



NOTICE OF COUNCIL MEETING

STUDY SESSION

TELECONFERENCE (Open to the Public)

February 6, 2023

6:30 p.m.

TELECONFERENCE/ELECTRONIC PARTICIPATION PROCEDURES

Members of the Aurora City Council will participate in the February 6, 2023 Study Session by teleconference due to concerns surrounding the COVID-19 (coronavirus) outbreak. To keep the members of our community, employees and leaders safe, there will be no public presence at the meeting. Members of the public and media will be able to participate remotely through the options listed below:

View or listen live to the Study Session

Live streamed at www.auroraTV.org
Cable Channels 8 and 880 in Aurora
Call: 855.695.3475

Translation/Accessibility

The City will provide closed captioning services on Cable Channels 8 and 880. If you need any other accommodation, please contact the Office of the City Clerk at (303) 739-7094. If you are in need of an interpreter, please contact the Office of International and Immigrant Affairs at 303-739-7521 by Monday, February 6, 2023 at 9:00 a.m. (Si necesita un intérprete, comuníquese con la oficina de asuntos internacionales e inmigrantes en 303-739-7521 por el viernes anterior a la reunión del lunes.)

For other information regarding public meetings, please contact the Office of the City Clerk at (303) 739-7094 or by email at CityClerk@auroragov.org or visit www.auroragov.org



AGENDA

Study Session of the Aurora City Council

Monday, February 6, 2023

6:30 p.m.

VIRTUAL MEETING

City of Aurora

15151 E Alameda Parkway

Pages

1. ITEMS FROM THE MAYOR

1.a Mayor's Update

1.b Issue Update

2. CONSENT CALENDAR

2.a Consideration to Appoint Two (2) Members to the Human Relations Commission

5

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

2.b A Resolution of the City Council of the City of Aurora, Colorado Approving the Service Plan for the Cielo Colorado Metropolitan District and Authorizing the Execution of an Intergovernmental Agreement Between the City and the District

24

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

2.c A Resolution of the City Council of the City of Aurora, Colorado Approving the Service Plan for the Harvest Mile Metropolitan District and Authorizing the Execution of an Intergovernmental Agreement Between the City and the District

75

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

- 2.d **A Resolution of the City Council of the City of Aurora, Colorado, Appointing Two Members of the Board of Directors to the Painted Prairie Business Improvement District No. 1** 134

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

- 2.e **A Resolution of the City Council of the City of Aurora, Colorado, Appointing Two Members of the Board of Directors to the Painted Prairie Business Improvement District No. 2** 141

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

- 2.f **An Ordinance of the City Council of the City of Aurora, Colorado Excluding and Including Certain Properties from the Boundaries of the Painted Prairie Business Improvement District No. 1.** 148

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

- 2.g **An Ordinance of the City Council of the City of Aurora, Colorado Excluding and Including Certain Properties from the Boundaries of the Painted Prairie Business Improvement District No. 2** 185

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

3. **ITEMS FROM THE POLICY COMMITTEES**

- 3.a **Central Colorado Mountains River Basin Weather Modification Program (Resolution)** 222

Abba Ahmed, Water Resources Project Manager, Aurora Water / Ian Best, Assistant City Attorney

Estimated time: 15 mins

- 3.b **Stage 1 – Water Availability (Resolution)** 274

Greg Baker, Manager of Public Relations, Aurora Water / Ian Best, Assistant City Attorney

Estimated time: 20 mins

- 3.c Auto Theft Penalty Enhancement (Resolution)** 304
- Sponsor: Dustin Zvonek, Council Member
- Pete Schulte, Public Safety Client Group Manager, City Attorney
- Estimated time: 15 mins
- 3.d Juvenile Beds Legislation (Resolution)** 309
- Sponsor: Dustin Zvonek, Council Member
- Pete Schulte, Public Safety Client Group Manager, City Attorney
- Estimated time: 15 mins
- 3.e Proposed Drought Surcharge Change to Rate (Ordinance)** 315
- Marshall Brown, General Manager, Aurora Water / Ian Best, Assistant City Attorney
- Estimated time: 20 mins
- 3.f Civil Service Commissioners Classification and Compensation (Ordinance)** 341
- Ryan Lantz, Director of Human Resources / Kim Skaggs, Assistant City Attorney
- Estimated time: 15 mins
- 3.g Residential Snow Plowing and Ice Removal Update** 354
- Sponsor: Françoise Bergan, Council Member
- Cindy Colip, Public Works Director / Lynne Center, Deputy Director of Public Works Operations / Michelle Gardner, Senior Assistant City Attorney
- Estimate time: 35 mins
- 3.h Legislative Update** 408
- Elizabeth Rogers, Intergovernmental Relations Manager / George Koumantakis, Manager of Client Services, City Attorney
- Estimated time: 5 mins

4. ITEMS FROM THE CITY MANAGER

5. ITEMS FROM THE CITY COUNCIL

6. CALL-UPS OF COUNCIL POLICY COMMITTEE ITEMS

7. MISCELLANEOUS ITEMS

**7.a Majestic Commercenter II Conditions Survey and Blight Designation
(Ordinance)**

424

Jennifer Orozco, Senior Development Project Manager / Rachel Allen, Manager
of Client Services, City Attorney

Estimated time: 20 mins

8. ITEMS REMOVED FROM THE AGENDA, IF ANY



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to Appoint Two (2) Members to the Human Relations Commission
Item Initiator: Sara Valencich, Diversity, Equity & Inclusion Officer
Staff Source/Legal Source: Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 5.3--Aggressively pursue primary job attraction, retention and expansion

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Kadee Rodriguez, City Clerk / Dave Lathers, Senior Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Recommendation Report Attached

☐ Minutes Attached

☐ Minutes Not Available

HISTORY (*Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.*)

The purpose of the Human Relations Commission is to promote a mutual understanding and respect among all people, disseminate information and educational materials to eliminate prejudice, promote human relations and investigate complaints of this nature.

The Human Relations Commission consists of twelve (12) members appointed by the Aurora City Council. The term length is three (3) years and members may serve up to three (3) terms.

ITEM SUMMARY (*Brief description of item, discussion, key points, recommendations, etc.*)

The Human Relations Commission currently has four (4) vacancies. The Commission received two (2) applications and interviews were conducted on January 4, 2023.

Among the applicants were:

Deborah Mitchell

Bryan Kelly

Upon conducting interviews, the Human Relations Commission respectfully recommends the appointment of the following candidates: Deborah Mitchell and Bryan Kelly

Deborah Mitchell – 1st term beginning 1/1/2023 and ending on 12/31/2026

Bryan Kelly – 1st term beginning on 1/1/2023 and ending on 12/31/2026

QUESTIONS FOR COUNCIL

Does City Council wish to appoint Deborah Mitchell and Bryan Kelly to the Human Relations Commission?

LEGAL COMMENTS

Section 82-26 *et.seq.* establishes the Human Relations Commission, and Sec. 2-270 regulates the appointments to all board and commissions of the city. After a vacancy on any board and commission, the city council may appoint a qualified city resident to fill any vacancies. (Hernandez)

PUBLIC FINANCIAL IMPACT

☐ YES

☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable

☐ Significant

☐ Nominal

If Significant or Nominal, explain: N/A



MEMORANDUM

TO: Mayor Coffman and Members of City Council

FROM: Sara Valencich, Diversity, Equity & Inclusion Officer

THROUGH: Tristen Sheptock, City Clerk Analyst

DATE: January 6, 2023

SUBJECT: New Appointments to the HRC

The Human Relations Commission (HRC) consists of twelve (12) voting members appointed by the Aurora City Council. Four vacancies currently exist; two candidates are proposed for appointment.

Summary

Deborah Mitchell (New Appointment)

Deborah Mitchell submitted an application to the HRC on December 15, 2022. Ms. Mitchell is a new resident of Aurora. She has 30 years of experience in federal government work and possesses considerable experience and expertise in providing services to all in the community. Ms. Mitchell has considerable experience in immigration, customs, conflict resolution, mediation, customer service and Verbal Judo. Ms. Mitchell is very enthusiastic about getting involved in the community. Ms. Mitchell feels very passionately about the importance of representing the underserved in our community and is very eager to the join the Human Relations Commission, believing her background and passion for community relations will aid the Commission in their mission.

At the January 4, 2023 meeting, the Human Relations Commission voted unanimously to support of the appointment of Deborah Mitchell.

Bryan Kelley (New Appointment)

Bryan Kelley submitted an application to the HRC on December 22, 2023. Mr. Kelley has been a resident of Aurora for 9 months. Mr. Kelley earned a Bachelor of Arts, cum laude in political science and religion. Mr. Kelley is very enthusiastic about getting involved in the community. Mr. Kelley feels very passionately about the importance of representing the underserved in our community and is very eager to the join the Human Relations Commission, believing his background and passion for policy and understanding barriers to access and potential disparate impacts state policy on various communities will aid the Commission in their mission.

At the January 4, 2023 meeting, the Human Relations Commission voted unanimously to support of the appointment of Bryan Kelley.

Human Relations Commission

Applicant Package - Ward 5

Human Relations Commission - Ward 5

Term: 01 Jan 2021 - 31 Dec 2024

Positions Available: 5

Number of applicants in this package: 1

- Mitchell, Deborah

Date Received: 12/15/2022

Registered Voter & Resident of Aurora

10/14/2021 Ward: 5 County: Arapahoe

Tristen Sheptock

Name : Mitchell, Deborah

Address : [REDACTED]

Email : [REDACTED]

Board Name : Human Relations Commission

Date of Birth : [REDACTED]

Home Phone Number : [REDACTED]

Work Phone Number : [REDACTED]

How long have you lived in Aurora? : 1 Year, 4 Months

Are you registered to vote? :

Yes

Years of Education Completed : 4 Year College

Degree(s) Received : None

College(s) Attended : Los Angeles Trade Technical Los Angeles Harbor College

Employer Name :

U.S. Immigration and Naturalization Service, U.S. Department of Treasury, U.S. Homeland Security

Employer Address : Los Angeles International Airport

Current Position : Retired

Years with Current Employer : 32 Years

Work Experience : Federal Government

Certification(s) :

Immigration Inspections, Customs Inspections, Conflict Resolution, Mediation for Managers, Professionalism and Customer Service, Interviewing Techniques, Verbal Judo and numerous Enforcement Techniques.

How are you involved in your community? :

I am not currently involved, however it is my intention to seek out areas that will be beneficial in my community and the city of Aurora.

List your interests and activities. :

Community Development/Improvement and Clean Up, Customer Service Professionalism, Performance Accountability, and Resident Opportunity Awareness.

Do you presently serve in any other appointed position on a board, commission or committee? :

No

If yes, enter the board name and position : N/A

Are you currently a member and seeking reappointment on the board you are applying for? :

No

Why do you desire this appointment? :

Personal involvement. I would like to be an asset to the city, community and area where I live. I am now settled in an area without thoughts of relocating. It is important to be proactive and set a positive example.

How much time do you anticipate being able to spend on this appointment each month? :

I am retired with responsibilities only to my family. I will dedicate the amount of time needed and necessary to accomplish the goals or to complete an area of focus.

Do you have any conflicts of interest that should be disclosed? :

No

If yes, please explain :N/A

Reference 1: Full Name, Phone Number and Address :

Claudia Anglon [REDACTED]

Reference 2: Full Name, Phone Number and Address :Gayle Williams [REDACTED]

Reference 3: Full Name, Phone Number and Address :

Barbara Kendrick [REDACTED]
[REDACTED]

How did you hear about us? :

Other

By clicking APPLY and submitting this application, I certify that the forgoing information is true and correct :

Deborah C. Mitchell

Time of Submission :12/15/22 1:52:49 PM

Attachments:

- Resume 2020.pdf

Deborah C. Mitchell



U.S. Department of Homeland Security
Los Angeles International Airport

ENTRY SPECIALIST SUPERVISOR
FEBRUARY 2003 TO OCTOBER 2009
ANNUAL SALARY: \$95,000.00

I was assigned to the position as Supervisory Entry Specialist at the Los Angeles International Airport (LAX). In this capacity, I supervised ten (10) Entry Specialist and seven (7) Entry Technicians.

ENTRY PROCESSING BRANCH RESPONSIBILITIES:

- Entry and Entry Summary document review and control.
- Verification for compliance with U.S. Import and Export laws, rules and regulations.
- Duty, Liquidated Damages, Penalties and Protest assessment.
- Cashier revenue collections.

MY RESPONSIBILITIES:

- Provide supervision and technical training to subordinates.
- Review and evaluate each employee's work performance in accordance with established standards.
- Coordinate employee schedules, leave and assignments ensuring sufficient staffing.
- Resolve Entry related complex issues.

One critical area of the position involved supervision of the entry cashier processes. In doing so, I performed verifications of the cashier's duties, taxes and other revenue collections. I determined if all collections were calculated accurately and timely.

With the development of Homeland Security various border inspection agencies merged and cross training was necessary. My background and experience working in a multitude of capacities was valuable as a member of the working group to assist in the development of the training guidelines and reference materials.

U.S. Customs Service
Los Angeles/Long Beach Customs Management Center (CMC)
U.S. Customs Service, SAIC Office/South Pacific

CHIEF INSPECTOR, CMC/OFO/OI LIAISON
JANUARY 2000 TO JANUARY 2003
ANNUAL SALARY: \$98,000.00

In accordance with Commissioner Kelly's memorandum dated December 22, 1999, I was selected for a detail assignment to the Office of Investigations, Special Agent In Charge (SAIC) branch as the Supervisory Inspector Liaison. The position was for a minimum of three (3) years with a possibility to become permanent. I performed a variety of duties assisting the Special Agents in conjunction with maintaining communication with that branch and the Office of Field Operation (OFO).

CUSTOMS MANAGEMENT CENTER (CMC)/OFFICE OF FIELD OPERATIONS RESPONSIBILITIES:

My primary responsibilities to the CMC were to act as the primary communications resource. I attended the weekly management briefings to obtain information regarding administrative issues and enforcement operations. My duties also included ensuring that communication was relayed so that all participants were aware of enforcement focuses/targets and coordinating with the Public Affairs for possible media appearances or related events.

OFFICE OF INVESTIGATIONS (O.I.):

As the Liaison between the CMC, Office of Field Operations (OFO) and Office of Investigations, my duties included a variety of tasks to enhance the agency's enforcement mission and communications between the participating entities. The Investigative Agents primary focus was investigation, enforcement and violation interdiction. Automated research could be extremely time intensive taking away from the actual field time and most of the agents were not provided with extensive automated research training unless they previously worked within Field Operations. My extensive automated research experience proved to be valuable with researching and identifying suspected violations and identifying trends used to circumvent Customs and other enforcement agency detection.

FOCUS GROUPS AND TRAINING PROGRAMS:

In working with both Field Operations and the Office of Investigations I identified areas requiring focus group and training sessions. I researched, drafted, coordinated and scheduled each session including enlisting technical experts.

U.S. Customs Service
Los Angeles International Airport, Cargo Operations

CHIEF INSPECTOR, TRADE COMPLIANCE, CARGO OPERATIONS BRANCH II
MAY 1998 TO DECEMBER 1999
ANNUAL SALARY: \$104,000.00

For seventeen months I was assigned to the Trade Compliance Division as Chief Inspector, Cargo Operations Branch II. This particular area was separated in two subdivisions. Branch I was responsible for initial processing of entry submission, review and documentation processing. My operation in Branch II conducted the physical inspection of freight for compliance verification. Our other enforcement efforts included, warehouse security, private aircraft clearances and remote airport cargo/passenger clearances.

BRANCH II:

- Second line supervisor for three GS-12 supervisors
- General Order (G.O.)
- Trade Specialist Inspectional Personnel
- Cargo Enforcement Adjudicator/Diplomatic Clearances
- Carrier Post Audit Team
- Paperless Audit Team
- Mobile Exam Team
- HUB and Express Consignment Facilities
- Burbank/Van Nuys, San Bernardino and Victorville Airport Facilities

As a Chief Inspector in Cargo Operations, I was second line supervision, responsible for analyzing the processes of three section within the branch. I utilized my enforcement expertise to guide and assist my team supervisors with analyzing intelligence information and threat assessments. When I initially assumed my position, I conducted a review of each area to assess the team's enforcement focus and resources. It appeared that the Paperless Entry System and Express Consignment Facilities were areas most vulnerable to abuse due to a lack of clearly defined standards. Automated program deficiencies in addition to the inspectors not utilizing all available resources for enforcement targeting were major concerns. Unfortunately, the automated system required extensive modifications, however resources and training could be improved on a local level. One problem with the Paperless Entry system was the transmitter could easily omit vital enforcement information which would be modified when filing the entry summary. I instructed the team members to monitor the situation, use this data to track the frequency of these occurrences and target the brokers abusing the system. Several violations were assessed as a result of this effort and the FY-2000 annual threat assessment was to include this data along with a proposal to headquarters for a national Paperless enforcement operation.

U.S. Customs Service
Los Angeles International Airport, Cargo Operations (continuation)

**CHIEF INSPECTOR, TRADE COMPLIANCE, CARGO OPERATIONS BRANCH II
MAY 1998 TO DECEMBER 1999
ANNUAL SALARY: \$104,000.00**

ENFORCEMENT BACKGROUND:

My enforcement and intelligence research background include several years on the U.S. Customs Narcotic Interdiction and Enforcement Team (CET/ROVER) at the Los Angeles International Airport. As a team member I conducted international intelligence research, trafficking trends and flight targeting analysis. During the early periods of my career, this information was not always readily accessible until an automated system was developed. I conducted manual research utilizing the Official Airlines Guides (OAG) and other written documentation.

I developed a proficiency in observational skills, investigative and interview techniques, identification of narcotic trafficking trends along with other enforcement profiles. I was instrumentally involved in numerous significant narcotics, currency, immigration fraudulent documents and merchandise enforcement actions resulting in cash award and letters of commendations.

**PRIVACY ACT, FREEDOM OF INFORMATION AND CONGRESSIONAL
RESPONSE:**

In addition to my regular duties, I was responsible to responding and tracking the Privacy Act (PA), Freedom of Information (FOIA) and Congressional inquiries. All of these inquiries were detailed and time sensitive. I attended and completed specialized training provided by U.S. Customs Washington Headquarters on the laws, rules, regulations and procedures for processing these inquiries.

BUDGET AND FINANCE CONTROLS:

At the beginning of each fiscal year, I researched, planned and submitted a budget and equipment proposal for the branch operations and enforcement. This was determined by previous years expenditures (tools, equipment, materials and maintenance) threat assessment, enforcement intelligence research and projected salary adjustments. Throughout the year, this budget is carefully monitored.

U.S. Customs Service
Los Angeles International Airport, Passenger Processing

CHIEF INSPECTOR, PASSENGER SERVICE REPRESENTATIVE
MAY 1998 TO JANUARY 2003
ANNUAL SALARY: \$104,000.00

As a Chief Inspector, my experiences also included assignments to Passenger Processing and the Enforcement Branches. In each capacity, my knowledge of the laws, rules regulations and procedures were essential to effectively supervise a variety of first line GS-12 supervisors, their team members and other administrative personnel.

Los Angeles International Airport Customs Passenger Processing consisted of five international processing terminals. The operations for those areas in addition to other administrative functions were divided amongst four Chief Inspectors. I was responsible for several of the satellite terminals along with a team of Supervisory Inspectors referred to as Passenger Service Representatives (PSR). We were a specialized trained team which primary focus was to address concerns or questions, diffuse conflicts and resolve adversarial situations occurring in the passenger processing environment. We also personally handle clearances of high-ranking officials, consulates and heads of state.

PRIVACY ACT AND FREEDOM OF INFORMATION ACT OFFICER:

In addition to my regular assignment as Chief Inspector, I was responsible for responding to administrative inquiries, Freedom of Information Act (FOIA) and Privacy Act request. I attended formal training provided by U.S. Customs headquarters on the laws, rules, regulations and procedures for timely processing and tracking the responses. Tracking numbers were assigned due to time sensitivity requirements. For each request, fact finding interviews were conducted with the involved individuals and all records researched, reviewed and redated where necessary.

DIPLOMATIC MAIL AND POUCHES:

I was authorized a High Security Clearance in order to process and review Diplomatic Mail and Official Pouches. At that time, I was designated as the only diplomatic clearance officer for the port. I was on call in the event that diplomatic mail or pouches required inspection at the time of arrival.

VERBAL JUDO TRAIN THE TRAINER:

In 1999, I was selected to attend Verbal Judo Training, developed by the President of the Verbal Judo Institute, Inc. Doctor George J. Thompson, Ph.D. After completing the program and receiving my certification, along with one other trainer, we returned and presented the concept to Customs Personnel in Los Angeles, Long Beach, Las Vegas, Arizona and Texas. The training techniques were utilized world-wide by law enforcement personnel and very effective in defusing situations during times of adversity.

U.S. Customs Service
Los Angeles/Long Beach Customs Management Center (CMC)

**PROCESS SPECIALIST (TEMPORARY DUTY ASSIGNMENT (TDY)
DECEMBER 1997 TO APRIL 1998**

I was temporarily assigned as a Process Specialist to the Los Angeles/Long Beach Customs Management Center (CMC) in Long Beach California. As a trained and certified facilitator/negotiator, I was involved in various issues that required conflict resolution and negotiation or formulation of an implementation plan.

While in the position, I participated in developing, evaluating and drafting proposals to improve airport and seaport Customs procedures. I was involved in a project relating to one of the Port Quality Improvement Committee (PQIC) recommendations for passenger enforcement. The district had introduced the Structured Group Interview (SGI) program was a progressive business course of action used to meet and brainstorm with the technical experts evaluating specific tasks or operations. I coordinated SGIs which were presented to representatives from Immigration and Naturalization Service, Department of Agriculture and Customs. The SGI helped to determine the effectiveness of the current passenger operation's enforcement procedures. From this an action plan was developed to address and improve the identified deficiencies.

Another project was the Office of Investigations rotational proposal. Operational issues dictated a need to rotate the Special Agents between the various disciplines. To address as many issues and concerns as possible, management felt that the SGI process might be effective. After discussing and formulating a plan, I conducted several sessions with the agents and representatives from management. I compiled the participants responses into a proposal for management to formulate the most effective method to implement their rotational plan.

These are only two examples of programs I was involved in while assigned to the CMC.

I was afforded the opportunity where I attended and received formal training to develop my expertise in other measurement practices relating to analytical and business practices.

Human Relations Commission

Applicant Package - Ward 1

Human Relations Commission - Ward 1

Term:01 Jan 2021 - 31 Dec 2024

Positions Available: 5

Number of applicants in this package: 1

- Kelley, Bryan

Date Received: 12/22/2022

Registered Voter & Resident of Aurora

03/21/2022 Ward: 1 County: Adams

Tristen Sheptock

Name :Kelley, Bryan

Address : [REDACTED]

Email [REDACTED]

Board Name :Human Relations Commission

Date of Birth : [REDACTED]

Home Phone Number : [REDACTED]

Work Phone Number [REDACTED]

How long have you lived in Aurora? :9 months

Are you registered to vote? :

Yes

Years of Education Completed :19

Degree(s) Received :

Colorado College Bachelor of Arts, cum laude (Political Science and Religion double major) University of Manchester Master of Arts in Religion and Political Life, graduated with Distinction

College(s) Attended :

Colorado College 2007-2011 University of Manchester 2015-2015 University of Colorado Boulder 2017-2019 (Political Science PhD program, did not complete)

Employer Name :Education Commission of the States

Employer Address :700 Broadway Suite 810 Denver, CO 80203

Current Position :Policy Analyst

Years with Current Employer :3.75

Work Experience :

I am a Policy Analyst at Education Commission of the States, and have built a career around researching state policies throughout the country from a nonpartisan, nonadvocacy angle in order to help state policymakers learn lessons from what other states have been doing to solve common problems. I previously worked at the National Conference of State Legislatures and AcademyHealth, doing similar work but with a focus on health policy. A strong emphasis of my work has always been in understanding barriers to access and potential disparate impacts of state policy on various communities. I have also placed an emphasis on student civil rights and potential church/state conflicts in state legislative activity. Deep respect for civil liberties and a commitment to maintaining a healthy separation of church and state have also motivated my academic career - I double majored in political science and religion as an undergraduate, graduated with an MA in Religion and Political Life, and was a political science PhD student for a year and a half before deciding to leave academia.

Certification(s) :n/a

How are you involved in your community? :

I am eager to become more active in my community, have fallen in love with Aurora since moving here from Denver in March 2022, and would be honored to serve on this commission to both strengthen my relationship with the community and further the values of the city.

List your interests and activities. :

hiking, biking, playing with my dog, reading, playing board games, visiting local breweries

Do you presently serve in any other appointed position on a board, commission or committee? :

No

If yes, enter the board name and position :n/a

Are you currently a member and seeking reappointment on the board you are applying for? :

No

Why do you desire this appointment? :

I love the diversity and culture of Aurora, and want to be able to contribute to the commission's mission of promoting a mutual understanding and respect among all people. Particularly as the husband of an immigrant, I really appreciate the global culture present in this city and Aurora's commitment to cultivating and affirming the benefits that come from diversity. I think those goals require consistent application and maintenance, and would hope that work on the commission would serve to maintain a city that is safe and welcoming to all. Differences - and respect for those differences - in race, religion, sexual orientation, spoken language and many other categories must continue to be celebrated. I am also particularly passionate about respecting religious diversity in a way that ensures freedom of religion, ensured rights and voices for minority religions, and a healthy separation of church and state (all interests and skills I have been able to hone as a fellow for the Baptist Joint Committee for Religious Liberty).

How much time do you anticipate being able to spend on this appointment each month? :

5-10 hours? Happy to discuss/reconsider if this does not match with what the commission is looking for

Do you have any conflicts of interest that should be disclosed? :

No

If yes, please explain :n/a

Reference 1: Full Name, Phone Number and Address :

Erin Whinnery

Reference 2: Full Name, Phone Number and Address :

George Dungan

Reference 3: Full Name, Phone Number and Address :

Cassidy Francies

How did you hear about us? :

Other

By clicking APPLY and submitting this application, I certify that the forgoing information is true and correct :

Bryan Kelley

Time of Submission :12/22/22 10:55:19 AM

Attachments:

- Dec 22 Human Relations Commission.pdf

BRYAN P. KELLEY, M.A.

Public Policy Research Experience:

EDUCATION COMMISSION OF THE STATES – Denver, CO

March '19-present

Policy Analyst (hired as Policy Researcher, then promoted)

- Conduct education policy research; track legislative activity in all 50 states and DC in range of areas including access, disparities, equity, integration, curriculum, standards and specific student populations including LGBTQ+ students; write research reports and contribute to state policy databases; testify to task forces and national organizations on education policy trends, especially involving equity issues; answer information requests from state policymakers; and plan/facilitate convenings for policymakers, content experts, and other stakeholders, including two convenings with state policymakers on student mental health and physical health supports in state policy.
- Pursue work focused on [church-state entanglement](#) issues and inequitable impacts on certain populations. Written products including a guide on policy promoting K-12 [integration](#), a review of state [sex ed policies](#), blog posts on culturally-inclusive curriculum and “anti-CRT” [policy efforts](#), [Black history curriculum](#) in policy, the recent [Kennedy](#), [Trinity](#), and [Espinoza](#) Supreme Court cases, and 50-State Comparisons on [postsecondary safety](#), [school discipline](#) and [charter school policy](#).

NATIONAL CONFERENCE OF STATE LEGISLATURES – Denver, CO

May '13-June '14

Policy Associate (hired as Research Analyst II, then promoted)

- Produced research, wrote reports, tracked bills, planned and convened policy events with various stakeholders, led webinar, and regularly worked with state legislators on health policy queries.
- Work focused on women's, children's, and maternal health care access, as well as public health environments, place-based and socio-economic determinants of health, and health access in schools.

ACADEMYHEALTH – Washington, DC

Oct. '11-Nov. '12

Research Assistant

- Supported research on public health policy and place-based determinants of health, organized conferences for researchers and policymakers, and aided grant writing and funder updates.
- Assisted in the preparation of research for scholastic audiences as well as supported the translation and dissemination of research findings for a non-academic audience.

NATIONAL CONFERENCE OF STATE LEGISLATURES – Denver, CO

May '11-Sep. '11

Health Program Summer Public Interest Fellowship Program Fellow

- Updated website content, wrote *LegisBrief* research materials geared toward state legislators and legislative staff, and drafted research briefs on policy developments across all 50 states and DC.

SENATOR BEN NELSON'S OFFICE – Washington, DC

June '10-Aug. '10

Constituent Relations Intern

- Tracked legislation, researched, and wrote briefs on current events for the senator's legislative assistants, especially concerning the recently-passed Affordable Care Act and constituent concerns.

Relevant Teaching and Academic Work Experience

UNIVERSITY OF COLORADO, BOULDER- Boulder, CO

Aug. '17-Feb '19

Teaching Assistant

- Taught two recitation sections each semester for introductory courses in comparative politics (two semesters) and American politics and government (one semester), often highlighting religious liberty implications.

UNIVERSITY OF MANCHESTER- Manchester, England

Sep. '14-Sep. '15

Research Assistant

- Supported research on religion and public life with focus on church-state separation. Assisted organizing conferences, including the International Research Network on Religion and Democracy.

Education:

UNIVERSITY OF COLORADO, BOULDER – Boulder, CO

Aug. '17-Feb. - '19

Degree: Doctor of Philosophy in Political Science. GPA on leaving: 3.8.

Primary focus on church-state entanglement issues. Courses included advanced quantitative research methodology.

UNIVERSITY OF MANCHESTER – Manchester, England

Sep. '14-Sep. '15

Degree: Master of Arts in Religion and Political Life. Graduated with Distinction.

Dissertation: What is Religion and Who Defines It? The Church of Scientology's Legal Status in the United States, France, and Russia

Honors: M.A. Fees Bursary Award and Hasse Memorial Prize for best departmental dissertation.

COLORADO COLLEGE – Colorado Springs, CO

Sep. '07-May '11

Degree: Bachelor of Arts, *cum laude*, Double Major in Religion and Political Science.

Thesis: Defining "Normal" Religion: Regulation of Religious Activities in the People's Republic of China

Honors and Awards- Dean's List 2009-2010, 2010-2011; graduated with Distinction in Religion.

Relevant Fellowships and Activities

- Cultivated active social media presence on [Twitter](#), promoting important social science research, education policy developments and news, civil rights advocacy, and bridging academic, advocacy, and research communities. Ongoing
- Invited peer reviewer contract work for Rand Corporation Nov '21
- Baptist Joint Committee for Religious Liberty [Fellow](#) May '20-July '21
- Colorado Education Policy Fellowship Program June '19-May '20
- Baylor in DC's Religion and Public Life Summer Seminar participant July '18
- Edited [Impolite Conversation](#), a podcast on the intersection of religion and politics, hosted by two professors at Doane University Sep '15-Dec '17



CITY OF AURORA

Fiscal Impact Form

Item Title: Consideration to Appoint Two (2) Members to the Human Relations Commission

Staff contact: Sara Valencich, Diversity, Equity & Inclusion Officer

Staff Source/Legal Source: Kadee Rodriguez, City Clerk/Dave Lathers, Senior Assistant City Attorney

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A



CITY OF AURORA

Council Agenda Commentary

Item Title: A Resolution of the City Council of the City of Aurora, Colorado Approving the Service Plan for the Cielo Colorado Metropolitan District and Authorizing the Execution of an Intergovernmental Agreement Between the City and the District

Item Initiator: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

Outside Speaker:

Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Management & Finance

Policy Committee Date: 1/24/2023

Action Taken/Follow-up: (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input checked="" type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input checked="" type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

In 2004, the City adopted a model service plan for Title 32 Metropolitan Districts with the intent that any proposed service plan for a metropolitan district will be compliant with the model. The model service plan provides the following key features:

- Maximum debt mill levy of 50 mills
- Maximum term for debt repayment of 40 years
- Agreement to impose the Aurora Regional Improvement (ARI) mill levy

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

A Service Plan for the Cielo Colorado Metropolitan District has been submitted for the May 2023 election cycle. The proposed district is located southeast of E 48th Avenue and N Quail Run Road. This district is to serve an 158 acre light industrial site as part of the Transport Master Plan. No residential is planned for this district.

The proposed Cielo Colorado Metropolitan District and the IGA (attached) are in compliance with the City's approved model.

QUESTIONS FOR COUNCIL

Does Council wish to forward this item to the February 13, 2023 Regular Meeting?

LEGAL COMMENTS

Section 32-1-204.5(1), C.R.S. provides that no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoptions of a resolution of approval by the governing body of such municipality.

Chapter 122 of the City Code establishes the procedure by which the proponents of a special district may seek approval for their district from the City. Section 122-32 of the City Code requires that the City Council conduct a public hearing regarding approval of the proposed district and its service plan. Thereafter, the City Council shall adopt a resolution (1) approving the service plan without conditions or modifications; (2) disapproving the service plan; or (3) conditionally approving the service plan subject to the submission of information relating to, or the modification of, the service plan. (City Code Section. 122-35).

Section 122-30(21) further requires that the special district enter into a written agreement with the City. The proposed Intergovernmental Agreement satisfies the requirements set forth therein. As the proposed Agreement is with another governmental entity, a resolution is required to authorize its execution. (City Charter Section 10-12.) (Rulla)

PUBLIC FINANCIAL IMPACT

- ☒ YES ☐ NO

If yes, explain: Approval of these districts will allow the cost of providing infrastructure and certain operating costs to be passed on the the district property owners via metropolitian district taxes and fees. The debt service will be paid by metropolitan district property taxes.

PRIVATE FISCAL IMPACT

☐ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: : Title 32 Metropolitan Districts have the authority to levy a property tax within the boundaries of the District. Approval of these districts will provide a mechanism for the developer to finance infrastructure for new development by recovering the associated costs through metropolitan district taxes.

RESOLUTION NO. R2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
APPROVING THE SERVICE PLAN FOR CIELO METROPOLITAN DISTRICT AND
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., as amended, and Section 122-29 of the City Code, a Service Plan (the "Service Plan") for Cielo Metropolitan District (the "District") has been submitted to the City Council (the "City Council") of the City of Aurora, Colorado (the "City"); and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Chapter 122 of the City Code, the City Council is to hold a public hearing on the Service Plan for the District; and

WHEREAS, notice of the hearing before the City Council was duly published in the *Aurora Sentinel*, a newspaper of general circulation within the City, as required by law, and mailed to all interested persons, the Division of Local Government, and the governing body of each municipality and title 32 district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the District; and

WHEREAS, the City Council has considered the Service Plan and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the Service Plan should be approved without conditions, as permitted by Sections 32-1-203(2) and 32-1-204.5(1)(a), C.R.S., as amended, and Section 122-34(a) of the City Code; and

WHEREAS, the City Council further finds that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement (the "IGA") with the District for the purpose of assigning the relative rights and responsibilities between the City and the District with respect to certain functions, operations, and obligations of the District; and

WHEREAS, Section 10-12 of the City Charter requires a resolution to authorize the execution of intergovernmental agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The City Council hereby finds and determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 122 of the City Code relating to the filing of the Service Plan for the District have been fulfilled and that notice of the hearing was given in the time and manner required by law and that City Council has jurisdiction to act on the Service Plan.

Section 2. The City Council further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard and that evidence satisfactory to the City Council of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the District;
- b. The existing service in the area to be served by the District is inadequate for present and projected needs;
- c. The District is capable of providing economical and sufficient service to the area within their proposed boundaries;
- d. The area to be included in the District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area through the City, Adams County, or other existing municipal or quasi-municipal corporations, including other existing title 32 District, within a reasonable time and on a comparable basis;
- f. The facility and service standards of the District are compatible with the facility and service standards of the City;
- g. The proposed Service Plan is in substantial compliance with the comprehensive plan of the City as adopted pursuant to the City Code;
- h. The proposed Service Plan is in compliance with any duly adopted City, regional, or state long-range water quality management plan for the area; and
- i. The creation of the District will be in the best interests of the area proposed to be served.

Section 3. The City Council hereby approves the Service Plan for the District as submitted.

Section 4. The Mayor and the City Clerk are hereby authorized to execute, on behalf of the City, the IGA in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 5. The District shall not be authorized to incur any bonded indebtedness until such time as the District have approved and executed the IGA.

Section 6. This Resolution shall be filed in the records of the City and a certified copy thereof submitted to the petitioners for the District for the purpose of filing in the District Court of Adams County.

Section 7. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

RESOLVED AND PASSED this ____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:



RLA

BRIAN J. RULLA, Assistant City Attorney



Jennifer Gruber Tanaka, Esq.
Shareholder

303-858-1800
jtanaka@wbapc.com

January 12, 2023

City of Aurora
Office of Development Assistance
Attn: Cesarina Dancy
15151 E. Alameda Parkway, Suite 5200
Aurora, CO 80012

RE: Cielo Colorado Metropolitan District

Dear Ms. Dancy:

Enclosed for review by the City of Aurora (the “**Aurora**”) is the proposed Service Plan (the “**Proposed Service Plan**”) for Cielo Colorado Metropolitan District (the “**District**”). Contact information for the relevant parties is as follows:

Legal Counsel

Jennifer Gruber Tanaka, Esq.
WHITE BEAR ANKELE TANAKA & WALDRON
2154 E. Commons Avenue, Ste. 2000
Centennial, CO 80122
(303) 858-1800
jtanaka@wbapc.com

Petitioner

Rancho Coachella Properties, LP
1570 Linda Vista Drive
San Marcos, CA 92078
Attention: Mr. Jeff Bullick
JBullick@lusardi.com

The Proposed Service Plan is being submitted as a single service plan for the yet to be organized District. The District will service a commercial development consisting of light industrial property (the “**Project**”). There will be no residential development served by the District. It is the petitioner’s understanding that Aurora does not consider it feasible or practicable to provide the services or facilities necessary to support the Project. There are currently no other governmental entities located in the immediate vicinity of the District that have either the ability or desire to undertake the design, financing, and construction of the public improvements needed for the Project. Formation of the District is necessary in order that the public improvements be

provided in the most efficient and economical manner possible. The Petitioner plans to meet with the Aurora Planning Department to discuss the status and future development plans for the Project.

In compliance with Aurora City Code Sec. 122-26 – 122-36, the Proposed Service Plan complies with the form and content of Aurora’s current model service plan and the Proposed Service Plan is an exact copy of the appropriate Aurora model service plan. Any and all changes from the model were clearly identified in tracked changes in the preliminary submission.

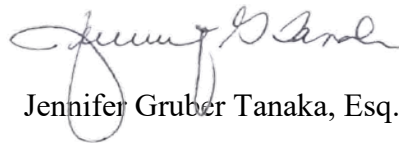
The debt limits reported in Section V.A.10 (Total Debt Issuance Limitation) and VII.A (Financial Plan – General) do not include any debt associated with regional improvements as described in the last sentence of VI.C.

Name of Metro District	Public Improvements	Debt Limit	Debt Limit Includes ARI?	ARI Debt Limit	Total Debt Capacity	Organizing and Operating Reimbursement	1 st Year Operating and Maintenance
(Location in Service Plan)	V.B	V.A.10	Transmittal Letter	VI.C	Calculate	VII.I	VIII.I
Cielo Colorado Metropolitan District	\$200,000,000	\$300,000,000	No	\$300,000,000	\$300,000,000	\$400,000	\$100,000
Totals	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Should you have any questions or concerns regarding this letter or the Proposed Service Plan, please do not hesitate to contact me at your earliest convenience.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON



Jennifer Gruber Tanaka, Esq.

cc: Jeff Bullick
Shelby Noble

Enclosure

**SERVICE PLAN
FOR
CIELO COLORADO METROPOLITAN DISTRICT
CITY OF AURORA, COLORADO**

Prepared

by

WHITE, BEAR, ANKELE, TANAKA & WALDRON
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122
(303) 858-1800

Approved: February 13, 2023

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LIST OF EXHIBITS

EXHIBIT A	Legal Description
EXHIBIT B	Aurora Vicinity Map
EXHIBIT C	Initial District Boundary Map
EXHIBIT D	Notice of Special District Disclosure
EXHIBIT E	Intergovernmental Agreement between the District and Aurora

I. INTRODUCTION

A. Purpose and Intent.

The District is an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Service Plan, its activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Service Plan. It is intended that the District will provide a part or all of the Public Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the District. The primary purpose of the District will be to finance the construction of these Public Improvements.

The District is not being created to provide ongoing operations and maintenance services other than as specifically set forth in this Service Plan.

B. Need for the District.

There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

C. Objective of the City Regarding District's Service Plan.

The City's objective in approving the Service Plan for the District is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the District. All Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term for residential properties and at a tax mill levy no higher than the Maximum Debt Mill Levy for commercial and residential properties, and/or repaid by Fees, as long as such Fees are not imposed upon or collected from Taxable Property owned or occupied by an End User for the purpose of creating a capital cost payment obligation as further described in Section V.A.11. Debt which is issued within these parameters and, as further described in the Financial Plan, will insulate property owners from excessive tax and Fee burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Service Plan is intended to establish a limited purpose for the District and explicit financial constraints that are not to be violated under any circumstances. The primary purpose is to provide for the Public Improvements associated with development and regional needs. Operational activities are allowed, but only through an intergovernmental agreement with the City.

It is the intent of the District to dissolve upon payment or defeasance of all Debt incurred or upon a court determination that adequate provision has been made for the payment of

all Debt, and if the District has authorized operating functions under an intergovernmental agreement with the City, to retain only the power necessary to impose and collect taxes or Fees to pay for these costs.

The District shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from Fees or from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy on commercial and residential properties and which shall not exceed the Maximum Debt Mill Levy Imposition Term on residential properties. It is the intent of this Service Plan to assure to the extent possible that no commercial or residential property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy in amount and that no property developed for a residential use bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy Imposition Term in duration even under bankruptcy or other unusual situations. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the District. With regard to Regional Improvements, this Service Plan also provides for the Districts to pay a portion of the cost of regional infrastructure as part of ensuring that development and those that benefit from development pay for the associated costs.

II. DEFINITIONS

In this Service Plan, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Agreed Upon Procedures Engagement: means an attestation engagement in which a certified public accountant performs specific procedures on subject matter and reports the findings without providing an opinion or conclusion. The subject matter may be financial or nonfinancial information. Because the needs of an engaging party vary, the nature, timing, and extent of the procedures may vary, as well.

Approved Development Plan: means a Framework Development Plan or other process established by the City for identifying, among other things, Public Improvements necessary for facilitating development for property within the Service Area as approved by the City pursuant to the City Code and as amended pursuant to the City Code from time to time.

ARI or Regional Improvements: means Aurora Regional Improvements.

ARI Authority: means one or more Authorities established by an ARI Authority Establishment Agreement.

ARI Establishment Agreement: means an intergovernmental agreement establishing an ARI Authority which has, at minimum, Title 32 special districts from three (3) or more Approved Development Plan areas as parties to the Agreement.

ARI Master Plan: means one or more master plans adopted by an ARI Authority establishing Regional Improvements which will benefit the taxpayers and service users of the District which constitute such ARI Authority, which master plan will change from time to time.

ARI Mill Levy: means the following:

A. For a district with property within its boundaries developed with any residential uses means the mill levy imposed for payment of the costs of the planning, design, permitting, construction, acquisition and financing of the improvements described in the ARI Master Plan, which: (i) shall be one (1) mill for collection beginning for each district in the first year of collection of a debt service mill levy by such district and continuing in each year thereafter through the twentieth (20th) year; and (ii) shall be five (5) mills from the twenty-first (21st) year through the fortieth (40th) year or the date of repayment of the debt incurred for Public Improvements, other than Regional Improvements, which ever first occurs; and (iii) for an additional ten (10) years, the mill levy shall be equal to the average debt service mill levy imposed by such district in the ten (10) years prior to the date of repayment of the debt incurred for Public Improvements other than Regional Improvements; and

B. For a district with property within its boundaries developed solely for commercial uses means the mill levy imposed for payment of the costs of the planning, design, permitting, construction, acquisition and financing of the improvements described in the ARI Master Plan, which: (i) shall be one (1) mill for collection beginning for each district in the first year of collection of a debt service mill levy by such district and continuing in each year thereafter through the twentieth (20th) year; (ii) shall be one and one-half (1.5) mills from the twenty-first (21st) year through the date of repayment of debt incurred for Public Improvements, other than Regional Improvements; and (iii) for five (5) years thereafter, the mill levy shall be the lesser of twenty (20) mills or a mill levy equal to the average debt service mill levy imposed by such district in the ten (10) years prior to the date of repayment of debt issued for Public Improvements, other than Regional Improvements; and

C. Any district may, pursuant to any intergovernmental agreement with the City, extend the term for application of the ARI Mill Levy beyond the years set forth in A and B above. The Maximum Mill Levy Imposition Term shall include the terms set forth in A and B above and any extension of the term as approved in an intergovernmental agreement as described herein.

