provided as each building within the site develops. We recommend resubmitting this Phase III drainage report prior to any further development to address our comments below to clarify the proposed condition so as each building is developed, a clear plan can be adhered to.

Noted. We have discussed this with Staff. The drainage improvements indicated on plans and drainage report have been designed to accommodate the existing drainage from the site, prior to development.

Future improvements will be designed in order to accommodate the future developed runoff from the proposed site improvements. A subsequent Phase III Drainage Report would be submitted concurrent with the SIP phase of the project, as required by the Town. That that time, final design of the proposed drainage improvements would be provided.

2. In the report text, modify the property description, sub-basin description, and drainage facility design to make it clear how runoff from Lot 1 is routed in the existing and proposed conditions. For example, from the existing contours and proposed flow arrows shown on Drainage Map D1.01, the majority of Lot 1 flows from the southeast to the northwest (not from southwest to northeast) and is proposed to be intercepted by a proposed swale and routed to the existing water quality pond.

In addition, the Drainage Map shows that the eastern portion of the site is proposed to drain to the east, not the west. Describe how the eastern portion of the site will be routed to the water quality pond. Via a swale or storm sewer? Show the proposed swale or storm sewer on the Drainage Map and provide sizing calculations.

3. Provide hydrology calculations for the proposed 18" PVC pipe in the Taxiway. Also define the tributary area to this proposed storm sewer pipe.

The report has been revised accordingly.

4. It appears that calculations for existing culverts (at taxiway and Airport Drive) and swales (Swale B1 in Basin B2) located offsite (i.e., not in Lot 1) were included in Appendix D. While we appreciate the information that verifies the capacity of these hydraulic structures, it is confusing to be interspersed with the Lot 1 hydraulic calculations. Rearrange appendices as necessary to provide clarity.

The report has been revised accordingly.

5. For existing Swale HA on the north side of the site, the 100-year sizing calculation indicates that a depth of 2 feet was intended for this swale to contain a flow depth of 1.62 feet plus a minimal freeboard of 0.38 feet. Per the existing contours on the Drainage Plan (D1.01), it appears that this swale is typically only about 1 foot deep. Resize and regrade Swale HA as needed to provide adequate capacity and freeboard.

The report has been revised accordingly. We are limited to depth in this area. The minor storm will be conveyed through the swale. The major storm will overtop the east side of the swale into the project site, but not the west side and onto the adjacent property. Conveyance to the major

drainageway will be provided for the major storm as required.

6. The following comments are related to proposed Swale A on the west side of the project site:

- a. The typical Swale A section shown on Sheet C4.01 indicates 4:1 sides slopes are proposed, but the sizing analysis used 10:1 side slopes. Correct the analysis to use the actual proposed side slopes and verify that the correct side slope is used to grade the swale.

The report has been revised accordingly. Also see response to #5 above.

- b. From the Drainage Plan, it appears that the slope of this swale varies from 1.2% to 0.5%. In the Channel Report in Appendix D, the swale was analyzed using a 0.6% slope. Revise the analysis to use the actual proposed slope(s) to size the swale(s).

The report has been revised accordingly. Channel analysis was provided for 1.0% and 0.5% and matches the slopes shown on the plan

- c. The 100-year sizing calculation indicates that a depth of 1.5 feet was intended for this swale to contain a flow depth of 1.32 feet plus a minimal freeboard of 0.18 feet. Per the typical section on Sheet C4.01, a depth of 2 feet is indicated. Per the proposed contours on the Drainage Plan (D1.01), it appears that this swale is typically only about 1 foot deep on the east side adjacent to the proposed parking lot area. Resize and regrade Swale A as needed to provide adequate capacity and freeboard.

The report has been revised accordingly.

7. For all proposed swales and regraded existing Swale HA, analyze and provide the Froude number. The Froude number must not exceed 0.8 for grass-lined channels without additional erosion protection measures.

The report has been revised accordingly. The Froude number does not exceed 0.8.

8. For the pipe hydraulic analysis, provide a plan schematic showing the pipe system layout.

The report has been revised accordingly.