D. All mills described in this ARI Mill Levy definition shall be subject to adjustment as follows: On or after January 1, 2004, if there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the one (1) mill levy described above may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes, for purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

Board: means the board of directors of the District.

Bond, Bonds or Debt: means bonds or other obligations for the payment of which the District has promised to impose an *ad valorem* property tax mill levy, and/or collect Fee revenue.

City: means the City of Aurora, Colorado.

City Code: means the City Code of the City of Aurora, Colorado.

City Council: means the City Council of the City of Aurora, Colorado.

C.R.S.: means the Colorado Revised Statutes, as the same may be amended from time to time.

District: means the Cielo Colorado Metropolitan District.

End User: means any owner, or tenant of any owner, of any taxable improvement within the District, who is intended to become burdened by the imposition of ad valorem property taxes subject to the Maximum Debt Mill Levy. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an End User. The business entity that constructs homes or commercial structures is not an End User.

External Financial Advisor: means a consultant that: (i) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the District and has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

Fees: means any fee imposed by the District for services, programs or facilities provided by the District, as described in Section V.A.11. below.

Financial Plan: means the Financial Plan described in Section VII which describes (i) how the Public Improvements are to be financed; (ii) how the Debt is expected to be incurred; and (iii) the estimated operating revenue derived from property taxes for the first budget year.

Initial District Boundaries: means the boundaries of the area described in the Initial District Boundary Map.

Initial District Boundary Map: means the map attached hereto as **Exhibit C**, describing the District's initial boundaries.

Maximum Debt Mill Levy: means the maximum mill levy the District is permitted to impose for payment of Debt as set forth in Section VII.C below.

Maximum Debt Mill Levy Imposition Term: means the maximum term for imposition of a mill levy on a particular property developed for residential uses as set forth in Section VII.D below.

Operations and Maintenance Mill Levy: means the mill levy the District projects to impose for payment of administration, operations, and maintenance costs as set forth in the Financial Plan in Section VII below.

Project: means the development or property commonly referred to as Cielo Colorado.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the Special District Act, except as specifically limited in Section V below to serve the future taxpayers and inhabitants of the Service Area as determined by the Board of the District.

Regional Improvements: means Public Improvements and facilities that benefit the Service Area and which are to be financed pursuant to Section VI below.

Service Area: means the property within the Initial District Boundary Map.

Service Plan: means this service plan for the District approved by City Council.

Service Plan Amendment: means an amendment to the Service Plan approved by City Council in accordance with the City's ordinance and the applicable state law.

Special District Act: means Section 32-1-101, et seq., of the Colorado Revised Statutes, as amended from time to time.

State: means the State of Colorado.

Taxable Property: means real or personal property within the Service Area subject to ad valorem taxes imposed by the District.

III. BOUNDARIES

The area of the Initial District Boundaries includes approximately One Hundred Fifty-Eight (158) acres. A legal description of the Initial District Boundaries is attached hereto as **Exhibit A**. A vicinity map is attached hereto as **Exhibit B**. A map of the Initial District Boundaries is attached hereto as **Exhibit C**. It is anticipated that the District's boundaries may change from time to time as it undergoes inclusions and exclusions pursuant to Section 32-1-401, et seq., C.R.S., and Section 32-1-501, et seq., C.R.S., subject to the limitations set forth in Article V below.

IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION

The Service Area consists of approximately One Hundred Fifty-Eight (158) acres of commercial land. The current assessed valuation of the Service Area is \$0.00 for purposes of this Service Plan and, at build out, is expected to be sufficient to reasonably discharge the Debt under the Financial Plan. The population of the District at build-out is estimated to be approximately zero (0) people.

Approval of this Service Plan by the City does not imply approval of the development of a specific area within the District, nor does it imply approval of the number of residential units or the total site/floor area of commercial or industrial buildings identified in this Service Plan or any of the exhibits attached thereto, unless the same is contained within an Approved Development Plan.

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES

A. Powers of the District and Service Plan Amendment.

The District shall have the power and authority to provide the Public Improvements and related operation and maintenance services within and without the boundaries of the District as such power and authority is described in the Special District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

In connection with the performance of all acts or activities hereunder, the District shall not violate any protection clauses of the United States or Colorado State Constitutions. The District shall not discriminate against any person because of race, color, religion, national origin, gender, age, military status, sexual orientation, gender identity or gender expression, marital status, or physical or mental disability, and further shall insert the foregoing provision in contracts or subcontracts let by the District to accomplish the purposes of this Service Plan.

1. **Operations and Maintenance Limitation.** The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the City or other appropriate jurisdiction or owners association in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The District shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise required to be dedicated to the City or other public entity, including, but not limited to street improvements (including roads, curbs, gutters, culverts, sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping, and other street improvements), traffic and safety controls, retaining walls, park and recreation improvements and facilities, trails, open space, landscaping, drainage improvements (including detention and retention ponds, trickle channels, and other drainage facilities), irrigation system improvements (including wells, pumps, storage facilities, and distribution facilities), and all necessary equipment and appurtenances incident thereto. Any Fee imposed by the District for access to such park and recreation improvements shall not result in Non-District Aurora residents paying a user fee that is greater than, or otherwise disproportionate to, similar fees and taxes paid by

residents of the District. However, the District shall be entitled to impose an administrative Fee as necessary to cover additional expenses associated with Non-District Aurora residents to ensure that such costs are not the responsibility of District residents. All such Fees shall be based upon the District's determination that such Fees do not exceed reasonable annual market fees for users of such facilities. Notwithstanding the foregoing, all parks and trails owned by the District shall be open to the general public and Non-District Aurora residents, subject to the rules and regulations of the District as adopted from time to time. Trails which are interconnected with a city or regional trail system shall be open to the public free of charge and on the same basis as residents and owners of taxable property within the District.

2. Fire Protection Limitation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City. The authority to plan for, design, acquire, construct, install, relocate, redevelop or finance fire hydrants and related improvements installed as part of the water system shall not be limited by this provision.

3. Television Relay and Translation Limitation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain television relay and translation facilities and services, other than for the installation of conduit as a part of a street construction project, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City.

4. Golf Course Construction Limitation. Acknowledging that the City has financed public golf courses and desires to coordinate the construction of public golf courses in the City's boundaries, the District shall not be authorized to plan, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain a golf course unless such activity is pursuant to an intergovernmental agreement with the City.

5. Construction Standards Limitation. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

6. Privately Placed Debt Limitation. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high

yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

7. Inclusion Limitation. The District shall not include within any of their boundaries any property outside the Service Area without the prior written consent of the City.

8. Overlap Limitation. The District shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.

9. Initial Debt Limitation. On or before the effective date of approval by the City of an Approved Development Plan, the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any Fees used for the purpose of repayment of Debt.

10. Total Debt Issuance Limitation. The District shall not issue Debt in excess of Three Hundred Million Dollars (\$300,000,000) in the aggregate; provided however, that any Debt issued by the District for Regional Improvements shall not be included within this limitation and shall be subject to the limitations set forth in Section VI.

11. Fee Limitation. The District may impose and collect Fees as a source of revenue for repayment of debt, capital costs, and/or for operations and maintenance. No Fee related to the funding of costs of a capital nature shall be authorized to be imposed upon or collected from Taxable Property owned or occupied by an End User which has the effect, intentional or otherwise, of creating a capital cost payment obligation in any year on any Taxable Property owned or occupied by an End User. Notwithstanding any of the foregoing, the restrictions in this definition shall not apply to any Fee imposed upon or collected from Taxable Property for the purpose of funding operation and maintenance costs of the District.

12. Monies from Other Governmental Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This Section shall not apply to specific ownership taxes which shall be distributed to and be a revenue source for the District without any limitation.

13. Consolidation Limitation. The District shall not file a request with any Court to consolidate with another Title 32 district without the prior written consent of the City.

14. Bankruptcy Limitation. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, Maximum Debt Mill Levy Imposition Term and the Fees have been established under the authority of the City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) Are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable nonbankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

15. Website. When a district is required to have a website in accordance with the requirements of C.R.S. Section 32-1- 104.5, the District shall establish, maintain and annually update a public website or provide information on a shared community website, on which the District will timely post all information and documents required by C.R.S. § 32-1-104.5.

16. Service Plan Amendment Requirement. This Service Plan has been designed with sufficient flexibility to enable the District to provide required services and facilities under evolving circumstances without the need for numerous amendments. Actions of the District which violate the limitations set forth in V.A.1-14 above or in VII.B-G. shall be deemed to be material modifications to this Service Plan and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

B. Preliminary Engineering Survey.

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District, to be more specifically defined in an Approved Development Plan. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a preliminary engineering survey and estimates derived from the zoning on the property in the Service Area and is approximately Two Hundred Million Dollars (\$200,000,000).

All of the Public Improvements will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the City and shall be in accordance with the requirements of the Approved Development Plan. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

VI. REGIONAL IMPROVEMENTS

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements incurred as a result of participation in the alternatives set forth in Section VI.A, B or C below.

The District shall impose the ARI Mill Levy and shall convey it as follows:

A. If the District has executed an ARI Authority Establishment Agreement and the City has been offered the opportunity to execute an ARI Authority Establishment Agreement, the terms of which provide for the City to appoint no less than thirty percent (30%) and no more than forty-nine percent (49%) of the Board members who will serve as the board of directors of the ARI Authority to be established by such ARI Authority Establishment Agreement, regardless as to whether the City approves the execution of such ARI Authority Establishment Agreement, the revenue from the ARI Mill Levy shall be conveyed to the ARI Authority for the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements in the ARI Master Plan and for the operations of such ARI Authority; or

B. If the City and the District have executed an intergovernmental agreement then the revenue from the ARI Mill Levy shall be conveyed to the City for use in planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users and taxpayers of the District in accordance with such agreement; or

C. If neither Section VI.A nor VI.B above is applicable then the revenue shall be conveyed to the City and (i) the City shall place in a special account all revenues received from the ARI Mill Levy imposed in the Service Area under this Section VI and shall not expend such revenue until an intergovernmental agreement is executed between the District establishing the terms and conditions for the provision of the Regional Improvements; and (ii) if the intergovernmental agreement is not executed within two (2) years from the date of the approval of the Service Plan by the City and neither Section VI.A nor VI.B above have occurred within two (2) years from the date of the approval of the Service Plan by the City, then the revenue from the ARI Mill Levy shall be conveyed to the City for use by the City in the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users or taxpayers of the District as prioritized and determined by the City.

As set forth in the definition of the ARI Mill Levy, the District may, pursuant to any intergovernmental agreement with the City, extend the terms for application of the ARI Mill Levy beyond the years set forth in Sections VI.A and VI. B above. The Maximum Mill Levy Imposition Term shall include the terms and any extension of such terms, as set forth in Sections A, B and C of the definition of the ARI Mill Levy.

The Regional Improvements shall be limited to the provision of the planning, design, acquisition, construction, installation, relocation and/or redevelopment of street and

transportation related improvements as defined in the Special District Act and the administration and overhead costs incurred as a result of participation in the alternative set forth in Section VI.A, B or C set forth above, unless the City has agreed otherwise in writing; provided, however in no event shall the Regional Improvements include water or sanitary sewer improvements unless such improvements are necessary as a part of completing street and transportation related improvements. The District shall cease to be obligated to impose, collect and convey to the City the revenue from the ARI Mill Levy described in this Section VI at such time as the area within the District's boundaries is included within a different district organized under the Special District Act, or a General Improvement District organized under Section 31-25-601, et seq., C.R.S., or Business Improvement District organized under Section 31-25-1201, et seq., C.R.S., which other district has been organized to fund a part or all of the Regional Improvements.

The District shall have the authority to issue Debt for the Regional Improvements, in an amount not to exceed Three Hundred Million Dollars (\$300,000,000) pursuant to agreements as described in VI.A, B or C above. Such limit is not subject to the Total Debt Issuance Limitation described in section VII below.

VII. FINANCIAL PLAN

A. General.

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from its revenues and by and through the proceeds of Debt to be issued by the District. The Financial Plan for the District shall be to issue such Debt as the District can reasonably pay within the Maximum Debt Mill Levy Imposition Term from revenues derived from the Maximum Debt Mill Levy, Fees and other legally available revenues. The total Debt that the District shall be permitted to issue shall not exceed Three Hundred Million Dollars (\$300,000,000) (exclusive of Debt issued for Regional Improvements described in Section VI above) and shall be permitted to be issued on a schedule and in such year or years as the District determine shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. All Bonds and other Debt issued by the District may be payable from any and all legally available revenues of the District, including general ad valorem taxes and Fees to be imposed upon all Taxable Property within the District. The District will also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(1), C.R.S., as amended from time to time.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt is not expected to exceed eighteen percent (18%). The proposed maximum underwriting discount will be five percent (5%). Debt, when issued, will comply with all relevant requirements of this Service Plan, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Debt Mill Levy.

The “Maximum Debt Mill Levy” shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Debt, and shall be determined as follows:

1. For the portion of any aggregate District’s Debt which exceeds fifty percent (50%) of the District’s assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section VII.C.2 below; provided that if, on or after January 1, 2004, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

2. For the portion of any aggregate District’s Debt which is equal to or less than fifty percent (50%) of the District’s assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

3. For purposes of the foregoing, once Debt has been determined to be within Section VII.C.2 above, so that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, the District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in the District’s Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1-1101, C.R.S. and all other requirements of State law.

To the extent that the District is composed of or subsequently organized into one or more subdistricts as permitted under Section 32-1-1101, C.R.S., the term “District” as used herein shall be deemed to refer to the District and to each such subdistrict separately, so that each of the subdistricts shall be treated as a separate, independent district for purposes of the application of this definition.

The Maximum Debt Mill Levy shall not apply to the District’s Operations and Maintenance Mill Levy for the provision of operation and maintenance services to the District’s taxpayers and service users as set for in Section VII.K below.

D. Maximum Debt Mill Levy Imposition Term.

The District shall have the authority to impose the ARI Mill Levy for the terms as set forth in Section VI. Other than the ARI Mill Levy, the District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on

any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such mill levy unless a majority of the Board of Directors of the District are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings as set forth in Section 11-56-101, C.R.S.; et seq.

E. Debt Repayment Sources.

The District may impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance. The District may also rely upon various other revenue sources authorized by law. At the District's discretion, these may include the power to assess Fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(I), C.R.S., as amended from time to time. In no event shall the debt service mill levy in the District exceed the Maximum Debt Mill Levy or, for residential property within the District, the Maximum Debt Mill Levy Imposition Term, except pursuant to an intergovernmental agreement between the District and the City for Regional Improvements.

F. Debt Instrument Disclosure Requirement.

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Service Plan for creation of the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Service Plan shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

G. Security for Debt.

The District shall not pledge any revenue or property of the City as security for the indebtedness set forth in this Service Plan. Approval of this Service Plan shall not be construed as a guarantee by the City of payment of any of the District's obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

H. TABOR Compliance.

The District will comply with the provisions of TABOR. In the discretion of the Board, the District may set up other qualifying entities to manage, fund, construct and operate facilities, services, and programs. To the extent allowed by law, any entity created by the District will remain under the control of the District's Board.

I. District's Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District's organization and initial operations, are anticipated to be Four Hundred Thousand Dollars (\$400,000), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained. The first year's operating budget is estimated to be One Hundred Thousand Dollars (\$100,000) which is anticipated to be derived from property taxes and other revenues.

The Maximum Debt Mill Levy for the repayment of Debt shall not apply to the District's ability to increase its their Operations and Maintenance Mill Levy as necessary for provision of operation and maintenance services to its taxpayers and service users.

J. Agreed Upon Procedures Examination.

For districts with property within their boundaries developed with any residential uses, at such time that a majority of Board of Directors of the District are residents of the district, the district is encouraged to engage the services of a certified public accountant for an Agreed Upon Procedures Engagement. The Board of Directors, in its discretion, will set the scope and the procedures for the engagement.

VIII. ANNUAL REPORT

A. General.

The District shall be responsible for submitting an annual report to the Manager of the Office of Development Assistance of the City Manager's Office no later than August 1st of each year following the year in which the Order and Decree creating the District has been issued. The annual report shall include all information required pursuant to the Special District Act.

B. Reporting of Significant Events.

The annual report shall include information as to any of the following:

1. Boundary changes made or proposed to the District's boundary as of December 31 of the prior year.
2. Intergovernmental Agreements with other governmental entities, either entered into or proposed as of December 31 of the prior year.
3. Copies of the District's rules and regulations, if any as of December 31 of the prior year.

4. A summary of any litigation which involves the District Public Improvements as of December 31 of the prior year.
5. Status of the District's construction of the Public Improvements as of December 31 of the prior year.
6. A list of all facilities and improvements constructed by the District that have been dedicated to and accepted by the City as of December 31 of the prior year.
7. The final assessed valuation of the District as of December 31 of the reporting year.
8. Current year budget including a description of the Public Improvements to be constructed in such year.
9. Audit of the District's financial statements, for the year ending December 31 of the previous year, prepared in accordance with generally accepted accounting principles or audit exemption, if applicable.
10. Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument.
11. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

IX. DISSOLUTION

Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

X. DISCLOSURE NOTICES AND MEETINGS

1. The District will provide the City with written notice of the date of hearing on its petition for organization filed with the district court.
2. The District will use reasonable efforts and due diligence to cause each developer and home builder to provide written notice of disclosure to all initial purchasers of property in the District that describes the general purpose of the district and financial impact on each residential property at the time of entering into the purchase contract. The form of notice shall be filed with the City prior to the initial issuance of the Debt of the District imposing the mill levy which is the subject of the Maximum Debt Mill Levy. The form of notice shall be substantially in the form of **Exhibit E** attached hereto; provided that such notice may be modified by the District so long as a new notice is submitted to and approved by the City prior to

using such modified notice. Any modified notice will be expected to provide the following information:

- a. General description and purpose(s) of the District.
- b. Contact information for the District.
- c. Website address for the District (once established per Section V.A.15).
- d. District boundary map showing all lots within the District.
- e. The Maximum Debt Mill Levy that may be imposed on the residential property for each year the District is in existence and a calculation of the associated taxes that the homeowner will pay.
- f. List of all other taxing entities within the District boundaries and their current mill levies and associated taxes.
- g. The District's Total Debt Issuance Limitation and a description of the Public Improvements that the District Debt is being issued to pay for.
- h. The Maximum Debt Mill Levy Imposition Term, providing an understanding of the duration for which the property will be taxed to pay off Debt.
- i. A description of what the Operations and Maintenance Mill Levy is, pays for, and the duration that the property will be taxed to pay for the eligible Operations and Maintenance Mill Levy expenses.
- j. Any and all Fees currently imposed on each residential property for each year the District is in existence.
- k. Any additional information required by the Colorado Revised Statutes, including without limitation C.R.S. § 38-35.7-110, as amended from time to time.

The District will use reasonable efforts and due diligence to cause each developer and home builder to require that each home buyer is asked to acknowledge receipt of such notice of disclosure at the time of entering into the purchase contract.

3. To ensure that potential residential buyers are educated about the District, the District will provide the information identified in Section X.2 above to the developer or home builders for prominent display at all sales offices, and by inspecting the sales offices within the District Boundaries on a quarterly basis to assure the information provided is accurate and prominently displayed.

4. The District shall provide annual notice to all eligible electors of the District, in accordance with Section 32-1-809, C.R.S. In addition, the District shall record a District public disclosure document and a map of the District boundaries with the Clerk and Recorder of each County in which District property is located, in accordance with Section 32-1-104.8, C.R.S. The District shall use reasonable efforts to ensure that copies of the annual notice, public disclosure document and map of the District boundaries are provided to potential purchasers of real property within the District as part of the seller's required property disclosures.

5. All special and regular District meetings shall be open to the public and shall be held at a location within the District boundaries, or virtually with participation via

teleconference, webcast, video conference or other technological means. If a Board meeting is held virtually, the District shall provide information on the District website accessible to all residents on how to access and participate in the virtual meeting. If the District utilizes email to communicate with residents, the District shall also send notification of the virtual meeting by email. The District shall provide notification via the District website and, if applicable, email, at least ten (10) days prior to the virtual Board meeting. If the Board schedules a virtual special meeting that will be convened in fewer than ten (10) days, the District shall provide notification via the District website and, if applicable, email, as soon as possible after scheduling the special meeting.

XI. INTERGOVERNMENTAL AGREEMENT

The form of the intergovernmental agreement required by the City Code, relating to the limitations imposed on the District's activities, is attached hereto as **Exhibit E**. The District shall approve the intergovernmental agreement in the form attached as **Exhibit E** at its first Board meeting after its organizational election. Failure of the District to execute the intergovernmental agreement as required herein shall constitute a material modification and shall require a Service Plan Amendment. The City Council shall approve the intergovernmental agreement in the form attached as **Exhibit E** at the public hearing approving the Service Plan.

XII. CONCLUSION

It is submitted that this Service Plan for the District, as required by Section 32-1-203(2), C.R.S., and Section 122-35 of the City Code, establishes that:

1. There is sufficient existing and projected need for organized service in the area to be serviced by the District;
2. The existing service in the area to be served by the District is inadequate for present and projected needs;
3. The District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
4. The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
5. Adequate service is not, and will not be, available to the area through the City or county or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.
6. The facility and service standards of the District are compatible with the facility and service standards of the City within which the special district is to be located and each municipality which is an interested party under Section 32-1-204(1), C.R.S.
7. The proposal is in substantial compliance with a comprehensive plan adopted pursuant to the City Code.

8. The proposal is in compliance with any duly adopted City, regional or state long-range water quality management plan for the area.

9. The creation of the District is in the best interests of the area proposed to be served.

EXHIBIT A

Legal Description

EXHIBIT A
CIELO COLORADO METRO DISTRICT
SHEET 1 OF 2

LAND DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE 6TH P.M., CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 21, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 21, N00°51'18"W A DISTANCE OF 2620.76 FEET;

THENCE ALONG A LINE 30.00 FEET SOUTHERLY OF AND PARALLEL TO THE NORTHERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 21, S89°14'38"E A DISTANCE OF 2636.43 FEET TO A POINT ON THE EASTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 21;

THENCE ALONG SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 21, S00°30'04"E A DISTANCE OF 2618.02 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21;

THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 21, N89°17'42"W A DISTANCE OF 2620.18 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 6,882,436 SQUARE FEET OR 157.999 ACRES MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE WESTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO ASSUMED TO BEAR N00°51'18"W AND BEING MONUMENTED BY A FOUND 3-1/4"ALUMINUM CAP PLS #7242 AT THE CENTER CORNER OF SAID SECTION 21 AND A FOUND 3-1/4"ALUMINUM CAP AT THE NORTH QUARTER CORNER OF SAID SECTION 21.

PREPARED BY DOMINIC BEJARANO
REVIEWED BY RICHARD A NOBBE, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
303-431-6100
DECEMBER 06, 2022

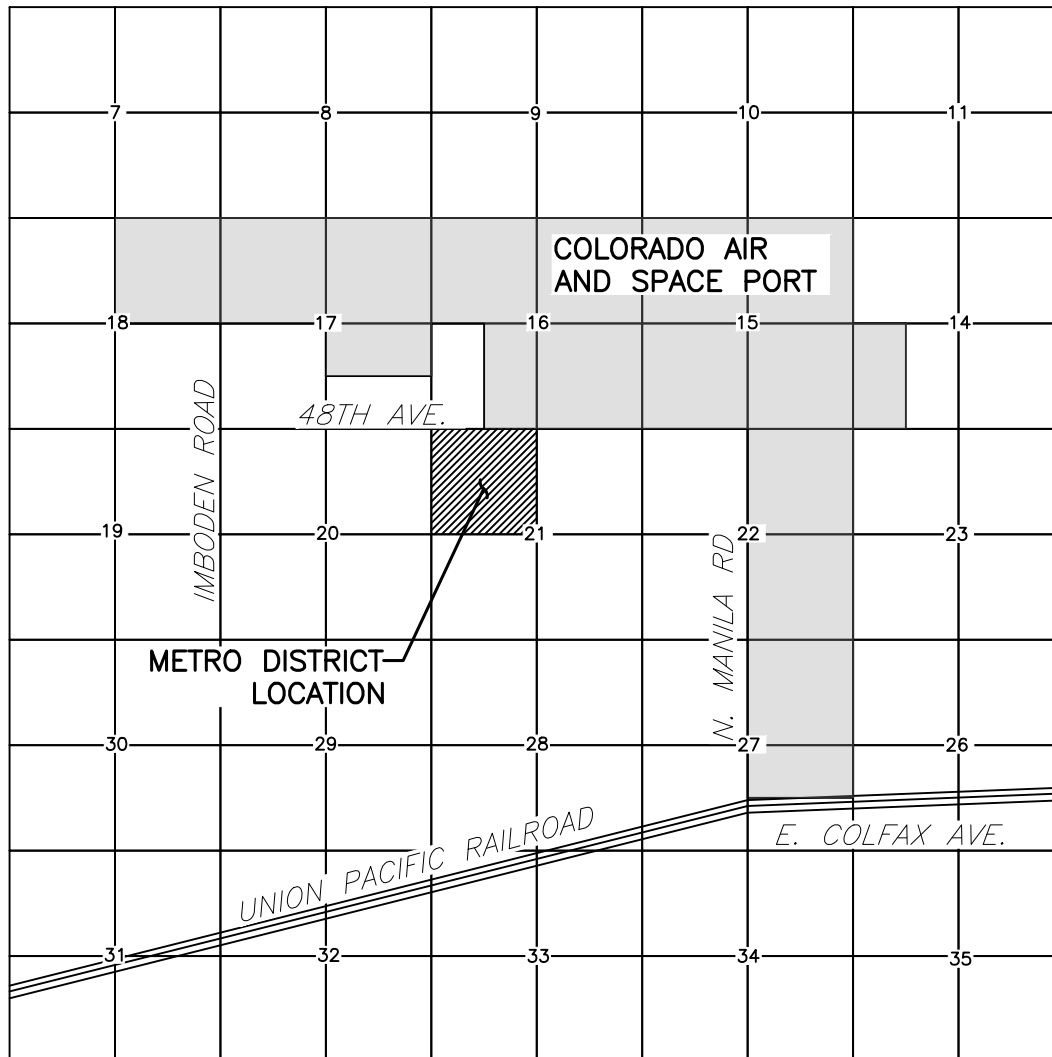
EXHIBIT B

Aurora Vicinity Map

METROPOLITAN DISTRICT MAP

CIELO COLORADO METROPOLITAN DISTRICT

SHEET 1 OF 1



VICINITY MAP
N.T.S

DECEMBER 16, 2022

MARTIN/MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

EXHIBIT C

Initial District Boundary Map

METROPOLITAN DISTRICT MAP

CIELO COLORADO METROPOLITAN DISTRICT

DISTRICT PARCEL

SHEET 2 OF 2

SE1/4 SEC. 16,
T3S, R64W,
6TH P.M.

NE COR. SEC. 21,
T3S, R64W, 6TH P.M.
FOUND 3-1/4" ALUM.
CAP IN RANGE BOX
ILLEGIBLE
1.5' BELOW GRADE

SW1/4
SEC. 15,
T3S, R64W,
6TH P.M.

SW1/4 SEC. 16,
T3S, R64W,
6TH P.M.
N1/4 COR. SEC. 21,
T3S, R64W, 6TH P.M.
FOUND 3-1/4" ALUM.
CAP ILLEGIBLE
0.4' BELOW GRADE

NORTHERLY LINE NE1/4,
SEC 6, T3S, R64W, 6TH P.M.

EAST 48TH AVENUE

S89°14'38"E 2636.43'

30'

60' EXISTING
R.O.W.

PARCEL CONTAINS
157.999 ACRES
6,882,436 SQ FT. ±

NW1/4 SEC. 21,
T3S, R64W,
6TH P.M.

WESTERLY LINE NE1/4, SEC
6, T3S, R64W, 6TH P.M.

(BASIS OF BEARING)
N00°51'18"W 2620.76'

NE1/4 SEC. 21,
T3S, R64W,
6TH P.M.

NW1/4
SEC. 22
T3S,
R64W,
6TH P.M.

S00°30'04"E 2618.02'

EASTERLY LINE NE1/4, SEC 6, T3S, R64W, 6TH P.M.

POINT OF COMMENCEMENT
C1/4 COR. SEC. 21,
T3S, R64W, 6TH P.M.
FOUND 3-1/4" ALUM.
CAP PLS #7242
0.7' ABOVE GRADE

N89°17'42"W 2620.18'

SOUTHERLY LINE NE1/4, SEC 6, T3S, R64W, 6TH P.M.

SW1/4 SEC. 21,
T3S, R64W,
6TH P.M.

SE1/4 SEC. 21,
T3S, R64W,
6TH P.M.

E1/4 COR. SEC. 21,
T3S, R64W, 6TH P.M.
FOUND 2-1/2" ALUM.
CAP PLS #5112
2.0' BELOW GRADE

SW1/4
SEC. 22
T3S, R64W,
6TH P.M.



SCALE: 1"=600'
ALL LINEAL
DIMENSIONS ARE IN
U.S. SURVEY FEET

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

DECEMBER 06, 2022

MARTIN/MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

EXHIBIT D

Notice of Special District Disclosure

ATTENTION HOMEBUYER: You are purchasing a home that is located within **Cielo Colorado Metropolitan District**. This District has the authority to issue bonds or other debt to pay for development improvements and levy taxes and fees on all properties within the District for debt repayment and ongoing operations and maintenance.

Name of District:	Cielo Colorado Metropolitan District
Contact Information for District:	
District Website:	
District Boundaries:	See attached map.
Purpose of the District:	<p>Metropolitan district organized pursuant to C.R.S. § 32-1-101 et seq. The District was created to assist with the planning, design, acquisition, construction, installation, operation, maintenance, relocation, and financing of certain public improvements serving the Cielo Colorado located in the City of Aurora, Colorado and described further in the District's Service Plan.</p> <p>A copy of the District's Service Plan can be found on the District's website or by contacting the District at the District contact information above.</p>
Authorized Types of District Taxes:	<p>Debt Mill Levy and Operations and Maintenance Mill Levy</p> <p>These mill levies result in taxes you will owe to the District and are described further below.</p>
District's Total Debt Issuance Authorized per District's Service Plan:	\$300,000,000
District Improvements Financed by Debt:	The District intends to, or has already issued debt to pay for <i>[list major Public Improvement categories, and where appropriate identify specific improvements by name (i.e. specific roads, parks, etc.)]</i>
Maximum Debt Mill Levy that may be levied annually on properties within the District to pay back debt:	<p>Maximum Debt Mill Levy: 50.000 Mills</p> <p>The Maximum Debt Mill Levy may adjust based on changes in the residential assessment ratio occurring after January 1, 2004.</p> <p><i>[depending on service plan amendments, add info about the Board potentially being able to change the Debt Mill Levy]</i></p>
Ongoing Operations and Maintenance Services of the District:	<p>The District intends to impose an Operations and Maintenance Mill Levy to pay for</p> <p><i>[list eligible ongoing administration, operating and maintenance</i></p>

	<i>obligations]</i>
District Fees:	<i>[For transparency, District should indicate that the Board may choose to impose operations and maintenance fees in the future]</i>
Other Taxing Entities to which you will pay taxes to:	<i>[List all taxing entities and current mill levies within the District Boundaries as identified by the County Assessor]</i>

Sample Calculation of Taxes Owed for a Residential Property within the District:

Assumptions:

Average market value of home in

District is \$_____ Debt Mill Levy is 50 mills

Operations and Maintenance Mill Levy is _____mills

Total Metropolitan District mill levies = 60 mills

Calculation of Metropolitan District Taxes:

\$_____ x .0715 = \$_____ (Assessed Valuation)

\$_____ x .060 mills = \$_____ per year in taxes owed solely to the Metro District

Total Additional Mill Levies from Other Taxing Entities: _____ mills = \$_____ annual taxes

TOTAL [YEAR] PROPERTY TAXES FOR A HOME COSTING \$_____ = \$_____

THIS ESTIMATE ONLY PROVIDES AN ILLUSTRATION OF THE AMOUNT OF THE NEW PROPERTY TAXES THAT MAY BE DUE AND OWING AFTER THE PROPERTY HAS BEEN REASSESSED AND, IN SOME INSTANCES, RECLASSIFIED AS RESIDENTIAL PROPERTY. THIS ESTIMATE IS NOT A STATEMENT OF THE ACTUAL AND FUTURE TAXES THAT MAY BE DUE. FIRST YEAR PROPERTY TAXES MAY BE BASED ON A PREVIOUS YEAR'S TAX CLASSIFICATION, WHICH MAY NOT INCLUDE THE FULL VALUE OF THE PROPERTY AND, CONSEQUENTLY, TAXES MAY BE HIGHER IN SUBSEQUENT YEARS. A SELLER HAS COMPLIED WITH THIS DISCLOSURE STATEMENT AS LONG AS THE DISCLOSURE IS BASED UPON A GOOD-FAITH EFFORT TO PROVIDE ACCURATE ESTIMATES AND INFORMATION.

ACKNOWLEDGED AND AGREED TO BY BUYER:

Name: _____

Date: _____

EXHIBIT E

Intergovernmental Agreement between the District and Aurora

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF AURORA, COLORADO
AND
CIELO COLORADO METROPOLITAN DISTRICT**

THIS AGREEMENT is made and entered into as of this ____ day of _____, _____, by and between the CITY OF AURORA, a home-rule municipal corporation of the State of Colorado (“City”), and CIELO COLORADO METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”). The City and the District are collectively referred to as the Parties.

RECITALS

WHEREAS, the District was organized to provide those services and to exercise powers as are more specifically set forth in the District’s Service Plan approved by the City on _____ (“Service Plan”); and

WHEREAS, the Service Plan makes reference to the execution of an intergovernmental agreement between the City and the District, as required by the Aurora City Code; and

WHEREAS, the City and the District have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Intergovernmental Agreement (“Agreement”).

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

COVENANTS AND AGREEMENTS

1. Operations and Maintenance. The District shall dedicate the Public Improvements (as defined in the Service Plan) to the City or other appropriate jurisdiction or owners association in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The District shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise required to be dedicated to the City or other public entity, including, but not limited to street improvements (including roads, curbs, gutters, culverts, sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping, and other street improvements), traffic and safety controls, retaining walls, park and recreation improvements and facilities, trails, open space, landscaping, drainage improvements (including detention and retention ponds, trickle channels, and other drainage facilities), irrigation system improvements (including wells, pumps, storage facilities, and distribution facilities), and all necessary equipment and appurtenances incident thereto.

Any Fee imposed by the District for access to such park and recreation improvements shall not result in Non-District City residents paying a user fee that is greater than, or otherwise disproportionate to, similar fees and taxes paid by residents of the District. However, the District

shall be entitled to impose an administrative fee as necessary to cover additional expenses associated with Non-District City residents to ensure that such costs are not the responsibility of District residents. All such Fees shall be based upon the District's determination that such Fees do not exceed reasonable annual market fee for users of such facilities. Notwithstanding the foregoing, all parks and trails owned by the District shall be open to the general public and Non-District City residents, subject to the rules and regulations of the District as adopted from time to time. Trails which are interconnected with a city or regional trail system shall be open to the public free of charge and on the same basis as residents and owners of taxable property within the District.

2. Fire Protection. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City. The authority to plan for, design, acquire, construct, install, relocate, redevelop or finance fire hydrants and related improvements installed as part of the water system shall not be limited by this provision.

3. Television Relay and Translation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain television relay and translation facilities and services, other than for the installation of conduit as a part of a street construction project, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City.

4. Golf Course Construction. The District shall not be authorized to plan, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain a golf course unless such activity is pursuant to an intergovernmental agreement with the City.

5. Construction Standards. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction and of those special districts that qualify as "interested parties" under Section 32-1-204(1), C.R.S., as applicable. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

6. Issuance of Privately Placed Debt. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the

Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

7. Inclusion Limitation. The District shall not include within any of its boundaries any property outside the Service Area without the prior written consent of the City.

8. Overlap Limitation. The District shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.

9. Initial Debt. On or before the effective date of approval by the City of an Approved Development Plan (as defined in the Service Plan), the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any fees used for the purpose of repayment of Debt.

10. Total Debt Issuance. The District shall not issue Debt in excess of Three Hundred Million Dollars (\$300,000,000) in the aggregate; provided, however, that any Debt issued by the District for ARI Regional Improvements shall not be included within this limitation and shall be subject to the limitations set forth in Section VI of the Service Plan.

11. Fee Limitation. The District may impose and collect Fees as a source of revenue for repayment of debt, capital costs, and/or for operations and maintenance. No Fee related to the funding of costs of a capital nature shall be authorized to be imposed upon or collected from Taxable Property owned or occupied by an End User which has the effect, intentional or otherwise, of creating a capital cost payment obligation in any year on any Taxable Property owned or occupied by an End User. Notwithstanding any of the foregoing, the restrictions in this definition shall not apply to any Fee imposed upon or collected from Taxable Property for the purpose of funding operation and maintenance costs of the District.

12. Debt Issuance Limitation. The District shall not be authorized to incur any indebtedness until such time as the District has approved and executed the IGA and approved the imposition of the Aurora Regional Improvement Mill Levy (as defined in the Service Plan) upon all taxable property located within the boundaries of the District.

13. Monies from Other Governmental Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This Section shall not apply to specific ownership taxes which shall be distributed to and a revenue source for the District without any limitation.

14. Consolidation. The District shall not file a request with any Court to consolidate with another Title 32 district without the prior written consent of the City.

15. Bankruptcy. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy and the Maximum Debt Mill

Levy Imposition Term have been established under the authority of the City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) Are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable nonbankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

16. Website. When a district is required to have a website in accordance with the requirements of C.R.S. Section 32-1- 104.5, the District shall establish, maintain and annually update a public website or provide information on a shared community website, on which the District will timely post all information and documents required by C.R.S. § 32-1- 104.5.

17. Dissolution. Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

18. Disclosure to Purchasers. The District will use reasonable efforts to assure that all developers of the property located within the District provide written notice to all purchasers of property in the District regarding the Maximum Debt Mill Levy, as well as a general description of the District’s authority to impose and collect rates, Fees, tolls and charges. The notice shall conform with the City’s standard model disclosure attached as Exhibit D to the Service Plan as may be amended from time to time. The City shall be provided a copy of the notice prior to the initial issuance of the Debt of the District imposing the mill levy which is the subject of the Maximum Debt Mill Levy.

19. Service Plan Amendment Requirement. Actions of the District which violate the limitations set forth in V.A.1-14 or VII.B-G of the Service Plan shall be deemed to be material modifications to the Service Plan and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

20. Annual Report. The District shall be responsible for submitting an annual report to the Manager of the Office of Development Assistance of the City Manager’s Office no later than August 1st of each year following the year in which the Order and Decree creating the

District has been issued, pursuant to the City Code and containing the information set forth in Section VIII of the Service Plan.

21. Regional Improvements. The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements incurred as a result of participation in the alternatives set forth in Section VI.A, B or C of the Service Plan.

The District shall impose the ARI Mill Levy and shall convey it as follows:

(a) If the District has executed an ARI Authority Establishment Agreement and the City has been offered the opportunity to execute an ARI Authority Establishment Agreement, the terms of which provide for the City to appoint no less than thirty percent (30%) and no more than forty-nine percent (49%) of the Board members who will serve as the board of directors of the ARI Authority to be established by such ARI Authority Establishment Agreement, regardless as to whether the City approves the execution of such ARI Authority Establishment Agreement, the revenue from the ARI Mill Levy shall be conveyed to the ARI Authority for the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements in the ARI Master Plan and for the operations of such ARI Authority; or

(b) If the City and the District have executed an intergovernmental agreement then the revenue from the ARI Mill Levy shall be conveyed to the City for use in planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users and taxpayers of the District in accordance with such agreement; or

(c) If neither Section VI.A nor VI.B of the Service Plan is applicable then the revenue shall be conveyed to the City and (i) the City shall place in a special account all revenues received from the ARI Mill Levy imposed in the Service Area under Section VI of the Service Plan and shall not expend such revenue until an intergovernmental agreement is executed between the District establishing the terms and conditions for the provision of the Regional Improvements; and (ii) if the intergovernmental agreement is not executed within two (2) years from the date of the approval of the Service Plan by the City and neither Section VI.A nor VI.B of the Service Plan above have occurred within two (2) years from the date of the approval of the Service Plan by the City, then the revenue from the ARI Mill Levy shall be conveyed to the City for use by the City in the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users or taxpayers of the District as prioritized and determined by the City.

As set forth in the definition of the ARI Mill Levy, the District may, pursuant to any intergovernmental agreement with the City, extend the terms for application of the ARI Mill Levy beyond the years set forth in Sections VI.A and VI. B of the Service Plan. The Maximum Mill Levy Imposition Term shall include the terms and any extension of such terms, as set forth in Sections A, B and C of the definition of the ARI Mill Levy.

The Regional Improvements shall be limited to the provision of the planning, design, acquisition, construction, installation, relocation and/or redevelopment of street and transportation related improvements as defined in the Special District Act and the administration and overhead costs incurred as a result of participation in the alternative set forth in Section VI.A, B or C of the Service Plan, unless the City has agreed otherwise in writing; provided, however in no event shall the Regional Improvements include water or sanitary sewer improvements unless such improvements are necessary as a part of completing street and transportation related improvements. The District shall cease to be obligated to impose, collect and convey to the City the revenue from the ARI Mill Levy described in Section VI of the Service Plan at such time as the area within the District's boundaries is included within a different district organized under the Special District Act, or a General Improvement District organized under Section 31-25-601, et seq., C.R.S., or Business Improvement District organized under Section 31-25-1201, et seq., C.R.S., which other district has been organized to fund a part or all of the Regional Improvements.

22. Maximum Debt Mill Levy. The "Maximum Debt Mill Levy" shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Debt, and shall be determined as follows:

(a) For the portion of any aggregate District's Debt which exceeds fifty percent (50%) of the District's assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section VII.C.2 of the Service Plan; provided that if, on or after January 1, 2004, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

(b) For the portion of any aggregate District's Debt which is equal to or less than fifty percent (50%) of the District's assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

(c) For purposes of the foregoing, once Debt has been determined to be within Section VII.C.2 of the Service Plan, so that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, the District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in the District's Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1-1101, C.R.S. and all other requirements of State law.

To the extent that the District is composed of or subsequently organized into one or more subdistricts as permitted under Section 32-1-1101, C.R.S., the term "District" as used

herein shall be deemed to refer to the District and to each such subdistrict separately, so that each of the subdistricts shall be treated as a separate, independent district for purposes of the application of this definition.

The Maximum Debt Mill Levy shall not apply to the District's Operations and Maintenance Mill Levy for the provision of operation and maintenance services to the District's taxpayers and service users.

23. Maximum Debt Mill Levy Imposition Term. The District shall have the authority to impose the ARI Mill Levy for the terms as set forth in Section VI of the Service Plan. Other than the ARI Mill Levy, the District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such mill levy unless a majority of the Board of Directors of the District are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings as set forth in Section 11-56-101, C.R.S.; et seq.

24. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District: Cielo Colorado Metropolitan District
c/o WHITE BEAR ANKELE TANAKA & WALDRON
2154 East Commons Ave., Suite 2000
Centennial, CO 80122
Attn: Jennifer Gruber Tanaka, Esq.
Phone: (303) 858-1800
Fax: (303) 858-1801

To the City: City of Aurora
15151 E. Alameda Pkwy., 5th Floor
Aurora, CO 80012
Attn: Daniel L. Brotzman, City Attorney
Phone: (303) 739-7030
Fax: (303) 739-7042

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

25. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Service Plan.

26. Assignment. Neither Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of the other Party, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

27. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Party shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

28. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Colorado.

29. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

30. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

31. Parties Interested Herein. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the City any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the City shall be for the sole and exclusive benefit of the District and the City.

32. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

33. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

34. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

35. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Service Plan.

SIGNATURE PAGE TO INTERGOVERNMENTAL AGREEMENT

CIELO COLORADO METROPOLITAN
DISTRICT

By: _____
Officer of the District

Attest:

CITY OF AURORA, COLORADO

By: _____
MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

BRIAN J. RULLA, Assistant City Attorney



CITY OF AURORA

Fiscal Impact Form

Item Title: A Resolution to Approve the Cielo Colorado Metropolitan District

Staff contact: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/
Brian Rulla, Assistant City Attorney II

TYPE OF FISCAL IMPACT

Select all that apply.

- ☒ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☐ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

Public: Approval of these districts will allow the cost of providing infrastructure and certain operating costs to be passed on to the district property owners via metropolitan district taxes and fees. The debt service will be paid by metropolitan district property taxes.

Private: Title 32 Metropolitan Districts have the authority to levy a property tax within the boundaries of the District. Approval of these districts will provide a mechanism for the developer to finance infrastructure for new development by recovering the associated costs through metropolitan district taxes.

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

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CITY OF AURORA

Council Agenda Commentary

Item Title: A Resolution of the City Council of the City Of Aurora, Colorado Approving the Service Plan for the Harvest Mile Metropolitan District and Authorizing the Execution of an Intergovernmental Agreement Between the City and the District
Item Initiator: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance
Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney
Outside Speaker:
Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Brian Rulla, Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Management & Finance

Action Taken/Follow-up: (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input checked="" type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input checked="" type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

In 2004, the City adopted a model service plan for Title 32 Metropolitan Districts with the intent that any proposed service plan for a metropolitan district will be compliant with the model. The model service plan provides the following key features:

- Maximum debt mill levy of 50 mills
- Maximum term for debt repayment of 40 years
- Agreement to impose the Aurora Regional Improvement (ARI) mill levy

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

A Service Plan for the Harvest Mile Metropolitan District has been submitted for the May 2023 election cycle. The proposed district is located generally between E 26th Avenue and I-70; east of Harvest Road. This district is to serve an 308 acre industrial site as part of the Harvest Mile Master Plan. No residential is planned for this district.

The proposed Harvest Mile Metropolitan District and the IGA (attached) are in compliance with the City's approved model.

QUESTIONS FOR COUNCIL

Does Council wish to support this resolution?

LEGAL COMMENTS

Section 32-1-204.5(1), C.R.S. provides that no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoptions of a resolution of approval by the governing body of such municipality.

Chapter 122 of the City Code establishes the procedure by which the proponents of a special district may seek approval for their district from the City. Section 122-32 of the City Code requires that the City Council conduct a public hearing regarding approval of the proposed district and its service plan. Thereafter, the City Council shall adopt a resolution (1) approving the service plan without conditions or modifications; (2) disapproving the service plan; or (3) conditionally approving the service plan subject to the submission of information relating to, or the modification of, the service plan. (City Code Section. 122-35).

Section 122-30(21) further requires that the special district enter into a written agreement with the City. The proposed Intergovernmental Agreement satisfies the requirements set forth therein. As the proposed Agreement is with another governmental entity, a resolution is required to authorize its execution. (City Charter Section 10-12.) (Rulla)

PUBLIC FINANCIAL IMPACT

- ☒ YES ☐ NO

If yes, explain: Approval of these districts will allow the cost of providing infrastructure and certain operating costs to be passed on the the district property owners via metropolitian district taxes and fees. The debt service will be paid by metropolitan district property taxes.

PRIVATE FISCAL IMPACT

☐ Not Applicable ☒ Significant ☐ Nominal

If Significant or Nominal, explain: Title 32 Metropolitan Districts have the authority to levy a property tax within the boundaries of the District. Approval of these districts will provide a mechanism for the developer to finance infrastructure for new development by recovering the associated costs through metropolitan district taxes.

RESOLUTION NO. R2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
APPROVING THE SERVICE PLAN FOR HARVEST MILE METROPOLITAN DISTRICT
AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF AURORA, COLORADO AND THE DISTRICT

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., as amended, and Section 122-29 of the City Code, a Service Plan (the "Service Plan") for Harvest Mile Metropolitan District (the "District") has been submitted to the City Council (the "City Council") of the City of Aurora, Colorado (the "City"); and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, and Chapter 122 of the City Code, the City Council is to hold a public hearing on the Service Plan for the District; and

WHEREAS, notice of the hearing before the City Council was duly published in the *Aurora Sentinel*, a newspaper of general circulation within the City, as required by law, and mailed to all interested persons, the Division of Local Government, and the governing body of each municipality and title 32 district that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of three miles of the District; and

WHEREAS, the City Council has considered the Service Plan and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council finds that the Service Plan should be approved without conditions, as permitted by Sections 32-1-203(2) and 32-1-204.5(1)(a), C.R.S., as amended, and Section 122-34(a) of the City Code; and

WHEREAS, the City Council further finds that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement (the "IGA") with the District for the purpose of assigning the relative rights and responsibilities between the City and the District with respect to certain functions, operations, and obligations of the District; and

WHEREAS, Section 10-12 of the City Charter requires a resolution to authorize the execution of intergovernmental agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The City Council hereby finds and determines that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, and Chapter 122 of the City Code relating to the filing of the Service Plan for the District have been fulfilled and that notice of the hearing was given in the time and manner required by law and that City Council has jurisdiction to act on the Service Plan.

Section 2. The City Council further determines that all pertinent facts, matters and issues were submitted at the public hearing; that all interested parties were heard or had the opportunity to be heard and that evidence satisfactory to the City Council of each of the following was presented:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the District;
- b. The existing service in the area to be served by the District is inadequate for present and projected needs;
- c. The District is capable of providing economical and sufficient service to the area within their proposed boundaries;
- d. The area to be included in the District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
- e. Adequate service is not, or will not be, available to the area through the City, Adams County, or other existing municipal or quasi-municipal corporations, including other existing title 32 District, within a reasonable time and on a comparable basis;
- f. The facility and service standards of the District are compatible with the facility and service standards of the City;
- g. The proposed Service Plan is in substantial compliance with the comprehensive plan of the City as adopted pursuant to the City Code;
- h. The proposed Service Plan is in compliance with any duly adopted City, regional, or state long-range water quality management plan for the area; and
- i. The creation of the District will be in the best interests of the area proposed to be served.

Section 3. The City Council hereby approves the Service Plan for the District as submitted.

Section 4. The Mayor and the City Clerk are hereby authorized to execute, on behalf of the City, the IGA in substantially the form presented at this meeting, with such technical additions, deletions, and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

Section 5. The District shall not be authorized to incur any bonded indebtedness until such time as the District have approved and executed the IGA.

Section 6. This Resolution shall be filed in the records of the City and a certified copy thereof submitted to the petitioners for the District for the purpose of filing in the District Court of Adams County.

Section 7. All prior resolutions or any parts thereof, to the extent that they are inconsistent with this Resolution, are hereby rescinded.

RESOLVED AND PASSED this ____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

 RLA

BRIAN J. RULLA, Assistant City Attorney



Clint C. Waldron
Shareholder

303-858-1800
cwaldron@wbapc.com

January 13, 2023

VIA E-MAIL

Cesarina Dancy
Senior Project Development Manager
City of Aurora
Office of Development Assistance
15151 E. Alameda Parkway, Suite 5200
Aurora, CO 80012
cdancy@auroragov.org

Re: Harvest Mile Metropolitan District Proposed Service Plan Submittal

Dear Ms. Dancy:

Enclosed please find the proposed Service Plan (the “Service Plan”) for Harvest Mile Metropolitan District in the following formats:

- Clean PDF Copy with Exhibits
- Clean Word Copy with Exhibits
- Redline PDF Copy with Exhibits

In addition to the above referenced Service Plan, please find the following information:

- a. Name of the District: Harvest Mile Metropolitan District
- b. Contact Information:
 - i. General Counsel:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law
Attention: Clint C. Waldron, Esq.
2154 East Commons Avenue, Suite 2000
Centennial, Colorado 80122
Phone: (303) 858-1800
Fax: (303) 858-1801

cwaldron@wbapc.com

ii. Petitioner:

United Properties Development, LLC
Attn: Mindy Rietz
1331 17th Street, Suite 604
Denver, CO 80202
Phone: (720) 898-8866
Mindy.Rietz@uproperties.com

iii. Landowner:

Grimm Farms, LLC
Attn: Michael Schulzek
1280 Fairfax Street
Denver, CO 80220
Michael.Schulzek@gmail.com

c. Form of Service Plan: The Service Plan is the single-district single-service plan model.

d. Type of Development: Commercial

e. Status of Aurora Development Review Process: The project has received annexation and zoning approval on the property. The project is currently undergoing a fourth review of the Master Plan. The Petitioner has participated in the pre-application meeting regarding Site Development Plans and is working toward the Site Development Plan submittal.

f. Justification for Petitioner's Request to City Council to Approve: There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible, or practical to undertake the planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements needed for the project to be provided in the most economic manner possible.

g. Compliance: The Service Plan is an exact copy of the Aurora Model Service Plan and any and all changes from the model are clearly identified.

h. Statement on the Debt Limit: The Total Debt Issuance Limitation for the District as reported in Sections V.A.10. (Total Debt Issuance Limitation) and VII.A. (Financial Plan – General) is \$90,000,000. These debt limits DO NOT include any debt associated with regional improvements as described in the last sentence of Section VI.C.

i. Summary Table:

	Public Improve- ments:	Debt Limit:	Debt Limit: Includes ARI?	ARI Debt Limit:	Total Debt Capacity:	Organizing and Operating Reimbursement:	1 st Year Operating and Maintenance Cost:
Location	V.B.	V.A.10.	Transmittal Letter	VI.C.	VI.I.	VII.I.	VII.I
Harvest Mile Metropolitan District	\$67 Million	\$90 Million	No	\$20 Million	\$110 Million	\$100,000	\$75,000

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON



Clint C. Waldron
Shareholder

Enclosures

**SERVICE PLAN
FOR
HARVEST MILE METROPOLITAN DISTRICT
CITY OF AURORA, COLORADO**

Prepared

by

White Bear Ankele Tanaka & Waldron
2154 E. Commons Ave., Suite 2000
Centennial, CO 80122

Date: January 13, 2023

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LIST OF EXHIBITS

EXHIBIT A	Legal Descriptions
EXHIBIT B	Aurora Vicinity Map
EXHIBIT C-1	Initial District Boundary Map
EXHIBIT C-2	Inclusion Area Boundary Map
EXHIBIT D	Notice of Special District Disclosure
EXHIBIT E	Intergovernmental Agreement between the District and Aurora

I. INTRODUCTION

A. Purpose and Intent.

The District is an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Service Plan, its activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Service Plan. It is intended that the District will provide a part or all of the Public Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the District. The primary purpose of the District will be to finance the construction of these Public Improvements.

The District is not being created to provide ongoing operations and maintenance services other than as specifically set forth in this Service Plan.

B. Need for the District.

There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

C. Objective of the City Regarding District's Service Plan.

The City's objective in approving the Service Plan for the District is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the District. All Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term for residential properties and at a tax mill levy no higher than the Maximum Debt Mill Levy for commercial and residential properties, and/or repaid by Fees, as long as such Fees are not imposed upon or collected from Taxable Property owned or occupied by an End User for the purpose of creating a capital cost payment obligation as further described in Section V.A.11. Debt which is issued within these parameters and, as further described in the Financial Plan, will insulate property owners from excessive tax and Fee burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Service Plan is intended to establish a limited purpose for the District and explicit financial constraints that are not to be violated under any circumstances. The primary purpose is to provide for the Public Improvements associated with development and regional needs. Operational activities are allowed, but only through an intergovernmental agreement with the City.

It is the intent of the District to dissolve upon payment or defeasance of all Debt incurred or upon a court determination that adequate provision has been made for the payment of

all Debt, and if the District has authorized operating functions under an intergovernmental agreement with the City, to retain only the power necessary to impose and collect taxes or Fees to pay for these costs.

The District shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from Fees or from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy on commercial and residential properties and which shall not exceed the Maximum Debt Mill Levy Imposition Term on residential properties. It is the intent of this Service Plan to assure to the extent possible that no commercial or residential property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy in amount and that no property developed for a residential use bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy Imposition Term in duration even under bankruptcy or other unusual situations. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the District. With regard to Regional Improvements, this Service Plan also provides for the Districts to pay a portion of the cost of regional infrastructure as part of ensuring that development and those that benefit from development pay for the associated costs.

II. DEFINITIONS

In this Service Plan, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Agreed Upon Procedures Engagement: means an attestation engagement in which a certified public accountant performs specific procedures on subject matter and reports the findings without providing an opinion or conclusion. The subject matter may be financial or nonfinancial information. Because the needs of an engaging party vary, the nature, timing, and extent of the procedures may vary, as well.

Approved Development Plan: means a Framework Development Plan or other process established by the City for identifying, among other things, Public Improvements necessary for facilitating development for property within the Service Area as approved by the City pursuant to the City Code and as amended pursuant to the City Code from time to time.

ARI or Regional Improvements: means Aurora Regional Improvements.

ARI Authority: means one or more Authorities established by an ARI Authority Establishment Agreement.

ARI Establishment Agreement: means an intergovernmental agreement establishing an ARI Authority which has, at minimum, Title 32 special districts from three (3) or more Approved Development Plan areas as parties to the Agreement.

ARI Master Plan: means one or more master plans adopted by an ARI Authority establishing Regional Improvements which will benefit the taxpayers and service users of

the District which constitute such ARI Authority, which master plan will change from time to time.

ARI Mill Levy: means the following:

A. For a district with property within its boundaries developed with any residential uses means the mill levy imposed for payment of the costs of the planning, design, permitting, construction, acquisition and financing of the improvements described in the ARI Master Plan, which: (i) shall be one (1) mill for collection beginning for each district in the first year of collection of a debt service mill levy by such district and continuing in each year thereafter through the twentieth (20th) year; and (ii) shall be five (5) mills from the twenty-first (21st) year through the fortieth (40th) year or the date of repayment of the debt incurred for Public Improvements, other than Regional Improvements, which ever first occurs; and (iii) for an additional ten (10) years, the mill levy shall be equal to the average debt service mill levy imposed by such district in the ten (10) years prior to the date of repayment of the debt incurred for Public Improvements other than Regional Improvements; and

B. For a district with property within its boundaries developed solely for commercial uses means the mill levy imposed for payment of the costs of the planning, design, permitting, construction, acquisition and financing of the improvements described in the ARI Master Plan, which: (i) shall be one (1) mill for collection beginning for each district in the first year of collection of a debt service mill levy by such district and continuing in each year thereafter through the twentieth (20th) year; (ii) shall be one and one-half (1.5) mills from the twenty-first (21st) year through the date of repayment of debt incurred for Public Improvements, other than Regional Improvements; and (iii) for five (5) years thereafter, the mill levy shall be the lesser of twenty (20) mills or a mill levy equal to the average debt service mill levy imposed by such district in the ten (10) years prior to the date of repayment of debt issued for Public Improvements, other than Regional Improvements; and

C. Any district may, pursuant to any intergovernmental agreement with the City, extend the term for application of the ARI Mill Levy beyond the years set forth in A and B above. The Maximum Mill Levy Imposition Term shall include the terms set forth in A and B above and any extension of the term as approved in an intergovernmental agreement as described herein.

D. All mills described in this ARI Mill Levy definition shall be subject to adjustment as follows: On or after January 1, 2004, if there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the one (1) mill levy described above may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes, for purposes of the foregoing, a

change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

Board: means the board of directors of the District.

Bond, Bonds or Debt: means bonds or other obligations for the payment of which the District has promised to impose an *ad valorem* property tax mill levy, and/or collect Fee revenue.

City: means the City of Aurora, Colorado.

City Code: means the City Code of the City of Aurora, Colorado.

City Council: means the City Council of the City of Aurora, Colorado.

C.R.S.: means the Colorado Revised Statutes, as the same may be amended from time to time.

District: means the Harvest Mile Metropolitan District.

End User: means any owner, or tenant of any owner, of any taxable improvement within the District, who is intended to become burdened by the imposition of ad valorem property taxes subject to the Maximum Debt Mill Levy. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an End User. The business entity that constructs homes or commercial structures is not an End User.

External Financial Advisor: means a consultant that: (i) advises Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the District and has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

Fees: means any fee imposed by the District for services, programs or facilities provided by the District, as described in Section V.A.11. below.

Financial Plan: means the Financial Plan described in Section VII which describes (i) how the Public Improvements are to be financed; (ii) how the Debt is expected to be incurred; and (iii) the estimated operating revenue derived from property taxes for the first budget year.

Inclusion Area Boundaries: means the boundaries of the area described in the Inclusion Area Boundary Map.

Inclusion Area Boundary Map: means the map attached hereto as **Exhibit C-2**, describing the property proposed for inclusion within the District.

Initial District Boundaries: means the boundaries of the area described in the Initial District Boundary Map.

Initial District Boundary Map: means the map attached hereto as **Exhibit C-1**, describing the District's initial boundaries.

Maximum Debt Mill Levy: means the maximum mill levy the District is permitted to impose for payment of Debt as set forth in Section VII.C below.

Maximum Debt Mill Levy Imposition Term: means the maximum term for imposition of a mill levy on a particular property developed for residential uses as set forth in Section VII.D below.

Operations and Maintenance Mill Levy: means the mill levy the Districts project to impose for payment of administration, operations, and maintenance costs as set forth in the Financial Plan in Section VII below.

Project: means the development or property commonly referred to as Harvest Mile.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the Special District Act, except as specifically limited in Section V below to serve the future taxpayers and inhabitants of the Service Area as determined by the Board of the District.

Regional Improvements: means Public Improvements and facilities that benefit the Service Area and which are to be financed pursuant to Section VI below.

Service Area: means the property within the Initial District Boundary Map and the Inclusion Area Boundary Map.

Service Plan: means this service plan for the District approved by City Council.

Service Plan Amendment: means an amendment to the Service Plan approved by City Council in accordance with the City's ordinance and the applicable state law.

Special District Act: means Section 32-1-101, et seq., of the Colorado Revised Statutes, as amended from time to time.

State: means the State of Colorado.

Taxable Property: means real or personal property within the Service Area subject to ad valorem taxes imposed by the District.

III. BOUNDARIES

The area of the Initial District Boundaries includes approximately three hundred eight and six tenths (308.60) acres and the total area proposed to be included in the Inclusion Area Boundaries is approximately zero (0) acres. A legal description of the Initial District Boundaries and the Inclusion Area Boundaries is attached hereto as **Exhibit A**. A vicinity map is attached hereto as **Exhibit B**. A map of the Initial District Boundaries is attached hereto as **Exhibit C-1**, and a map of the Inclusion Area Boundaries is attached hereto as **Exhibit C-2**. It is anticipated that the District's boundaries may change from time to time as it undergoes inclusions and exclusions pursuant to Section 32-1-401, et seq., C.R.S., and Section 32-1-501, et seq., C.R.S., subject to the limitations set forth in Article V below.

IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION

The Service Area consists of approximately three hundred eight and six tenths (308.60) acres of undeveloped land. The current assessed valuation of the Service Area is \$0.00 for purposes of this Service Plan and, at build out, is expected to be sufficient to reasonably discharge the Debt under the Financial Plan. The population of the District at build-out is estimated to be approximately zero (0) people.

Approval of this Service Plan by the City does not imply approval of the development of a specific area within the District, nor does it imply approval of the number of residential units or the total site/floor area of commercial or industrial buildings identified in this Service Plan or any of the exhibits attached thereto, unless the same is contained within an Approved Development Plan.

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES

A. Powers of the District and Service Plan Amendment.

The District shall have the power and authority to provide the Public Improvements and related operation and maintenance services within and without the boundaries of the District as such power and authority is described in the Special District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

In connection with the performance of all acts or activities hereunder, the District shall not violate any protection clauses of the United States or Colorado State Constitutions. The District shall not discriminate against any person because of race, color, religion, national origin, gender, age, military status, sexual orientation, gender identity or gender expression, marital status, or physical or mental disability, and further shall insert the foregoing provision in contracts or subcontracts let by the District to accomplish the purposes of this Service Plan.

1. Operations and Maintenance Limitation. The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the City or other

appropriate jurisdiction or owners association in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The District shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise required to be dedicated to the City or other public entity, including, but not limited to street improvements (including roads, curbs, gutters, culverts, sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping, and other street improvements), traffic and safety controls, retaining walls, park and recreation improvements and facilities, trails, open space, landscaping, drainage improvements (including detention and retention ponds, trickle channels, and other drainage facilities), irrigation system improvements (including wells, pumps, storage facilities, and distribution facilities), and all necessary equipment and appurtenances incident thereto. Any Fee imposed by the District for access to such park and recreation improvements shall not result in Non-District Aurora residents paying a user fee that is greater than, or otherwise disproportionate to, similar fees and taxes paid by residents of the District. However, the Districts shall be entitled to impose an administrative Fee as necessary to cover additional expenses associated with Non-District Aurora residents to ensure that such costs are not the responsibility of District residents. All such Fees shall be based upon the District's determination that such Fees do not exceed reasonable annual market fees for users of such facilities. Notwithstanding the foregoing, all parks and trails owned by the District shall be open to the general public and Non-District Aurora residents, subject to the rules and regulations of the District as adopted from time to time. Trails which are interconnected with a city or regional trail system shall be open to the public free of charge and on the same basis as residents and owners of taxable property within the District.

2. Fire Protection Limitation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City. The authority to plan for, design, acquire, construct, install, relocate, redevelop or finance fire hydrants and related improvements installed as part of the water system shall not be limited by this provision.

3. Television Relay and Translation Limitation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain television relay and translation facilities and services, other than for the installation of conduit as a part of a street construction project, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City.

4. Golf Course Construction Limitation. Acknowledging that the City has financed public golf courses and desires to coordinate the construction of public golf courses in the City's boundaries, the District shall not be authorized to plan, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain a golf course unless such activity is pursuant to an intergovernmental agreement with the City.

5. Construction Standards Limitation. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction. The

District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

6. Privately Placed Debt Limitation. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

7. Inclusion Limitation. The District shall not include within any of its boundaries any property outside the Service Area without the prior written consent of the City. The District shall not include within any of its boundaries any property inside the inclusion area boundaries without the prior written consent of the City except upon petition of the fee owner or owners of 100 percent of such property as provided in Section 32-1-401(1)(a), C.R.S.

8. Overlap Limitation. The District shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.

9. Initial Debt Limitation. On or before the effective date of approval by the City of an Approved Development Plan, the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any Fees used for the purpose of repayment of Debt.

10. Total Debt Issuance Limitation. The District shall not issue Debt in excess of Ninety Million Dollars (\$90,000,000) in the aggregate; provided however, that any Debt issued by the District for Regional Improvements shall not be included within this limitation and shall be subject to the limitations set forth in Section VI.

11. Fee Limitation. The District may impose and collect Fees as a source of revenue for repayment of debt, capital costs, and/or for operations and maintenance. No Fee related to the funding of costs of a capital nature shall be authorized to be imposed upon or collected from Taxable Property owned or occupied by an End User which has the effect, intentional or otherwise, of creating a capital cost payment obligation in any year on any Taxable

Property owned or occupied by an End User. Notwithstanding any of the foregoing, the restrictions in this definition shall not apply to any Fee imposed upon or collected from Taxable Property for the purpose of funding operation and maintenance costs of the District.

12. Monies from Other Governmental Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This Section shall not apply to specific ownership taxes which shall be distributed to and be a revenue source for the District without any limitation.

13. Consolidation Limitation. The District shall not file a request with any Court to consolidate with another Title 32 district without the prior written consent of the City.

14. Bankruptcy Limitation. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, Maximum Debt Mill Levy Imposition Term and the Fees have been established under the authority of the City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) Are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable nonbankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

15. Website. When a district is required to have a website in accordance with the requirements of C.R.S. Section 32-1- 104.5, the District shall establish, maintain and annually update a public website or provide information on a shared community website, on which the District will timely post all information and documents required by C.R.S. § 32-1-104.5.

16. Service Plan Amendment Requirement. This Service Plan has been designed with sufficient flexibility to enable the District to provide required services and facilities under evolving circumstances without the need for numerous amendments. Actions of the District which violate the limitations set forth in V.A.1-14 above or in VII.B-G. shall be

deemed to be material modifications to this Service Plan and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

B. Preliminary Engineering Survey.

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District, to be more specifically defined in an Approved Development Plan. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a preliminary engineering survey and estimates derived from the zoning on the property in the Service Area and is approximately Sixty-Seven Million Dollars (\$67,000,000).

All of the Public Improvements will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the City and shall be in accordance with the requirements of the Approved Development Plan. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

VI. REGIONAL IMPROVEMENTS

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements incurred as a result of participation in the alternatives set forth in Section VI.A, B or C below.

The District shall impose the ARI Mill Levy and shall convey it as follows:

A. If the District has executed an ARI Authority Establishment Agreement and the City has been offered the opportunity to execute an ARI Authority Establishment Agreement, the terms of which provide for the City to appoint no less than thirty percent (30%) and no more than forty-nine percent (49%) of the Board members who will serve as the board of directors of the ARI Authority to be established by such ARI Authority Establishment Agreement, regardless as to whether the City approves the execution of such ARI Authority Establishment Agreement, the revenue from the ARI Mill Levy shall be conveyed to the ARI Authority for the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements in the ARI Master Plan and for the operations of such ARI Authority; or

B. If the City and the District have executed an intergovernmental agreement then the revenue from the ARI Mill Levy shall be conveyed to the City for use in planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users and taxpayers of the District in accordance with such agreement; or

C. If neither Section VI.A nor VI.B above is applicable then the revenue shall be conveyed to the City and (i) the City shall place in a special account all revenues received from the ARI Mill Levy imposed in the Service Area under this Section VI and shall not expend such revenue until an intergovernmental agreement is executed between the District establishing the terms and conditions for the provision of the Regional Improvements; and (ii) if the intergovernmental agreement is not executed within two (2) years from the date of the approval of the Service Plan by the City and neither Section VI.A nor VI.B above have occurred within two (2) years from the date of the approval of the Service Plan by the City, then the revenue from the ARI Mill Levy shall be conveyed to the City for use by the City in the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users or taxpayers of the District as prioritized and determined by the City.

As set forth in the definition of the ARI Mill Levy, the District may, pursuant to any intergovernmental agreement with the City, extend the terms for application of the ARI Mill Levy beyond the years set forth in Sections VI.A and VI. B above. The Maximum Mill Levy Imposition Term shall include the terms and any extension of such terms, as set forth in Sections A, B and C of the definition of the ARI Mill Levy.

The Regional Improvements shall be limited to the provision of the planning, design, acquisition, construction, installation, relocation and/or redevelopment of street and transportation related improvements as defined in the Special District Act and the administration and overhead costs incurred as a result of participation in the alternative set forth in Section VI.A, B or C set forth above, unless the City has agreed otherwise in writing; provided, however in no event shall the Regional Improvements include water or sanitary sewer improvements unless such improvements are necessary as a part of completing street and transportation related improvements. The District shall cease to be obligated to impose, collect and convey to the City the revenue from the ARI Mill Levy described in this Section VI at such time as the area within the District's boundaries is included within a different district organized under the Special District Act, or a General Improvement District organized under Section 31-25-601, et seq., C.R.S., or Business Improvement District organized under Section 31-25-1201, et seq., C.R.S., which other district has been organized to fund a part or all of the Regional Improvements.

The District shall have the authority to issue Debt for the Regional Improvements, in an amount not to exceed Twenty Million Dollars (\$20,000,000) pursuant to agreements as described in VI.A, B or C above. Such limit is not subject to the Total Debt Issuance Limitation described in section VII below.

VII. FINANCIAL PLAN

A. General.

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from its revenues and by and through the proceeds of Debt to be issued by the District. The Financial Plan for the District shall be to issue such Debt as the District can reasonably pay within the

Maximum Debt Mill Levy Imposition Term from revenues derived from the Maximum Debt Mill Levy, Fees and other legally available revenues. The total Debt that the District shall be permitted to issue shall not exceed Ninety Million Dollars (\$90,000,000) (exclusive of Debt issued for Regional Improvements described in Section VI above) and shall be permitted to be issued on a schedule and in such year or years as the District determine shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. All Bonds and other Debt issued by the District may be payable from any and all legally available revenues of the District, including general ad valorem taxes and Fees to be imposed upon all Taxable Property within the District. The District will also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(1), C.R.S., as amended from time to time.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt is not expected to exceed eighteen percent (18%). The proposed maximum underwriting discount will be five percent (5%). Debt, when issued, will comply with all relevant requirements of this Service Plan, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Debt Mill Levy.

The “Maximum Debt Mill Levy” shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Debt, and shall be determined as follows:

1. For the portion of any aggregate District’s Debt which exceeds fifty percent (50%) of the District’s assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section VII.C.2 below; provided that if, on or after January 1, 2004, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

2. For the portion of any aggregate District’s Debt which is equal to or less than fifty percent (50%) of the District’s assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

3. For purposes of the foregoing, once Debt has been determined to be within Section VII.C.2 above, so that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, the District may provide that such Debt shall remain secured by such unlimited mill levy, notwithstanding any subsequent change in the District's Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1-1101, C.R.S. and all other requirements of State law.

To the extent that the District is composed of or subsequently organized into one or more subdistricts as permitted under Section 32-1-1101, C.R.S., the term "District" as used herein shall be deemed to refer to the District and to each such subdistrict separately, so that each of the subdistricts shall be treated as a separate, independent district for purposes of the application of this definition.

The Maximum Debt Mill Levy shall not apply to the District's Operations and Maintenance Mill Levy for the provision of operation and maintenance services to the District's taxpayers and service users as set for in Section VII.I. below.

D. Maximum Debt Mill Levy Imposition Term.

The District shall have the authority to impose the ARI Mill Levy for the terms as set forth in Section VI. Other than the ARI Mill Levy, the District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such mill levy unless a majority of the Board of Directors of the District are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings as set forth in Section 11-56-101, C.R.S.; et seq.

E. Debt Repayment Sources.

The District may impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance. The District may also rely upon various other revenue sources authorized by law. At the District's discretion, these may include the power to assess Fees, rates, tolls, penalties, or charges as provided in Section 32-1-1001(l), C.R.S., as amended from time to time. In no event shall the debt service mill levy in the District exceed the Maximum Debt Mill Levy or, for residential property within the District, the Maximum Debt Mill Levy Imposition Term, except pursuant to an intergovernmental agreement between the District and the City for Regional Improvements.

F. Debt Instrument Disclosure Requirement.

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of

the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Service Plan for creation of the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Service Plan shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

G. Security for Debt.

The District shall not pledge any revenue or property of the City as security for the indebtedness set forth in this Service Plan. Approval of this Service Plan shall not be construed as a guarantee by the City of payment of any of the District's obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

H. TABOR Compliance.

The District will comply with the provisions of TABOR. In the discretion of the Board, the District may set up other qualifying entities to manage, fund, construct and operate facilities, services, and programs. To the extent allowed by law, any entity created by the District will remain under the control of the District's Board.

I. District's Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District's organization and initial operations, are anticipated to be One Hundred Thousand Dollars (\$100,000), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained. The first year's operating budget is estimated to be Seventy-Five Thousand Dollars (\$75,000) which is anticipated to be derived from property taxes and other revenues.

The Maximum Debt Mill Levy for the repayment of Debt shall not apply to the District's ability to increase its Operations and Maintenance Mill Levy as necessary for provision of operation and maintenance services to its taxpayers and service users.

J. Agreed Upon Procedures Examination.

For districts with property within their boundaries developed with any residential uses, at such time that a majority of Board of Directors of the District are residents of the district, the district is encouraged to engage the services of a certified public accountant for an Agreed

Upon Procedures Engagement. The Board of Directors, in its discretion, will set the scope and the procedures for the engagement.

VIII. ANNUAL REPORT

A. General.

The District shall be responsible for submitting an annual report to the Manager of the Office of Development Assistance of the City Manager's Office no later than August 1st of each year following the year in which the Order and Decree creating the District has been issued. The annual report shall include all information required pursuant to the Special District Act.

B. Reporting of Significant Events.

The annual report shall include information as to any of the following:

1. Boundary changes made or proposed to the District's boundary as of December 31 of the prior year.
2. Intergovernmental Agreements with other governmental entities, either entered into or proposed as of December 31 of the prior year.
3. Copies of the District's rules and regulations, if any as of December 31 of the prior year.
4. A summary of any litigation which involves the District Public Improvements as of December 31 of the prior year.
5. Status of the District's construction of the Public Improvements as of December 31 of the prior year.
6. A list of all facilities and improvements constructed by the District that have been dedicated to and accepted by the City as of December 31 of the prior year.
7. The final assessed valuation of the District as of December 31 of the reporting year.
8. Current year budget including a description of the Public Improvements to be constructed in such year.
9. Audit of the District's financial statements, for the year ending December 31 of the previous year, prepared in accordance with generally accepted accounting principles or audit exemption, if applicable.
10. Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument.

11. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

IX. DISSOLUTION

Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

X. DISCLOSURE NOTICES AND MEETINGS

1. The District will provide the City with written notice of the date of hearing on its petition for organization filed with the district court.

2. The District will use reasonable efforts and due diligence to cause each developer and home builder to provide written notice of disclosure to all initial purchasers of property in the District that describes the general purpose of the district and financial impact on each residential property at the time of entering into the purchase contract. The form of notice shall be filed with the City prior to the initial issuance of the Debt of the District imposing the mill levy which is the subject of the Maximum Debt Mill Levy. The form of notice shall be substantially in the form of **Exhibit D** attached hereto; provided that such notice may be modified by the District so long as a new notice is submitted to and approved by the City prior to using such modified notice. Any modified notice will be expected to provide the following information:

- a. General description and purpose(s) of the District.
- b. Contact information for the District.
- c. Website address for the District (once established per Section V.A.15).
- d. District boundary map showing all lots within the District.
- e. The Maximum Debt Mill Levy that may be imposed on the residential property for each year the District is in existence and a calculation of the associated taxes that the homeowner will pay.
- f. List of all other taxing entities within the District boundaries and their current mill levies and associated taxes.
- g. The District's Total Debt Issuance Limitation and a description of the Public Improvements that the District Debt is being issued to pay for.
- h. The Maximum Debt Mill Levy Imposition Term, providing an understanding of the duration for which the property will be taxed to pay off Debt.
- i. A description of what the Operations and Maintenance Mill Levy is, pays for, and the duration that the property will be taxed to pay for the eligible Operations and Maintenance Mill Levy expenses.
- j. Any and all Fees currently imposed on each residential property for each

year the District is in existence.

- k. Any additional information required by the Colorado Revised Statutes, including without limitation C.R.S. § 38-35.7-110, as amended from time to time.

The District will use reasonable efforts and due diligence to cause each developer and home builder to require that each home buyer is asked to acknowledge receipt of such notice of disclosure at the time of entering into the purchase contract.

3. To ensure that potential residential buyers are educated about the District, the District will provide the information identified in Section X.2 above to the developer or home builders for prominent display at all sales offices, and by inspecting the sales offices within the District Boundaries on a quarterly basis to assure the information provided is accurate and prominently displayed.

4. The District shall provide annual notice to all eligible electors of the District, in accordance with Section 32-1-809, C.R.S. In addition, the District shall record a District public disclosure document and a map of the District boundaries with the Clerk and Recorder of each County in which District property is located, in accordance with Section 32-1-104.8, C.R.S. The District shall use reasonable efforts to ensure that copies of the annual notice, public disclosure document and map of the District boundaries are provided to potential purchasers of real property within the District as part of the seller's required property disclosures.

5. All special and regular District meetings shall be open to the public and shall be held at a location within the District boundaries, or virtually with participation via teleconference, webcast, video conference or other technological means. If a Board meeting is held virtually, the District shall provide information on the District website accessible to all residents on how to access and participate in the virtual meeting. If the District utilizes email to communicate with residents, the District shall also send notification of the virtual meeting by email. The District shall provide notification via the District website and, if applicable, email, at least ten (10) days prior to the virtual Board meeting. If the Board schedules a virtual special meeting that will be convened in fewer than ten (10) days, the District shall provide notification via the District website and, if applicable, email, as soon as possible after scheduling the special meeting.

XI. INTERGOVERNMENTAL AGREEMENT

The form of the intergovernmental agreement required by the City Code, relating to the limitations imposed on the District's activities, is attached hereto as **Exhibit E**. The District shall approve the intergovernmental agreement in the form attached as **Exhibit E** at its first Board meeting after its organizational election. Failure of the District to execute the intergovernmental agreement as required herein shall constitute a material modification and shall require a Service Plan Amendment. The City Council shall approve the intergovernmental agreement in the form attached as **Exhibit E** at the public hearing approving the Service Plan.

XII. CONCLUSION

It is submitted that this Service Plan for the District, as required by Section 32-1-203(2), C.R.S., and Section 122-35 of the City Code, establishes that:

1. There is sufficient existing and projected need for organized service in the area to be serviced by the District;
2. The existing service in the area to be served by the District is inadequate for present and projected needs;
3. The District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
4. The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
5. Adequate service is not, and will not be, available to the area through the City or county or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.
6. The facility and service standards of the District are compatible with the facility and service standards of the City within which the special district is to be located and each municipality which is an interested party under Section 32-1-204(1), C.R.S.
7. The proposal is in substantial compliance with a comprehensive plan adopted pursuant to the City Code.
8. The proposal is in compliance with any duly adopted City, regional or state long-range water quality management plan for the area.
9. The creation of the District is in the best interests of the area proposed to be served.

EXHIBIT A

Legal Descriptions

ALTA/NSPS LAND TITLE SURVEY

A PARCEL LOCATED IN SECTION 32,

TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,

CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO

LEGAL DESCRIPTION

FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO.
NCS-1038617-CO, WITH AN EFFECTIVE DATE OF NOVEMBER 6, 2020 P.M.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ADAMS, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE WEST 1/2 OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE
6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPTING THEREFROM, THAT LOTION DESCRIBED IN THE DEED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO RECORDED MAY 8, 1956 IN BOOK 607, PAGE 28, AND

ALSO **EXCEPT** THOSE PORTIONS LYING WITHIN EAST 26TH AVENUE, SMITH ROAD AND THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD, AND ALSO **EXCEPT** THAT PART CONVEYED TO EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT IN THE DEED RECORDED AUGUST 19, 2014 AT 2014000065646 BEING A TRACT IN THE SOUTHWEST 1/4 BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID SOUTHWEST 1/4 AND THE SOUTH LINE OF THE 400 FOOT UNION PACIFIC RAILROAD ROW. THENCE SOUTH 28°29'56" EAST ALONG THE SOUTH ROW LINE 468.72 FEET TO A POINT 465 FEET EAST OF MEASURED NORMAL TO SAID WEST LINE THENCE SOUTH 00°43'07" EAST PARALLEL WITH SAID WEST LINE 371.10 FEET; THENCE SOUTH 89°16'53" WEST 465.00 FEET TO SAID WEST LINE. THENCE NORTH 00°43' 07" WEST ALONG SAID WEST LINE 430.00 FEET TO THE TRUE POINT OF BEGINNING, AND

ALSO **EXCEPT** THAT PART CONVEYED TO EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT RECORDED NOVEMBER 15, 2016 AT 2016000098388.

PARCEL 2:

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW 1/4 OF SE 1/4) OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST ONE-HALF (W 1/2) OF SAID SECTION 32, THENCE EAST ON SECTION LINE 487 FEET TO A POINT; THENCE NORTHERLY 810 FEET TO A POINT; THENCE WESTERLY 487 FEET TO A POINT ON THE EASTERLY LINE OF THE WEST ONE-HALF (W 1/2) OF SECTION 32; THENCE SOUTH 810 FEET TO THE POINT OF BEGINNING.

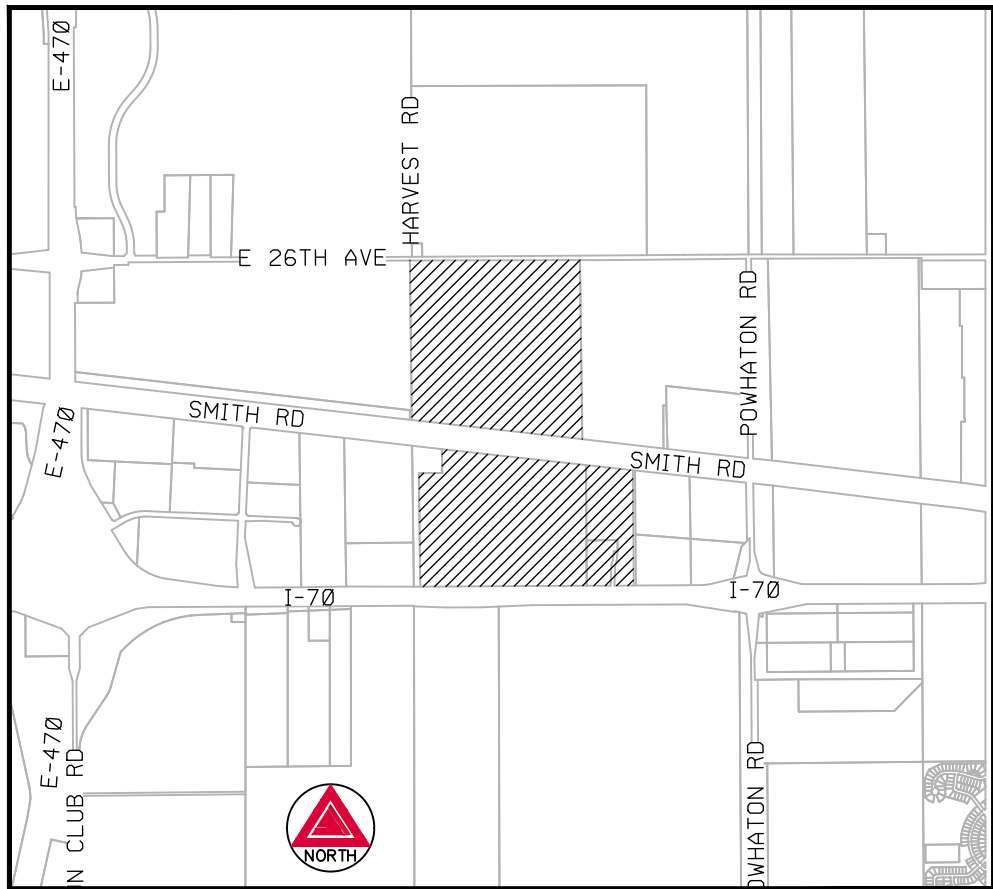
EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO RECORDED MAY 8, 1956 IN BOOK 607 AT PAGE 28.

PARCEL 3:

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS

BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF SAID SECTION 32, 487 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4 (WHICH POINT OF BEGINNING IS THE SE CORNER OF A TRACT OF LAND DESCRIBED IN CONVEYANCE RECORDED FEBRUARY 15, 1923 IN BOOK 120 AT PAGE 188 IN THE OFFICE OF THE CLERK AND RECORDER OF ADAMS COUNTY, COLORADO), AND FROM SAID POINT OF BEGINNING THENCE EAST ALONG SAID SOUTH BOUNDARY LINE OF SAID SECTION 32, 259 FEET; THENCE NORTHERLY PARALLEL WITH THE EAST BOUNDARY OF SAID SECTION 1929 FEET MORE OR LESS, TO THE SOUTHERLY BOUNDARY OF COUNTY ROAD TRAVERSING SAID QUARTER SECTION; THENCE NORTHWESTERLY ALONG SAID ROAD BOUNDARY 755 FEET, MORE OR LESS, TO THE WEST BOUNDARY OF SAID SOUTHEAST 1/4, THENCE SOUTH ON SAID WEST BOUNDARY 1232 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF SAID TRACT DESCRIBED IN BOOK 120 AT PAGE 188; THENCE EAST ALONG THE NORTH BOUNDARY OF SAID TRACT 487 FEET, MORE OR LESS; THENCE SOUTH ALONG THE EAST BOUNDARY OF SAID TRACT 810 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN DEED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, RECORDED MAY 8, 1956 IN BOOK 607 AT PAGE 24.