9. In Appendix E, an entire copy of the Erie Convair Hangar Complex Final Drainage Report, dated March 23, 2009, was provided. Highlight the

relevant information in this report.

The report has been revised accordingly.

Drainage Plan

10. On Sheet D1.01, several contour labels along the west site boundary are covered by the proposed swale improvements. Move existing contour labels so they are shown clearly. Also show and label all existing contours, especially along the taxiway on the west side of Lot 2 Replat A and along the existing swale and taxiway on the north side of the site and water quality pond.

The plans have been revised accordingly.

11. Provide a drawing that shows the entire drainage area for Basins OS1 and C1.

The plans have been revised accordingly. A second Drainage Plan (D1.02) has been added to the report which shows basin C1. The Offsite Basin Plan shows the entire drainage area for Basin OS1.

The plans have been revised accordingly.

12. Keyed Note #9 specifies an existing 24" CMP storm drain pipe to remain, but points to an existing drainage swale in Basin B2. Fix the note and label arrow to be correct.

The plans have been revised accordingly.

13. Provide runoff coefficient values for existing and proposed conditions for all drainage basins on the drainage map per the Town Standards.

The plans have been revised accordingly. The Runoff Summary Table lists drainage basins, design points, areas, intensities, runoff coefficients and peak runoff for all existing and proposed conditions, for all drainage basins.

14. Label the existing easements (drainage and utility) mentioned in Section I.B.8 of the report on the Drainage Plan.

The plans have been revised accordingly.

15. Add a Keyed Note on the Drainage Plan specifying changes to the water quality pond outlet.

The plans have been revised accordingly.

16. Label the swales on the Drainage Plan that correspond to the calculations

in Appendix D (i.e., Swale HA, Swale A, etc.). It is unclear where each swale is located.

The plans have been revised accordingly.

17. On the Drainage Plan (D1.01), label the proposed storm sewer pipe lengths, sizes, inverts, manholes, etc.

The plans have been revised accordingly.

Area Grading Plan

1. On Sheet C2.01, make corrections per Comments 10, 14, 15, and 16.

The plans have been revised accordingly.

2. On Sheets C2.01, C2.02, and C3.01, for the proposed storm sewer only clean outs are shown. Provide manholes or PVC drain basins for connections to laterals and inlets.

The plans have been revised accordingly.

3. On Sheet C3.01 (Storm Plan and Profile), show existing pond bottom grades and provide a forebay at the outfall into the pond. If needed at the outfall into the forebay, provide a flared- end-section and cutoff wall.

The plans have been revised accordingly. We added the forebay at the outfall into the pond and reconfigured the discharge in order to combine the runoff with Basin C1. We also regraded the bottom of the pond and added fill so that the pond would drain into the forebay. This raised the water surface elevation but still provides the required pond volume.

4. On Sheet C3.01 (Storm Plan and Profile), show the 5-year and 100-year hydraulic grade lines on the profile.

The plans have been revised accordingly. The storm pipe conveys the 5-year storm, therefore the 5-year HGL was added to the plans.

5. On Sheet C4.01 (Civil Details), address the following comments:

- a. Revise the typical section for Swale A per Comment 6c. Also show the proposed berm along the west side of Swale A with a minimum 2-foot top width.
- b. Provide a typical section for Swale HA to regrade this swale per Comment 5.
- c. In the Pond plan view, show the proposed 18" PVC storm

pipe and outfall. Provide a forebay for this new outfall, including details.

- d. In the Pond plan view, provide erosion protection at the outfall of Swale HA (and other potential future outfalls) into the pond.
- e. In Section A-A, revise the WQCV Level to be at elevation 5092.5 per the sizing calculations.
- f. In the Pond plan view, revise the "WSEL: 5094.0" note to be "WQCV WSEL: 5092.5" and move the boundary to be at the 5092.5 elevation.

The plans have been revised accordingly. Also see response to comment #3 above.

Road Construction Plans

6. On Sheet C2.02 (Civil Site Plan), along the west side of the site, the proposed parking area appears to be in conflict with the location of proposed Swale A. The future building and site improvements on the site must allow for adequate space for Swale A to be constructed as designed. Show the proposed grading for Swale A on Sheet C2.02, including a typical cross section that includes the minimum depth and required width needed from the west property lot line.