VICINITY MAP

SCALE 1" = 3000'

GENERAL NOTES

1. THE FIELD WORK FOR THIS SURVEY WAS PERFORMED BY AN AZTEC CONSULTANTS, INC. SURVEY CREW AND COMPLETED ON DECEMBER 17, 2020..
2. PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."
3. AS TO TABLE A ITEM NO. 2: SUBJECT PROPERTY ADDRESS PER FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-1038617-CO, WITH AN EFFECTIVE DATE OF NOVEMBER 6, 2020 P.M. IS ADAMS, COUNTY, CO.
4. AS TO TABLE A ITEM NO. 4: PARCEL 1 NORTH CONTAINS A TOTAL OF 161.090 ACRES OR 7,017,070 SQUARE FEET, MORE OR LESS, PARCEL 1 SOUTH CONTAINS A TOTAL OF 115.910 ACRES OR 5,049,053 SQUARE FEET, MORE OR LESS, PARCEL 2 CONTAINS A TOTAL OF 7.079 ACRES OR 308,379 SQUARE FEET, MORE OR LESS, PARCEL 3 CONTAINS A TOTAL OF 24.516 ACRES OR 1,067,926 SQUARE FEET, MORE OR LESS.
5. AS TO TABLE A ITEM NO. 11: THIS SURVEY DOES NOT CERTIFY TO SUBSURFACE FEATURES, IMPROVEMENTS, UTILITIES OR BURIED LINES OF ANY TYPE, LOCATION DEPICTED HEREON ARE DERIVED FROM FIELD SURVEY OF UTILITY FLAGGING / PAINT MARKING, PERFORMED BY AZTEC CONSULTANTS INC. UTILITY LOCATES DEPARTMENT ON DECEMBER 21, 2020.
6. AS TO TABLE A ITEM NO. 16: THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS AT THE TIME OF THIS SURVEY.
7. PARCEL 1 NORTH HAS DIRECT PHYSICAL ACCESS TO 26TH AVENUE, PARCEL 1 SOUTH AND PARCEL 3 HAS DIRECT PHYSICAL ACCESS TO SMITH ROAD, A DEDICATED PUBLIC STREET, PARCEL 2 DOES NOT HAVE DIRECT PHYSICAL ACCESS TO A DEDICATED PUBLIC STREET.
8. THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-1038617-CO, WITH AN EFFECTIVE DATE OF NOVEMBER 6, 2020 AT 5:00 P.M. AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY
9. THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES; THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY OR UPON ADJACENT LAND ABUTTING SAID PROPERTY EXCEPT AS SHOWN HEREON AND WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF COLORADO.
10. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM GPS
OBSERVATION BASED UPON THE COLORADO COORDINATE SYSTEM OF 1983
CENTRAL ZONE (NAD 83, 2011) REFERENCED TO THE WEST LINE OF THE
NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 65 WEST,
SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED AS SHOWN HEREON, TAKEN TO
BEAR SOUTH 00°42'25" EAST, A DISTANCE OF 2652.50 FEET.

FLOOD ZONE

THE SUBJECT PROPERTY SHOWN HEREIN LIES WITHIN ZONE X, AREAS DETERMINED TO BE OF MINIMAL FLOOD HAZARD, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP INDEX NO. 08001C0665J, 08001C0930J, 08005C0064L, 08005C0068L, 08005C0202L, 08005C0206L, ALL MAPS REVISED FEBRUARY 17, 2017.

BENCHMARK

BENCHMARK: CITY OF AURORA BENCHMARK 3S6636NE003 BEING A 3" BRASS CAP (COA BM, 19-020B, E-090A) ATOP THE SOUTH WALL AT THE S.E. COR. OF THE E. 26TH AVE. BRIDGE CROSSING OVER E-470. BRASS CAP AT LOWER STEP ON WALL WHERE THE RAILING ENDS ON THE EAST END AKA 19-020B.

NAVD88 ELEV=5521.54'

SURVEYOR'S STATEMENT

TO: UNITED PROPERTIES DEVELOPMENT LLC, A MINNESOTA LIMITED LIABILITY COMPANY
GRIMM FARMS, LLC, A COLORADO LIMITED LIABILITY COMPANY
FIRST AMERICAN TITLE INSURANCE COMPANY

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, 8, 11, 13, 16, 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 28, 2020.

DATE OF PLAT OR MAP: 1/4/2021

BRADY J. MOORHEAD, PLS NO. 38668
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

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.

NOTICE: PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 1.6.B.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THE SURVEY REPRESENTED HEREON HAS BEEN PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF.

ADAMS COUNTY CLERK AND RECORDER'S CERTIFICATE

THIS ALTA WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND
RECORDER OF

ADAMS COUNTY AT ____M. ON THE ____ DAY OF _____, 20____

RECEPTION NO. _____

ADAMS COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

<p>ALTA/NSPS LAND TITLE SURVEY SEC 32, T3S, R65W, 6TH P.M. COUNTY OF ADAMS, STATE OF COLORADO</p>		<p>PREPARED FOR REDLAND CONSULTING GROUP, INC. 1500 WEST CANAL COURT LITTLETON, CO 80120</p>		<p>SCALE N.T.S.</p>	
<p>SHEET ONE</p>		<p>300 East Mineral Ave., Suite 1 Littleton, Colorado 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com</p>		<p>DATE 2020/12/23</p>	
<p>OF 5 SHEETS</p>		<p>DATE</p>		<p>BY</p>	
<p>JOB NO. 54820-26</p>		<p>COMMENT</p>		<p>DATE</p>	

ALTA/NSPS LAND TITLE SURVEY
A PARCEL LOCATED IN SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO

TITLE COMMITMENT NOTES

FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO.
NCS-1038617-CO, WITH AN EFFECTIVE DATE OF NOVEMBER 6, 2020 AT 5:00
P.M. WAS RELIED UPON FOR RECORD INFORMATION REGARDING RIGHTS-OF-WAY,
EASEMENTS AND ENCUMBRANCES. THIS SURVEY DOES NOT REPRESENT A TITLE
SEARCH BY AZTEC CONSULTANTS, INC. TO DETERMINE OWNERSHIP,
RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF PUBLIC RECORD.

NOTE: THE WORD "AFFECTS" AS USED BELOW, IS HEREBY DEFINED AS: "A DETERMINATION THAT THE PROPERTY OR INTERESTS DESCRIBED, WITHIN THE ITEMS LISTED AMONG THE SCHEDULE B – SECTION 2 PROVIDED, FALLS WITHIN OR TOUCHES THE SUBJECT PROPERTY".

ITEM NUMBERS BELOW REFER TO THOSE ITEMS AS LISTED IN SCHEDULE B – SECTION 2 OF SAID TITLE COMMITMENT.

ITEM NUMBERS 1-8 ARE STANDARD EXCEPTIONS NOT TO BE ADDRESSED AS A PART OF THIS SURVEY.

9. AN EASEMENT FOR TELEPHONE LINES AND INCIDENTAL PURPOSES GRANTED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., AS SET FORTH IN AN INSTRUMENT RECORDED NOVEMBER 23, 1953 IN BOOK 481 AT PAGE 10. AFFECTS THE SUBJECT PROPERTY, BUT IS BLANKET IN NATURE AND THEREFORE IS NOT SHOWN HEREON.

10. EACH AND EVERY RIGHT OR RIGHTS OF ACCESS TO OR FROM STATE HIGHWAY NO. 8 (I-70), ALONG THE SOUTH LINE OF SAID LAND, AS SET FORTH IN THE INSTRUMENT RECORDED MAY 8, 1956 IN BOOK 607 AT PAGES 26 AND 30. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

11. AN EASEMENT FOR OIL AND GAS PIPELINES AND INCIDENTAL PURPOSES GRANTED TO COLORADO INTERSTATE GAS COMPANY, AS SET FORTH IN AN INSTRUMENT RECORDED JANUARY 31, 1967 IN BOOK 1343 AT PAGE 16. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

NOTE: DAMAGE RELEASE IN CONNECTION THEREWITH RECORDED SEPTEMBER 5, 1972 IN BOOK 1816 AT PAGE 601. AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.

12. ANY TAX, LIEN, FEE OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE SABLE-ALTURA FIRE PROTECTION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JANUARY 27, 1972 AT RECEPTION NO. 948861. **DOES NOT AFFECT THE SUBJECT PROPERTY.**

NOTE: AMENDED ORDER AND DECREE IN CONNECTION THEREWITH RECORDED
OCTOBER 3, 1972 AT RECEPTION NO. 975694. **AAFFECTS THE SUBJECT
PROPERTY, BUT IS NOT A PLOTTABLE ITEM**

13. AN EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, AS SET FORTH IN AN INSTRUMENT RECORDED AUGUST 28, 1972 IN BOOK 1815 AT PAGE 432. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

14. AN EASEMENT FOR OIL AND GAS PIPELINES AND INCIDENTAL PURPOSES GRANTED TO COLORADO INTERSTATE CORPORATION, AS SET FORTH IN AN INSTRUMENT RECORDED SEPTEMBER 5, 1972 IN BOOK 1816 AT PAGE 603. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

15. AN EASEMENT FOR NATURAL GAS PIPELINE AND INCIDENTAL PURPOSES GRANTED TO EASTERN COLORADO UTILITY CO., AS SET FORTH IN AN INSTRUMENT RECORDED SEPTEMBER 27, 1972 IN BOOK 1820 AT PAGE 815. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

16. AN EASEMENT FOR OIL AND GAS PIPELINES AND INCIDENTAL PURPOSES GRANTED TO PANHANDLE EASTERN PIPE LINE COMPANY, AS SET FORTH IN AN INSTRUMENT RECORDED APRIL 29, 1975 IN BOOK 1990 AT PAGE 843. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

NOTE: ASSIGNMENT AND ASSUMPTION OF INTANGIBLE REAL PROPERTY IN CONNECTION THEREWITH RECORDED APRIL 5, 1993 IN BOOK 4048 AT PAGE 559. AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.

NOTE: ASSIGNMENT, BILL OF SALE AND CONVEYANCE IN CONNECTION
THEREWITH RECORDED JANUARY 2, 2002 AT RECEPTION NO. C0907487.
AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.

NOTE: ASSIGNMENT AND BILL OF SALE IN CONNECTION THEREWITH
RECORDED SEPTEMBER 14, 2004 AT RECEPTION NO. 20040914000901030.
INDETERMINATE IN NATURE DUE TO NO LEGAL PROVIDED.

NOTE: ASSIGNMENT AND BILL OF SALE IN CONNECTION THEREWITH
RECORDED SEPTEMBER 1, 2010 AT RECEPTION NO. 2010000058713.
AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.

NOTE: ASSIGNMENT AND BILL OF SALE IN CONNECTION THEREWITH
RECORDED SEPTEMBER 11, 2020 AT RECEPTION NO. 2020000090544.
AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.

TITLE COMMITMENT NOTES-CONTINUED

17. MINERALS AND MINERAL RIGHTS GRANTED TO JACK L. CLARK AND WALTER CLARK, BY WALTER CLARK, IN ASSIGNMENT OF OIL GAS AND MINERAL RIGHTS OIL LEASE, RENTALS AND ROYALTIES, DATED FEBRUARY 9, 1981, RECORDED FEBRUARY 19, 1981 IN BOOK 2532 AT PAGE 102. **AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.**

REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT IN CONNECTION
THEREWITH RECORDED SEPTEMBER 1, 2020 AT RECEPTION NO.
2020000085784. AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A
PLOTTABLE ITEM.

18. AN EASEMENT FOR GAS PIPELINE AND INCIDENTAL PURPOSES GRANTED TO AMOCO PRODUCTION COMPANY, AS SET FORTH IN AN INSTRUMENT RECORDED JANUARY 31, 1989 IN BOOK 3531 AND PAGE 825. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

NOTE: ASSIGNMENT(S) IN CONNECTION THEREWITH RECORDED OCTOBER 17, 1989 IN BOOK 3612 AT PAGE 595 AND RECORDED JUNE 3, 1991 IN BOOK 3783 AT PAGE 93. **AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.**

19. AN EASEMENT FOR OIL AND GAS PIPELINES AND INCIDENTAL PURPOSES GRANTED TO DIAMOND SHAMROCK PIPELINE COMPANY, AS SET FORTH IN AN INSTRUMENT RECORDED FEBRUARY 9, 1995 IN BOOK 4464 AT PAGE 999. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

20. TERMS, CONDITIONS, PROVISIONS, OBLIGATIONS AND AGREEMENTS AS SET FORTH IN THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE E-470 PUBLIC HIGHWAY AUTHORITY RECORDED DECEMBER 19, 1995 IN BOOK 4646 AT PAGE 975. **DOES NOT AFFECT THE SUBJECT PROPERTY.**

21. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, AS SET FORTH IN AN INSTRUMENT RECORDED FEBRUARY 14, 1997 IN BOOK 4939 AT PAGE 569. DOES NOT AFFECT THE SUBJECT PROPERTY BUT IS SHOWN HEREON.

22. AN EASEMENT FOR OIL AND GAS PIPELINE AND INCIDENTAL PURPOSES GRANTED TO COLORADO INTERSTATE GAS COMPANY, AS SET FORTH IN AN INSTRUMENT RECORDED APRIL 24, 2001 AT RECEPTION NO. C0790962 AND RE-RECORDED OCTOBER 25, 2004 AT RECEPTION NO. 20041025001069590. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

23. TERMS, CONDITIONS, PROVISIONS, OBLIGATIONS, EASEMENTS AND AGREEMENTS AS SET FORTH IN THE COLORADO INTERSTATE GAS COMPANY RIGHT OF WAY AGREEMENT RECORDED NOVEMBER 4, 2002 AT C1048052. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

24. AN EASEMENT FOR OIL AND GAS PIPELINES AND INCIDENTAL PURPOSES GRANTED TO COLORADO INTERSTATE GAS COMPANY, AS SET FORTH IN AN INSTRUMENT RECORDED MAY 2, 2007 AT RECEPTION NO. 2007000043399. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

25. TERMS, CONDITIONS, PROVISIONS, OBLIGATIONS, EASEMENTS AND AGREEMENTS AS SET FORTH IN THE UTILITY EASEMENT RECORDED DECEMBER 22, 2008 AT 2008000098592. **AFFECTS THE SUBJECT PROPERTY AND IS SHOWN HEREON.**

26. OIL AND GAS LEASE RECORDED JULY 28, 2014 AT RECEPTION NO. 2014000049339, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN, **AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.**

BOUNDARY AND ABBREVIATION LEGEND

- SECTION CORNER MONUMENT AS NOTED
- WITNESS CORNER MONUMENT AS NOTED
- SET NO. 5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP STAMPED
"AZTEC LS 38668"
- ¹ ● FOUND NO. 5 REBAR WITH 1-1/4" RED PLASTIC CAP STAMPED
"MERRICK AND CO PLS 13155"
- TC ##* INDICATES THE SCHEDULE B-2 ITEM PER THE TITLE COMMITMENT
REFERENCED HEREIN.
- (R) INDICATES RECORD INFORMATION PER WARRANTY DEED RECORDED
AT RECEPTION BOOK 120 AT PAGE 188 IF DIFFERENT THAN
MEASURED
- (M) MEASURED BEARING AND DISTANCE
- R.O.W. RIGHT-OF-WAY
- CDOT COLORADO DEPARTMENT OF TRANSPORTATION

TITLE COMMITMENT NOTES-CONTINUED

NOTE: AMENDMENT AND RATIFICATION OF OIL, GAS AND MINERAL LEASE IN CONNECTION THEREWITH RECORDED SEPTEMBER 9, 2016 AT RECEPTION NO. 2016000075498. **AFFECTS THE SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.**

NOTE: DECLARATION OF POOLED UNIT IN CONNECTION THEREWITH RECORDED
JANUARY 28, 2019 AT RECEPTION NO. 2019000006416. AFFECTS THE
SUBJECT PROPERTY, BUT IS NOT A PLOTTABLE ITEM.

TOPOGRAPHIC LEGEND

- | | |
|--|---------------------------------|
| | RIPRAP |
| | STORM LINE UNDERGROUND |
| | STORM INLET |
| | STORM FES |
| | WATER LINE MKR |
| | WATER LINE UNDERGROUND |
| | WATER MANHOLE |
| | WATER METER |
| | WATER VALVE |
| | ELECTRIC CABINET |
| | ELECTRIC METER |
| | ELECTRIC MKR |
| | ELECTRIC PEDESTAL |
| | ELECTRIC POLE |
| | ELECTRIC TRANSFORMER |
| | ELECTRIC UNDERGROUND |
| | OVERHEAD UTILITY |
| | GUY WIRE |
| | LIGHT POLE |
| | ELECTRIC VAULT |
| | TELEPHONE LINE UNDERGROUND |
| | TELEPHONE MANHOLE |
| | TELEPHONE MKR |
| | TELEPHONE PEDESTAL |
| | FIBER OPTIC UNDERGROUND |
| | FIBER OPTIC MKR |
| | FIBER OPTICS PEDESTAL |
| | FIBER OPTIC MANHOLE |
| | FIBER OPTIC VAULT |
| | GAS LINE UNDERGROUND |
| | GAS METER |
| | GAS MKR POST |
| | CONDUIT |
| | VENT PIPE |
| | WELL |
| | OVERHEAD UTILITY |
| | EX CONT-MJR |
| | EX CONT-MNR |
| | EDGE OF RAIL ROAD TRACK ROCKS |
| | TREE DECIDUOUS |
| | TREELINE |
| | FENCE POST |
| | FENCE |
| | GATE |
| | METAL POST |
| | WOOD POST |
| | EDGE ASPHALT |
| | EDGE CONCRETE |
| | EDGE ROAD |
| | RAILROAD TRACK |
| | SHOULDER |
| | DITCH FLOWLINE |
| | SWALE FLOWLINE |
| | LINEMARKING WHITE STRIPE DASHED |
| | LINEMARKING WHITE STRIPE SOLID |
| | LINEMARKING YELLOW STRIPE SOLID |
| | BARRICADE |
| | BOLLARD |
| | DELINEATOR |
| | GUARD RAIL |
| | SIGN |
| | STRUCTURE |

ASHED
OLID
SOLID

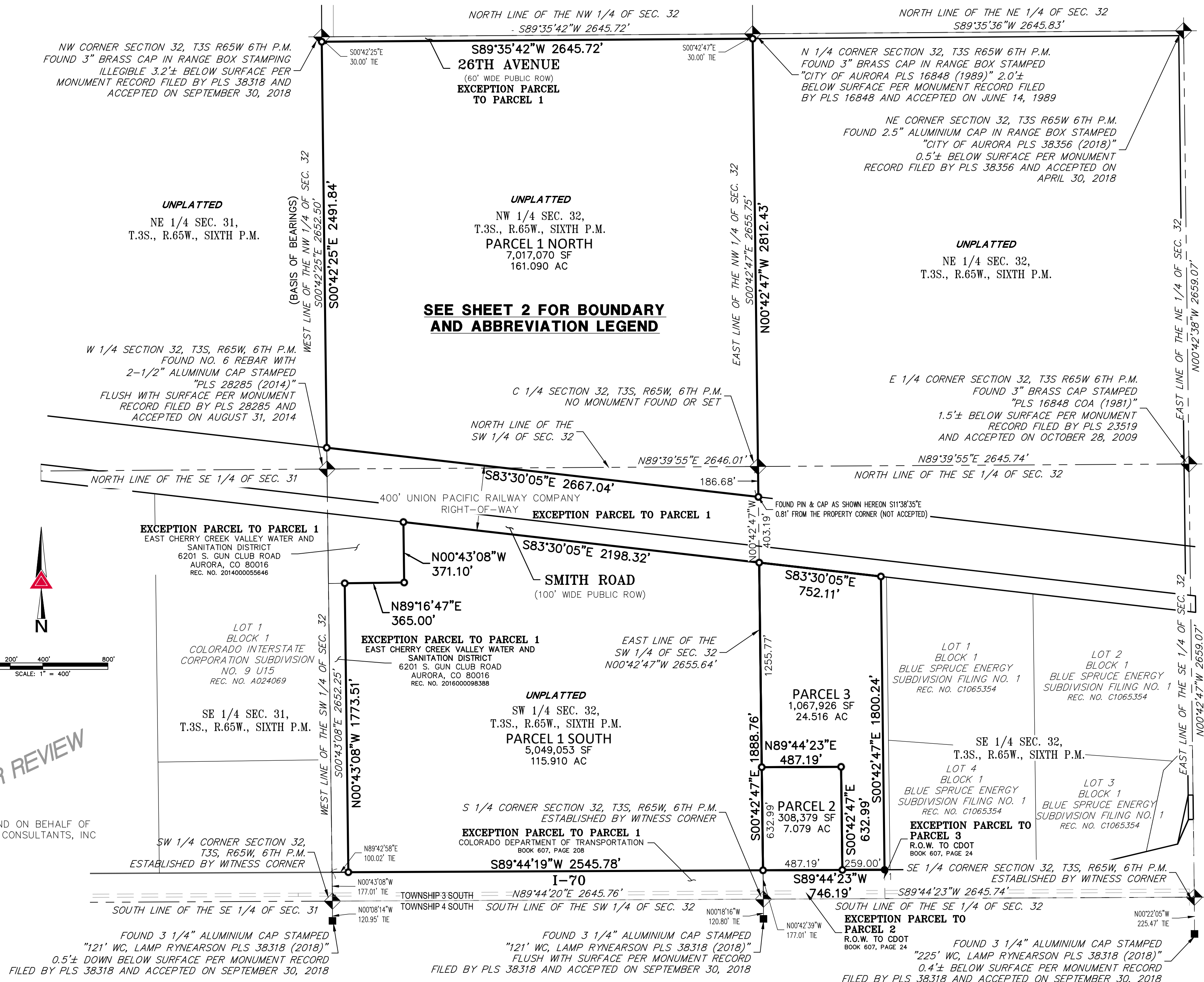
FOR REVIEW

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.

ALTA/NSPS LAND TITLE SURVEY SEC 32, T3S, R65W, 6TH P.M. COUNTY OF ADAMS, STATE OF COLORADO PREPARED FOR REDLAND CONSULTING GROUP, INC. 1500 WEST CANAL COURT LITTLETON, CO 80120		SCALE N.T.S.	
SHEET TWO		DATE 2020/12/23	
JOB NO. 54820-26		OF 5 SHEETS	

ALTA/NSPS LAND TITLE SURVEY

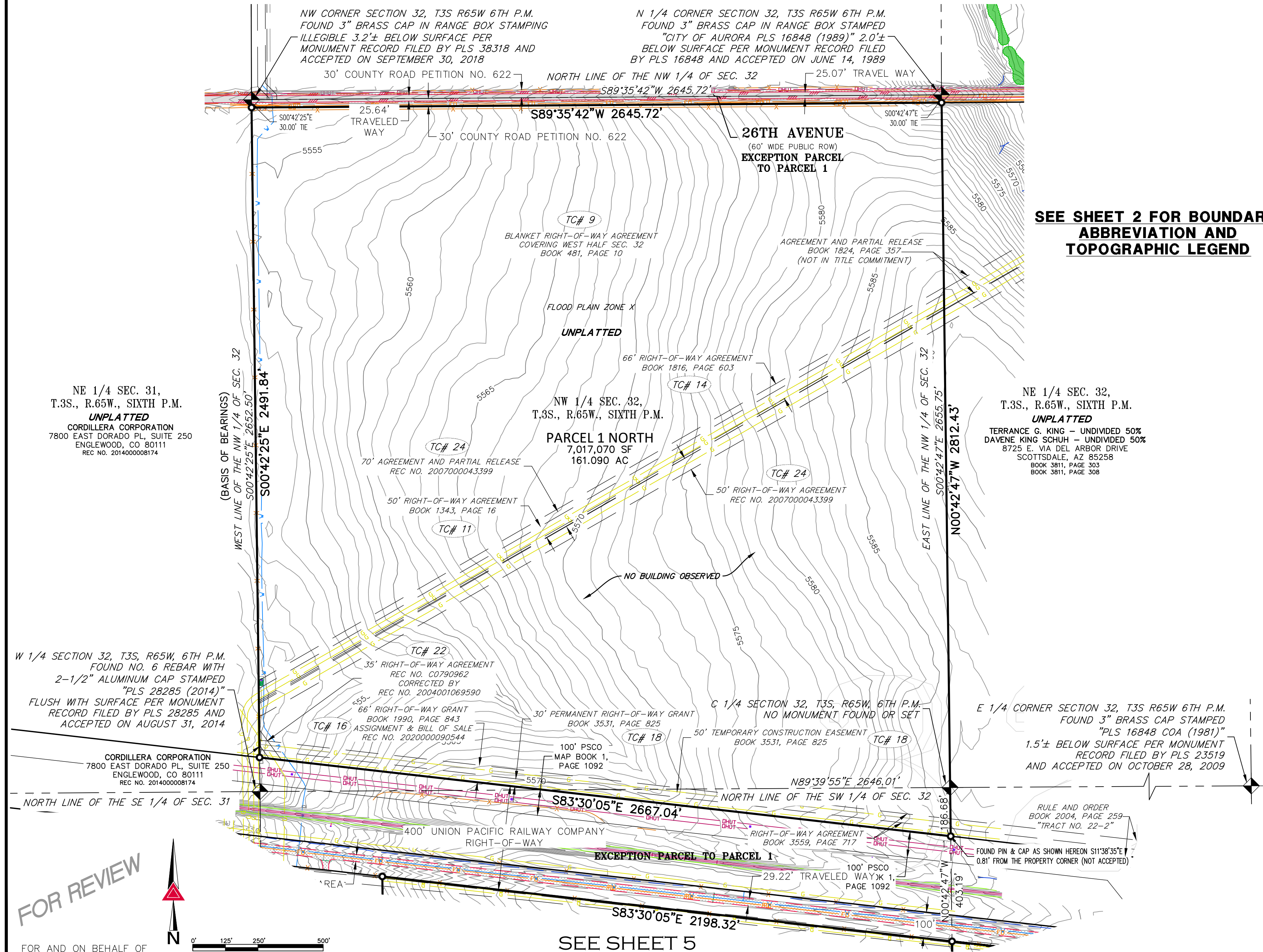
A PARCEL LOCATED IN SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO



SCALE 1" = 400'		DATE 2020/12/23	
BY BJM		DATE	
COMMENT		DATE	
AZTEC CONSULTANTS, INC. 300 East Mineral Ave., Suite 1 Littleton, Colorado 80122 Phone: (303) 713-1898 Fax: (303) 713-1897 www.aztecconsultants.com			
ALTA/NSPS LAND TITLE SURVEY SEC 32, T3S, R65W, 6TH P.M. COUNTY OF ADAMS, STATE OF COLORADO PREPARED FOR REDLAND CONSULTING GROUP, INC. 1500 WEST CANAL COURT LITTLETON, CO 80120			
SHEET THREE OF 5 SHEETS			
JOB NO. 54820-26			

ALTA/NSPS LAND TITLE SURVEY

A PARCEL LOCATED IN SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO



SEE SHEET 2 FOR BOUNDARY,
ABBREVIATION AND
TOPOGRAPHIC LEGEND

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



ALTA/NSPS LAND TITLE SURVEY
SEC 32, T3S, R65W, 6TH P.M.
COUNTY OF ADAMS, STATE OF COLORADO
PREPARED FOR
REDLAND CONSULTING GROUP, INC.
1500 WEST CANAL COURT LITTLETON, CO 80120

SHEET
FOUR
OF 5 SHEETS
JOB NO. 54820-26

SCALE
1" = 250'
DATE
2020/12/23

BY
DATE
COMMENT

DATE

DATE

DATE

A PARCEL LOCATED IN SECTION 32,
TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO

[illegible]

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Littleton, Colorado 80122
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Fax: (303) 713-1897
www.aztecconsultants.com**



AZTEC
CONSULTANTS, INC.

ALTA/NSPS LAND TITLE SURVEY
SEC 32, T3S, R65W, 6TH P.M.
COUNTY OF ADAMS, STATE OF COLORADO

REDLAND CONSULTING GROUP, INC.
1500 WEST CANAL COURT LITTLETON, CO 80120

**SHEET
FIVE**

OF 5 SHEETS

JOB NO. 54820-26

SCALE	1" = 250'	
CKD	BJM	DWG
		JFT
DATE		2020/12/23

[illegible]

AZTEC
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ALTA/NSPS LAND TITLE SURVEY
SEC 32, T3S, R65W, 6TH P.M.
COUNTY OF ADAMS, STATE OF COLORADO

PREPARED FOR
REDLAND CONSULTING GROUP, INC.
1500 WEST CANAL COURT LITTLETON, CO 80120

**SHEET
FIVE**

OF 5 SHEETS

JOB NO. 54820-26

FOR REVIEW

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC

**SEE SHEET 2 FOR BOUNDARY,
ABBREVIATION AND
TOPOGRAPHIC LEGEND**

EXHIBIT B

Aurora Vicinity Map

I:\2020\20028 - Harvest Road Property\CADD\Exhibits\P-20028 - Vicinity Map.dwg Tab: Vicinity Map Sep 06, 2022 - 11:10am laivens

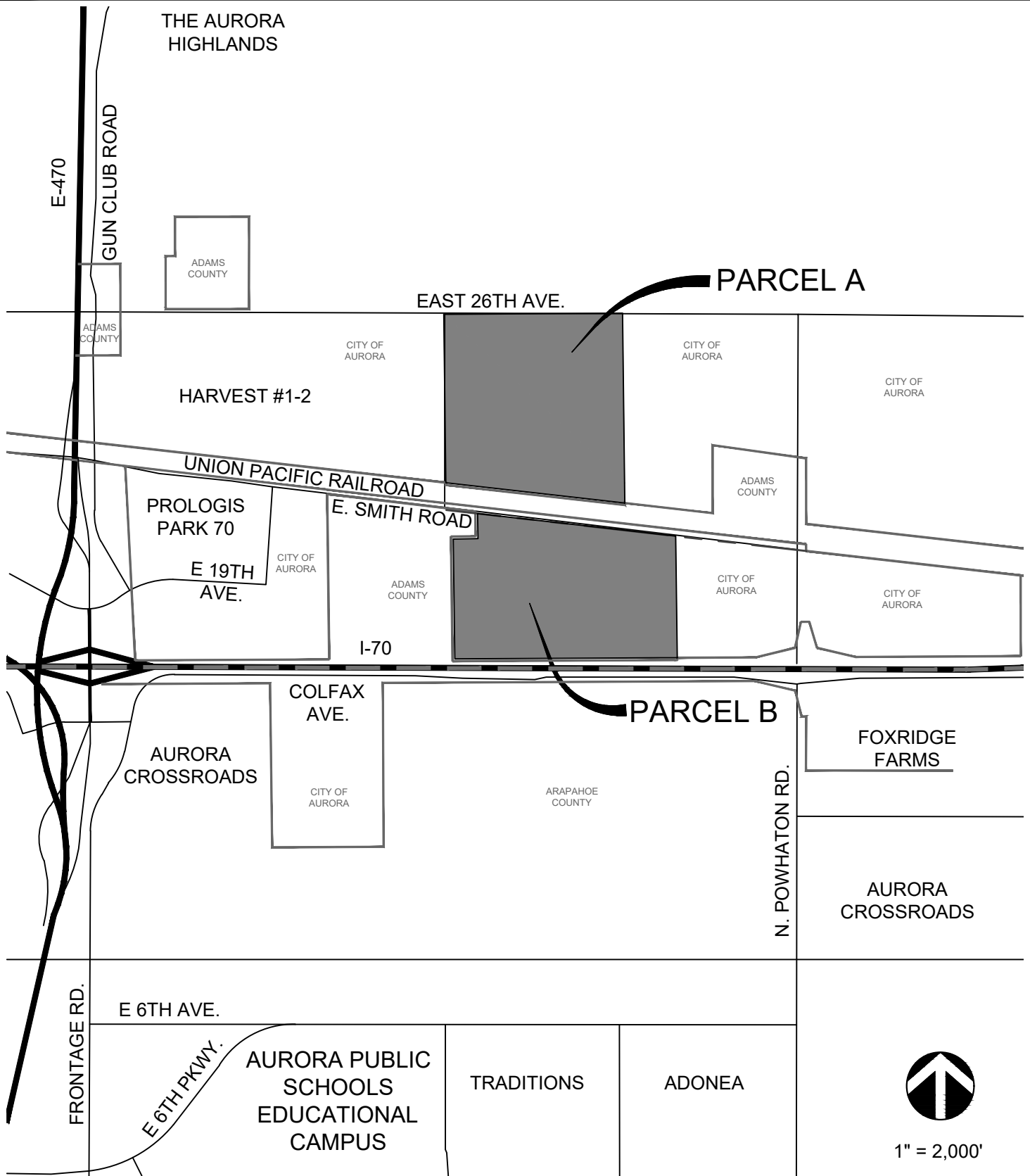


EXHIBIT C-1

Initial District Boundary Map

BOUNDARY MAP

HARVEST MILE METROPOLITAN DISTRICT



EXHIBIT C-2

Inclusion Area Boundary Map

EXHIBIT D

Notice of Special District Disclosure

ATTENTION HOMEBUYER: You are purchasing a home that is located within **Harvest Mile Metropolitan District**. This District has the authority to issue bonds or other debt to pay for development improvements and levy taxes and fees on all properties within the District for debt repayment and ongoing operations and maintenance.

Name of District:	Harvest Mile Metropolitan District
Contact Information for District:	
District Website:	
District Boundaries:	See attached map.
Purpose of the District:	Metropolitan district organized pursuant to C.R.S. § 32-1-101 et seq. The District was created to assist with the planning, design, acquisition, construction, installation, operation, maintenance, relocation, and financing of certain public improvements serving the Harvest Mile Metropolitan District located the City of Aurora, Colorado and described further in the District's Service Plan. A copy of the District's Service Plan can be found on the District's website or by contacting the District at the District contact information above.
Authorized Types of District Taxes:	Debt Mill Levy and Operations and Maintenance Mill Levy These mill levies result in taxes you will owe to the District and are described further below.
District's Total Debt Issuance Authorized per District's Service Plan:	\$90,000,000
District Improvements Financed by Debt:	The District intends to, or has already issued debt to pay for <i>[list major Public Improvement categories, and where appropriate identify specific improvements by name (i.e. specific roads, parks, etc.)]</i>
Maximum Debt Mill Levy that may be levied annually on properties within the District to pay back debt:	Maximum Debt Mill Levy: 50.000 Mills The Maximum Debt Mill Levy may adjust based on changes in the residential assessment ratio occurring after January 1, 2004. <i>[depending on service plan amendments, add info about the Board potentially being able to change the Debt Mill Levy]</i>
Ongoing Operations and Maintenance Services of the District:	The District intends to impose an Operations and Maintenance Mill Levy to pay for <i>[list eligible ongoing administration, operating and maintenance</i>

	<i>obligations]</i>
District Fees:	<i>[For transparency, District should indicate that the Board may choose to impose operations and maintenance fees in the future]</i>
Other Taxing Entities to which you will pay taxes to:	<i>[List all taxing entities and current mill levies within the District Boundaries as identified by the County Assessor]</i>

Sample Calculation of Taxes Owed for a Residential Property within the District:

Assumptions:

Average market value of home in

District is \$_____ Debt Mill Levy is 50 mills

Operations and Maintenance Mill Levy is _____mills

Total Metropolitan District mill levies = 60 mills

Calculation of Metropolitan District Taxes:

\$_____ x .0715 = \$_____ (Assessed Valuation)

\$_____ x .060 mills = \$_____ per year in taxes owed solely to the Metro District

Total Additional Mill Levies from Other Taxing Entities: _____ mills = \$_____ annual taxes

TOTAL [YEAR] PROPERTY TAXES FOR A HOME COSTING \$_____ = \$_____

THIS ESTIMATE ONLY PROVIDES AN ILLUSTRATION OF THE AMOUNT OF THE NEW PROPERTY TAXES THAT MAY BE DUE AND OWING AFTER THE PROPERTY HAS BEEN REASSESSED AND, IN SOME INSTANCES, RECLASSIFIED AS RESIDENTIAL PROPERTY. THIS ESTIMATE IS NOT A STATEMENT OF THE ACTUAL AND FUTURE TAXES THAT MAY BE DUE. FIRST YEAR PROPERTY TAXES MAY BE BASED ON A PREVIOUS YEAR'S TAX CLASSIFICATION, WHICH MAY NOT INCLUDE THE FULL VALUE OF THE PROPERTY AND, CONSEQUENTLY, TAXES MAY BE HIGHER IN SUBSEQUENT YEARS. A SELLER HAS COMPLIED WITH THIS DISCLOSURE STATEMENT AS LONG AS THE DISCLOSURE IS BASED UPON A GOOD-FAITH EFFORT TO PROVIDE ACCURATE ESTIMATES AND INFORMATION.

ACKNOWLEDGED AND AGREED TO BY BUYER:

Name: _____

Date: _____

EXHIBIT E

Intergovernmental Agreement between the District and Aurora

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF AURORA, COLORADO
AND
HARVEST MILE METROPOLITAN DISTRICT

THIS AGREEMENT is made and entered into as of this ____ day of _____, _____, by and between the CITY OF AURORA, a home-rule municipal corporation of the State of Colorado (“City”), and HARVEST MILE METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”). The City and the District are collectively referred to as the Parties.

RECITALS

WHEREAS, the District was organized to provide those services and to exercise powers as are more specifically set forth in the District’s Service Plan approved by the City on _____ (“Service Plan”); and

WHEREAS, the Service Plan makes reference to the execution of an intergovernmental agreement between the City and the District, as required by the Aurora City Code; and

WHEREAS, the City and the District have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Intergovernmental Agreement (“Agreement”).

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

COVENANTS AND AGREEMENTS

1. Operations and Maintenance. The District shall dedicate the Public Improvements (as defined in the Service Plan) to the City or other appropriate jurisdiction or owners association in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The District shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise required to be dedicated to the City or other public entity, including, but not limited to street improvements (including roads, curbs, gutters, culverts, sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping, and other street improvements), traffic and safety controls, retaining walls, park and recreation improvements and facilities, trails, open space, landscaping, drainage improvements (including detention and retention ponds, trickle channels, and other drainage facilities), irrigation system improvements (including wells, pumps, storage facilities, and distribution facilities), and all necessary equipment and appurtenances incident thereto.

Any Fee imposed by the District for access to such park and recreation improvements shall not result in Non-District City residents paying a user fee that is greater than, or otherwise disproportionate to, similar fees and taxes paid by residents of the District. However, the District

shall be entitled to impose an administrative fee as necessary to cover additional expenses associated with Non-District City residents to ensure that such costs are not the responsibility of District residents. All such Fees shall be based upon the District's determination that such Fees do not exceed reasonable annual market fee for users of such facilities. Notwithstanding the foregoing, all parks and trails owned by the District shall be open to the general public and Non-District City residents, subject to the rules and regulations of the District as adopted from time to time. Trails which are interconnected with a city or regional trail system shall be open to the public free of charge and on the same basis as residents and owners of taxable property within the District.

2. Fire Protection. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City. The authority to plan for, design, acquire, construct, install, relocate, redevelop or finance fire hydrants and related improvements installed as part of the water system shall not be limited by this provision.

3. Television Relay and Translation. The District shall not be authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain television relay and translation facilities and services, other than for the installation of conduit as a part of a street construction project, unless such facilities and services are provided pursuant to an intergovernmental agreement with the City.

4. Golf Course Construction. The District shall not be authorized to plan, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain a golf course unless such activity is pursuant to an intergovernmental agreement with the City.

5. Construction Standards. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction and of those special districts that qualify as "interested parties" under Section 32-1-204(1), C.R.S., as applicable. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

6. Issuance of Privately Placed Debt. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of an External Financial Advisor substantially as follows:

We are [I am] an External Financial Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the

Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

7. Inclusion Limitation. The Districts shall not include within any of their boundaries any property outside the Service Area without the prior written consent of the City. The Districts shall not include within any of its boundaries any property inside the inclusion area boundaries without the prior written consent of the City except upon petition of the fee owner or owners of 100 percent of such property as provided in Section 32-1-401(1)(a), C.R.S.

8. Overlap Limitation. The District shall not consent to the organization of any other district organized under the Special District Act within the Service Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.

9. Initial Debt. On or before the effective date of approval by the City of an Approved Development Plan (as defined in the Service Plan), the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any fees used for the purpose of repayment of Debt.

10. Total Debt Issuance. The District shall not issue Debt in excess of Ninety Million Dollars (\$90,000,000) in the aggregate; provided, however, that any Debt issued by the District for ARI Regional Improvements shall not be included within this limitation and shall be subject to the limitations set forth in Section VI of the Service Plan.

11. Fee Limitation. The District may impose and collect Fees as a source of revenue for repayment of debt, capital costs, and/or for operations and maintenance. No Fee related to the funding of costs of a capital nature shall be authorized to be imposed upon or collected from Taxable Property owned or occupied by an End User which has the effect, intentional or otherwise, of creating a capital cost payment obligation in any year on any Taxable Property owned or occupied by an End User. Notwithstanding any of the foregoing, the restrictions in this definition shall not apply to any Fee imposed upon or collected from Taxable Property for the purpose of funding operation and maintenance costs of the District.

12. Debt Issuance Limitation. The District shall not be authorized to incur any indebtedness until such time as the District has approved and executed the IGA and approved the imposition of the Aurora Regional Improvement Mill Levy (as defined in the Service Plan) upon all taxable property located within the boundaries of the District.

13. Monies from Other Governmental Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities that the City is eligible to apply for, except pursuant to an intergovernmental agreement with the City. This Section shall not apply to specific ownership taxes which shall be distributed to and a revenue source for the District without any limitation.

14. Consolidation. The District shall not file a request with any Court to consolidate with another Title 32 district without the prior written consent of the City.

15. Bankruptcy. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term have been established under the authority of the City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) Are, together with all other requirements of Colorado law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable nonbankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

16. Website. When a district is required to have a website in accordance with the requirements of C.R.S. Section 32-1- 104.5, the District shall establish, maintain and annually update a public website or provide information on a shared community website, on which the District will timely post all information and documents required by C.R.S. § 32-1- 104.5.

17. Dissolution. Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

18. Disclosure to Purchasers. The District will use reasonable efforts to assure that all developers of the property located within the District provide written notice to all purchasers of property in the District regarding the Maximum Debt Mill Levy, as well as a general description of the District’s authority to impose and collect rates, Fees, tolls and charges. The notice shall conform with the City’s standard model disclosure attached as Exhibit D to the Service Plan as may be amended from time to time. The City shall be provided a copy of the notice prior to the initial issuance of the Debt of the District imposing the mill levy which is the subject of the Maximum Debt Mill Levy.

19. Service Plan Amendment Requirement. Actions of the District which violate the limitations set forth in V.A.1-14 or VII.B-G of the Service Plan shall be deemed to be material

modifications to the Service Plan and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

20. Annual Report. The District shall be responsible for submitting an annual report to the Manager of the Office of Development Assistance of the City Manager's Office no later than August 1st of each year following the year in which the Order and Decree creating the District has been issued, pursuant to the City Code and containing the information set forth in Section VIII of the Service Plan.

21. Regional Improvements. The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements incurred as a result of participation in the alternatives set forth in Section VI.A, B or C of the Service Plan.

The District shall impose the ARI Mill Levy and shall convey it as follows:

(a) If the District has executed an ARI Authority Establishment Agreement and the City has been offered the opportunity to execute an ARI Authority Establishment Agreement, the terms of which provide for the City to appoint no less than thirty percent (30%) and no more than forty-nine percent (49%) of the Board members who will serve as the board of directors of the ARI Authority to be established by such ARI Authority Establishment Agreement, regardless as to whether the City approves the execution of such ARI Authority Establishment Agreement, the revenue from the ARI Mill Levy shall be conveyed to the ARI Authority for the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements in the ARI Master Plan and for the operations of such ARI Authority; or

(b) If the City and the District have executed an intergovernmental agreement then the revenue from the ARI Mill Levy shall be conveyed to the City for use in planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users and taxpayers of the District in accordance with such agreement; or

(c) If neither Section VI.A nor VI.B of the Service Plan is applicable then the revenue shall be conveyed to the City and (i) the City shall place in a special account all revenues received from the ARI Mill Levy imposed in the Service Area under Section VI of the Service Plan and shall not expend such revenue until an intergovernmental agreement is executed between the District establishing the terms and conditions for the provision of the Regional Improvements; and (ii) if the intergovernmental agreement is not executed within two (2) years from the date of the approval of the Service Plan by the City and neither Section VI.A nor VI.B of the Service Plan above have occurred within two (2) years from the date of the approval of the Service Plan by the City, then the revenue from the ARI Mill Levy shall be conveyed to the City for use by the City in the planning, designing, constructing, installing, acquiring, relocating, redeveloping or financing of the Regional Improvements which benefit the service users or taxpayers of the District as prioritized and determined by the City.

As set forth in the definition of the ARI Mill Levy, the District may, pursuant to any intergovernmental agreement with the City, extend the terms for application of the ARI Mill Levy beyond the years set forth in Sections VI.A and VI. B of the Service Plan. The Maximum Mill Levy Imposition Term shall include the terms and any extension of such terms, as set forth in Sections A, B and C of the definition of the ARI Mill Levy.

The Regional Improvements shall be limited to the provision of the planning, design, acquisition, construction, installation, relocation and/or redevelopment of street and transportation related improvements as defined in the Special District Act and the administration and overhead costs incurred as a result of participation in the alternative set forth in Section VI.A, B or C of the Service Plan, unless the City has agreed otherwise in writing; provided, however in no event shall the Regional Improvements include water or sanitary sewer improvements unless such improvements are necessary as a part of completing street and transportation related improvements. The District shall cease to be obligated to impose, collect and convey to the City the revenue from the ARI Mill Levy described in Section VI of the Service Plan at such time as the area within the District's boundaries is included within a different district organized under the Special District Act, or a General Improvement District organized under Section 31-25-601, et seq., C.R.S., or Business Improvement District organized under Section 31-25-1201, et seq., C.R.S., which other district has been organized to fund a part or all of the Regional Improvements.

22. Maximum Debt Mill Levy. The "Maximum Debt Mill Levy" shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Debt, and shall be determined as follows:

(a) For the portion of any aggregate District's Debt which exceeds fifty percent (50%) of the District's assessed valuation, the Maximum Debt Mill Levy for such portion of Debt shall be fifty (50) mills less the number of mills necessary to pay unlimited mill levy Debt described in Section VII.C.2 of the Service Plan; provided that if, on or after January 1, 2004, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the mill levy limitation applicable to such Debt may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2004, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

(b) For the portion of any aggregate District's Debt which is equal to or less than fifty percent (50%) of the District's assessed valuation, either on the date of issuance or at any time thereafter, the mill levy to be imposed to repay such portion of Debt shall not be subject to the Maximum Debt Mill Levy and, as a result, the mill levy may be such amount as is necessary to pay the Debt service on such Debt, without limitation of rate.

(c) For purposes of the foregoing, once Debt has been determined to be within Section VII.C.2 of the Service Plan, so that the District is entitled to pledge to its payment an unlimited ad valorem mill levy, the District may provide that such Debt shall remain secured by

such unlimited mill levy, notwithstanding any subsequent change in the District's Debt to assessed ratio. All Debt issued by the District must be issued in compliance with the requirements of Section 32-1-1101, C.R.S. and all other requirements of State law.

To the extent that the District is composed of or subsequently organized into one or more subdistricts as permitted under Section 32-1-1101, C.R.S., the term "District" as used herein shall be deemed to refer to the District and to each such subdistrict separately, so that each of the subdistricts shall be treated as a separate, independent district for purposes of the application of this definition.

The Maximum Debt Mill Levy shall not apply to the District's Operations and Maintenance Mill Levy for the provision of operation and maintenance services to the District's taxpayers and service users.

23. Maximum Debt Mill Levy Imposition Term. The District shall have the authority to impose the ARI Mill Levy for the terms as set forth in Section VI of the Service Plan. Other than the ARI Mill Levy, the District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on any single property developed for residential uses which exceeds forty (40) years after the year of the initial imposition of such mill levy unless a majority of the Board of Directors of the District are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings as set forth in Section 11-56-101, C.R.S.; et seq.

24. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District:	Harvest Mile Metropolitan District c/o White Bear Ankele Tanaka & Waldron 2154 E. Commons Ave., Suite 2000 Centennial, CO 80122 Attn: Clint Waldron Phone: (303) 858-1800 Fax: (303) 858-1801
To the City:	City of Aurora 15151 E. Alameda Pkwy., 5th Floor Aurora, CO 80012 Attn: Daniel L. Brotzman, City Attorney Phone: (303) 739-7030 Fax: (303) 739-7042

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

25. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Service Plan.

26. Assignment. Neither Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of the other Party, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

27. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Party shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

28. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Colorado.

29. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

30. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

31. Parties Interested Herein. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the City any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the City shall be for the sole and exclusive benefit of the District and the City.

32. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

33. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

34. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

35. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Service Plan.

SIGNATURE PAGE TO INTERGOVERNMENTAL AGREEMENT

HARVEST MILE METROPOLITAN
DISTRICT

By: _____
President

Attest:

Secretary

CITY OF AURORA, COLORADO

By: _____
MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

BRIAN J. RULLA, Assistant City Attorney



CITY OF AURORA

Fiscal Impact Form

Item Title: A Resolution to Approve the Harvest Mile Metropolitan District

Staff contact: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/
Brian Rulla, Assistant City Attorney II

TYPE OF FISCAL IMPACT

Select all that apply.

- ☒ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☐ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

Public: Approval of these districts will allow the cost of providing infrastructure and certain operating costs to be passed on to the district property owners via metropolitan district taxes and fees. The debt service will be paid by metropolitan district property taxes.

Private: Title 32 Metropolitan Districts have the authority to levy a property tax within the boundaries of the District. Approval of these districts will provide a mechanism for the developer to finance infrastructure for new development by recovering the associated costs through metropolitan district taxes.

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

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CITY OF AURORA

Council Agenda Commentary

Item Title: A Resolution of the City Council of the City of Aurora, Colorado, Appointing Two Members of the Board of Directors to the Painted Prairie Business Improvement District No. 1

Item Initiator: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

Outside Speaker:

Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|--|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration | |
- Reason for waiver is described in the Item Details field.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Management & Finance

Policy Committee Date: 1/24/2023

Action Taken/Follow-up: (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input checked="" type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input checked="" type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

The Painted Prairie Business Improvement District (BID) No. 1 was approved in 2017. This BID serves the Painted Prairie Development located southeast of 64th Avenue and N Himalaya Road.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Per State Statute, City Council is able to appoint directors to fill vacancies on BID Boards of Directors in order to allow the BID to continue to operate and take formal action as needed. The BID is requesting the appointment of two individuals to the Board of Directors.

QUESTIONS FOR COUNCIL

Does Council wish to forward this item to the February 13, 2023 Regular Meeting?

LEGAL COMMENTS

Section 4 of Ordinance No. 2017-36 organizing the Painted Prairie Business Improvement District No 1 provides that within 30 days following the date on which a vacancy on the Board of Directors occurs, a successor shall be appointed by resolution of the City Council. (Hernandez)

PUBLIC FINANCIAL IMPACT

- ☐ YES ☒ NO

If yes, explain:

PRIVATE FISCAL IMPACT

- ☐ Not Applicable ☐ Significant ☒ Nominal

If Significant or Nominal, explain: Appointments to the Board will allow the District to continue to operate and perform its required functions.

PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE
RESOLUTION REQUESTING APPOINTMENT OF DIRECTORS
TO THE BOARD OF DIRECTORS
OF THE PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE

WHEREAS, the Painted Prairie Business Improvement District Number One (the “**BID**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing business improvement district pursuant to Title 31, Article 25, Part 12, C.R.S. (the “**Business Improvement District Act**”); and

WHEREAS, the City Council of the City of Aurora, Colorado (the “**City Council**”) by Ordinance No. 2017-36 established the BID in conformance with the Business Improvement District Act; and

WHEREAS, in accordance with Section 31-25-1209(1)(b), the City Council established the Board of Directors of the BID (the “**BID Board**”) by appointing two electors of the BID to serve as the initial BID Board; and

WHEREAS, in accordance with Section 31-25-1209(1)(d), C.R.S. and Ordinance No. 2017-36, any vacancy on the BID Board must be filled by appointment by the City Council; and

WHEREAS, there are currently two vacancies on the BID Board and the BID requests the City Council appoint two individuals qualified as “electors,” as defined in Section 31-25-1203(4)(a), C.R.S., to fill such vacancies.

NOW, THEREFORE, BE IT RESOLVED BY THE BID BOARD AS FOLLOWS:

1. Recommendation of Appointment. The BID Board hereby recommends and requests that the City Council appoint the following individuals, who will be qualified as “electors” as defined in Section 31-25-1203(4)(a), C.R.S. to the BID Board:

- a. Kevin Collins, 2262 Meadow Green Circle, Franktown, CO 80116
- b. Douglas Hatfield, 3465 S. Gaylord Ct. A610, Englewood, CO 80113

2. Effective Date. This Resolution will take effect immediately upon its approval by the BID Board.

[Remainder of page intentionally left blank, signature page follows.]

ADOPTED this 29th day of September, 2022.

**PAINTED PRAIRIE BUSINESS
IMPROVEMENT DISTRICT NUMBER
ONE**

By: Cat. Feltz, President
Officer of the District

Attest:

By: Dustin Anderson
Dustin Anderson (Oct 12, 2022 10:44 MDT)



CITY OF AURORA

Fiscal Impact Form

Item Title: Painted Prairie BID No.1 Board of Directors Appointments

Staff contact: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/
Hanosky Hernandez, Sr. Assistant City Attorney

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

Appointments to the Boards of Directors of BIDs will allow the Districts to continue to operate and perform their required functions. Any impacts would only apply to operations within the boundary of the BID.

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

RESOLUTION NO. R2023-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPOINTING TWO MEMBERS OF THE BOARD OF DIRECTORS OF THE PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NO 1

WHEREAS, the City Council (the “Council”) of the City of Aurora, Colorado (the “City”), has adopted Ordinance No. 2017-36 (the “Organizing Ordinance”) organizing the Painted Prairie Business Improvement District No 1 (the “District”); and

WHEREAS, there is currently two vacancies on the Board of Directors of the District (the “Board”); and

WHEREAS, Section 4 of the Organizing Ordinance provides that within thirty (30) days following the date on which a vacancy on the Board occurs, a successor shall be appointed by resolution of the Council; and

WHEREAS, the District has recommended that Mr. Kevin Collins and Mr. Douglas Hatfield fill two of the vacancies on the board; and

WHEREAS, Mr. Kevin Collins and Mr. Douglas Hatfield are electors of the District, as defined by Section 31-25-1203(4)(a), C.R.S., and are therefore qualified for membership on the Board.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO.

Section 1. Mr. Kevin Collins and Mr. Douglas Hatfield are hereby appointed to fill two of the existing vacancies on the Board of Directors of the Painted Prairie Business Improvement District No 1.

Section 2. The City Clerk is hereby directed to cause an executed copy of this Resolution to be provided to the District.

Section 3. Within thirty (30) days of the effective date of this Resolution, Mr. Kevin Collins and Mr. Douglas Hatfield shall appear before an officer authorized to administer oaths and take an oath to faithfully perform the duties of his office as required by law and to support the United States Constitution, the Colorado Constitution, and all laws made pursuant thereto.


RESOLVED AND PASSED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

 *gk*

HANOSKY HERNANDEZ,
Sr. Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: A Resolution of the City Council of the City of Aurora, Colorado, Appointing Two Members of the Board of Directors to the Painted Prairie Business Improvement District No. 2

Item Initiator: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

Outside Speaker:

Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Management & Finance

Policy Committee Date: 1/24/2023

Action Taken/Follow-up: (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input checked="" type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input checked="" type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

The Painted Prairie Business Improvement District (BID) No. 2 was approved in 2017. This BID serves the Painted Prairie Development located southeast of 64th Avenue and N Himalaya Road.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Per State Statute, City Council is able to appoint directors to fill vacancies on BID Boards of Directors in order to allow the BID to continue to operate and take formal action as needed. The BID is requesting the appointment of two individuals to the Board of Directors

QUESTIONS FOR COUNCIL

Does Council wish to forward this item to the February 13, 2023 Regular Meeting?

LEGAL COMMENTS

Section 4 of Ordinance No. 2017-37 organizing the Painted Prairie Business Improvement District No 2 provides that within 30 days following the date on which a vacancy on the Board of Directors occurs, a successor shall be appointed by resolution of the City Council. (Hernandez)

PUBLIC FINANCIAL IMPACT

- ☐ YES ☒ NO

If yes, explain:

PRIVATE FISCAL IMPACT

- ☐ Not Applicable ☐ Significant ☒ Nominal

If Significant or Nominal, explain: Appointments to the Board will allow the District to continue to operate and perform its required functions.

PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER TWO
RESOLUTION REQUESTING APPOINTMENT OF DIRECTORS
TO THE BOARD OF DIRECTORS
OF THE PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER TWO

WHEREAS, the Painted Prairie Business Improvement District Number Two (the “**BID**”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing business improvement district pursuant to Title 31, Article 25, Part 12, C.R.S. (the “**Business Improvement District Act**”); and

WHEREAS, the City Council of the City of Aurora, Colorado (the “**City Council**”) by Ordinance No. 2017-37 established the BID in conformance with the Business Improvement District Act; and

WHEREAS, in accordance with Section 31-25-1209(1)(b), the City Council established the Board of Directors of the BID (the “**BID Board**”) by appointing two electors of the BID to serve as the initial BID Board; and

WHEREAS, in accordance with Section 31-25-1209(1)(d), C.R.S. and Ordinance No. 2017-37, any vacancy on the BID Board must be filled by appointment by the City Council; and

WHEREAS, there are currently two vacancies on the BID Board and the BID requests the City Council appoint two individuals qualified as “electors,” as defined in Section 31-25-1203(4)(a), C.R.S., to fill such vacancies.

NOW, THEREFORE, BE IT RESOLVED BY THE BID BOARD AS FOLLOWS:

1. Recommendation of Appointment. The BID Board hereby recommends and requests that the City Council appoint the following individuals, who will be qualified as “electors” as defined in Section 31-25-1203(4)(a), C.R.S. to the BID Board:

a. Kevin Collins, 2262 Meadow Green Circle, Franktown, CO 80116

b. Douglas Hatfield, 3465 S. Gaylord Ct. A610, Englewood, CO 80113

2. Effective Date. This Resolution will take effect immediately upon its approval by the BID Board.

[Remainder of page intentionally left blank, signature page follows.]

ADOPTED this 29th day of September, 2022.

**PAINTED PRAIRIE BUSINESS
IMPROVEMENT DISTRICT NUMBER
TWO**

By: 
Officer of the District

Attest:

By: 
Dustin Anderson (Oct 12, 2022 10:44 MDT)



CITY OF AURORA

Fiscal Impact Form

Item Title: Painted Prairie BID No. 2 Board of Directors Appointments

Staff contact: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/
Hanosky Hernandez, Sr. Assistant City Attorney

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

Appointments to the Boards of Directors of BIDs will allow the Districts to continue to operate and perform their required functions. Any impacts would only apply to operations within the boundary of the BID.

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

RESOLUTION NO. R2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPOINTING TWO MEMBERS OF THE BOARD OF DIRECTORS OF THE PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NO 2

WHEREAS, the City Council (the “Council”) of the City of Aurora, Colorado (the “City”), has adopted Ordinance No. 2017-37 (the “Organizing Ordinance”) organizing the Painted Prairie Business Improvement District No 2 (the “District”); and

WHEREAS, there is currently two vacancies on the Board of Directors of the District (the “Board”); and

WHEREAS, Section 4 of the Organizing Ordinance provides that within thirty (30) days following the date on which a vacancy on the Board occurs, a successor shall be appointed by resolution of the Council; and

WHEREAS, the District has recommended that Mr. Kevin Collins and Mr. Douglas Hatfield fill two of the vacancies on the board; and

WHEREAS, Mr. Kevin Collins and Mr. Douglas Hatfield are electors of the District, as defined by Section 31-25-1203(4)(a), C.R.S., and are therefore qualified for membership on the Board.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO.

Section 1. Mr. Kevin Collins and Mr. Douglas Hatfield are hereby appointed to fill two of the existing vacancies on the Board of Directors of the Painted Prairie Business Improvement District No 2.

Section 2. The City Clerk is hereby directed to cause an executed copy of this Resolution to be provided to the District.

Section 3. Within thirty (30) days of the effective date of this Resolution, Mr. Kevin Collins and Mr. Douglas Hatfield shall appear before an officer authorized to administer oaths and take an oath to faithfully perform the duties of his office as required by law and to support the United States Constitution, the Colorado Constitution, and all laws made pursuant thereto.


RESOLVED AND PASSED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:



HANOSKY HERNANDEZ,
Sr. Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: An Ordinance of the City Council of the City of Aurora, Colorado Excluding and Including Certain Properties from the Boundaries of the Painted Prairie Business Improvement District No. 1.

Item Initiator: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

Outside Speaker:

Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Management & Finance

Action Taken/Follow-up: (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input checked="" type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input checked="" type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

Pursuant to the provisions of the "Business Improvement District Act" of Colorado Revised Statutes, The Painted Prairie Business Improvement Districts (BID) Nos. 1 and 2 were approved by City Council in 2017. Following the formation of the district, the developer and property owner modified development plans for the property and as such, need to modify the boundaries of the BID.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

The petitions for the proposed Painted Prairie BID No. 1 inclusion and exclusion are attached. The developer of the project and owner of the undeveloped property within the BID boundaries have modified their development plans for the property located within the districts. As such, this request is to include property which is intended for commercial development within the boundaries of the BID as described in the attached petitions. In addition, the BID must exclude any land classified as residential from their boundaries.

QUESTIONS FOR COUNCIL

Does Council wish to support an Ordinance excluding and including certain properties from the boundaries of the Painted Prairie Business Improvement District No. 1?

LEGAL COMMENTS

The city council is vested with the jurisdiction to create and establish business improvement districts within the boundaries of the city. (§31-25-1204 C.R.S.) City council passed Ordinance 2017-36 and declared the Painted Prairie Business Improvement District No1 organized. Under §31-25-1220 (5) C.R.S., during or after the formation of the district, any property owner may request that a property may be included or excluded from the district. After council's approval the boundaries of the district will be changed accordingly. (Hernandez)

PUBLIC FINANCIAL IMPACT

- ☐ YES ☒ NO

If yes, explain:

PRIVATE FISCAL IMPACT

- ☐ Not Applicable ☐ Significant ☒ Nominal

If Significant or Nominal, explain: Impact is unknown at this time as debt has not been issued.



Megan J. Murphy
Of Counsel

303-858-1800
mmurphy@wbapc.com

January 5, 2023

VIA EMAIL

Cesarina Dancy
Project Manager
Office of Development Assistance
City of Aurora
cdancy@auroragov.org

**Re: Painted Prairie Business Improvement District Nos. 1 & 2 Petitions for
Exclusion and Inclusion of Property**

Dear Ms. Dancy:

White Bear Ankele Tanaka & Waldron represents the Painted Prairie Business Improvement District Number One and the Painted Prairie Business Improvement District Number Two (collectively, the “**BIDs**”). The BIDs are seeking to exclude and include certain property into their respective boundaries.

The City Council for the City of Aurora (the “**City Council**”) approved Ordinance No. 2017-36 Organizing the Painted Prairie Business Improvement District Number One on September 25, 2017. The City Council approved Ordinance No. 2017-37 Organizing the Painted Prairie Business Improvement District Number Two on September 25, 2017. The City Council approved the Amended and Restated Consolidated Service Plan for Painted Prairie Metropolitan District Nos. 1-9 on July 24, 2017 pursuant to Resolution No. R2017-49. The City Council approved the Consolidated Service Plan for Painted Prairie Metropolitan District Nos. 10-12 on August 5, 2019 pursuant to Resolution No. R2019-64. The BIDs and Painted Prairie Metropolitan District Nos. 1-12 (collectively, the “**Metro Districts**”) are collectively referred to herein as the “**Districts**.”

The City Council adopted Ordinance No. 2022-04 effective April 23, 2022 approving excluding certain property from the boundaries of the BIDs and including certain property into the boundaries of the BIDs. Since the adoption of Ordinance No. 2022-04, the developer of the project and owner of the undeveloped property within the Districts’ boundaries, Painted Prairie Owner, LLC, has modified its development plan for the property located within the Districts’ boundaries. Certain lots and tracts intended for residential development are in the boundaries of the BIDs.

Pursuant to C.R.S. § 31-25-1208(2), no tract of land which is classified for property tax purposes as residential or agricultural shall be included in the boundaries of a business improvement district. As a result, the BIDs must exclude those lots and tracts intended for residential development within its boundaries as described in the enclosed Petitions for Exclusion. The developer of the project and owner of the undeveloped property within the Districts' boundaries desires to include property which is intended for commercial development within the boundaries of the BIDs as described in the enclosed Petitions for Inclusion.

As of the date of this letter, the BIDs have not issued any debt.

Therefore, in accordance with C.R.S. § 31-25-1220, the following documents are enclosed for consideration:

1. Copy of the executed Petition for Exclusion of Property from Painted Prairie Business Improvement District Number One;
2. Copy of the executed Petition for Inclusion of Property into Painted Prairie Business Improvement District Number One;
3. Copy of the executed Petition for Exclusion of Property from Painted Prairie Business Improvement District Number Two;
4. Copy of the executed Petition for Inclusion of Property into Painted Prairie Business Improvement District Number Two;
5. Proposed Notice of Exclusion for publication in the Aurora Sentinel, required to be coordinated by the City Clerk in accordance with C.R.S. § 31-25-1220(1);
6. Proposed Notice of Inclusion for publication in the Aurora Sentinel, required to be coordinated by the City Clerk in accordance with C.R.S. § 31-25-1220(1);
7. Proposed Ordinance Excluding Certain Property from and Including Certain Property into the boundaries of Painted Prairie Business Improvement District Number One and Painted Prairie Business Improvement District Number Two.

The BIDs requests that the City Council approve the statutorily required exclusion and inclusion as soon as possible in order to facilitate development within the project. Please contact our office if you have any questions or concerns. Thank you.

Sincerely,
WHITE BEAR ANKELE TANAKA & WALDRON



Megan J. Murphy
Of Counsel

**PETITION FOR INCLUSION OF PROPERTY
INTO
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE**

TO: City Council, City of Aurora, Colorado:

The undersigned, Painted Prairie Owner, LLC, a Delaware limited liability company, hereby respectfully petitions the City Council of the City of Aurora in accordance with the provisions of Section 31-25-1220, C.R.S., for the inclusion of the hereinafter described property into Painted Prairie Business Improvement District Number One (the “**District**”).

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the “**Property**”) be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that from and after the effective date of such Ordinance, the Property shall be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the land into said District, whether or not such inclusion is approved.

The legal description of said property situated in the County of Adams, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner:

Painted Prairie Owner, LLC, a Delaware limited liability company

By: 

Name: Donald Provost

Title: Manager

Petitioner's

Street Address:

10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

STATE OF COLORADO

)

) ss.

COUNTY OF ARAPAHOE

)

The foregoing instrument was acknowledged before me this 3 day of January, 2023, by Donald Provost, as Manager of Painted Prairie Owner, LLC, a Delaware limited liability company, Petitioner.

Witness my hand and official seal.

My commission expires: June 11, 2025



Michelle Sanchez
Notary Public

EXHIBIT A

Painted Prairie Improvement District Number One Petition for Inclusion

LEGAL DESCRIPTION

EXHIBIT A

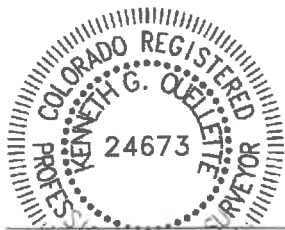
NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

PROPERTY DESCRIPTION

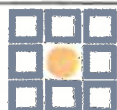
A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING N89°55'04"E BETWEEN THE NORTHWEST CORNER OF SAID SECTION 11 AND THE NORTH QUARTER CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 11;
THENCE S85°59'13"E A DISTANCE OF 756.09 FEET TO THE **POINT OF BEGINNING**;
THENCE N89°55'04"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 497.98 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 89°35'44", A RADIUS OF 25.00 FEET, A CHORD BEARING S45°17'04"E A DISTANCE OF 35.23 FEET, AND AN ARC DISTANCE OF 39.09 FEET;
THENCE S00°29'13"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 212.02 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90°24'26", A RADIUS OF 20.00 FEET, A CHORD BEARING S44°43'00"W A DISTANCE OF 28.38 FEET, AND AN ARC DISTANCE OF 31.56 FEET;
THENCE S89°55'13"W TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 507.04 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 06°25'02", A RADIUS OF 214.00 FEET, A CHORD BEARING N86°52'16"W A DISTANCE OF 23.96 FEET, AND AN ARC DISTANCE OF 23.97 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 102°53'46", A RADIUS OF 20.00 FEET, A CHORD BEARING N32°12'51"W A DISTANCE OF 31.28 FEET, AND AN ARC DISTANCE OF 35.92 FEET;



KENNETH G. OUELLETTE, P.L.S. 24673
DATE: NOVEMBER 16, 2022
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK®

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 11/16/22

SHEET: 1 OF 4

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

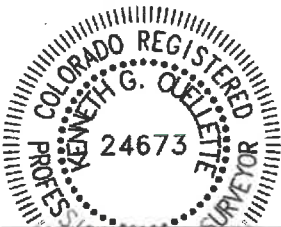
PROPERTY DESCRIPTION

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 19°43'14", A RADIUS OF 333.00 FEET, A CHORD BEARING N09°22'25"E A DISTANCE OF 114.05 FEET, AND AN ARC DISTANCE OF 114.62 FEET;

THENCE N00°27'54"W NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 91.48 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90°19'44", A RADIUS OF 25.00 FEET, A CHORD BEARING N44°45'12"E A DISTANCE OF 35.46 FEET, AND AN ARC DISTANCE OF 39.41 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3.252 ACRES, MORE OR LESS.

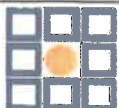


KENNETH G. OUELLETTE, P.L.S. 24673

DATE: NOVEMBER 16, 2022

JOB NO. 65419757

FOR AND ON BEHALF OF MERRICK & COMPANY



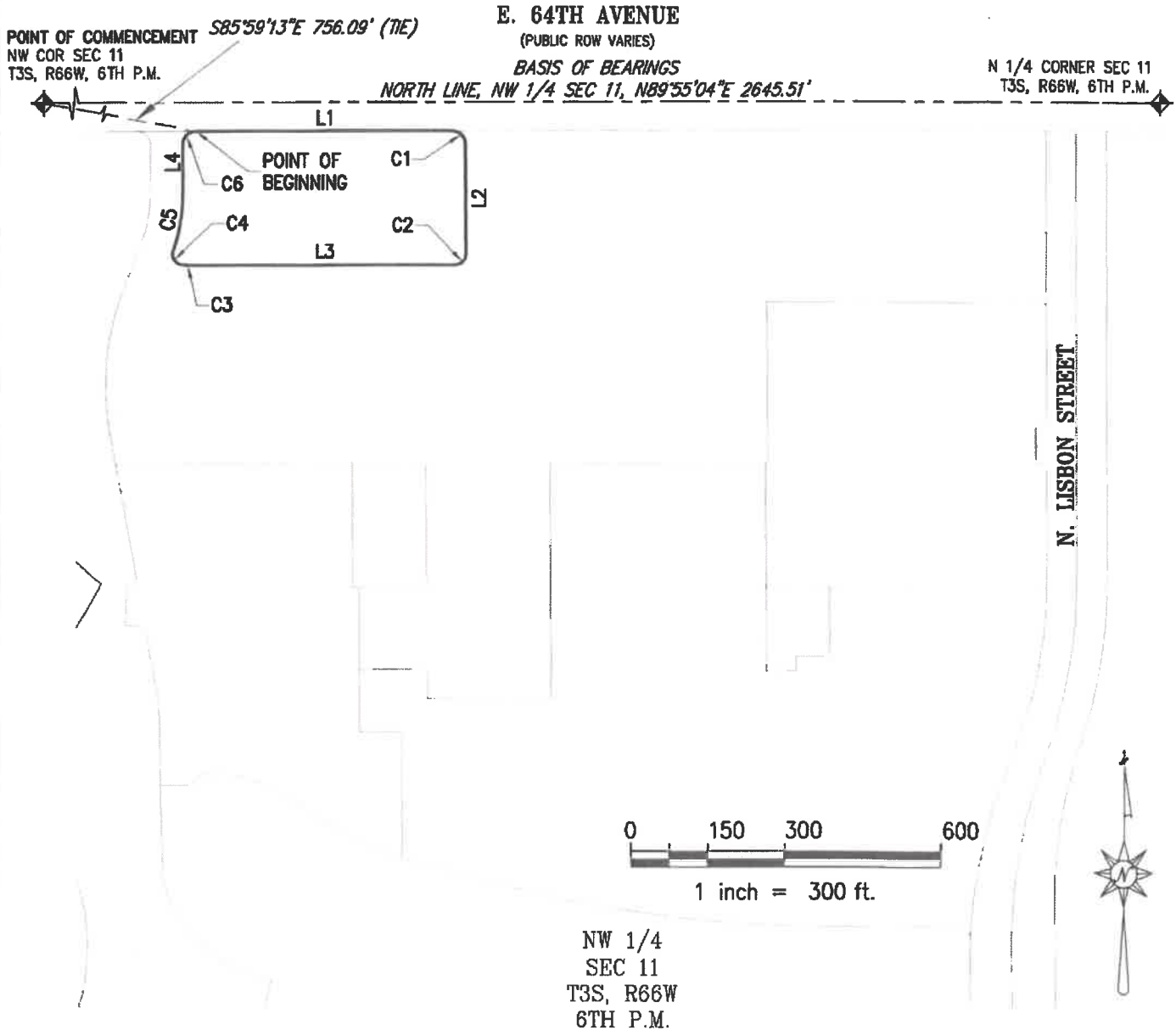
5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 11/16/22

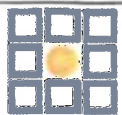
SHEET: 2 OF 4

ILLUSTRATION FOR EXHIBIT A



THE ABOVE DESCRIBED PARCEL CONTAINS 3.252 ACRES MORE OR LESS.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.



MERRICK

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

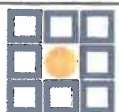
DATE: 11/16/22

SHEET: 3 OF 4

ILLUSTRATION FOR EXHIBIT A

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N89°55'04"E	497.98'
L2	S00°29'13"E	212.02'
L3	S89°55'13"W	507.04'
L4	N00°27'54"W	91.48'

CURVE TABLE					
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	LENGTH
C1	89°35'44"	25.00'	S45°17'04"E	35.23'	39.09'
C2	90°24'26"	20.00'	S44°43'00"W	28.38'	31.56'
C3	6°25'02"	214.00'	N86°52'16"W	23.96'	23.97'
C4	102°53'46"	20.00'	N32°12'51"W	31.28'	35.92'
C5	19°43'14"	333.00'	N09°22'25"E	114.05'	114.62'
C6	90°19'44"	25.00'	N44°45'12"E	35.46'	39.41'



MERRICK

5870 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 11/16/22

SHEET: 4 OF 4

**PETITION FOR INCLUSION OF PROPERTY
INTO
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER TWO**

TO: City Council, City of Aurora, Colorado:

The undersigned, Painted Prairie Owner, LLC, a Delaware limited liability company, hereby respectfully petitions the City Council of the City of Aurora in accordance with the provisions of Section 31-25-1220, C.R.S., for the inclusion of the hereinafter described property into Painted Prairie Business Improvement District Number Two (the "**District**").

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "**Property**") be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that from and after the effective date of such Ordinance, the Property shall be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the land into said District, whether or not such inclusion is approved.

The legal description of said property situated in the County of Adams, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner: Painted Prairie Owner, LLC, a Delaware limited liability company

By: 

Name: Donald Provost

Title: Manager

Petitioner's

Street Address:

10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

STATE OF COLORADO

)

) ss.

COUNTY OF ARAPAHOE

)

The foregoing instrument was acknowledged before me this 3 day of January, 2023, by Donald Provost, as Manager of Painted Prairie Owner, LLC, a Delaware limited liability company, Petitioner.

Witness my hand and official seal.

My commission expires: June 11, 2025



Michelle Sanchez
Notary Public

EXHIBIT A

Painted Prairie Improvement District Number Two Petition for Inclusion

LEGAL DESCRIPTION

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

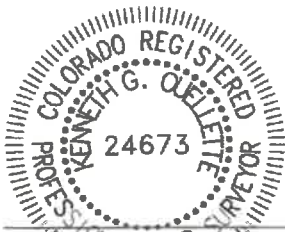
PROPERTY DESCRIPTION

TWO PARCELS OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

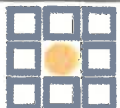
BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING N89°55'04"E BETWEEN THE NORTHWEST CORNER OF SAID SECTION 11 AND THE NORTH QUARTER CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

PARCEL 1

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 11;
THENCE S85°17'09"E A DISTANCE OF 645.78 FEET TO THE **POINT OF BEGINNING**;
THENCE N89°55'04"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 110.64 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°19'44", A RADIUS OF 25.00 FEET, A CHORD BEARING S44°45'12"W A DISTANCE OF 35.46 FEET, AND AN ARC DISTANCE OF 39.41 FEET;
THENCE S00°27'54"E NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 91.48 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 19°43'14", A RADIUS OF 333.00 FEET, A CHORD BEARING S09°22'25"W A DISTANCE OF 114.05 FEET, AND AN ARC DISTANCE OF 114.62 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 102°53'46", A RADIUS OF 20.00 FEET, A CHORD BEARING S32°12'51"E A DISTANCE OF 31.28 FEET, AND AN ARC DISTANCE OF 35.92 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 06°25'02", A RADIUS OF 214.00 FEET, A CHORD BEARING S86°52'16"E A DISTANCE OF 23.96 FEET, AND AN ARC DISTANCE OF 23.97 FEET;



KENNETH G. OUELLETTE, P.L.S. 24673
DATE: NOVEMBER 16, 2022
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 11/16/22

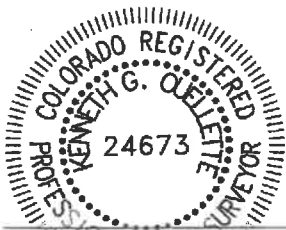
SHEET: 1 OF 5

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

PROPERTY DESCRIPTION

THENCE N89°55'13"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 507.04 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°24'26", A
RADIUS OF 20.00 FEET, A CHORD BEARING N44°43'00"E A DISTANCE OF 28.38 FEET, AND AN ARC
DISTANCE OF 31.56 FEET;
THENCE N00°29'13"W TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 212.02 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 89°35'44", A
RADIUS OF 25.00 FEET, A CHORD BEARING N45°17'04"W A DISTANCE OF 35.23 FEET, AND AN ARC
DISTANCE OF 39.09 FEET;
THENCE N89°55'04"E A DISTANCE OF 1139.35 FEET;
THENCE S00°29'13"E A DISTANCE OF 329.04 FEET;
THENCE S89°55'13"W A DISTANCE OF 535.51 FEET;
THENCE S00°29'13"E A DISTANCE OF 310.01 FEET;
THENCE S89°55'13"W A DISTANCE OF 420.51 FEET;
THENCE S00°29'13"E A DISTANCE OF 452.01 FEET;
THENCE S89°55'13"W A DISTANCE OF 237.01 FEET;
THENCE N00°29'13"W A DISTANCE OF 56.80 FEET;
THENCE S89°30'47"W A DISTANCE OF 132.14 FEET;
THENCE N00°29'13"W A DISTANCE OF 158.14 FEET;
THENCE N89°55'13"E A DISTANCE OF 132.14 FEET;
THENCE N00°29'13"W A DISTANCE OF 238.01 FEET;
THENCE S89°55'13"W A DISTANCE OF 601.25 FEET;
THENCE N10°32'04"W TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 58.28 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 32°30'57", A
RADIUS OF 529.00 FEET, A CHORD BEARING N05°43'24"E A DISTANCE OF 296.20 FEET, AND AN ARC
DISTANCE OF 300.21 FEET;
THENCE N21°58'53"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 71.41 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 22°28'05", A
RADIUS OF 271.00 FEET, A CHORD BEARING N10°44'50"E A DISTANCE OF 105.59 FEET, AND AN ARC
DISTANCE OF 106.27 FEET;
THENCE N00°27'54"W NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 92.09
FEET;

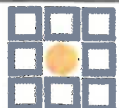


KENNETH G. OLETTE, P.L.S. 24673

DATE: NOVEMBER 16, 2022

JOB NO. 65419757

FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 11/16/22

SHEET: 2 OF 5

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO----

PROPERTY DESCRIPTION

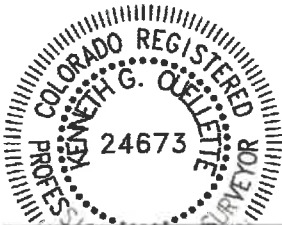
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 86°54'18", A RADIUS OF 25.00 FEET, A CHORD BEARING N43°30'31"W A DISTANCE OF 34.39 FEET, AND AN ARC DISTANCE OF 37.92 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 21.870 ACRES, MORE OR LESS.

PARCEL 2

COMMENCING AT SAID NORTH QUARTER CORNER OF SECTION 11;
THENCE S35°26'52"W A DISTANCE OF 1144.02 FEET TO THE **POINT OF BEGINNING**;
THENCE S00°04'47"E A DISTANCE OF 135.00 FEET;
THENCE S89°55'13"W A DISTANCE OF 63.56 FEET;
THENCE S00°29'13"E A DISTANCE OF 26.50 FEET;
THENCE S89°30'47"W A DISTANCE OF 58.00 FEET;
THENCE N00°29'13"W A DISTANCE OF 161.92 FEET;
THENCE N89°55'13"E A DISTANCE OF 122.52 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.414 ACRES, MORE OR LESS.

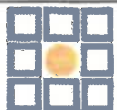


KENNETH G. OUELLETTE, P.L.S. 24673

DATE: NOVEMBER 16, 2022

JOB NO. 65419757

FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK

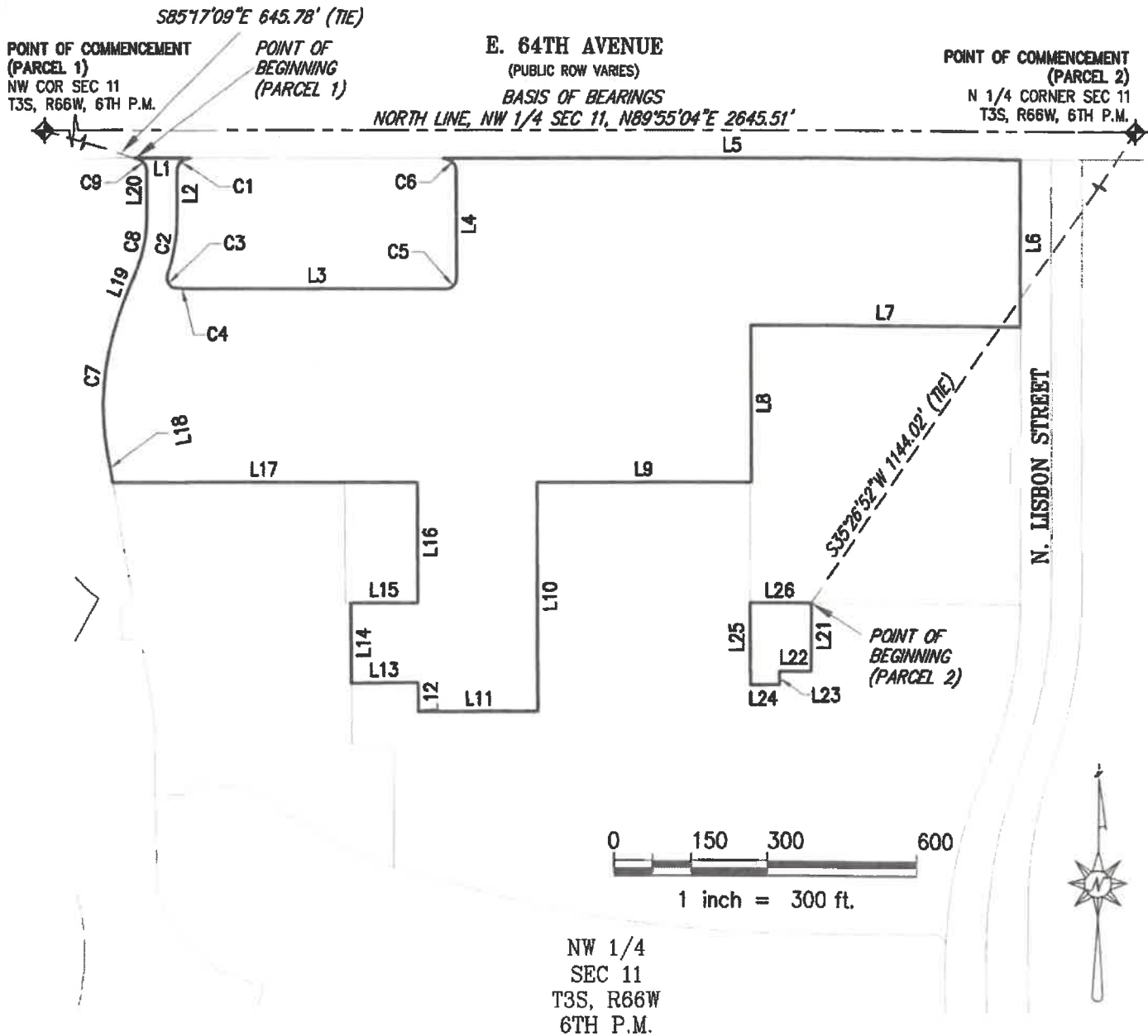
5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 11/16/22

SHEET: 3 OF 5

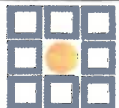
ILLUSTRATION FOR EXHIBIT A



THE ABOVE DESCRIBED PARCEL 1 CONTAINS 21.870 ACRES MORE OR LESS.

THE ABOVE DESCRIBED PARCEL 2 CONTAINS 0.414 ACRES MORE OR LESS.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.



MERRICK

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

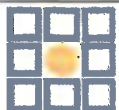
DATE: 11/16/22

SHEET: 4 OF 5

ILLUSTRATION FOR EXHIBIT A

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N89°55'04"E	110.64'
L2	S00°27'54"E	91.48'
L3	N89°55'13"E	507.04'
L4	N00°29'13"W	212.02'
L5	N89°55'04"E	1139.35'
L6	S00°29'13"E	329.04'
L7	S89°55'13"W	535.51'
L8	S00°29'13"E	310.01'
L9	S89°55'13"W	420.51'
L10	S00°29'13"E	452.01'
L11	S89°55'13"W	237.01'
L12	N00°29'13"W	56.80'
L13	S89°30'47"W	132.14'
L14	N00°29'13"W	158.14'
L15	N89°55'13"E	132.14'
L16	N00°29'13"W	238.01'
L17	S89°55'13"W	601.25'
L18	N10°32'04"W	58.28'
L19	N21°58'53"E	71.41'
L20	N00°27'54"W	92.09'
L21	S00°04'47"E	135.00'
L22	S89°55'13"W	63.56'
L23	S00°29'13"E	26.50'
L24	S89°30'47"W	58.00'
L25	N00°29'13"W	161.92'
L26	N89°55'13"E	122.52'

CURVE TABLE					
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	LENGTH
C1	90°19'44"	25.00'	S44°45'12"W	35.46'	39.41'
C2	19°43'14"	333.00'	S09°22'25"W	114.05'	114.62'
C3	102°53'46"	20.00'	S32°12'51"E	31.28'	35.92'
C4	6°25'02"	214.00'	S86°52'16"E	23.96'	23.97'
C5	90°24'26"	20.00'	N44°43'00"E	28.38'	31.56'
C6	89°35'44"	25.00'	N45°17'04"W	35.23'	39.09'
C7	32°30'57"	529.00'	N05°43'24"E	296.20'	300.21'
C8	22°28'05"	271.00'	N10°44'50"E	105.59'	106.27'
C9	86°54'18"	25.00'	N43°30'31"W	34.39'	37.92'



MERRICK®

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 11/16/22

SHEET: 5 OF 5

**PETITION FOR EXCLUSION OF PROPERTY
FROM
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE**

TO: City Council, City of Aurora, Colorado:

The undersigned, Painted Prairie Owner, LLC, a Delaware limited liability company, hereby respectfully petitions the City Council of the City of Aurora in accordance with the provisions of Section 31-25-1220, C.R.S., for the exclusion of the hereinafter described property from Painted Prairie Business Improvement District Number One (the "**District**").