See response to comment #1 above. The subsequent SIP submittal will remove these temporary swales as part of the future development. The concept would be to drain the future building and site improvements into a storm sewer system, which will convey all developed runoff into the water quality pond. The swales will be removed as required at that time. This includes the drainage swale on the east side, which would be replaced with the proposed taxiway. And the drainage swale on the west side, which would be replaced with the proposed parking lot. Staff has been supportive of this approach.

7. On Sheet C2.02 (Civil Site Plan), show the proposed storm sewer within the Taxiway that will drain to the water quality pond. Also show the proposed storm sewer on Sheet C2.02 (Overall Utility Plan) in the Utility Construction Plans.

The plans have been revised accordingly.

3. See attached Drainage Report Comments from Merrick dated January 10, 2020.

Comment1:

See the following sections for response to the Merrick comments.

See attached Drainage Report Comments from Merrick dated March 16, 2021.

The comments have been addressed.

4. The Town will require the Tract E-2 and new future development in the area to be served by the Town's sanitary sewer system.
 - a. Either a connection can be made by the installation of the proposed South Coal Creek Sewer trunk line in Airport Drive to the area of the airplane taxiway bridge over Coal Creek. The Parkdale development will install the north segment of the South Coal Creek Sewer trunk line from the connection point near the Vista Parkway bridge over Coal Creek to the airplane taxiway bridge. From airplane taxiway bridge, Parkdale will branch off under Coal Creek to install their connecting sanitary trunk line.
 - b. Otherwise, a shorter connection from Tract E-2 can be proposed under Coal Creek to connect to the Parkdale trunk line.

Comment1:

We are proposing to accomplish the required sanitary sewer connection via Option B noted above and presented by Staff. The PUD Narrative, MS Narrative and the Engineering Plans have been revised accordingly.

The Town of Erie sanitary sewer mains are not located adjacent to the subject property. A future 15" sanitary sewer main extension is anticipated to be constructed as part of the Parkdale development. This proposed sanitary sewer main extension is to be constructed along the north side of Coal Creek, north of the subject property. The project proposes to extend a new 8" sanitary sewer main north, underneath of Coal Creek, and connecting to the proposed Parkdale 15" sanitary sewer main.

Should the Parkdale main not be constructed, then the subject property would be provided wastewater services through an individual sewage disposal system (ISDS) in accordance with Weld County Standards.

The Town prefers Option A and requests the applicant provide a cost estimate for Option A. As discussed with the applicant's representatives in separate meetings, the Airport Drive alignment also contains an asbestos

concrete water line that needs to be replaced which the Town has budgeted for. The Town wants to work with the applicant on a possible cost sharing agreement for Option A before approving the Option B alignment.

Comment2:

The plans have been revised to reflect discussions we have had with Staff and will proposed the Option A route. We will continue to work with Staff on possible cost sharing agreements.

Staff concurs. Please provide cost estimate of the Airport Drive water line replacement from Barron Court to where the water line turns east to go under Coal Creek.

The comment has been addressed.

5. A utility study needs to be provided showing the integration and flows of the sanitary and water lines with Town's networks.

Comment 1:

A Utility Report has been included with this submittal.

Additional Utility Report Comments will be provided by Merrick shortly.

Comment 2:

See below.

See Town responses below.

6. The exact future uses in Tract E is unknown at this time, but the potential proposed uses could generate significant traffic. The Town is concerned about the need for a signal at SH7 and Airport Drive. If a signal is warranted, the SH7 Access Control Plan would need to be modified to account for the signal. The Town will condition future uses off Airport Drive to evaluate the need for a signal at SH7.

Comment 1:

We met with Staff on February 24, 2020 to review the traffic concerns with our Traffic Engineer. We have acknowledged that there has been concerns about the level of service at this intersection. As noted in the TIS, we have proposed to construct a southbound, right turn lane, at the intersection of Airport Drive and SH7. The proposed improvements have been shown on the revised Roadway Engineering Plans attached to this submittal. This will help to alleviate the LOS delays that occur at the intersection. We have also adjusted the proposed PUD uses to minimize truck traffic and will continue

to work with Staff and our tenants to minimize truck traffic in and out of the development.