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "**Property**") be excluded from the District and that an Ordinance be adopted by the City Council excluding the Property from the District, and that from and after the effective date of such Ordinance, the Property shall no longer be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on exclusion, publication of the ordinance approving the exclusion (if any), filing and recording fees, and all other costs of exclusion of the land from the District, whether or not such exclusion is approved.

The legal description of said property situated in the County of Adams, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner:

Painted Prairie Owner, LLC, a Delaware limited liability company

By:

Name: Donald Provost

Title: Manager

Petitioner's

Street Address:

10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this 3 day of January, 2023, by Donald Provost, as Manager of Painted Prairie Owner, LLC, a Delaware limited liability company, Petitioner.

Witness my hand and official seal.

My commission expires: June 11, 2025



Michelle Sanchez
Notary Public

EXHIBIT A

Painted Prairie Improvement District Number One Petition for Exclusion

LEGAL DESCRIPTION

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

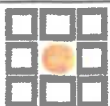
BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING S89°55'04"W BETWEEN THE NORTH QUARTER CORNER OF SAID SECTION 11 AND THE NORTHWEST CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

COMMENCING AT SAID NORTH QUARTER CORNER OF SECTION 11;
THENCE S85°32'41"W A DISTANCE OF 1202.76 FEET TO THE **POINT OF BEGINNING**;
THENCE S00°29'13"E A DISTANCE OF 120.00 FEET;
THENCE N89°30'47"E A DISTANCE OF 95.00 FEET;
THENCE S00°29'13"E A DISTANCE OF 91.74 FEET;
THENCE N86°11'09"W A DISTANCE OF 170.48 FEET;
THENCE N00°29'13"W A DISTANCE OF 198.96 FEET;
THENCE N89°30'47"E A DISTANCE OF 75.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.540 ACRES, MORE OR LESS.



KENNETH G. OUELLETTE, P.L.S. 24673
DATE: SEPTEMBER 7, 2021
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK®

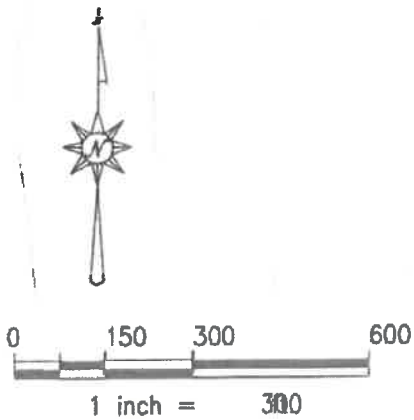
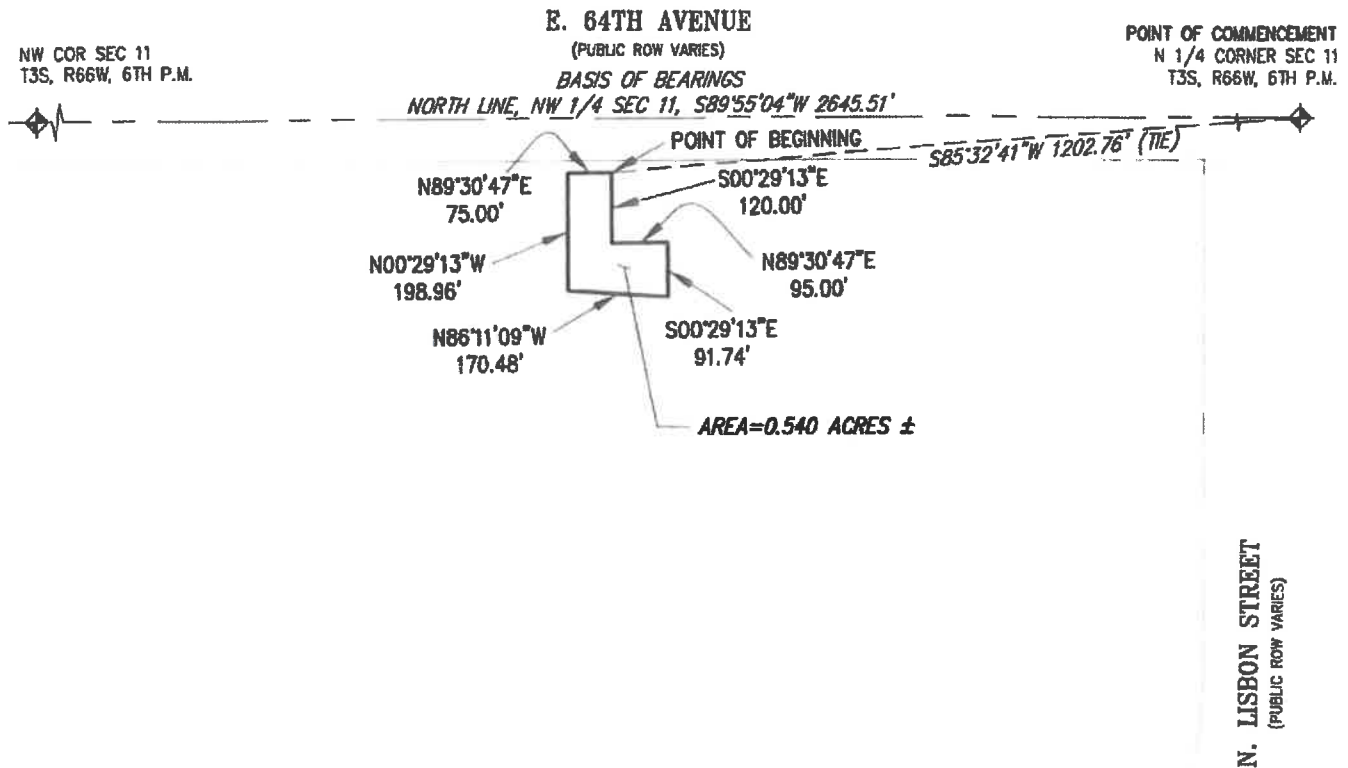
5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 9/7/21

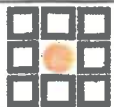
SHEET: 1 OF 2

ILLUSTRATION FOR EXHIBIT A



NW 1/4
SEC 11
T3S, R66W
6TH P.M.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.



MERRICK®

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 9/7/21

SHEET: 2 OF 2

**PETITION FOR EXCLUSION OF PROPERTY
FROM
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER TWO**

TO: City Council, City of Aurora, Colorado:

The undersigned, Painted Prairie Owner, LLC, a Delaware limited liability company, hereby respectfully petitions the City Council of the City of Aurora in accordance with the provisions of Section 31-25-1220, C.R.S., for the exclusion of the hereinafter described property from Painted Prairie Business Improvement District Number Two (the "**District**").

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "**Property**") be excluded from the District and that an Ordinance be adopted by the City Council excluding the Property from the District, and that from and after the effective date of such Ordinance, the Property shall no longer be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

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The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on exclusion, publication of the ordinance approving the exclusion (if any), filing and recording fees, and all other costs of exclusion of the land from the District, whether or not such exclusion is approved.

The legal description of said property situated in the County of Adams, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner:

Painted Prairie Owner, LLC, a Delaware limited liability company

By:

Name: Donald Provost

Title: Manager

Petitioner's

Street Address:

10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

STATE OF COLORADO

)

) ss.

COUNTY OF ARAPAHOE

)

The foregoing instrument was acknowledged before me this 3 day of January, 2023, by Donald Provost, as Manager of Painted Prairie Owner, LLC, a Delaware limited liability company, Petitioner.

Witness my hand and official seal.

My commission expires: June 11, 2025



Michelle Sanchez
Notary Public

EXHIBIT A

Painted Prairie Improvement District Number Two Petition for Exclusion

LEGAL DESCRIPTION

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

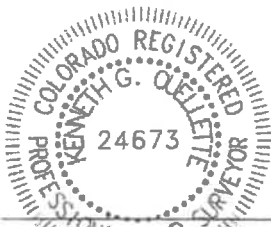
PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

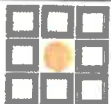
BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING S89°55'04"W BETWEEN THE NORTH QUARTER CORNER OF SAID SECTION 11 AND THE NORTHWEST CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

COMMENCING AT SAID NORTH QUARTER CORNER OF SECTION 11;
THENCE S85°32'41"W A DISTANCE OF 1202.76 FEET TO THE **POINT OF BEGINNING**;
THENCE S00°29'13"E A DISTANCE OF 198.96 FEET;
THENCE S89°30'47"W A DISTANCE OF 170.00 FEET;
THENCE N00°29'13"W A DISTANCE OF 78.96 FEET;
THENCE N89°30'47"E A DISTANCE OF 95.00 FEET;
THENCE N00°29'13"W A DISTANCE OF 120.00 FEET;
THENCE N89°30'47"E A DISTANCE OF 75.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.515 ACRES, MORE OR LESS.



KENNETH G. QUELETTE, P.L.S. 24673
DATE: SEPTEMBER 7, 2021
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK®

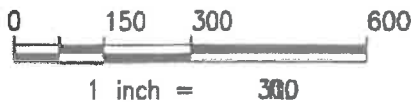
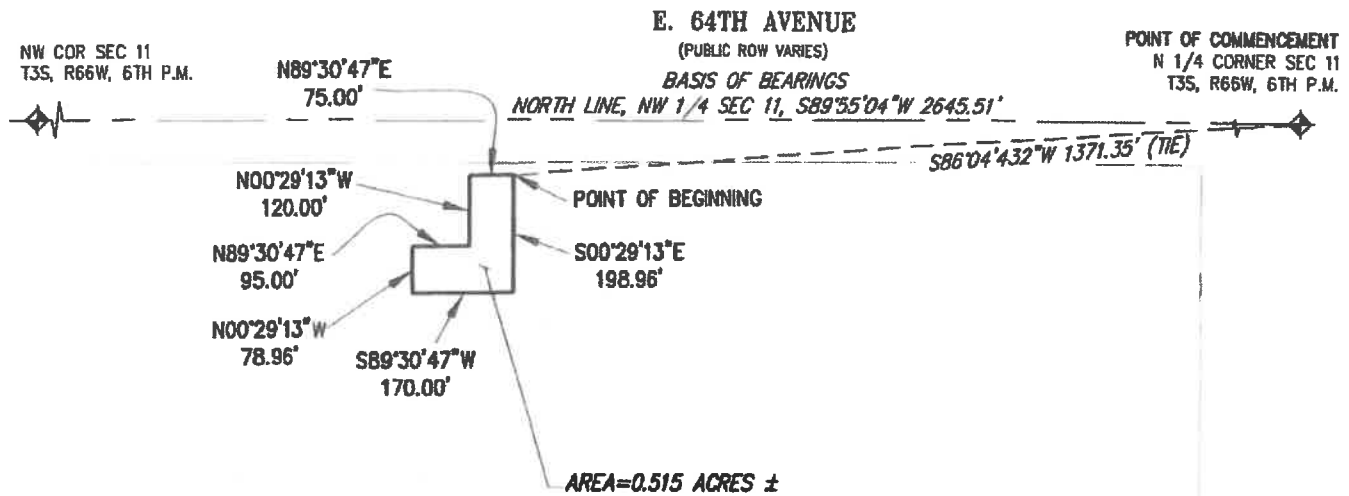
5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 9/7/21

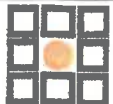
SHEET: 1 OF 2

ILLUSTRATION FOR EXHIBIT A



NW 1/4
SEC 11
T3S, R66W
6TH P.M.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.



MERRICK®

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 9/7/21

SHEET: 2 OF 2

NOTICE OF PUBLIC HEARING ON EXCLUSION OF PROPERTY

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Exclusion of Property (the “District Number One Petition”) has been or is expected to be filed with the City of Aurora requesting the property described below be excluded from Painted Prairie Business Improvement District Number One, City of Aurora, Adams County, Colorado (the “District Number One”).

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Exclusion of Property (the “District Number Two Petition” and together with the District Number One Petition the “Petitions”) has been or is expected to be filed with the City of Aurora requesting the property described below be excluded from Painted Prairie Business Improvement District Number Two, City of Aurora, Adams County, Colorado (the “District Number Two”).

NOTICE IF HEREBY FURTHER GIVEN that, the City Council, City of Aurora, Adams County, Colorado will hold a public hearing on the Petitions on , 2023, at 7:30 p.m. or as soon thereafter as the City Council may hear such matter. Due to ongoing public health and state orders, the public is invited to participate electronically; please see the City’s website at www.auroragov.org to register and view the meeting.

The name and address of the Petitioner and a description of the property to be included into **District Number One** are as follows:

Name of Petitioner:	Painted Prairie Owner, LLC
Address of Petitioner:	10100 Santa Monica Blvd., Suite 1000 Los Angeles, CA 90067

General Description of Property:	A parcel of land in the northwest quarter of Section 11, Township 3 South, Range 66 West of the 6 th Principal Meridian, City of Aurora, County of Adams, State of Colorado
----------------------------------	--

The name and address of the Petitioner and a description of the property to be included into **District Number Two** are as follows:

Name of Petitioner:	Painted Prairie Owner, LLC
Address of Petitioner:	10100 Santa Monica Blvd., Suite 1000 Los Angeles, CA 90067

General Description of Property:	A parcel of land in the northwest quarter of Section 11, Township 3 South, Range 66 West of the 6 th Principal Meridian, City of Aurora, County of Adams, State of Colorado
----------------------------------	--

NOTICE IS FURTHER GIVEN to all interested persons that they shall appear at the public meeting and show cause in writing why such Petitions should not be granted.

PUBLISHED IN: *Aurora Sentinel*
PUBLISHED ON: [REDACTED], 2023

NOTICE OF PUBLIC HEARING ON INCLUSION OF PROPERTY

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Inclusion of Property (the “District Number One Petition”) has been or is expected to be filed with the City of Aurora requesting the property described below be included into the Painted Prairie Business Improvement District Number One, City of Aurora, Adams County, Colorado (the “District Number One”).

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Inclusion of Property (the “District Number Two Petition” and together with the District Number One Petition the “Petitions”) has been or is expected to be filed with the City of Aurora requesting the property described below be included into the Painted Prairie Business Improvement District Number Two, City of Aurora, Adams County, Colorado (the “District Number Two”).

NOTICE IF HEREBY FURTHER GIVEN that, the City Council, City of Aurora, Adams County, Colorado will hold a public hearing on the Petitions on , 2023, at 7:30 p.m. or as soon thereafter as the City Council may hear such matter. Due to ongoing public health and state orders, the public is invited to participate electronically; please see the City’s website at www.auroragov.org to register and view the meeting.

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Address of Petitioner:	10100 Santa Monica Blvd., Suite 1000 Los Angeles, CA 90067

General Description of Property:	A parcel of land in the northwest quarter of Section 11, Township 3 South, Range 66 West of the 6 th Principal Meridian, City of Aurora, County of Adams, State of Colorado
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NOTICE IS FURTHER GIVEN to all interested persons that they shall appear at the public meeting and show cause in writing why such Petitions should not be granted.

PUBLISHED IN: *Aurora Sentinel*
PUBLISHED ON: [REDACTED], 2023



CITY OF AURORA

Fiscal Impact Form

Item Title: Painted Prairie Business Improvement District No. 1 Petitions for Exclusion and Inclusion of Property

Staff contact: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/
Hanosky Hernandez, Assistant City Attorney II

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

The financial impacts of this inclusion/exclusion are unknown at this time as the BIDs have not issued any debt to date. Any future impacts would only apply to the operations within the boundary of the BIDs.

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

ORDINANCE NO. 2023-____

A BILL

FOR AN ORDINANCE OF THE CITY OF AURORA, COLORADO,
INCLUDING AND EXCLUDING CERTAIN PROPERTY FROM THE
BOUNDARIES OF PAINTED PRAIRIE BUSINESS IMPROVEMENT
DISTRICT NUMBER ONE

WHEREAS, the City Council of the City of Aurora, Colorado (the “City Council”) authorized by Ordinance 2017-36 the organization of Painted Prairie Business Improvement District Number One (the “District”); and

WHEREAS, after the District was formed, the City Council received a petition filed pursuant to C.R.S. § 31-25-1220, by Painted Prairie Owner, LLC (the “Petitioner”) for the exclusion and inclusion of certain property into the District, which property is more particularly described in the Petitions for Exclusion of Property and Petitions for Inclusion of Property all of which are attached hereto as Exhibit A (collectively, the “Petitions”); and

WHEREAS, public notice of the hearing on the Petitions has been given and published in the *Aurora Sentinel* in accordance with state law, calling for a public hearing on the request of said Petitions; and

WHEREAS, City Council has held and concluded such Public Hearing in accordance with state law, at which hearing all persons having obligations to the exclusion and inclusion of the properties described in the Petitions were heard, and the City Council has determined that the allegations of the Petitions are true; and

WHEREAS, the properties sought to be included into the District are located entirely within the City of Aurora, in Adams County, Colorado, and does not include property within any other county or within any other incorporated city, town, or city and county.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO.

Section 1. Pursuant to its authority under Section 31-25-1207(5) C.R.S., the City Council, as the governing body of the City, hereby adjudicates all questions of jurisdiction to find that jurisdiction is vested in the City Council, and pursuant to Section 31-25-1220 C.R.S., the City Council has authority to grant the petitioners request of inclusion and exclusion of the properties described into, and out of, the Painted Prairie Business Improvement District Number One as described in Exhibit A.

Section 2. Pursuant to Section 31-25-1220 C.R.S., the City Council has authority to grant the Petitioner’s request of inclusion and exclusion from the Painted Prairie Business Improvement District Number One as described in Exhibit A.

Section 3. The City Council, being fully informed, hereby finds and determines that the change in boundaries of the Painted Prairie Business Improvement District Number One as proposed in the Petitions does not adversely affect such District nor does it affect their rights or privileges whatsoever.

Section 4. The City Council hereby grants the Petitions described in Exhibit A.

Section 5. The actions of the City Clerk, petitioners, and designated election official in setting and providing public notice of the public hearing on the Petitions are hereby ratified and confirmed.

Section 6. The City Clerk is hereby directed to file a certified copy of this Ordinance with the County Clerk and Recorder of Adams County, Colorado, whereupon the properties shall be included into and excluded from the Painted Prairie Business Improvement District Number One as approved in this ordinance.

Section 7. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed, except that this section shall not be construed so as to revive any act, order, resolution, or ordinance or part thereof previously repealed.

Section 8. Pursuant to Section 5-5 of the City Charter, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____ 2023.


PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____ 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ,
City Clerk

APPROVED AS TO FORM:

 *gk*

HANOSKY HERNANDEZ,
Sr. Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: An Ordinance of the City Council of the City of Aurora, Colorado Excluding and Including Certain Properties from the Boundaries of the Painted Prairie Business Improvement District No. 2

Item Initiator: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

Outside Speaker:

Council Goal: 2012: 6.0--Provide a well-managed and financially strong City

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time

Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance / Hanosky Hernandez, Senior Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|--|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration | |
- Reason for waiver is described in the Item Details field.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Management & Finance

Policy Committee Date: 1/24/2023

Action Taken/Follow-up: (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input checked="" type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input checked="" type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

Pursuant to the provisions of the "Business Improvement District Act" of Colorado Revised Statutes, The Painted Prairie Business Improvement Districts (BID) Nos. 1 and 2 were approved by City Council in 2017. Following the formation of the district, the developer and property owner modified development plans for the property and as such, need to modify the boundaries of the BID.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

The petitions for the proposed Painted Prairie BID No. 2 inclusion and exclusion are attached. The developer of the project and owner of the undeveloped property within the BID boundaries have modified their development plans for the property located within the districts. As such, this request is to include property which is intended for commercial development within the boundaries of the BID as described in the attached petitions. In addition, the BID must exclude any land classified as residential from their boundaries.

QUESTIONS FOR COUNCIL

Does Council wish to forward this item to the February 13, 2023 Regular Meeting?

LEGAL COMMENTS

The city council is vested with the jurisdiction to create and establish business improvement districts within the boundaries of the city. (§31-25-1204 C.R.S.) City council passed Ordinance 2017-37 and declared the Painted Prairie Business Improvement District No 2 organized. Under §31-25-1220 (5) C.R.S., during or after the formation of the district, any property owner may request that a property may be included or excluded from the district. After council's approval the boundaries of the district will be changed accordingly. (Hernandez)

PUBLIC FINANCIAL IMPACT

- ☐ YES ☒ NO

If yes, explain:

PRIVATE FISCAL IMPACT

- ☐ Not Applicable ☐ Significant ☒ Nominal

If Significant or Nominal, explain: Impact is unknown at this time as debt has not been issued.



Megan J. Murphy
Of Counsel

303-858-1800
mmurphy@wbapc.com

January 5, 2023

VIA EMAIL

Cesarina Dancy
Project Manager
Office of Development Assistance
City of Aurora
cdancy@auroragov.org

**Re: Painted Prairie Business Improvement District Nos. 1 & 2 Petitions for
Exclusion and Inclusion of Property**

Dear Ms. Dancy:

White Bear Ankele Tanaka & Waldron represents the Painted Prairie Business Improvement District Number One and the Painted Prairie Business Improvement District Number Two (collectively, the “**BIDs**”). The BIDs are seeking to exclude and include certain property into their respective boundaries.

The City Council for the City of Aurora (the “**City Council**”) approved Ordinance No. 2017-36 Organizing the Painted Prairie Business Improvement District Number One on September 25, 2017. The City Council approved Ordinance No. 2017-37 Organizing the Painted Prairie Business Improvement District Number Two on September 25, 2017. The City Council approved the Amended and Restated Consolidated Service Plan for Painted Prairie Metropolitan District Nos. 1-9 on July 24, 2017 pursuant to Resolution No. R2017-49. The City Council approved the Consolidated Service Plan for Painted Prairie Metropolitan District Nos. 10-12 on August 5, 2019 pursuant to Resolution No. R2019-64. The BIDs and Painted Prairie Metropolitan District Nos. 1-12 (collectively, the “**Metro Districts**”) are collectively referred to herein as the “**Districts**.”

The City Council adopted Ordinance No. 2022-04 effective April 23, 2022 approving excluding certain property from the boundaries of the BIDs and including certain property into the boundaries of the BIDs. Since the adoption of Ordinance No. 2022-04, the developer of the project and owner of the undeveloped property within the Districts’ boundaries, Painted Prairie Owner, LLC, has modified its development plan for the property located within the Districts’ boundaries. Certain lots and tracts intended for residential development are in the boundaries of the BIDs.

Pursuant to C.R.S. § 31-25-1208(2), no tract of land which is classified for property tax purposes as residential or agricultural shall be included in the boundaries of a business improvement district. As a result, the BIDs must exclude those lots and tracts intended for residential development within its boundaries as described in the enclosed Petitions for Exclusion. The developer of the project and owner of the undeveloped property within the Districts' boundaries desires to include property which is intended for commercial development within the boundaries of the BIDs as described in the enclosed Petitions for Inclusion.

As of the date of this letter, the BIDs have not issued any debt.

Therefore, in accordance with C.R.S. § 31-25-1220, the following documents are enclosed for consideration:

1. Copy of the executed Petition for Exclusion of Property from Painted Prairie Business Improvement District Number One;
2. Copy of the executed Petition for Inclusion of Property into Painted Prairie Business Improvement District Number One;
3. Copy of the executed Petition for Exclusion of Property from Painted Prairie Business Improvement District Number Two;
4. Copy of the executed Petition for Inclusion of Property into Painted Prairie Business Improvement District Number Two;
5. Proposed Notice of Exclusion for publication in the Aurora Sentinel, required to be coordinated by the City Clerk in accordance with C.R.S. § 31-25-1220(1);
6. Proposed Notice of Inclusion for publication in the Aurora Sentinel, required to be coordinated by the City Clerk in accordance with C.R.S. § 31-25-1220(1);
7. Proposed Ordinance Excluding Certain Property from and Including Certain Property into the boundaries of Painted Prairie Business Improvement District Number One and Painted Prairie Business Improvement District Number Two.

The BIDs requests that the City Council approve the statutorily required exclusion and inclusion as soon as possible in order to facilitate development within the project. Please contact our office if you have any questions or concerns. Thank you.

Sincerely,
WHITE BEAR ANKELE TANAKA & WALDRON



Megan J. Murphy
Of Counsel

**PETITION FOR INCLUSION OF PROPERTY
INTO
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE**

TO: City Council, City of Aurora, Colorado:

The undersigned, Painted Prairie Owner, LLC, a Delaware limited liability company, hereby respectfully petitions the City Council of the City of Aurora in accordance with the provisions of Section 31-25-1220, C.R.S., for the inclusion of the hereinafter described property into Painted Prairie Business Improvement District Number One (the “**District**”).

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the “**Property**”) be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that from and after the effective date of such Ordinance, the Property shall be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the land into said District, whether or not such inclusion is approved.

The legal description of said property situated in the County of Adams, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner:

Painted Prairie Owner, LLC, a Delaware limited liability company

By:

Name: Donald Provost

Title: Manager

Petitioner's

Street Address:

10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

STATE OF COLORADO

)

) ss.

COUNTY OF ARAPAHOE

)

The foregoing instrument was acknowledged before me this 3 day of January, 2023, by Donald Provost, as Manager of Painted Prairie Owner, LLC, a Delaware limited liability company, Petitioner.

Witness my hand and official seal.

My commission expires: June 11, 2025



Michelle Sanchez
Notary Public

EXHIBIT A

Painted Prairie Improvement District Number One Petition for Inclusion

LEGAL DESCRIPTION

EXHIBIT A

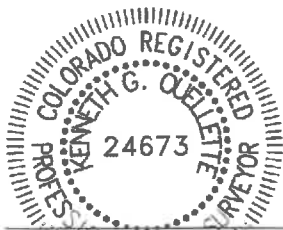
NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

PROPERTY DESCRIPTION

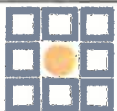
A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING N89°55'04"E BETWEEN THE NORTHWEST CORNER OF SAID SECTION 11 AND THE NORTH QUARTER CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 11;
THENCE S85°59'13"E A DISTANCE OF 756.09 FEET TO THE **POINT OF BEGINNING**;
THENCE N89°55'04"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 497.98 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 89°35'44", A RADIUS OF 25.00 FEET, A CHORD BEARING S45°17'04"E A DISTANCE OF 35.23 FEET, AND AN ARC DISTANCE OF 39.09 FEET;
THENCE S00°29'13"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 212.02 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90°24'26", A RADIUS OF 20.00 FEET, A CHORD BEARING S44°43'00"W A DISTANCE OF 28.38 FEET, AND AN ARC DISTANCE OF 31.56 FEET;
THENCE S89°55'13"W TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 507.04 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 06°25'02", A RADIUS OF 214.00 FEET, A CHORD BEARING N86°52'16"W A DISTANCE OF 23.96 FEET, AND AN ARC DISTANCE OF 23.97 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 102°53'46", A RADIUS OF 20.00 FEET, A CHORD BEARING N32°12'51"W A DISTANCE OF 31.28 FEET, AND AN ARC DISTANCE OF 35.92 FEET;



KENNETH G. OUELLETTE, P.L.S. 24673
DATE: NOVEMBER 16, 2022
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK®

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 11/16/22

SHEET: 1 OF 4

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

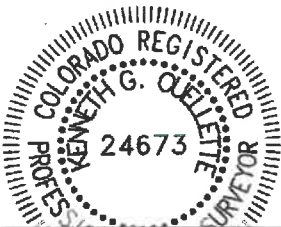
PROPERTY DESCRIPTION

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 19°43'14", A RADIUS OF 333.00 FEET, A CHORD BEARING N09°22'25"E A DISTANCE OF 114.05 FEET, AND AN ARC DISTANCE OF 114.62 FEET;

THENCE N00°27'54"W NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 91.48 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90°19'44", A RADIUS OF 25.00 FEET, A CHORD BEARING N44°45'12"E A DISTANCE OF 35.46 FEET, AND AN ARC DISTANCE OF 39.41 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 3.252 ACRES, MORE OR LESS.

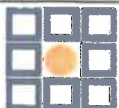


KENNETH G. OUELLETTE, P.L.S. 24673

DATE: NOVEMBER 16, 2022

JOB NO. 65419757

FOR AND ON BEHALF OF MERRICK & COMPANY



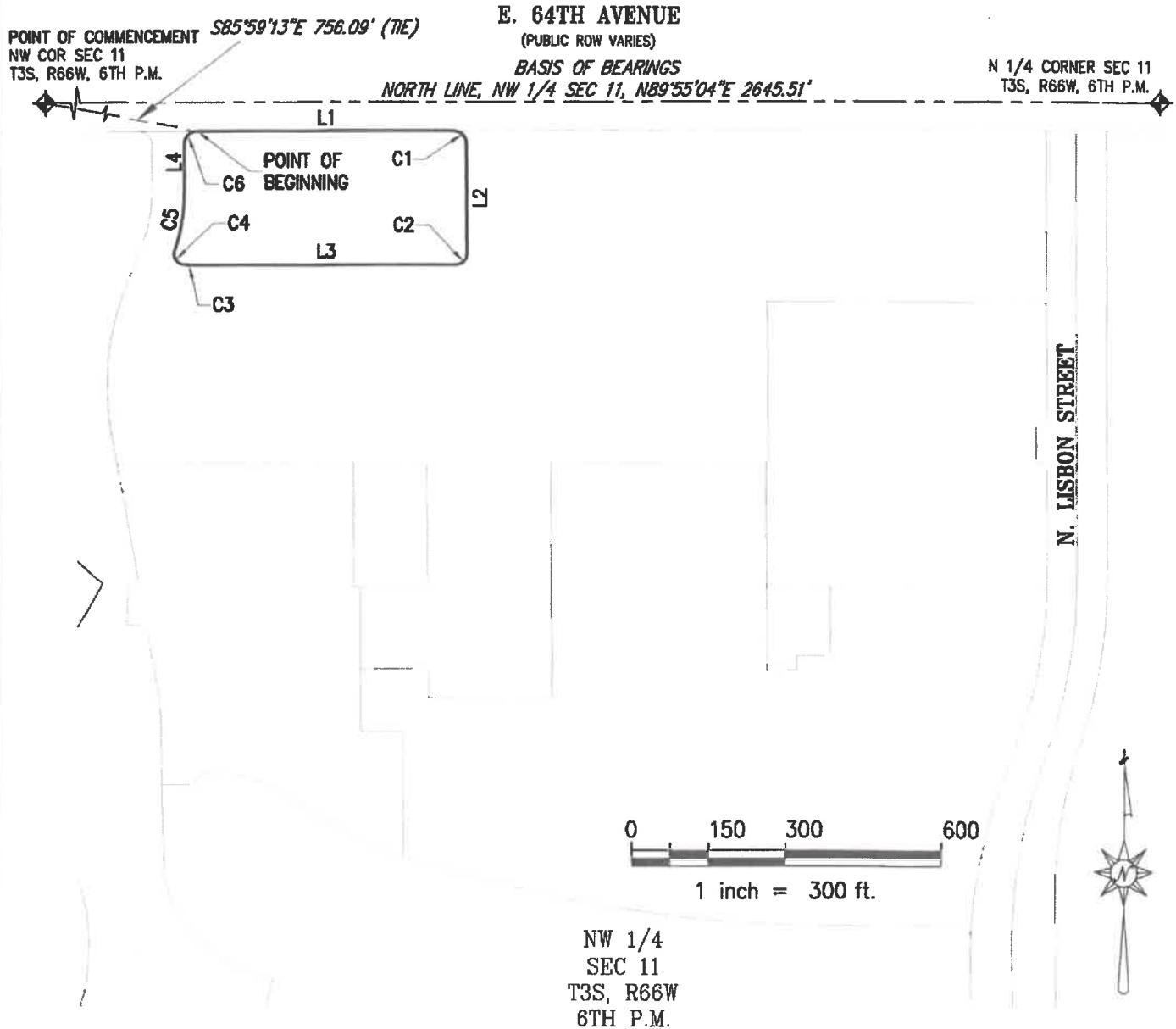
5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 11/16/22

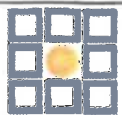
SHEET: 2 OF 4

ILLUSTRATION FOR EXHIBIT A



THE ABOVE DESCRIBED PARCEL CONTAINS 3.252 ACRES MORE OR LESS.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.



MERRICK

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

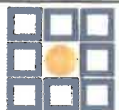
DATE: 11/16/22

SHEET: 3 OF 4

ILLUSTRATION FOR EXHIBIT A

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N89°55'04"E	497.98'
L2	S00°29'13"E	212.02'
L3	S89°55'13"W	507.04'
L4	N00°27'54"W	91.48'

CURVE TABLE					
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	LENGTH
C1	89°35'44"	25.00'	S45°17'04"E	35.23'	39.09'
C2	90°24'26"	20.00'	S44°43'00"W	28.38'	31.56'
C3	6°25'02"	214.00'	N86°52'16"W	23.96'	23.97'
C4	102°53'46"	20.00'	N32°12'51"W	31.28'	35.92'
C5	19°43'14"	333.00'	N09°22'25"E	114.05'	114.62'
C6	90°19'44"	25.00'	N44°45'12"E	35.46'	39.41'



MERRICK

5870 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 11/16/22

SHEET: 4 OF 4

**PETITION FOR INCLUSION OF PROPERTY
INTO
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER TWO**

TO: City Council, City of Aurora, Colorado:

The undersigned, Painted Prairie Owner, LLC, a Delaware limited liability company, hereby respectfully petitions the City Council of the City of Aurora in accordance with the provisions of Section 31-25-1220, C.R.S., for the inclusion of the hereinafter described property into Painted Prairie Business Improvement District Number Two (the “**District**”).

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the “**Property**”) be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that from and after the effective date of such Ordinance, the Property shall be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the land into said District, whether or not such inclusion is approved.

The legal description of said property situated in the County of Adams, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner: Painted Prairie Owner, LLC, a Delaware limited liability company

By: 

Name: Donald Provost

Title: Manager

Petitioner's

Street Address:

10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

STATE OF COLORADO

)

) ss.

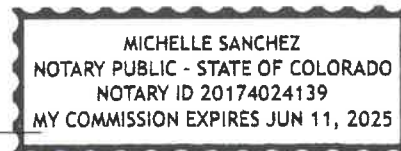
COUNTY OF ARAPAHOE

)

The foregoing instrument was acknowledged before me this 3 day of January, 2023, by Donald Provost, as Manager of Painted Prairie Owner, LLC, a Delaware limited liability company, Petitioner.

Witness my hand and official seal.

My commission expires: June 11, 2025



Michelle Sanchez
Notary Public

EXHIBIT A

Painted Prairie Improvement District Number Two Petition for Inclusion

LEGAL DESCRIPTION

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

PROPERTY DESCRIPTION

TWO PARCELS OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING N89°55'04"E BETWEEN THE NORTHWEST CORNER OF SAID SECTION 11 AND THE NORTH QUARTER CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

PARCEL 1

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 11;

THENCE S85°17'09"E A DISTANCE OF 645.78 FEET TO THE **POINT OF BEGINNING**;

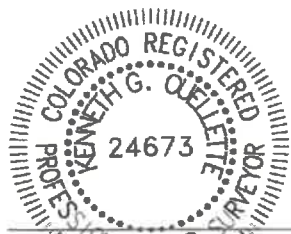
THENCE N89°55'04"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 110.64 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°19'44", A RADIUS OF 25.00 FEET, A CHORD BEARING S44°45'12"W A DISTANCE OF 35.46 FEET, AND AN ARC DISTANCE OF 39.41 FEET;

THENCE S00°27'54"E NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 91.48 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 19°43'14", A RADIUS OF 333.00 FEET, A CHORD BEARING S09°22'25"W A DISTANCE OF 114.05 FEET, AND AN ARC DISTANCE OF 114.62 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 102°53'46", A RADIUS OF 20.00 FEET, A CHORD BEARING S32°12'51"E A DISTANCE OF 31.28 FEET, AND AN ARC DISTANCE OF 35.92 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 06°25'02", A RADIUS OF 214.00 FEET, A CHORD BEARING S86°52'16"E A DISTANCE OF 23.96 FEET, AND AN ARC DISTANCE OF 23.97 FEET;

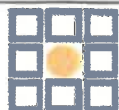


KENNETH G. OUELLETTE, P.L.S. 24673

DATE: NOVEMBER 16, 2022

JOB NO. 65419757

FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 11/16/22

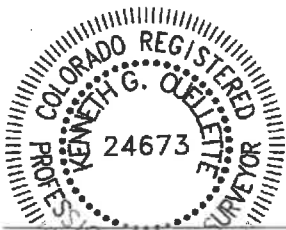
SHEET: 1 OF 5

EXHIBIT A

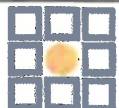
NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

PROPERTY DESCRIPTION

THENCE N89°55'13"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 507.04 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 90°24'26", A
RADIUS OF 20.00 FEET, A CHORD BEARING N44°43'00"E A DISTANCE OF 28.38 FEET, AND AN ARC
DISTANCE OF 31.56 FEET;
THENCE N00°29'13"W TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 212.02 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 89°35'44", A
RADIUS OF 25.00 FEET, A CHORD BEARING N45°17'04"W A DISTANCE OF 35.23 FEET, AND AN ARC
DISTANCE OF 39.09 FEET;
THENCE N89°55'04"E A DISTANCE OF 1139.35 FEET;
THENCE S00°29'13"E A DISTANCE OF 329.04 FEET;
THENCE S89°55'13"W A DISTANCE OF 535.51 FEET;
THENCE S00°29'13"E A DISTANCE OF 310.01 FEET;
THENCE S89°55'13"W A DISTANCE OF 420.51 FEET;
THENCE S00°29'13"E A DISTANCE OF 452.01 FEET;
THENCE S89°55'13"W A DISTANCE OF 237.01 FEET;
THENCE N00°29'13"W A DISTANCE OF 56.80 FEET;
THENCE S89°30'47"W A DISTANCE OF 132.14 FEET;
THENCE N00°29'13"W A DISTANCE OF 158.14 FEET;
THENCE N89°55'13"E A DISTANCE OF 132.14 FEET;
THENCE N00°29'13"W A DISTANCE OF 238.01 FEET;
THENCE S89°55'13"W A DISTANCE OF 601.25 FEET;
THENCE N10°32'04"W TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 58.28 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 32°30'57", A
RADIUS OF 529.00 FEET, A CHORD BEARING N05°43'24"E A DISTANCE OF 296.20 FEET, AND AN ARC
DISTANCE OF 300.21 FEET;
THENCE N21°58'53"E TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 71.41 FEET;
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 22°28'05", A
RADIUS OF 271.00 FEET, A CHORD BEARING N10°44'50"E A DISTANCE OF 105.59 FEET, AND AN ARC
DISTANCE OF 106.27 FEET;
THENCE N00°27'54"W NON-TANGENT WITH THE FOLLOWING DESCRIBED CURVE A DISTANCE OF 92.09
FEET;



KENNETH G. OLETTE, P.L.S. 24673
DATE: NOVEMBER 16, 2022
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 11/16/22

SHEET: 2 OF 5

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO----

PROPERTY DESCRIPTION

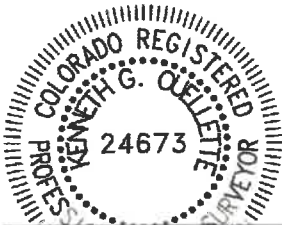
THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 86°54'18", A RADIUS OF 25.00 FEET, A CHORD BEARING N43°30'31"W A DISTANCE OF 34.39 FEET, AND AN ARC DISTANCE OF 37.92 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 21.870 ACRES, MORE OR LESS.

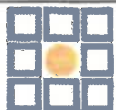
PARCEL 2

COMMENCING AT SAID NORTH QUARTER CORNER OF SECTION 11;
THENCE S35°26'52"W A DISTANCE OF 1144.02 FEET TO THE **POINT OF BEGINNING**;
THENCE S00°04'47"E A DISTANCE OF 135.00 FEET;
THENCE S89°55'13"W A DISTANCE OF 63.56 FEET;
THENCE S00°29'13"E A DISTANCE OF 26.50 FEET;
THENCE S89°30'47"W A DISTANCE OF 58.00 FEET;
THENCE N00°29'13"W A DISTANCE OF 161.92 FEET;
THENCE N89°55'13"E A DISTANCE OF 122.52 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.414 ACRES, MORE OR LESS.



KENNETH G. OUELLETTE, P.L.S. 24673
DATE: NOVEMBER 16, 2022
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



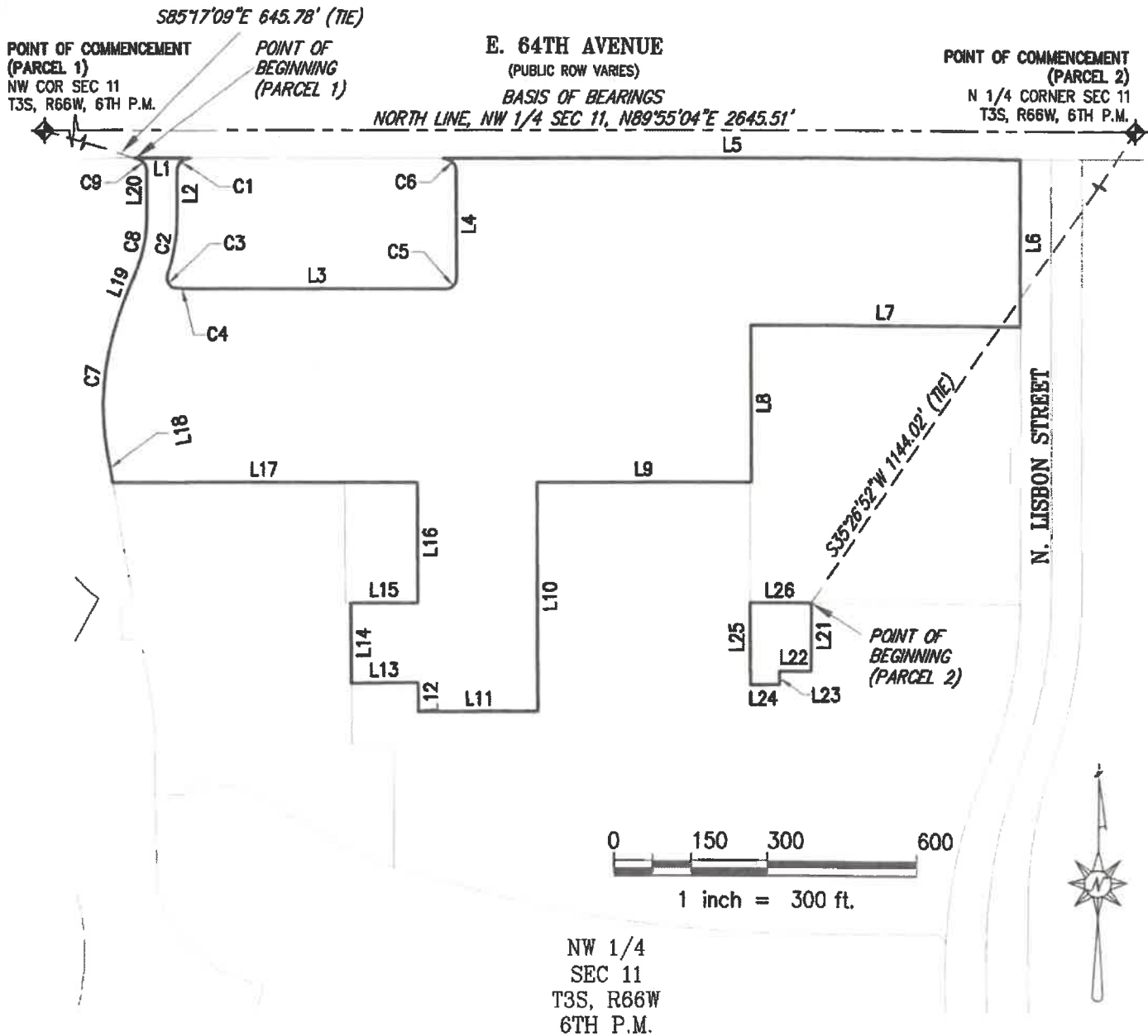
5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 11/16/22

SHEET: 3 OF 5

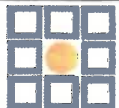
ILLUSTRATION FOR EXHIBIT A



THE ABOVE DESCRIBED PARCEL 1 CONTAINS 21.870 ACRES MORE OR LESS.