As noted in our meeting, the Traffic Engineer has stated that we do not meet the warrants required by CDOT for a fully signalized intersection. The LOS delays that are experienced at the intersection are mainly due to the overcapacity volume of traffic on SH7, and not the minimal traffic associated with Airport Drive. Any additional work at the SH7 intersection to alleviate the LOS delays would necessitate a widening of SH7 to four lanes, auxiliary acceleration and deceleration lanes, left turn lane, drainage improvements, construction of a box culvert at the major drainageway, and additional ROW dedications. The severe magnitude of the anticipated transportation improvements is well outside the scope of this project.

Our Traffic Engineer can provide additional discussions regarding the signal warrants if required.

The variety of trips generated from the proposed uses needs to be updated. Provide updated traffic count ranges based upon the range of uses that are proposed to be approved for the site.

Comment 2:

We met with Staff on November 11, 2020 to discuss the proposed uses and traffic impacts. The PD zoning has been revised and has eliminated the higher trip generating uses. The uses proposed for the site matches the TIS trip generation values. No further updates of the TIS will be required.

Staff notes that although a traffic signal at Airport Drive and SH7 is not warranted at this time, future build out of the Erie Airpark will eventually warrant a signal.

Noted. The comment has been addressed.

7. CDOT will need to approve the Airport Drive SH7 auxiliary lane improvements.

Comment 1:

Noted. See previous response.

CDOT Region 1 will need to grant a new Access Permit for the expanded Airport Drive access with SH7. The Access Permit needs to be provided prior to going to the Town Board of Trustees for approval. The CDOT Notice to Proceed needs to be provided prior to the project's preconstruction meeting.

Comment 2:

We will continue to work with Staff on the timing of this permit.

No further comment needed at this time. Prior to any development approval, the updated CDOT Access Permit will need to be provided and the NTP provided prior to any preconstruction meeting.

Noted. The comment has been addressed.

8. Any work in the Coal Creek floodplain will require the necessary USACOE permits and/or Town of Erie floodplain development permits.

Comment 1:

Noted. See previous response.

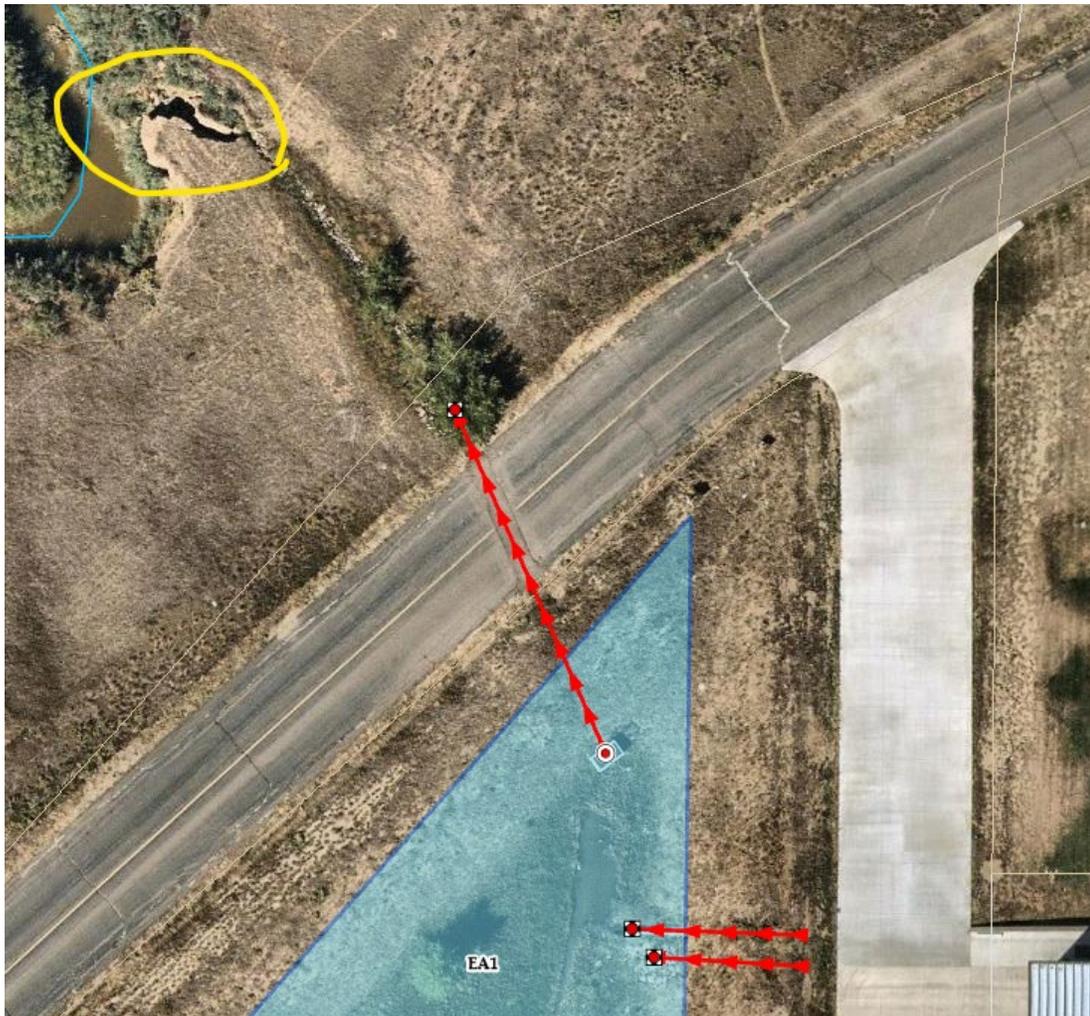
If the Option B sanitary sewer alignment is the ultimate alignment, then these permits will be required prior to Board of Trustees approval.

Comment 2 :

Noted. See previous response regarding Option A. Some of this work will also be in the floodplain, but not the regulatory wetlands. We will continue to work with Staff on the timing of this permit.

The mouth of the drainage swale/ravine that is to be used for outflows from the detention pond into Coal Creek is experiencing significant erosion – see aerial photos below. Review the current situation and provide the necessary stabilization measures to address the problem and prevent future erosion.

As you are aware, this section of Coal Creek was heavily damaged during the flooding event of 2013. The steep banks left after the flood have yet to be repaired, which has obviously been undermined and somewhat affected by our site drainage. We would be willing to discuss repair options as part of the broader repair project, or something more isolated in order to stabilize the offsite drainage. Any repair must be sensitive to permitting constraints.



UTILITY COMMENTS

General

Previous Comments

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Comment 1: The plans have been revised accordingly.

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New Comments

Review previous Coal Creek Extension plans by Burns and McDonnell for any discrepancies, including service connections.

The plans have been revised accordingly. Service connections have been added to the plans.

Sanitary Sewer System

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1. Instead of following continuous slopes throughout the development, the system can accommodate a few different slopes while minimizing slope changes from reach to reach. The current grade design has led to several manholes that are deeper or shallower than the ordinary depths in the Town's Standard.

Sewer mains shall ordinarily have a minimum of eight (8) feet of cover to finished ground surface or a depth as needed to provide for basement service. Shallow sewer with a minimum cover of 4 feet will be allowed provided no service connections with basements are connected to the shallow sewer reaches.

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The deep manholes are a requirement for gravity service to future development areas. Therefore, stainless steel ladders have been added to the plans. Staff has agreed to this approach.

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The plans have been revised accordingly. Service connections have been added to the plans.

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1. Revise construction plans to clearly annotate and show connection points to the existing system. There are a few stub outs and dead-end tees shown, but no connections to the existing system.

The plans have been revised accordingly. Also see greenlined utility plans.

2. Increase the extent of the Overall Utility Plan to include the Coal Creek Extension.

The plans have been revised accordingly. Also see greenlined utility plans.