THE ABOVE DESCRIBED PARCEL 2 CONTAINS 0.414 ACRES MORE OR LESS.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.



MERRICK

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

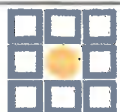
DATE: 11/16/22

SHEET: 4 OF 5

ILLUSTRATION FOR EXHIBIT A

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N89°55'04"E	110.64'
L2	S00°27'54"E	91.48'
L3	N89°55'13"E	507.04'
L4	N00°29'13"W	212.02'
L5	N89°55'04"E	1139.35'
L6	S00°29'13"E	329.04'
L7	S89°55'13"W	535.51'
L8	S00°29'13"E	310.01'
L9	S89°55'13"W	420.51'
L10	S00°29'13"E	452.01'
L11	S89°55'13"W	237.01'
L12	N00°29'13"W	56.80'
L13	S89°30'47"W	132.14'
L14	N00°29'13"W	158.14'
L15	N89°55'13"E	132.14'
L16	N00°29'13"W	238.01'
L17	S89°55'13"W	601.25'
L18	N10°32'04"W	58.28'
L19	N21°58'53"E	71.41'
L20	N00°27'54"W	92.09'
L21	S00°04'47"E	135.00'
L22	S89°55'13"W	63.56'
L23	S00°29'13"E	26.50'
L24	S89°30'47"W	58.00'
L25	N00°29'13"W	161.92'
L26	N89°55'13"E	122.52'

CURVE TABLE					
CURVE #	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH	LENGTH
C1	90°19'44"	25.00'	S44°45'12"W	35.46'	39.41'
C2	19°43'14"	333.00'	S09°22'25"W	114.05'	114.62'
C3	102°53'46"	20.00'	S32°12'51"E	31.28'	35.92'
C4	6°25'02"	214.00'	S86°52'16"E	23.96'	23.97'
C5	90°24'26"	20.00'	N44°43'00"E	28.38'	31.56'
C6	89°35'44"	25.00'	N45°17'04"W	35.23'	39.09'
C7	32°30'57"	529.00'	N05°43'24"E	296.20'	300.21'
C8	22°28'05"	271.00'	N10°44'50"E	105.59'	106.27'
C9	86°54'18"	25.00'	N43°30'31"W	34.39'	37.92'



MERRICK®

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 11/16/22

SHEET: 5 OF 5

**PETITION FOR EXCLUSION OF PROPERTY
FROM
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER ONE**

TO: City Council, City of Aurora, Colorado:

The undersigned, Painted Prairie Owner, LLC, a Delaware limited liability company, hereby respectfully petitions the City Council of the City of Aurora in accordance with the provisions of Section 31-25-1220, C.R.S., for the exclusion of the hereinafter described property from Painted Prairie Business Improvement District Number One (the "**District**").

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "**Property**") be excluded from the District and that an Ordinance be adopted by the City Council excluding the Property from the District, and that from and after the effective date of such Ordinance, the Property shall no longer be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on exclusion, publication of the ordinance approving the exclusion (if any), filing and recording fees, and all other costs of exclusion of the land from the District, whether or not such exclusion is approved.

The legal description of said property situated in the County of Adams, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner:

Painted Prairie Owner, LLC, a Delaware limited liability company

By:

Name: Donald Provost

Title: Manager

Petitioner's

Street Address:

10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

EXHIBIT A

Painted Prairie Improvement District Number One Petition for Exclusion

LEGAL DESCRIPTION

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

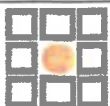
BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING S89°55'04"W BETWEEN THE NORTH QUARTER CORNER OF SAID SECTION 11 AND THE NORTHWEST CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

COMMENCING AT SAID NORTH QUARTER CORNER OF SECTION 11;
THENCE S85°32'41"W A DISTANCE OF 1202.76 FEET TO THE **POINT OF BEGINNING**;
THENCE S00°29'13"E A DISTANCE OF 120.00 FEET;
THENCE N89°30'47"E A DISTANCE OF 95.00 FEET;
THENCE S00°29'13"E A DISTANCE OF 91.74 FEET;
THENCE N86°11'09"W A DISTANCE OF 170.48 FEET;
THENCE N00°29'13"W A DISTANCE OF 198.96 FEET;
THENCE N89°30'47"E A DISTANCE OF 75.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.540 ACRES, MORE OR LESS.



KENNETH G. OUELLETTE, P.L.S. 24673
DATE: SEPTEMBER 7, 2021
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK®

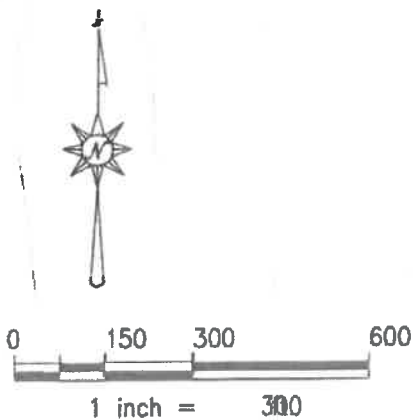
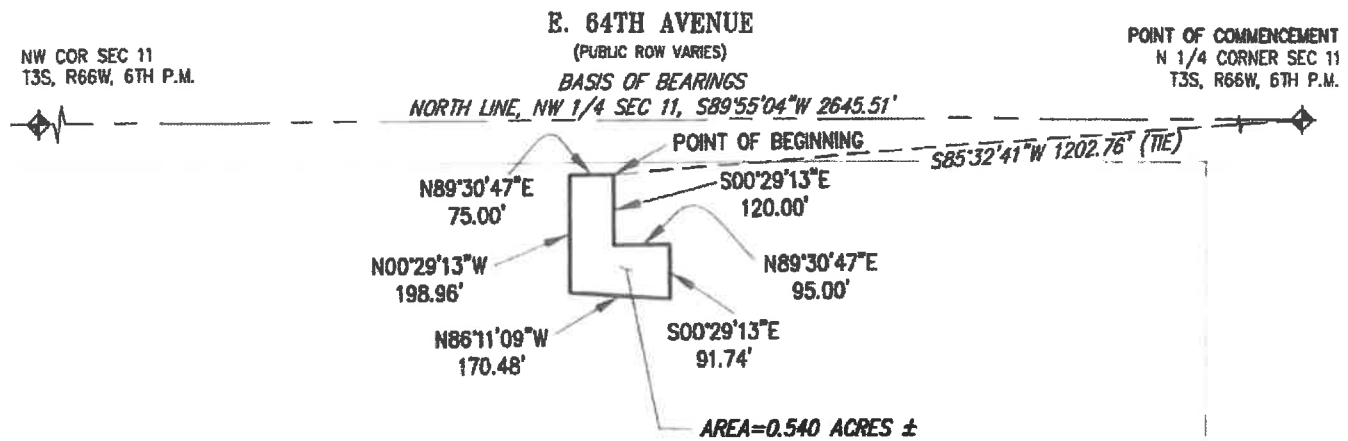
5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 9/7/21

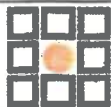
SHEET: 1 OF 2

ILLUSTRATION FOR EXHIBIT A



NW 1/4
SEC 11
T3S, R66W
6TH P.M.

This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.



MERRICK®

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 1

DATE: 9/7/21

SHEET: 2 OF 2

**PETITION FOR EXCLUSION OF PROPERTY
FROM
PAINTED PRAIRIE BUSINESS IMPROVEMENT DISTRICT NUMBER TWO**

TO: City Council, City of Aurora, Colorado:

The undersigned, Painted Prairie Owner, LLC, a Delaware limited liability company, hereby respectfully petitions the City Council of the City of Aurora in accordance with the provisions of Section 31-25-1220, C.R.S., for the exclusion of the hereinafter described property from Painted Prairie Business Improvement District Number Two (the "**District**").

The undersigned hereby requests that the property described in **Exhibit A**, attached hereto and incorporated herein (the "**Property**") be excluded from the District and that an Ordinance be adopted by the City Council excluding the Property from the District, and that from and after the effective date of such Ordinance, the Property shall no longer be liable for assessments and other obligations of the District.

The undersigned represents to the City Council it is the owner of the Property and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

The undersigned agrees that it shall pay or provide in full the fees and costs the City incurs for the publication of notice of the hearing on exclusion, publication of the ordinance approving the exclusion (if any), filing and recording fees, and all other costs of exclusion of the land from the District, whether or not such exclusion is approved.

The legal description of said property situated in the County of Adams, State of Colorado, is attached hereto as **Exhibit A**.

This is a verified petition.

Petitioner:

Painted Prairie Owner, LLC, a Delaware limited liability company

By:

Name: Donald Provost

Title: Manager

Petitioner's

Street Address:

10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

STATE OF COLORADO

)

) ss.

COUNTY OF ARAPAHOE

)

The foregoing instrument was acknowledged before me this 3 day of January, 2023, by Donald Provost, as Manager of Painted Prairie Owner, LLC, a Delaware limited liability company, Petitioner.

Witness my hand and official seal.

My commission expires: June 11, 2025



Michelle Sanchez
Notary Public

EXHIBIT A

Painted Prairie Improvement District Number Two Petition for Exclusion

LEGAL DESCRIPTION

EXHIBIT A

NW 1/4, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST 6th P.M.
-----CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO-----

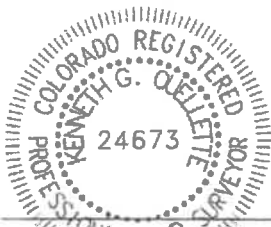
PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

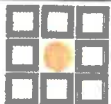
BEARINGS ARE ASSUMED AND ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS BEARING S89°55'04"W BETWEEN THE NORTH QUARTER CORNER OF SAID SECTION 11 AND THE NORTHWEST CORNER OF SAID SECTION 11. BASED ON THE CITY OF AURORA HORIZONTAL CONTROL NETWORK, COLORADO STATE PLANE CENTRAL ZONE 1983/1992 HARN. THIS DESCRIPTION UTILIZED RECORDED DOCUMENTS FROM THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

COMMENCING AT SAID NORTH QUARTER CORNER OF SECTION 11;
THENCE S85°32'41"W A DISTANCE OF 1202.76 FEET TO THE **POINT OF BEGINNING**;
THENCE S00°29'13"E A DISTANCE OF 198.96 FEET;
THENCE S89°30'47"W A DISTANCE OF 170.00 FEET;
THENCE N00°29'13"W A DISTANCE OF 78.96 FEET;
THENCE N89°30'47"E A DISTANCE OF 95.00 FEET;
THENCE N00°29'13"W A DISTANCE OF 120.00 FEET;
THENCE N89°30'47"E A DISTANCE OF 75.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.515 ACRES, MORE OR LESS.



KENNETH G. QUELETTE, P.L.S. 24673
DATE: SEPTEMBER 7, 2021
JOB NO. 65419757
FOR AND ON BEHALF OF MERRICK & COMPANY



MERRICK®

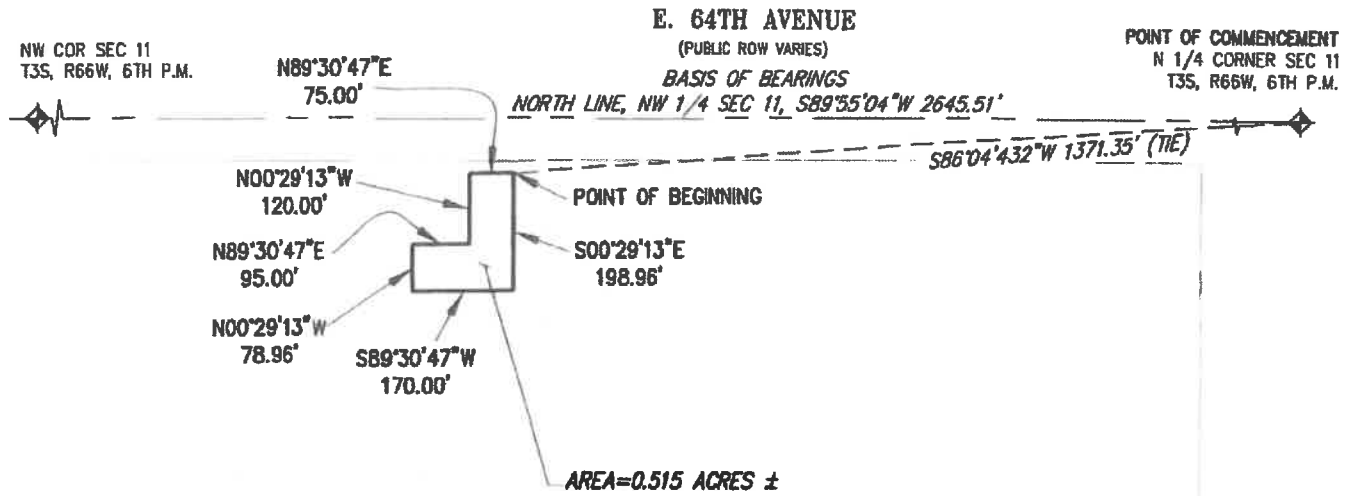
5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

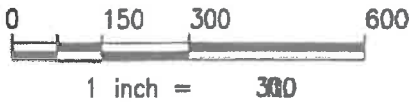
DATE: 9/7/21

SHEET: 1 OF 2

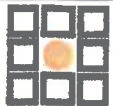
ILLUSTRATION FOR
EXHIBIT A



NW 1/4
SEC 11
T3S, R66W
6TH P.M.



This illustration does not represent a monumented survey. It is intended only to depict the attached legal description.

**MERRICK®**

5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111
Telephone: 303-751-0741

BID 2

DATE: 9/7/21

SHEET: 2 OF 2

NOTICE OF PUBLIC HEARING ON EXCLUSION OF PROPERTY

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Exclusion of Property (the “District Number One Petition”) has been or is expected to be filed with the City of Aurora requesting the property described below be excluded from Painted Prairie Business Improvement District Number One, City of Aurora, Adams County, Colorado (the “District Number One”).

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Exclusion of Property (the “District Number Two Petition” and together with the District Number One Petition the “Petitions”) has been or is expected to be filed with the City of Aurora requesting the property described below be excluded from Painted Prairie Business Improvement District Number Two, City of Aurora, Adams County, Colorado (the “District Number Two”).

NOTICE IF HEREBY FURTHER GIVEN that, the City Council, City of Aurora, Adams County, Colorado will hold a public hearing on the Petitions on , 2023, at 7:30 p.m. or as soon thereafter as the City Council may hear such matter. Due to ongoing public health and state orders, the public is invited to participate electronically; please see the City’s website at www.auroragov.org to register and view the meeting.

The name and address of the Petitioner and a description of the property to be included into **District Number One** are as follows:

Name of Petitioner:	Painted Prairie Owner, LLC
Address of Petitioner:	10100 Santa Monica Blvd., Suite 1000 Los Angeles, CA 90067

General Description of Property:	A parcel of land in the northwest quarter of Section 11, Township 3 South, Range 66 West of the 6 th Principal Meridian, City of Aurora, County of Adams, State of Colorado
----------------------------------	--

The name and address of the Petitioner and a description of the property to be included into **District Number Two** are as follows:

Name of Petitioner:	Painted Prairie Owner, LLC
Address of Petitioner:	10100 Santa Monica Blvd., Suite 1000 Los Angeles, CA 90067

General Description of Property:	A parcel of land in the northwest quarter of Section 11, Township 3 South, Range 66 West of the 6 th Principal Meridian, City of Aurora, County of Adams, State of Colorado
----------------------------------	--

NOTICE IS FURTHER GIVEN to all interested persons that they shall appear at the public meeting and show cause in writing why such Petitions should not be granted.

PUBLISHED IN: *Aurora Sentinel*
PUBLISHED ON: [REDACTED], 2023

NOTICE OF PUBLIC HEARING ON INCLUSION OF PROPERTY

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Inclusion of Property (the “District Number One Petition”) has been or is expected to be filed with the City of Aurora requesting the property described below be included into the Painted Prairie Business Improvement District Number One, City of Aurora, Adams County, Colorado (the “District Number One”).

NOTICE IS HEREBY GIVEN to all interested persons that a Petition for Inclusion of Property (the “District Number Two Petition” and together with the District Number One Petition the “Petitions”) has been or is expected to be filed with the City of Aurora requesting the property described below be included into the Painted Prairie Business Improvement District Number Two, City of Aurora, Adams County, Colorado (the “District Number Two”).

NOTICE IF HEREBY FURTHER GIVEN that, the City Council, City of Aurora, Adams County, Colorado will hold a public hearing on the Petitions on , 2023, at 7:30 p.m. or as soon thereafter as the City Council may hear such matter. Due to ongoing public health and state orders, the public is invited to participate electronically; please see the City’s website at www.auroragov.org to register and view the meeting.

The name and address of the Petitioner and a description of the property to be included into **District Number One** are as follows:

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General Description of Property:	A parcel of land in the northwest quarter of Section 11, Township 3 South, Range 66 West of the 6 th Principal Meridian, City of Aurora, County of Adams, State of Colorado
----------------------------------	--

The name and address of the Petitioner and a description of the property to be included into **District Number Two** are as follows:

Name of Petitioner:	Painted Prairie Owner, LLC
Address of Petitioner:	10100 Santa Monica Blvd., Suite 1000 Los Angeles, CA 90067

General Description of Property:	A parcel of land in the northwest quarter of Section 11, Township 3 South, Range 66 West of the 6 th Principal Meridian, City of Aurora, County of Adams, State of Colorado
----------------------------------	--

NOTICE IS FURTHER GIVEN to all interested persons that they shall appear at the public meeting and show cause in writing why such Petitions should not be granted.

PUBLISHED IN: *Aurora Sentinel*
PUBLISHED ON: [REDACTED], 2023



CITY OF AURORA

Fiscal Impact Form

Item Title: Painted Prairie Business Improvement District No. 2 Petitions for Exclusion and Inclusion of Property

Staff contact: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance

Staff Source/Legal Source: Cesarina Dancy, Senior Development Project Manager, Office of Development Assistance/
Hanosky Hernandez, Assistant City Attorney II

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

The financial impacts of this inclusion/exclusion are unknown at this time as the BIDs have not issued any debt to date. Any future impacts would only apply to the operations within the boundary of the BIDs.

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

ORDINANCE NO. 2023-____

A BILL

FOR AN ORDINANCE OF THE CITY OF AURORA, COLORADO,
INCLUDING AND EXCLUDING CERTAIN PROPERTY FROM THE
BOUNDARIES OF PAINTED PRAIRIE BUSINESS IMPROVEMENT
DISTRICT NUMBER TWO

WHEREAS, the City Council of the City of Aurora, Colorado (the “City Council”) authorized by Ordinance 2017-37 the organization of Painted Prairie Business Improvement District Number Two (the “District”); and

WHEREAS, after the District was formed, the City Council received a petition filed pursuant to C.R.S. § 31-25-1220, by Painted Prairie Owner, LLC (the “Petitioner”) for the exclusion and inclusion of certain property into the District, which property is more particularly described in the Petitions for Exclusion of Property and Petitions for Inclusion of Property all of which are attached hereto as Exhibit A (collectively, the “Petitions”); and

WHEREAS, public notice of the hearing on the Petitions has been given and published in the *Aurora Sentinel* in accordance with state law, calling for a public hearing on the request of said Petitions; and

WHEREAS, City Council has held and concluded such Public Hearing in accordance with state law, at which hearing all persons having obligations to the exclusion and inclusion of the properties described in the Petitions were heard, and the City Council has determined that the allegations of the Petitions are true; and

WHEREAS, the properties sought to be included into the District are located entirely within the City of Aurora, in Adams County, Colorado, and does not include property within any other county or within any other incorporated city, town, or city and county.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO.

Section 1. Pursuant to its authority under Section 31-25-1207(5) C.R.S., the City Council, as the governing body of the City, hereby adjudicates all questions of jurisdiction to find that jurisdiction is vested in the City Council, and pursuant to Section 31-25-1220 C.R.S., the City Council has authority to grant the petitioners request of inclusion and exclusion of the properties described into, and out of, the Painted Prairie Business Improvement District Number Two as described in Exhibit A.

Section 2. Pursuant to Section 31-25-1220 C.R.S., the City Council has authority to grant the Petitioner’s request of inclusion and exclusion from the Painted Prairie Business Improvement District Number Two as described in Exhibit A.

Section 3. The City Council, being fully informed, hereby finds and determines that the change in boundaries of the Painted Prairie Business Improvement District Number Two as proposed in the Petitions does not adversely affect such District nor does it affect their rights or privileges whatsoever.

Section 4. The City Council hereby grants the Petitions described in Exhibit A.

Section 5. The actions of the City Clerk, petitioners, and designated election official in setting and providing public notice of the public hearing on the Petitions are hereby ratified and confirmed.

Section 6. The City Clerk is hereby directed to file a certified copy of this Ordinance with the County Clerk and Recorder of Adams County, Colorado, whereupon the properties shall be included into and excluded from the Painted Prairie Business Improvement District Number Two as approved in this ordinance.

Section 7. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed, except that this section shall not be construed so as to revive any act, order, resolution, or ordinance or part thereof previously repealed.

Section 8. Pursuant to Section 5-5 of the City Charter, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____ 2023.

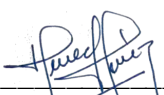
PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____ 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ,
City Clerk

APPROVED AS TO FORM:

 *gk*

HANOSKY HERNANDEZ,
Sr. Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora Approving the Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement.

Item Initiator: Kathy Kitzmann, Water Resources Principal, Aurora Water

Staff Source/Legal Source: Abba Ahmed, Water Resources Project Manager, Aurora Water / Ian Best, Assistant City Attorney

Outside Speaker: N/A

Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

Abba Ahmed, Water Resources Project Manager, Aurora Water / Ian Best, Assistant City Attorney
Estimated time: 15 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Water Policy

Policy Committee Date: 1/18/2023

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| <input checked="" type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

On November 17, 2021, the Water Policy Committee supported moving a Resolution regarding the approval of the Central Colorado Mountains River Basin Weather Modification Program cost-sharing agreement forward to Study Session.

On December 20, 2021, the City Council of the City of Aurora APPROVED A RESOLUTION regarding the Central Colorado Mountains River Basin Weather Modification cost-sharing agreement as item 10d.

On January 18, 2023, the Water Policy Committee supported moving a Resolution regarding the approval of the Central Colorado Mountains River Basin Weather Modification Program cost-sharing agreement forward to Study Session.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This proposed intergovernmental agreement (IGA) provides for multiple water agencies to cost share weather modification (cloud seeding) services conducted under the Central Colorado Mountains River Basin (CCMRB) Weather Modification Program. The CCMRB program is a statewide collaboration and is operated by Western Weather Consultants LLC. Cloud seeding occurs only when specific winter cloud seeding criteria are met. The **target area includes the watersheds for Aurora's Homestake, Busk-Ivanhoe, and Twin Lakes water supply systems.** The 2022-2023 CCMRB budget, currently approximately \$330,500, supports 2,671 hours from both manually and remotely operated cloud nucleating generators in over 20 locations that may be operated from November 1, 2022, to April 15, 2023. An annual accounting will be provided and will include documentation to support decisions to initiate or suspend the seeding events.

The proposed IGA allows Aurora to share in the costs for cloud seeding services in the program target area of the **Upper Colorado River Basin in Pitkin, Eagle, Summit and Grand Counties. Aurora's cost share will be \$25,000** of the \$197,500 committed by several different entities through this 2022-2023 CCMRB program cost share agreement. The Colorado River District will coordinate funding and administer the contract with the program consultants. The \$197,500 from this IGA will be used in conjunction with approximately \$125,000 from the Colorado Water Conservation Board, and additional amounts received from other funding sources. The Colorado River District anticipates contracting approximately \$367,500 on behalf of the CCMRB program which includes additional funding from Winter Park and from the Desert Research Institute.

The CCMRB is one of many weather modification programs used throughout the nation. Recent studies indicate these programs may increase precipitation in targeted areas by 10% to 15%. The program data collected each year provides for increased accuracy and efficiency. The cost share of \$25,000 is minor for the potential increase in water supply that these weather modification services may provide to Aurora.

QUESTIONS FOR COUNCIL

Does the City Council of the City of Aurora support moving an APPROVAL OF A RESOLUTION regarding the Central Colorado Mountains River Basin Water Modification Program cost-sharing agreement forward to the next Council meeting?

LEGAL COMMENTS

Aurora City Code **authorizes the City's Utility Enterprise to acquire, construct, operate, maintain, improve and extend water, wastewater, and storm drainage facilities within or without the corporate boundaries of Aurora, and to make contracts, acquire lands, and do all things that are necessary or convenient therefore.** (City Code Section 138-28) (Best)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain:

See attached fiscal impact form.

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

RESOLUTION NO. R2023- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
APPROVING THE CENTRAL COLORADO MOUNTAINS RIVER BASIN WEATHER
MODIFICATION PROGRAM COST- SHARING AGREEMENT

WHEREAS, the Central Colorado Mountains River Basin Weather Modification Program is designed to obtain weather monitoring services and to provide education programs for the program target area of the Upper Colorado River Basin; and

WHEREAS, the River District on behalf of the parties to the agreement will administer the contract with the consultants who will carry out the program including collecting funds from the parties and reimbursing the consultants; and

WHEREAS, Aurora's share of the costs to participate in the program is Twenty-Five Thousand Dollars, (\$25,000.00) and no party shall be responsible for the payment of another party; and

WHEREAS, Aurora City Code Section 138-28 authorizes the City's Utility Enterprise to acquire, construct, operate, maintain, improve and extend water, wastewater, and storm drainage facilities within or without the corporate boundaries of Aurora, and to make contracts, acquire lands, and do all things that are necessary or convenient therefore.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The Central Colorado Mountains River Basin Weather Modification Program Cost- Sharing Agreement is hereby approved.

Section 2. Council hereby directs staff and legal counsel to take all steps necessary to prosecute all necessary water court and ancillary proceedings allowing for City's Utility Enterprise's use of the water as part of the municipal system.

Section 3. The Mayor and City Clerk are hereby authorized to execute the attached agreement in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

Section 4. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Ian J Best *RLA*

IAN BEST, Assistant City Attorney

CENTRAL COLORADO MOUNTAINS RIVER BASIN WEATHER MODIFICATION PROGRAM
COST-SHARING AGREEMENT

This Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement is made and entered into on November 1, 2022, by and between the following entities:

The Colorado River Water Conservation District (“River District”), whose contact information is 201 Centennial Street, Suite 200, Glenwood Springs, Colorado, 81601, (970) 945-8522; c/o Dave Kanzer, (dkanzer@crwcd.org).

The Northern Colorado Water Conservancy District (“Northern”), whose contact information is 220 Water Avenue, Berthoud, Colorado, 80513, (970) 622-2259; c/o Kyle Whitaker, (kwhitaker@northernwater.org). Annual billing will be sent via email to:

Name: _____

Email: _____.

The Southeastern Colorado Water Conservancy District (“Southeastern”), whose contact information is 31717 United Avenue, Pueblo, Colorado, 81001, (719) 948-2400; c/o Jim Broderick (jwb@secwcd.com). Annual billing will be sent via email to:

Name: _____

Email: _____.

City of Aurora, Colorado, acting by and through its utility enterprise, (“Aurora Water”), whose contact information is 15151 E Alameda Pkwy #3600, Aurora, Colorado, 80012, (303) 739-7370; c/o Rick Kienitz (rkienitz@auroragov.org). Annual billing will be sent via email to:

Name: _____

Email: _____.

The Board of Water Works of Pueblo, Colorado (“Pueblo”), whose contact information is 319 West Fourth Street, Pueblo, Colorado, 81003, (970) 584-0235; c/o Alan Ward (award@pueblowater.org). Annual billing will be sent via email to:

Name: _____

Email: _____.

The City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”), whose contact information is 1600 West 12th Avenue, Denver, Colorado, 80204, (303) 628-6762; c/o Jeff Bandy (jeff.bandy@denverwater.org). Annual billing will be sent via email to:

Name: _____

Email: _____.

The Intrawest/Winter/Winter Park Operation Corporation (“Winter Park”), whose contact information is P.O. Box 36, 85 Parsenn Road, Winter Park, Colorado, 80482, (970) 726-1564; c/o Heather Ruth (hruth@winterparkresort.com). Annual billing will be sent via email to:

Name: _____

Email: _____.

The Eagle River Water and Sanitation District (“Eagle River Water”), whose contact information is 846 Forest Road, Vail, Colorado, 81657 (970-476-7480, c/o Jason Cowles (jcowles@erwd.org)). Annual billing will be sent via email to:

Name: _____

Email: _____.

The Upper Eagle Regional Water Authority (“Eagle Water Authority”), whose contact information is 846 Forest Road, Vail, Colorado, 81657 (970-476-7480, c/o Jason Cowles (jcowles@erwd.org)). Annual billing will be sent via email to:

Name: _____

Email: _____.

The foregoing entities are sometimes referred to herein individually as a Party and collectively as Parties.

The Parties wish to enter into the Agreement to obtain weather modification services for the program target area of the Upper Colorado River Basin, generally above elevation 8,500 feet, in Pitkin, Eagle, Summit, and Grand Counties, with some exclusion areas, during the 2022-2023

winter and to provide public outreach and education regarding the weather modification program (“CCMRB Program”).

AGREEMENT

1. The Parties agree that the River District, on behalf of the Parties, manage and administer all contributions and expenditures necessary to carry out the objectives of the CCMRB Program. In addition to the monies contributed by the parties, the River District will solicit, accept, and administer monies from additional parties to support the CCMRB. This is to include but may not be limited to approximately \$125,000.00 (One Hundred Twenty-Five Thousand Dollars), less three (3) percent management fee, contributed by the Colorado Water Conservation Board (“CWCB”) in furtherance of the CCMRB Program.

Furthermore, the parties agree that the River District will deduct up to \$12,500.00 (Twelve Thousand Five Hundred Dollars) for cost recovery for the administration of the CCMRB Program on behalf of the Parties.

As the administrator, the River District will review invoices and reports, monitor activities and performance, distribute information, collect funds from the Parties, and reimburse the Consultants. The River District will act as the administrator of the program only and will not direct or perform the operational activities contemplated by the CCMRB Program. In administering the CCMRB Program, the River District assumes no responsibility for the outcome or consequences of the CCMRB Program. The River District shall not be responsible for any damages to persons or property which may result from the CCMRB Program.

2. The Parties authorize the River District to enter into professional services agreement(s) with the one or more consultants to carry out the CCMRB Program consistent with the Scope of Services and CCMRB Cost Estimates attached as Exhibit A.
3. The Work shall be performed at all times in compliance with all applicable local, state, and federal laws and regulations.

4. The Parties agree to pay the following amounts as participants in the CCMRB Program:

A.	Front Range Water Council Members:	
i.	Northern Colorado Water Conservancy District	\$25,000
ii.	Southeastern Colorado Water Conservancy District	\$25,000
iii.	Aurora Water	\$25,000
iv.	Pueblo Board of Water Works	\$12,500
v.	Denver Water	\$25,000
B.	Colorado River Water Conservation District	\$50,000
C.	Intrawest/Winter Park Operations Corporation (Winter Park)	\$5,000
D.	Eagle River Water and Sanitation District	\$15,000
E.	Upper Eagle Regional Water Authority	\$15,000

No Party shall be responsible for payment of the obligations of any other Party under this Agreement.

5. The River District will invoice each Party for its portion of the costs of the work upon execution of this Agreement. These invoices shall be payable upon receipt.
6. This Agreement shall automatically terminate on October 31, 2023. The Parties' obligation to pay the River District their respective portion of the costs shall survive termination of this Agreement.
7. Nothing in this Agreement is intended or shall be construed to create a multiple fiscal year financial obligation or debt of any Party. Where activities or payment obligations provided in the Agreement extend beyond the current fiscal year, continued expenditures or appropriations are contingent on the approval of that Party's governing body. Any unexpended contributed funds may be carried forward and used to fund any future CCMRB activities, at the discretion of the River District program administrator.
8. This Agreement is the entire Agreement between the Parties regarding the subject matter hereof and shall be modified by the Parties only by a duly executed written instrument approved by all the Parties.
9. This Agreement may be executed in any number of counterparts.

IN WITNESS WHEREOF, the Parties hereto have accepted, made and executed this Agreement upon the terms, conditions and provisions stated above.

[Signatures on following page]

By: _____ Date: _____
Andrew A. Mueller, General Manager
Colorado River Water Conservation District

By: _____ Date: _____
Bradley D. Wind, General Manager
Northern Colorado Water Conservancy District

By: _____ Date: _____
James Broderick, Executive Director
Southeastern Colorado Water Conservancy District

By: _____ Date: _____
Seth Clayton, Executive Director
The Board of Water Works of Pueblo, Colorado

By: _____ Date: _____
Sky Foulkes, President/COO
The Intrawest/Winter Park Operation Corporation

By: _____ Date: _____
Linn Brooks, General Manager
Eagle River Water and Sanitation District

By: _____ Date: _____
Linn Brooks, General Manager
Upper Eagle Regional Water Authority

City of Aurora, Colorado,
acting by and through its Utility Enterprise

Mike Coffman, Mayor

Date: _____

ATTEST:

Kadee Rodriguez, City Clerk

Date: _____

Approved as to form for Aurora:

Ian J Best

Ian Best
Assistant City Attorney

01/10/2023 21031166
Date ACS #

STATE OF COLORADO)
) SS
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__, by Mike Coffman, Mayor, acting on behalf of the Utility Enterprise of the City of Aurora, Colorado.

Witness my hand and official seal.

Notary Public

My commission expires: _____

(Seal)

**CITY AND COUNTY OF DENVER,
acting by and through its
BOARD OF WATER COMMISSIONERS**

ATTESTED:

By: _____
Secretary

By: _____
President

DATE: _____

APPROVED:

REGISTERED AND COUNTERSIGNED:
CITY AND COUNTY OF DENVER

By: _____
Chief Water Resource Strategy
Richard B. Marsicek

By: _____
Timothy M. O'Brien, CPA
Auditor

APPROVED AS TO FORM:

By: _____
Office of General Counsel

Exhibit A1 – Scope of Services - WWC

*Western Weather Consultants (WWC; herein referred to as “Consultant”)
Consultant’s Services shall include the following:*

1. Consultant shall coordinate with the Colorado Water Conservation Board (CWCB) to obtain, continue and/or comply with, all applicable permits required for the Central Colorado Mountains River Basin Program (CCMRB Program); consultant shall operate all aspects of the CCMRB Program in compliance with Permit #2022-01 which has been issued to Consultant, the terms of which are made a part of this Agreement. Furthermore, Consultant shall adhere to and perform services under the CWCB Weather Modification Rules and Regulations adopted July 1, 2012.
2. Consultant shall service, supply, and maintain a sufficient number of manually-operated glaciogenic cloud seeding generators (currently approximately 21) and coordinate with other consultants operating remotely operated glaciogenic cloud seeding under the Permit approximately two remotely operated cloud nucleating generators during the 2022-2023 CCMRB Program season. (Sites are shown in Exhibit C on the Target Area Map). The five and one half-month program, beginning November 1, 2022 and expiring on April 15, 2023, will not exceed \$330,500 based upon approximately 2,671 hours of seeding from approximately eighteen manually operated generators provided by consultant and two IPC remotely operated generators provided by the Colorado River District. Exhibit B outlines the CCMRB Program total cost estimates. Exhibit C “Records/Audits” includes an example of reporting that will be provided for the operational seeding 2022-2023 season.
3. The funding provided by ski area CCMRB Program Participants will be used to target participating ski areas, as funding allows, focused on the November through March period. The remaining CCMRB Program Participant funding will be used to seed the most productive storms in the remaining portions of the Target Area, from November 1, 2022 through April 15, 2023.
4. Consultants shall operate their cloud-seeding generators with an identified exclusion area in Tenmile Creek basin near Climax, as per permit #2022-01.
5. Consultant shall provide Colorado River Water Conservation District (CRD) the unique generator identifiers previously developed by Consultant, NAWC, and the CWCB for these generator sites. CRD shall make this information available to the Participants, upon request.
6. Consultant shall coordinate operations and share data with the CWCB and with NAWC, as appropriate. Separately, NAWC remotely operates two additional remotely controlled generators, pursuant to a separate Agreement for Services with the River District.
7. Consultant shall provide updates of all significant activities or issues related to the CCMRB Program to the contractor and the Consultant will adhere to CWCB requests for deliverables related to funding received.

8. The Consultant will adhere to State guidance for avalanche and snowpack SWE levels and will coordinate with CRD and the CWCB, as needed. These activities will be tracked and reported in the Consultant's annual reports. The Consultant will provide regular documented correspondence via email with the Colorado Avalanche Information Center (CAIC) in the final report.
9. Consultant shall operate according to the following Seeding Criteria for Winter Cloud Systems:
 - Cloud bases are at least 500 feet below the mean mountain barrier crest of the Target Area and are forecast to move lower into the beginning seeding period.
 - Temperatures at the height of 500 feet below the mean mountain crest within the Target Area are -5 C (23 F) or colder and are forecast to become colder if at -5 C.
 - Wind directions and speeds from the surface to cloud-base are observed and forecast to favor the movement into the intended Target Area of the silver iodide nuclei being released from the ground-based generator sites into the intended Target Area.
 - There are no stable regions or atmospheric inversions between the surface and cloud-base that would prevent the vertical dispersion of the silver iodide particles from the surface to at least the -5 C (23 F) level or colder within the cloud system.
 - The temperature at approximately 10,000 feet (700-mb level) is warmer than -16 C (3 F).

Additionally, the Consultant will endeavor to improve the science and operation of the Program by performing the following activities:

1. Correlate the occurrence of seedable cloud systems over the Target Area at selected sites with:
 - The observance of snowfall observations of timing and amounts.
 - The observations of temperature, dew point and, if available, supercooled liquid water data.
 - Computer model forecasts of favorable cloud conditions using upwind data observations.

The Consultant will plot seeding events of local/regional generators on hourly snow gauge time series data and, if available, weather cameras, and/or high elevation specific snow observation reports shall be used to document that seeding operations were occurring during times of observed precipitation. In addition, Consultant will utilize weather modeling data from CAIC and other relevant sources to evaluate and characterize storm systems that are conducive to seeding to aide in operations. The Consultant will use such weather data regularly during this winter season and comment on its functionality and utility in their annual report.

2. Correlate the timing and high-resolution amounts of precipitation at available sites within the Target Area with precipitation data recorded at nearby SNOTEL sites. The intent is to create an accurate picture of the timing and amount of precipitation during periods of seeding in order to provide more accurate estimates of precipitation changes during seeding operations.

3. Maintain a data log that subjectively rates each weather system observed over the Target Region for each season's operations that would include:
 - Expected range of natural precipitation.
 - Any operational concerns such as inversions, temperatures, winds (direction or speed) or suspensions of operations.
 - General picture of the planned operations.
 - Regions of the Target Area for optimum precipitation accumulation.
 - A summary after each operation of any changes in the seeding operation from those initially set up for the operation.
 - Observed precipitation amounts and timing where available in the Target Area.
 - Documentation to support the Consultant's decision to initiate the seeding events.

**Exhibit A2: Scope of Work:
North American Weather Consultants (NAWC)
2022-2023**

The consultant, North American Weather Consultants (“NAWC”) shall operate and maintain 2 remotely controlled cloud seeding generator systems (“RCNGs”) designed and implemented for the purpose of seeding wintertime storm systems to augment precipitation and watershed runoff. (Task 1; \$32,500)

In addition, NAWC will evaluate the performance of the Central Colorado River Mountain River Basin cloud seeding program for the 2022-2023 season. (Task 2; \$4000)

Total Cost of the Scope of Services is to be \$36,500, billable by the consultant on a monthly basis in accordance with schedule of activities and deliverable requirements.

TASK 1: Operation and Maintenance of 2 RCNGs

NAWC will operate and maintain 2 RCNGs in the Upper Colorado River watershed, goods and services are to include:

- Provide a project meteorologist to operate the RCNG’s during appropriate storm periods based on meteorological conditions, in accordance with ASCE guidelines for precipitation augmentation programs
- Provide all seeding solution and materials, sufficient for the operation and maintenance of 2 RCNGs. Seeding solution will be composed of, at a minimum, 2% silver iodide dissolved in acetone. The following table details the anticipated costs of these goods and services:

Service	Item Rate	Quantity	Total
Generator Set Up and Take Down	\$3,000	2	\$6,000
Monthly Fixed Operations Site 1	\$1,500	4.5 months	\$6,750
Monthly Fixed Operations Site 2	\$1,500	4.5 months	\$6,750
Generator Burn Time (estimated)	\$45	233 hours	\$10,500
Total Costs			\$32,500

TASK 2: CCMRB Program Evaluation using Target Control Methods

North American Weather Consultants (NAWC) will perform an annual evaluation for the 2022-2023 water year cloud seeding program and to create a summary report of the estimated differences in precipitation. This is to be created by adding the 2022-23 data to estimated and reported results from previous years.

This evaluation is to be based upon the regression equations contained in NAWC's final report# WM 13-1 dated May 2013. This annual evaluation shall include any slight modifications to the evaluation methodology due to missing data and/or the discontinuation of a target or control site. The cost of this task is \$4,000.

Submission of a draft final report will be made to the Colorado River District, on or before July 15, 2023. The Colorado River District will review, and may provide suggested edits, to the consultant. The final report will incorporate such changes and is be provided to the Colorado River District and the Colorado Water Conservation Board by July 31, 2023.

Service	Item Rate	Quantity	Total
Preparation of yearend CCMRB evaluation report	\$4,000	1	\$4,000
Subtotal Costs			\$4,000

Service	Item Rate	Quantity	Total
Task 1 - Operations	\$32,500	1	\$32,500
Task 2 - Evaluation Report	\$4,000	1	\$4,000
Total Costs			\$36,500

CCMRB PROGRAM COST ESTIMATES & Related Information

21 Generators + 2 IPC Remotes Operating for: **2671** Hours.
 2 Remotes (NAWC-Separately Contracted) Operating for: **233** Hours.
 Total: **2904** Hours.

Task 1: **Program Field Preparation Services:**

Including site leases, tank sets, CNG leases,
 Propane tank rental, pre-season
 Maintenance or site selections and
 CNG installation expenses including
 Travel expenses, replacement parts, CNG take
 out expenses, and professional services

CCMRB Total	Winter Park Total	Program Total
\$ 60,269	\$ 942	\$ 61,211.00

Task 2: **Preseason Planning and Coordination**

Including preseason program administration services,
 Prepare Remotes for Summer,
 liability insurance and permit fees.....

\$ 42,291	\$ 661	\$ 42,952.00
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Task 3: **Facility Charges, Data Collection and Evaluation:**

Weather data collection and evaluation,
 Reports, operational coordination, facility expenses,
 Public/program relations

\$ 22,807	\$ 356	\$ 23,163.00
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Task 4: **Professional Modification Services:**

Including daily forecasting, management,
 Operational implementation and control

\$ 69,437	\$ 1,085	\$ 70,522.00
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Task 5: **Field Maintenance Services:**

Including maintenance services,
 Supplies and travel expense

\$ 16,324	\$ 255	\$ 16,579.00
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Task 6: ***Seeding Operations Serv 2671 Hours***

Including costs for silver iodide, propane,
 Generator operations services and
 Communications

\$ 104,934	\$ 1,639	\$ 106,573.00
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TOTAL PROGRAM COST ESTIMATE

\$ 316,062	\$ 4,938	\$ 321,000.00
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*This cost will be billed on basis of actual total hours of seeding operations.