3. Provide a hydraulic model (XML file) for system connections. The Town will provide hydraulic model results at the proposed connection points for comparison.

The file has been included with this submittal.

Should you have any questions or comments concerning this letter kindly give us a call.

May 28, 2021

Mr. Chris LaRue
Town of Erie
645 Holbrook Street
P.O. Box 750
Erie, CO 80516

Reference: PUD and Minor Subdivision Comment Response Letter
PUD-001122-2019 and MS-001121-2019
Lot 1 – Erie Air Park Replat D
2800 Airport Drive – Erie, Colorado

Dear Mr. LaRue:

The following is a line item response to the Town of Erie review comments dated February 26, 2021 for the above referenced project. The comments are listed below with responses in italics. Please let us know if you have any questions or need any further clarification regarding these issues.

PUD COMMENTS

1. Sheet Review
 - a. Review attached redlines and make corrections.

The PUD Zoning Map has been revised accordingly.

MERRICK COMMENTS DATED MARCH 16, 2021

See the following sections for response to the Merrick comments.

Phase III Drainage Report

1. Since the final development plans for Tract E-2 are unknown at this time, it is our understanding that an updated Phase III drainage report or conformance letters will be provided as each building within the site develops. We recommend resubmitting this Phase III drainage report prior to any further development to address our comments below to clarify the proposed condition so as each building is developed, a clear plan can be adhered to.

Noted. We have discussed this with Staff. The drainage improvements indicated on plans and drainage report have been designed to accommodate the existing drainage from the site, prior to development.

Future improvements will be designed in order to accommodate the future developed runoff from the proposed site improvements. A subsequent Phase III Drainage Report would be submitted concurrent with the SIP phase of the project, as required by the Town. That that time, final design of the proposed drainage improvements would be provided.

2. In the report text, modify the property description, sub-basin description, and drainage facility design to make it clear how runoff from Lot 1 is routed in the existing and proposed conditions. For example, from the existing contours and proposed flow arrows shown on Drainage Map D1.01, the majority of Lot 1 flows from the southeast to the northwest (not from southwest to northeast) and is proposed to be intercepted by a proposed swale and routed to the existing water quality pond.

In addition, the Drainage Map shows that the eastern portion of the site is proposed to drain to the east, not the west. Describe how the eastern portion of the site will be routed to the water quality pond. Via a swale or storm sewer? Show the proposed swale or storm sewer on the Drainage Map and provide sizing calculations.

3. Provide hydrology calculations for the proposed 18" PVC pipe in the Taxiway. Also define the tributary area to this proposed storm sewer pipe.

The report has been revised accordingly.

4. It appears that calculations for existing culverts (at taxiway and Airport Drive) and swales (Swale B1 in Basin B2) located offsite (i.e., not in Lot 1) were included in Appendix D. While we appreciate the information that verifies the capacity of these hydraulic structures, it is confusing to be interspersed with the Lot 1 hydraulic calculations. Rearrange appendices as necessary to provide clarity.

The report has been revised accordingly.

5. For existing Swale HA on the north side of the site, the 100-year sizing calculation indicates that a depth of 2 feet was intended for this swale to contain a flow depth of 1.62 feet plus a minimal freeboard of 0.38 feet. Per the existing contours on the Drainage Plan (D1.01), it appears that this swale is typically only about 1 foot deep. Resize and regrade Swale HA as needed to provide adequate capacity and freeboard.

The report has been revised accordingly. We are limited to depth in this area. The minor storm will be conveyed through the swale. The major storm will overtop the east side of the swale into the project site, but not the west side and onto the adjacent property. Conveyance to the major

drainageway will be provided for the major storm as required.

6. The following comments are related to proposed Swale A on the west side of the project site:

- a. The typical Swale A section shown on Sheet C4.01 indicates 4:1 sides slopes are proposed, but the sizing analysis used 10:1 side slopes. Correct the analysis to use the actual proposed side slopes and verify that the correct side slope is used to grade the swale.

The report has been revised accordingly. Also see response to #5 above.

- b. From the Drainage Plan, it appears that the slope of this swale varies from 1.2% to 0.5%. In the Channel Report in Appendix D, the swale was analyzed using a 0.6% slope. Revise the analysis to use the actual proposed slope(s) to size the swale(s).

The report has been revised accordingly. Channel analysis was provided for 1.0% and 0.5% and matches the slopes shown on the plan

- c. The 100-year sizing calculation indicates that a depth of 1.5 feet was intended for this swale to contain a flow depth of 1.32 feet plus a minimal freeboard of 0.18 feet. Per the typical section on Sheet C4.01, a depth of 2 feet is indicated. Per the proposed contours on the Drainage Plan (D1.01), it appears that this swale is typically only about 1 foot deep on the east side adjacent to the proposed parking lot area. Resize and regrade Swale A as needed to provide adequate capacity and freeboard.

The report has been revised accordingly.

7. For all proposed swales and regraded existing Swale HA, analyze and provide the Froude number. The Froude number must not exceed 0.8 for grass-lined channels without additional erosion protection measures.

The report has been revised accordingly. The Froude number does not exceed 0.8.

8. For the pipe hydraulic analysis, provide a plan schematic showing the pipe system layout.

The report has been revised accordingly.

9. In Appendix E, an entire copy of the Erie Convair Hangar Complex Final Drainage Report, dated March 23, 2009, was provided. Highlight the

relevant information in this report.

The report has been revised accordingly.

Drainage Plan

10. On Sheet D1.01, several contour labels along the west site boundary are covered by the proposed swale improvements. Move existing contour labels so they are shown clearly. Also show and label all existing contours, especially along the taxiway on the west side of Lot 2 Replat A and along the existing swale and taxiway on the north side of the site and water quality pond.

The plans have been revised accordingly.

11. Provide a drawing that shows the entire drainage area for Basins OS1 and C1.

The plans have been revised accordingly. A second Drainage Plan (D1.02) has been added to the report which shows basin C1. The Offsite Basin Plan shows the entire drainage area for Basin OS1.

The plans have been revised accordingly.

12. Keyed Note #9 specifies an existing 24" CMP storm drain pipe to remain, but points to an existing drainage swale in Basin B2. Fix the note and label arrow to be correct.

The plans have been revised accordingly.

13. Provide runoff coefficient values for existing and proposed conditions for all drainage basins on the drainage map per the Town Standards.

The plans have been revised accordingly. The Runoff Summary Table lists drainage basins, design points, areas, intensities, runoff coefficients and peak runoff for all existing and proposed conditions, for all drainage basins.

14. Label the existing easements (drainage and utility) mentioned in Section I.B.8 of the report on the Drainage Plan.

The plans have been revised accordingly.

15. Add a Keyed Note on the Drainage Plan specifying changes to the water quality pond outlet.

The plans have been revised accordingly.

16. Label the swales on the Drainage Plan that correspond to the calculations

in Appendix D (i.e., Swale HA, Swale A, etc.). It is unclear where each swale is located.

The plans have been revised accordingly.

17. On the Drainage Plan (D1.01), label the proposed storm sewer pipe lengths, sizes, inverts, manholes, etc.

The plans have been revised accordingly.

Area Grading Plan

1. On Sheet C2.01, make corrections per Comments 10, 14, 15, and 16.

The plans have been revised accordingly.

2. On Sheets C2.01, C2.02, and C3.01, for the proposed storm sewer only clean outs are shown. Provide manholes or PVC drain basins for connections to laterals and inlets.

The plans have been revised accordingly.

3. On Sheet C3.01 (Storm Plan and Profile), show existing pond bottom grades and provide a forebay at the outfall into the pond. If needed at the outfall into the forebay, provide a flared- end-section and cutoff wall.

The plans have been revised accordingly. We added the forebay at the outfall into the pond and reconfigured the discharge in order to combine the runoff with Basin C1. We also regraded the bottom of the pond and added fill so that the pond would drain into the forebay. This raised the water surface elevation but still provides the required pond volume.

4. On Sheet C3.01 (Storm Plan and Profile), show the 5-year and 100-year hydraulic grade lines on the profile.

The plans have been revised accordingly. The storm pipe conveys the 5-year storm, therefore the 5-year HGL was added to the plans.

5. On Sheet C4.01 (Civil Details), address the following comments:

- a. Revise the typical section for Swale A per Comment 6c. Also show the proposed berm along the west side of Swale A with a minimum 2-foot top width.
- b. Provide a typical section for Swale HA to regrade this swale per Comment 5.
- c. In the Pond plan view, show the proposed 18" PVC storm

pipe and outfall. Provide a forebay for this new outfall, including details.

- d. In the Pond plan view, provide erosion protection at the outfall of Swale HA (and other potential future outfalls) into the pond.
- e. In Section A-A, revise the WQCV Level to be at elevation 5092.5 per the sizing calculations.
- f. In the Pond plan view, revise the "WSEL: 5094.0" note to be "WQCV WSEL: 5092.5" and move the boundary to be at the 5092.5 elevation.

The plans have been revised accordingly. Also see response to comment #3 above.

Road Construction Plans

6. On Sheet C2.02 (Civil Site Plan), along the west side of the site, the proposed parking area appears to be in conflict with the location of proposed Swale A. The future building and site improvements on the site must allow for adequate space for Swale A to be constructed as designed. Show the proposed grading for Swale A on Sheet C2.02, including a typical cross section that includes the minimum depth and required width needed from the west property lot line.

See response to comment #1 above. The subsequent SIP submittal will remove these temporary swales as part of the future development. The concept would be to drain the future building and site improvements into a storm sewer system, which will convey all developed runoff into the water quality pond. The swales will be removed as required at that time. This includes the drainage swale on the east side, which would be replaced with the proposed taxiway. And the drainage swale on the west side, which would be replaced with the proposed parking lot. Staff has been supportive of this approach.

7. On Sheet C2.02 (Civil Site Plan), show the proposed storm sewer within the Taxiway that will drain to the water quality pond. Also show the proposed storm sewer on Sheet C2.02 (Overall Utility Plan) in the Utility Construction Plans.

The plans have been revised accordingly.

3. See attached Drainage Report Comments from Merrick dated January 10, 2020.

Comment1:

See the following sections for response to the Merrick comments.

See attached Drainage Report Comments from Merrick dated March 16, 2021.

The comments have been addressed.

4. The Town will require the Tract E-2 and new future development in the area to be served by the Town's sanitary sewer system.
 - a. Either a connection can be made by the installation of the proposed South Coal Creek Sewer trunk line in Airport Drive to the area of the airplane taxiway bridge over Coal Creek. The Parkdale development will install the north segment of the South Coal Creek Sewer trunk line from the connection point near the Vista Parkway bridge over Coal Creek to the airplane taxiway bridge. From airplane taxiway bridge, Parkdale will branch off under Coal Creek to install their connecting sanitary trunk line.
 - b. Otherwise, a shorter connection from Tract E-2 can be proposed under Coal Creek to connect to the Parkdale trunk line.

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Mr. Chris LaRue
Town of Erie
May 28, 2021
Page 14 of 14

CGS COMMENTS DATED FEBRUARY 15, 2021

In the absence of a specific commitment by the applicant, and acceptable to the Town, to (1) limit building foundations to length and width dimensions not exceeding 140 feet, or (2) adhere to the segmented design agreed to in 2015 and discussed above, or (3) adhere to other specific mitigation strategy(s) developed by a qualified design professional, and due to uncertainty regarding the extent of mine workings beneath the site, CGS suggests the following plat note:

Portions of Erie Air Park Replat D are undermined. To reduce risk of subsidence-related damage, no building or building segment may exceed 140 feet in length or width.

The mine subsidence hazard and mitigation recommendations are described in Mine Subsidence Assessment, Tract E-2, Erie Air Park Subdivision (Western Environment and Ecology, Inc., September 24, 2019). This report is on file with the Town of Erie Planning and Development Department, Files. MS-001121-2019 and PUD-001122-2019.

The plat has been revised accordingly.

Should you have any questions or comments concerning this letter kindly give us a call.