Cost Sharing Table

Year end evaluation report:

Target Control Study 2022/2023 by NAWC	CCMRB	\$ 3,938
	Winter Park	\$ 62

Report Total	\$ 4,000
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WWC seeding activities:	Seeding Hours	Funds for seeding
CCMRB Program Sponsors	2630	\$ 316,062
Winter Park	41	\$ 4,938
Grand County 2022-23 DRI Remote Operations (new 2021-22) Snow MTN Ranch		\$ 5,000
Summit County 2022-23 DRI Remote Operations (new 2021-22) Otter Creek		\$ 5,000
TOTALS:	2671	\$ 331,000

Summary of Colorado River District Contracting Amounts on behalf of CCMRB

CCMRB Seeding Operations	\$ 316,062
Winter Park Seeding Operations	\$ 4,938
Remote Operations (WWC)	\$ 10,000
Remote Operations and Report (NAWC)	\$ 36,500
Contract Total	\$ 367,500

Central Colorado Mountains River Basin Weather Modification Program (CCMRB Program): 2022-2023 Winter Cloud Seeding

State of Colorado Weather Modification Permit # 2022-01

CCMRB Program Sponsors: Front Range Water Council, Colorado River Water Conservation District, Winter Park, and Colorado Water Conservation Board.

Points of Contact:

- Colorado River Water Conservation District: Dave Kanzer, 201 Centennial St # 200, Glenwood Springs, CO 81601

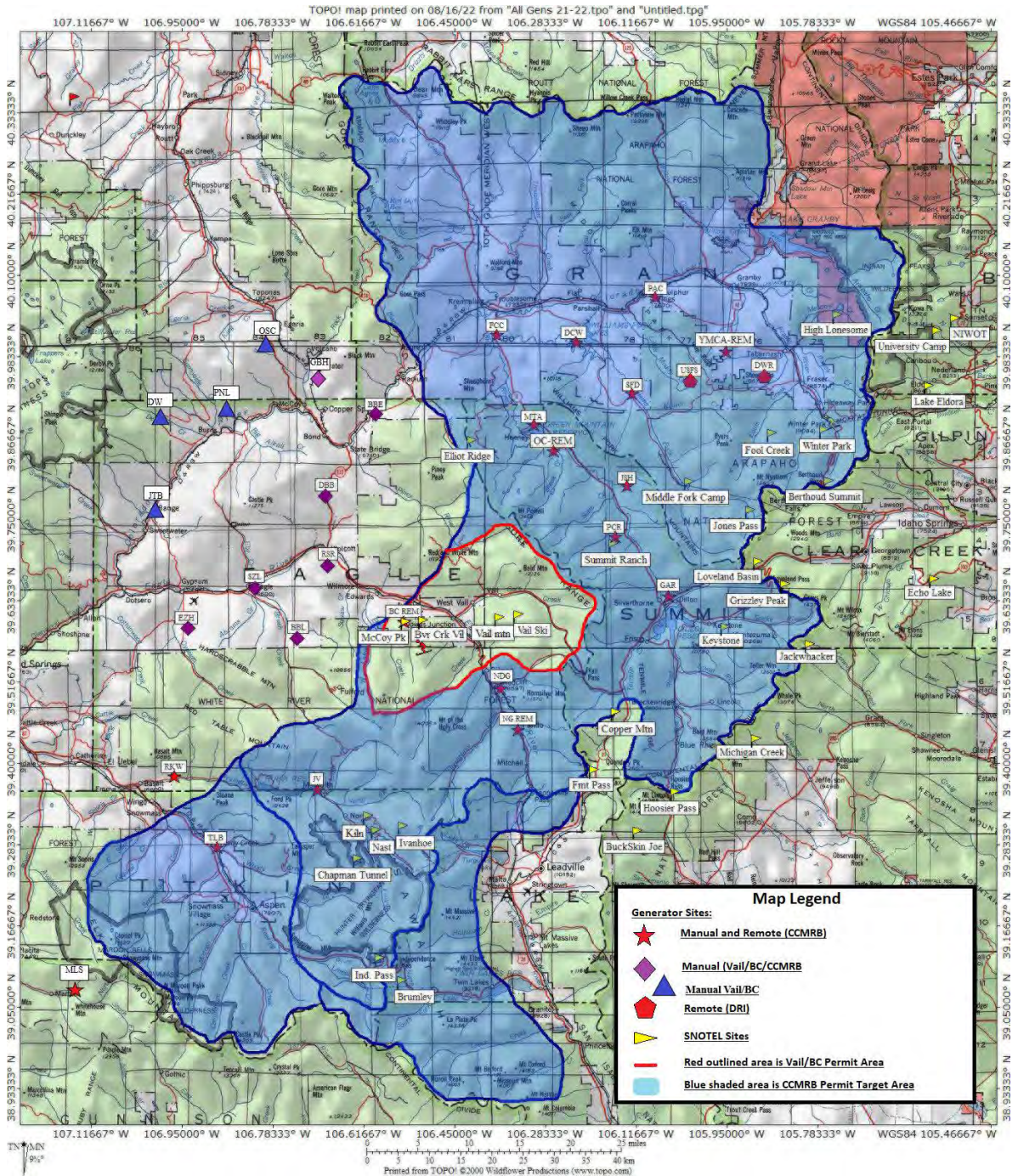
Operational Plan

The 2022-2023 CCMRB Program will be operated by Western Weather Consultants, LLC. (WWC) with the intention of increasing the mountains snowpack for recreational, agricultural, industrial, and domestic uses. The cloud seeding operations will use both manually and remotely operated ground-based Cloud Nuclei Generators (CNG). The manually operated CNG use a 4% silver iodide, 1.25% sodium iodide solution in Acetone, burned in a propane flame at a rate of 5 to 25 grams per hour. The remotely operated CNG use a 2% silver iodide, .75% sodium iodide solution in Acetone, burned in a propane flame at a rate of 15 to 25 grams per hour. The permitted operational timeframe for the CCMRB Program will be November 1, 2022, to April 15, 2023.

Target Area

The Blue Shaded area, illustrated in the attached map, indicates the Target Area for the CCMRB Program (which also encompasses the Vail/ Beaver Creek Ski Resorts cloud seeding program target area, outlined in red). The Vail/ Beaver Creek Program runs independent of the CCMRB Program. Some generator sites in the area can be used to benefit both programs and will be considered as shared sites. Any seeding hours utilizing the Vail/ Beaver Creek generators, for seeding the CCMRB Program Target Area, will be allocated to the CCMRB Program by WWC and vice versa. The CCMRB Program is designed, operated, and intended to affect only the Target Area.

Target Area Map



Operational Procedure

The operational procedures used to enhance snowpack in the selected target areas is to produce plumes of silver iodide crystals (artificial cloud nuclei) at rates between 5 and 25 grams per hour from multiple ground based CNGs to be diffused by favorable wind flows into selected storms or cloud types suitable for precipitation increases meeting the seeding criteria over the Target Area. An analysis of low-level wind fields, cloud characteristics, stability parameters, terrain features, and synoptic meteorological features will determine the network of generators which will best seed the cloud system over the Target Area for each favorable weather system and will provide a method for adjusting the network as new weather information becomes available. With a “best” initial network to seed an established weather system, and when there is observed precipitation in the Target Area through SNOTEL or precipitation data that is publicly available (documentation of this will be provided in the WWC annual reports), the generator operators are notified to turn on their generator at a specific time and operate them at a specific burn rate. On the same call, they will be given a specific turn-off time, this could be subject to change if the meteorologist at WWC notices significant changes in the weather system during the seeding event. Incoming weather data into the forecast office allows a continuous monitoring of any changes in conditions and any adjustments or termination in the seeding operation. Following each seeding operation, each generator operator who was instructed to operate the nuclei generator will submit a written report on the actual observation times; verify the seeding rates and note weather observations or operational discrepancies during the required operating period. No aircraft will be used for seeding for this Program. The seeding criteria WWC uses for seeding operations are as follows:

- Cloud bases are at least 500 feet below the mean mountain barrier crest of the Target Area and are forecast to move lower in elevation from the onset of seeding and continue throughout the seeding period. The weather system has clouds that are forecast to have vertical heights and moisture content capable of producing natural precipitation.
- Temperatures at the height of 500 feet below the mean mountain crest within the Target Area are -5 degrees C. (23 degrees F.) or colder and are forecast to become colder if at -5 degrees C.

- Wind directions and speeds from the surface to cloud-base are observed and forecast to favor the movement into the intended Target Area of the silver iodide nuclei being released from the ground-based generator sites.
- There are no stable regions or atmospheric inversions between the surface and cloud-base that would prevent the vertical dispersion of the silver iodide particles from the surface to at least the -5 degrees C. (23 degrees F.) level or colder within the cloud system.
- The temperature at approximately 10,000 feet (700 MB level) is warmer than -16 degrees C. (3 degrees F.)

Generator Locations

Site ID	Site Name	Program	Latitude	Longitude	Elevation
BBE	Mc Phee Gulch	Vail/CCMRB	39.9012	-106.5955	7088
GBH	Conger Mesa	Vail/CCMRB	39.9372	-106.7157	7297
OSC	Red Dirt Creek	Vail	39.9458	-106.7552	7238
PNL	Burns	Vail	39.9070	-106.8680	7281
DBB	Wolcott Divide	Vail/CCMRB	39.7840	-106.6885	8194
DW	Derby Creek	Vail	39.8962	-106.9940	8125
JTB	Jack Flats	Vail	39.7911	-106.9780	6403
RSR	Red Sky Ranch	Vail/CCMRB	39.6838	-106.6838	7704
SZL	Adams Rib	Vail/CCMRB	39.6511	-106.8194	6950
EZH	Hardscrabble Gulch	Vail/CCMRB	39.5942	-106.9402	6910
BC REM	Beaver Creek	CCMRB-REM3	39.602703	-106.543955	9512
CDA	Brush Creek	Vail/CCMRB	39.6008	-106.7681	7144
BBL	Lady Bell	Vail/CCMRB	39.6008	-106.7681	7144
RKW	7 Castles	Vail/CCMRB12	39.381902	-106.965541	7002
JV	Meredith	Vail/CCMRB15	39.3573	-106.6902	8305
TLB	Woody Creek	CCMRB13	39.2788	-106.8874	7375
MLS	Hat Mountain	CCMRB17	36.074290	-107.159445	8650
YMCA-REM	YMCA	CCMRB-REM5	39.990558	-105.953297	9175
NDG	Redcliff	Vail/CCMRB16	39.5077	-106.3664	8687
NG REM	Nova Guides	CCMRB-REM4	39.4476	-106.3346	9222
PAC	Cottonwood	CCMRB1	40.0687	-106.0825	7926
DCW	McQueary Gulch	CCMRB2	40.0044	-106.2287	7833
SFD	Aspen Canyon	CCMRB3	39.92987	-106.125093	8224
FCC	Junction Butte	CCMRB4	40.0150	-106.3728	7487
MTA	Green MTN Res	CCMRB5	39.8728	-106.3084	8058
OC-REM	Otter Creek	CCMRB-REM6	39.8480	-106.2693	8080
JSH	Big Gulch	CCMRB6	39.7976	-106.1346	8555
DWR	Denver Water	CCMRB-REM1	39.95503	-105.88323	8964
USFS	USFS	CCMRB-REM2	39.94869	106.01888	9590
PCR	Pebble Creek	CCMRB7	39.724339	-106.155463	9354
GAR	Silverthorn	CCMRB8	39.63925	-106.058991	9174

WWC routinely monitors the weather conditions throughout the contracted operating period for systems with cloud seeding potential. Most of the data used comes from the National Weather Service (NWS) websites, University of Wyoming, Pennsylvania and Texas A&M Weather websites, National Center for Atmospheric Research (NCAR) website, and National Oceanic and Atmospheric Administration (NOAA), Pivotalweather.com for short and long-range model forecasts. There are numerous forecasting websites available beyond the previously listed that are used as well, but these tend to be the preferred forecasting sites. Other available resources are the Colorado Department of Transportation (CDOT) website to monitor road conditions and concerns, Colorado Avalanche Information Center (CAIC) for Weather Research Forecasting (WRF) point forecasts, and to view avalanche and potential avalanche conditions in and around the Target Area including the Natural Resources Conservation Service (NRCS) website to monitor snowpack in the Target Area as recorded by the network of SNOTELs in Colorado. Snowpack accumulation is monitored from SNOTEL stations within the Target Area and the first detailed analysis of snow accumulation is completed using these measurements.

From these sites, we review and, at times, archive, weather data such as: surface and upper air data, synoptic surface maps, significant level maps, model forecast data, rawinsonde data, satellite and radar data, surface observations, web cam images, and other forecast aids. This data assists in selecting favorable storms for modification and monitoring suspension criteria.

Suspension Criteria

The proposed Suspension Criteria provides safeguards to the program to ensure that risks associated with cloud seeding have been addressed. WWC will retain the right to suspend operations during any period if the weather system is determined detrimental. Facilities will be maintained to gather and analyze weather data providing a continuing weather watch. WWC will maintain communications with the Program Sponsors, the National Weather Service (NWS), the U.S. Forest Service and the Department of Natural Resources / Colorado Water Conservation Board regarding potential adverse conditions. The forecast and operations center of WWC will monitor on a seven day per week basis the weather patterns over Colorado and the Western United States during the winter operating

period. Meteorologists permitted by the State of Colorado to operate weather modification programs will determine if weather events are suitable for precipitation augmentation by cloud seeding.

Prior to initiating any seeding operations, a thorough hazard analysis will be evaluated a potential weather system judged suitable for seeding will be evaluated for its potential to develop into a blizzard, severe storm, or heavy precipitation possibly associated with a potential for major avalanche episode. Also, the effects of the weather event on ranching, agriculture, wildlife, highway travelers, municipal interests and industry will also be considered. This evaluation will be concentrated upon those areas to be seeded along with considerations of potential adverse effects to adjacent areas which may be influenced by augmented precipitation. No seeding will be initiated during a period determined to have a high potential hazard evaluation. Once a seeding operation has been initiated, monitoring of existing and forecast weather conditions will continue throughout the duration of the seeding operation. All new meteorological information will be assessed as well as generator reports from generator operators, the State Patrol, and field maintenance personnel in the seeded areas. The Colorado Avalanche Information Center (CAIC) has modified its website to include a “Cloud Seeder” avalanche hazard level suspension criteria page for all mountain passes in Colorado. Levels of Notice, Caution and Warning are assigned to the passes with Warning being used as a trigger for temporary suspension of neighboring generators. Changing weather conditions that would indicate the onset of potentially severe or hazardous weather conditions will result in the suspension of seeding operations throughout the duration of these potentially hazardous weather conditions. Snowpack accumulation will be monitored from SNOTEL stations from all SNOTEL sites within the target area and the first detailed analysis of snow accumulation will be completed using these measurements. Evaluations of snowpack indicate that minor flooding and stream flow problems can exist when late winter snowpack reaches 155% of normal. More substantial flooding problems can be anticipated when late winter snowpack is more than 175% of normal.

Since the CCMRB Program is designed for reasonable levels of snowpack enhancement for an outlook of adequately abundant summertime water supply for storage use, we propose to suspend seeding operations in any major portion of a seeding area when

one or more of the following takes place: : Snow Water Equivalent Thresholds exceed the following: 175% of average on December 1st, 175% of average on January 1st, 165% of average on February 1st, 155% of average on March 1st and 145% of average on April 1st. The following website can be used to see a map which will show the snowpack percentages of normal:

<https://www.nrcs.usda.gov/wps/portal/wcc/home/quicklinks/imap>

The CWCB Director or his or her designee will determine where and how snowpack water equivalents are to be measured, including at selected “SNOTEL” sites. The CWCB Director or his or her designee may permit weather modification operations to continue in a portion of the operation target area where snowpack water equivalents are below these suspension criteria percentages, if the operation will not impact the area where snowpack water equivalents are above these suspension criteria percentages. These thresholds are designed to keep the seeding effect to within the realm of natural variability of the local climate as measured at each SNOTEL station. This comparative normal for these representative snow observation sites will be the long-term Snow Water Equivalent Medians data set from 1991 through 2020 as published by the Natural Resources Conservation Service (NRCS). WWC must suspend all weather modification operations whenever one of the following is issued by the NWS Hazardous Weather Statements that impacts any part of the Target Area:

- a. An urban or small stream flood advisory.
- b. A blizzard warning.
- c. A flash flood warning; or
- d. A severe thunderstorm warning.

Operations may resume after these statements expire.

As required by the “Colorado Weather Modification Rule and Regulations” effective July 1, 2012, WWC notifies the local NWS weather forecast office, CAIC, the County emergency managers, and the CSU Colorado Climate Center of intended weather modification activities and provide WWC’s contact information prior to the 2022-2023 season of weather modification operations.

Exhibit C - Records and Audits

Wind Direction Windows for Seeding the Indicated Target Areas in Compass Degrees of Arc							
Site Name	Location Name	Site #	BC/Vail	Breckenridge	Keystone	Winter Park	FRWC/River District/CWCB
BBE	McPhee Gulch	Vail/CCMRB	355-330				10-355, 322-295
GBH	Conger Mesa	Vail/CCMRB	340-310				355-340, 310-285
OSC	Red Dirt Creek	Vail	340-315				315-295
PNL	Burns	Vail	325-300				340-325, 300-280
DBB	Wolcott Divide	Vail/CCMRB	340-318---305-290				355-340, 290-265
DW	Derby Creek	Vail	315-295				333-315, 295-275
JTB	Jack Flats	Vail	297-283				325-305, 283-265
RSR	Red Sky Ranch	Vail/CCMRB	300-275				355-310, 275-245
SZL	Adams Rib	Vail/CCMRB	290-265				350-300, 265-245
EZH	Hardscrabble Gulch	Vail/CCMRB	280-255				340-290, 255-215
BC REM	Beaver Creek	CCMRB REM3	295-235	295-275	275-265		80-315, 295-215
CDA	Brush Creek	Vail/CCMRB	287-258				330-297, 258-235
BBL	Lady Bell	Vail/CCMRB	285-245				0-295, 285-230
RKW	7 Castles	Vail/CCMRB12	247-230				30-270---230-245
JV	Meredith	Vail/CCMRB15	230-195				55-265---255-230
TLB	Woody Creek	CCMRB13					55-260---250-220
MLS	Hat Mountain	CCMRB17					285-215
YMCA-REM	YMCA	CCMRB-REM5				325-295	10-325, 295-215
NDG	Redcliff	Vail/CCMRB14	205-115	285-265	265-245		40-5---245-205
NG REM	Nova Guides	CCMRB REM4	195-120	270-254	254-230		50-10---230-195
PC	Cottonwood	CCMRB1				315-300	50-10, 0-300
DCW	McQueary Gulch	CCMRB2				295-285	40-5, 350-280
SFD	Aspen Canyon	CCMRB3		0-345	345-330	295-280	330-290, 270-225
FCC	Junction Butte	CCMRB4				290-280	360-290, 280-250
MTA	Green MTN Res	CCMRB5		345-325	325-310	275-260	45-355, 310-275
OC-REM	Otter Creek	CCMRB-REM6		345-325	325-310	275-255	45-355, 310-275
JSH	Big Gulch	CCMRB6		355-335	335-315	260-245	45-10, 315-260
PCR	Pebble Creek	CCMRB7		350-325	325-300	250-230	45, 10, 300-250
GAR	Silverthorn	CCMRB8		10-330	330-280	230-210	280-230
If a wind direction is common to the edge of two entities seeding windows, and both programs are being operated, the seeding hours will be billed half to each entity for that wind direction. Wind directions are listed counter-clockwise from							
As required by the State of Colorado "Colorado Weather Modification Rule and Regulations effective July 1, 2012, the Consultant has notified the local National Weather Service weather forecast office, Colorado Avalanche Information Center ("CAIC"), the County emergency managers, and the CSU Colorado Climate Center of intended weather modification activities and Consultant contact information prior to the 2019 season of weather modification operations.							

Contact Information

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 Larry Hjermstad
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 833-216-1820

Weather Modification/Cloud Seeding

The act of enhancing
snow/precipitation

Abba Ahmed

WATER RESOURCES PROJECT MANAGER,
AURORA WATER



BACKGROUND

- After the significant drought starting early 2000, many new WM permits have been developed. Why?
- Colorado is a strategic state with the headwaters of major river basins, and
- Downstream states are reliant on the snowpack and stream flow generated in Colorado.



AUTHORITY/RULES

- Section 36-20-107(1), C.R.S (2011), empowers the Executive Director of DNR to promulgate rules necessary to effectuate the purpose of the Weather Modification Act of 1972.
- The purpose of the rules are to provide regulations of and standards for weather modification in Colorado in accordance with the legislative declaration provided by the Act, section 36-20-101(3)(a), C.R.S.



PERMITS/PROGRAMS

- There are currently 6 permitted weather modification programs in Colorado;
- Central Colorado Mountain River Basins (CCMRB):
- Vail/Beaver Creek Program (Vail/Beaver Creek Ski Areas)
- Upper Gunnison River Basin Program
- Grand Mesa
- San Juan Mountains Program
- North Platte Basin Airborne Cloud Seeding Project



OBJECTIVE OF THE PROGRAM

- The objective is to increase snowfall in the early season and overall snowpack for the entire winter season, and
- To increase snow snowfall and rainfall augmentation to increase water supply



Cloud seeding/Agent Used

- Common seeding agent is microscopic sized particles of silver iodide (AgI).
- These silver iodide particles are dispersed either from the ground or aircraft.
- Precipitation increases range from
 - 10 to 15% (in wintertime cold climate areas)
 - 20 to 25% (in more maritime tropical regions).



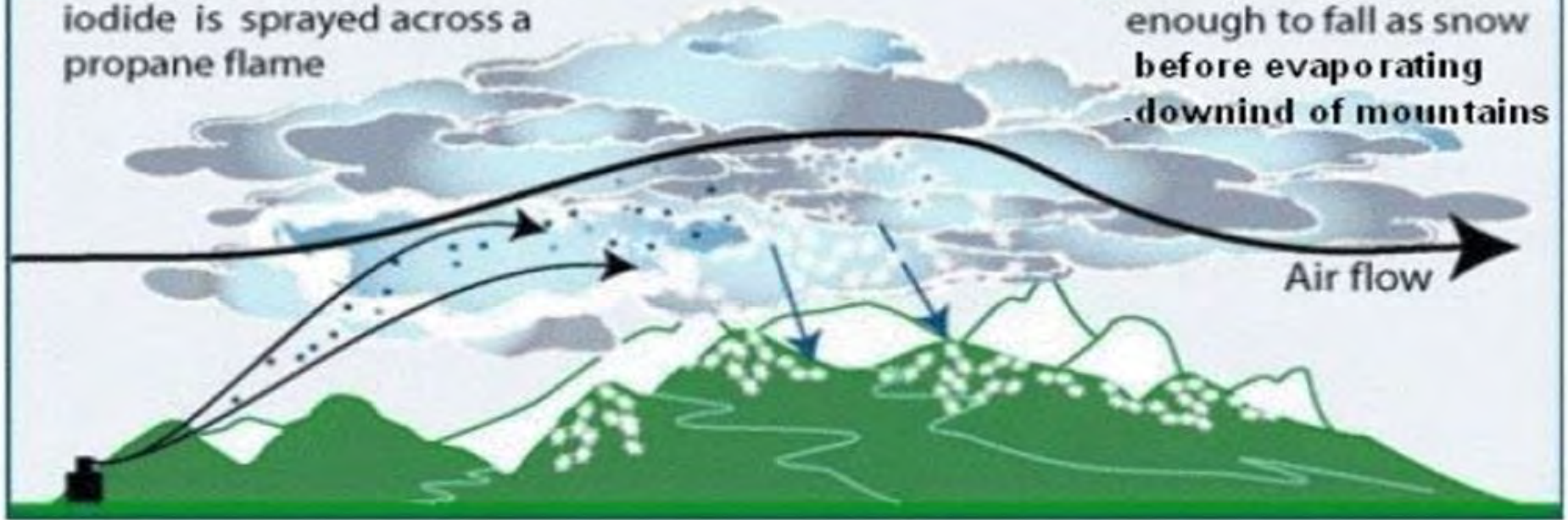
METHODS

- Cloud seeding Using Planes.
- Seeding Using Manual Generator.
- Seeding Using Remote Generator.



Winter Seeding - Silver Iodide

1. A minute amount of silver iodide is sprayed across a propane flame
2. The silver iodide particles rise into the clouds
3. The silver iodide causes cloud SLW to freeze and create ice crystals
4. Ice crystals grow big enough to fall as snow before evaporating downwind of mountains



Effectiveness of the Program

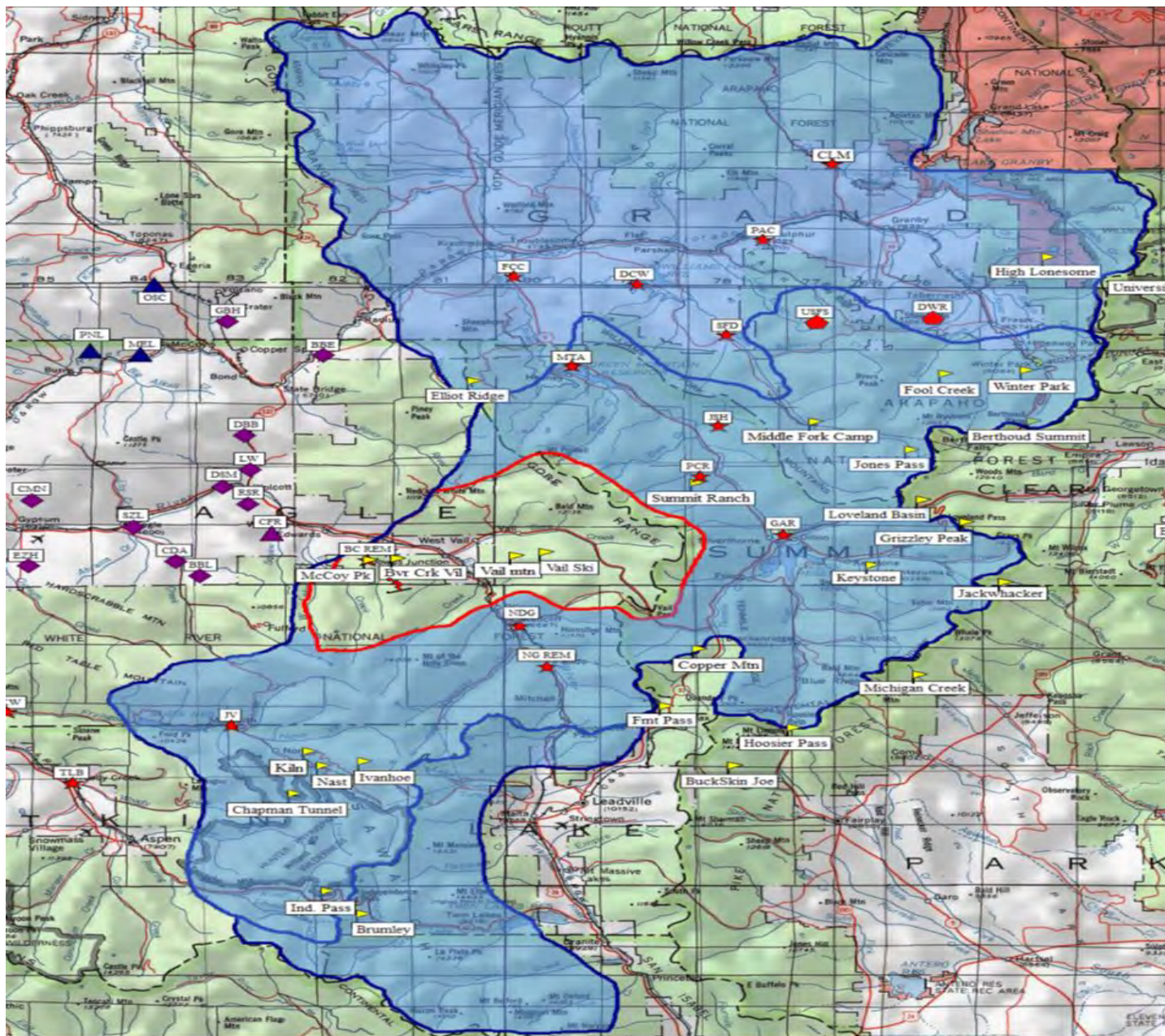
- Available snowpack data was evaluated by WWC to estimate cloud seeding program effectiveness.
- Results suggest the CCMRB Program activities produced additional 94,413-to-112,652-acre feet of water within the target area
- Reference: CCMRB annual report 2021-2022; Target/ Control Evaluation of the CCMRB Winter Cloud Seeding Program.



Effectiveness of the Program

- Eastside Roaring Fork River Basin above Basalt (Twin Lakes Area) =2,972 acre-feet
- Frying Pan River Basin above Ruedi Dam (Busk Ivanhoe Reservoir Area) =5,684 acre-feet
- Eagle River Basin above Edwards =25,576 acre- feet
- Reference: CCMRB annual report 2021-2022; Target/ Control Evaluation of the CCMRB Winter Cloud Seeding Program.





The Budget

- The parties agree to pay the following as participants in the CCMRB Program:
- **A). Front Range Water Council Members**
 - i. Northern Colorado Water Conservancy District \$25,000
 - ii. Southeastern Colorado Water Conservancy District \$25,000
 - iii. Aurora Water \$25,000
 - iv. Pueblo Board of Water Works \$12,000
 - v. Denver Water \$25,000
- B). Colorado River Water Conservation District \$50,000**
- C). Intrawest/Winter Park Operations Corp. (Winter Park) \$5,000**
- D). Eagle River Water/Sanitation District \$15,000**
- E). Upper Eagle Regional Water Authority \$15,000**



REFERENCES

- North American Weather Modification Council <http://www.nawmc.org/>
- CWCB: <http://cwcb.state.co.us/>
- Weather Modification Association: <http://www.weathermodification.org/>
- <http://www.nawcinc.com/>
- North American Weather Consultants Cooper & Jolly 1970;
- Howell 1977; Klein 1978; Dennis 1980; Harris 1981;
- Todd & Howell 1985; Berg 1988; Reinking et al. 1995;
- Eliopoulos & Mourelatos 1998; Ouzounidou & Constantinidou 1999;
- Di Toro et al. 2001; Bianchini et al. 2002; Tsiouris et al. 2002a; Tsiouris et al. 2002b; Christodoulou et al. 2004;
- Edwards et al. 2005; Keyes et al. 2006; Williams & Denholm 2009;



Water Policy Committee (WPC) Meeting
November 17, 2021

Members Present: Council Member Allison Hiltz Vice Chair (Absent); Council Member Alison Coombs

Absent: Council Member Crystal Murillo Chair

Others Present: Casey Rossman, Leiana Baker, Greg Baker, Gail Thrasher, Steve Sciba, Kathy Kitzmann, Abba Ahmed, Sarah Young, Laura Perry, Christine McKenney, Alex Davis, Marshall Brown, Fernando Aranda, Jack Bajorek, Ian Best, Dan Brotzman, Chad DiFalco, Rory Franklin, Sonya Gonzalez, Greg Hansen, Rick Kienitz, Janet Marlow, John Murphy, Stephanie Neitzel

1. Approval of Minutes

The October 20, 2021, meeting minutes were approved as presented.

2. Consent Items

- A. Construction Change Order Summary Report
- B. Monthly Water Supply Update
- C. Quarterly Financial Report

Summary of Issue and Discussion: Council Member Coombs asked, what is the outlook for precipitation this winter. M. Brown replied, the forecast is not optimistic for this winter. We will watch our storage levels and maximize our Prairie Waters as much as we can to put us in a better place for next year.

Outcome: The Consent items were supported as presented.

Follow-Up Action: The Consent items were supported as presented.

3. Central Colorado Mountains River Basin (CCMRB) Weather Modification Program Cost Sharing Agreement

Summary of Issue and Discussion: A. Ahmed gave a presentation. The proposed agreement allows Aurora to share in the costs for cloud seeding services in the program target area of the Upper Colorado River Basin in Pitkin, Eagle, Summit and Grand counties. Aurora's cost share will be \$9,600 of the \$100,000 committed by several different entities through this 2021-2022 CCMRB program cost share agreement. The Colorado River District will coordinate funding and administer the contract with the program consultants. The \$100,000 from this agreement will be used in conjunction with approximately \$125,000 from the Colorado Water Conservation Board, \$27,000 in carry over funding from last years' program, and additional amounts received from other funding sources. The Colorado River District anticipates contracting approximately \$269,000 on behalf of the CCMRB program which includes additional funding from Winter Park and from the Desert Research Institute.

Council Member Coombs asked, the most recent citations for the articles was 2009. Is that because the studies have been going on since the 1960's and was they studied as much as they could and it's not ongoing? A. Ahmed replied, yes. Council Member Coombs asked, we see no particular impact to human life, plants and water supplies. Did any of the studies look at the soil and any particular changes to or impacts to the soil? A. Ahmed replied, looking into the soil is all part of the equation and we can suggest them to add to the study. M. Brown added, my guess is there is something in the studies and we can go back and look at that. Council Member Coombs added, I was curious and can go back and look at the studies.

Outcome: The Committee supports the Central Colorado Mountains River Basin Weather Modification Program Cost Sharing Agreement and forwarded to Study Session for consideration.

Follow-Up Action: The Committee supports the Central Colorado Mountains River Basin Weather Modification Program Cost Sharing Agreement and will forward to Study Session for consideration.

4. Piney Lake Trails LLC Water and Sewer Services Agreement

Summary of Issue and Discussion: S. Young shared a map showing the proposed development outside of Aurora City limits that has requested water and sewer service from Aurora Water to serve 180 single family homes and common area irrigation. The low density "Piney Lake Trails" development is located south of County Line Road and the Blackstone Country Club, between S. Powhaton Road and S. Monaghan Road.

Council Member Coombs asked, what are the lot sizes and are they irrigating the backyard? S. Young replied, one acre. They have the ability to decrease the turf size and thus decrease the calculation of the connection fees to help encourage the use of less irrigation on those large lots. M. Brown added, they are also eligible through the allocation agreement, which is voluntary. A large lot is going to trigger their connection fee to go up. These properties are paying one and a half times the rates and fees. There are strong financial incentives for them to create efficiencies in outdoor irrigation. These lots will have no turf in the front yards.

Follow-Up Action: The Committee supports the Piney Lake Trails LLC Water and Sewer Services Agreement and forwarded to Study and will forward to Study Session for consideration.

5. Miscellaneous Matters for Consideration

Summary of Issue and Discussion: M. Brown stated, there are a couple of reimbursement agreements that were due to go to the December meeting. Can we give an overview today and move them on to the next Study Session? The Committee was given an overview of the agreements by S. Young. The Committee agreed to move them to next study session.

Outcome: The Committee supports these agreements and forwarded to next Study Session for consideration.

Follow-Up Action: The Committee supports these agreements and will forward to the next Study Session for consideration.

6. Confirm Next Meeting

There will be no meeting in December.

X 
Steve Sundberg (Jan 20, 2022 13:58 MST)

Steve Sundberg
Chair, Water Policy Committee

11-17-21 WPC Minutes Draft

Final Audit Report

2022-01-20

Created:	2022-01-20
By:	Casey Rossman (crossman@auroragov.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAjbrPwaSqorzh75mgV8D-IkZUCoTK28UZ

"11-17-21 WPC Minutes Draft" History

-  Document created by Casey Rossman (crossman@auroragov.org)
2022-01-20 - 2:02:41 PM GMT- IP address: 63.149.121.82
-  Document emailed to Steve Sundberg (steve.sundberg@auroragov.org) for signature
2022-01-20 - 2:03:11 PM GMT
-  Email viewed by Steve Sundberg (steve.sundberg@auroragov.org)
2022-01-20 - 8:36:58 PM GMT- IP address: 67.177.254.240
-  Document e-signed by Steve Sundberg (steve.sundberg@auroragov.org)
Signature Date: 2022-01-20 - 8:38:48 PM GMT - Time Source: server- IP address: 67.177.254.240
-  Agreement completed.
2022-01-20 - 8:38:48 PM GMT

MINUTES

Regular Meeting of the Aurora City Council

Monday, December 20, 2021

1. **RECONVENE REGULAR MEETING OF DECEMBER 20, 2021, CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council for December 20, 2021, at 6:30 p.m.

2. **ROLL CALL** – Kadee Rodriguez, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

Council Member Jurinsky had connection issues and could not be counted at the time.

Public call-in instructions were provided in both English and Spanish.

3. **INVOCATION/MOMENT OF SILENCE** – Mike Coffman, Mayor

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **APPROVAL OF MINUTES**

5.a. December 6, 2021, Meeting Minutes

Motion by Gardner, second by Zvonek, to approve the minutes of the December 6, 2021, City Council meeting, as amended.

Voting Aye: Mayor Coffman, Bergan, Coombs, Gardner, Jurinsky, Lawson, Marciano, Medina, Murillo, Sundberg, Zvonek

6. **PROCLAMATIONS/CEREMONY**

None

7. **PUBLIC INVITED TO BE HEARD**

♦ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

Voting Nay: Mayor Coffman, Bergan, Gardner, Jurinsky, Sundberg, Zvonek

10.d. Central Colorado Mountain River Basin (CCMRB) Weather Modification Program

R2021-147 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE CENTRAL COLORADO MOUNTAINS RIVER BASIN WEATHER MODIFICATION PROGRAM COST-SHARING AGREEMENT

Abba Ahmed, Water Resources Project Manager, Aurora Water / Christine McKenney, Manager of Client Services, City Attorney

Alexandra Davis, Deputy Director of Water Resources, Aurora Water, gave a summary of the item.

Motion by Bergan, second by Gardner, to approve Item 10d.

Voting Aye: Bergan, Coombs, Gardner, Jurinsky, Lawson, Marcano, Medina, Murillo, Sundberg, Zvonek

10.e. Support to Create a Business Safety and Security Update Grant Program

R2021-148 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT TO CREATE A BUSINESS SAFETY & SECURITY UPGRADE GRANT PROGRAM

Curtis Gardner, Council Member / Tim Joyce, Assistant City Attorney

Council heard public call-in testimony on the item.

Council Member Gardner provided an overview of the item.

Motion by Gardner, second by Zvonek, to approve Item 10e.

Council Member Jurinsky stated her support for the item. She expressed concerns that bigger corporations with multiple locations in the City would have their multiple locations approved in one application ahead of the single operator owners and asked for verbiage to that effect be added to the resolution. Council Member Gardner stated he intentionally left the resolution generic because he felt the purpose of a resolution was to give policy direction to staff. He stated he would like to see City staff create an implementation program and bring it to Council for review of those specifics. He stated he would be supportive of that language, but he did not want to be overly prescriptive in the policy direction.

Mayor Coffman pointed out Council was voting on policy now so that was a problem.

♦ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

Water Policy Committee (WPC) Meeting
January 18, 2023

Members Present: Council Member Steve Sundberg Chair, Council Member Alison Coombs Vice Chair, Council Member François Bergan

Absent:

Others Present: Casey Rossman, Greg Baker, Marshall Brown, Rachel Allen, Fernando Aranda, Ian Best, Dan Brotzman, Steve Cann, Alex Davis, Dick Eason, Steve Fiori, Michelle Gardner, Sonya Gonzalez, Dan Mikesell, John Murphy, Gail Thrasher, Tim York, Sarah Young, Adam Waters, Abba Ahmed, Morgan Hopkins-Crawly, Diana Denwood, Eric Schneider

1. Approval of Minutes

The December 20, 2022, meeting minutes were approved as presented.

2. Consent Items

- A. Construction Change Order Report
- B. Monthly Water Supply Update

Summary of Issue and Discussion: CM Bergan asked how the reservoirs are doing in terms of storage? J. Murphy replied, at the end of December, we are about 55% of storage capacity. CM Sundberg asked, how does that compare to last year? J. Murphy replied, at the end of December of last year, the reservoirs had 10,000 acre feet more of storage than this year. G. Baker added, we can project out to early April when we start to see run-off and we will probably be about 48-49% of storage capacity which is lower than we have been since 2013.

Outcome: The Consent items were supported as presented.

Follow-Up Action: The Consent items were supported as presented.

3. Citizen's Water Advisory Committee (CWAC) Quarterly Report

Summary of Issue and Discussion: D. Eason gave an overview of who CWAC is, their purpose and what the Water Policy Committee can expect to hear with their quarterly reports.

Outcome: Informational only.

Follow-Up Action: Informational only.

4. Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement

Summary of Issue and Discussion: A. Ahmed gave a presentation.

CM Bergan asked, if the cloud-seeding only took place until April? A. Ahmed responded, yes, it takes place from November to April and is based on climate, we cannot seed without the right temperature. CM Bergan asked, why Colorado Springs had pulled out of the agreement? A. Davis replied, it had a lot to do with the leadership at Colorado Springs, who were opposed to the program. However, with new leadership, we are hoping they will participate in the program again.

CM Coombs asked, with the escalating costs, if more partners were involved, would that lower the cost for each partner and if we will expect a continued escalation of the cost of actual materials for this project? A. Ahmed responded, yes, the more partners that are involved, the lower the cost depending on each partner's budget. However, costs are also dependent on market forces which are also a factor in the increasing cost, this is especially true when transitioning from manual to automatic generators.

CM Bergan asked, is the transition to the automatic generators a significant cost difference? Or are we just trying to phase those in? A. Ahmed replied, we are slowly phasing in the automatic generators, but the manual generators are still effective.

Outcome: The Committee supports the Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement and forwarded to the next Study Session for consideration.

Follow-Up Action: The Committee supports the Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement and will forward to the next Study Session for consideration.

5. Citizen's Water Advisory Committee (CWAC) Restructure Proposal

Summary of Issue and Discussion: M. Brown discussed restructuring CWAC to become more involved with challenges in the water supply space including evaluating water supply proposals, reviewing large projects who may use a lot of water but may add a substantial economic value to the city, evaluating extra territorial requests to provide water outside our service area, and annexations that may have water supply implications. CWAC is supportive of the restructure.

CM Bergan responded with concerns about adding bureaucracy to the process, especially on annexations and large projects which is Council's responsibility to make decisions on. CM Bergan added, she did not have an issue with CWAC reviewing water supply proposals but has concerns with the other suggestions which may add an extra step when they can come to executive session for evaluation. M. Brown responded, that we do bring the extra territorial and annexation request to executive session however, the large projects proposals are not historically brought to executive session and are evaluated by staff based on potential water usage. CM Bergan suggested developing formal guidelines for evaluating large projects and bringing those to Council for approval. M. Brown responded, we are planning on doing that for potential large users, but we would be able to utilize CWAC for users proposing large gallon per day usage. The developer will have the opportunity to present to CWAC which will provide an additional perspective as well as an alternative to developers lobbying to individual Council Member's. CM Bergan stated she is agreeable to CWAC evaluating water supply proposals and large projects but would prefer the extra territorial requests and annexations continue to be presented to Council. M. Brown agreed.

CM Coombs added, she would like to see CWAC evaluate the budget as well due to the high interest from residents. M. Brown stated, CWAC would still be involved in reviewing the budget but would add water supply as a main focus.

M. Brown also proposed adding an additional commercial entity to the committee for a total of two on the committee whose terms would be staggered. Additionally, members of the committee would be selected based on basic qualifications including some water supply knowledge, completed water tours of facilities, completed Aurora Water courses and/or some level of exposure or familiarity with water supply in the West. CM Coombs had some concerns with residents who would like to be involved but do not meet those basic qualifications. M. Brown replied, that as long as potential members are willing to demonstrate an interest in water supply and willing to invest time in water supply education they would qualify.

M. Brown stated that the department in conjunction with the City Attorney's office and the City Clerk's office would work to draft the new bylaws and ordinance and will return to the Water Policy Committee to present once they are completed.

Outcome: Informational only.

Follow-Up Action: Information only.

6. Water Availability Resolution – Stage 1

Summary of Issue and Discussion: G. Baker gave a presentation on the advancement of the water availability stage 1 drought restrictions to be enacted in May 2023 based on the state of our current reservoir storage capacity levels.

CM Bergan asked to explain what stage 1 would entail. G. Baker stated, it would mean only two (2) days a week for outdoor irrigation instead of the three (3) day a week schedule currently in place. This will achieve a 10% savings to our storage capacity. CM Bergan was concerned for residents as the turf ordinance was already enacted as well as a ban on water features. She was also concerned with homeowner's associations (HOA's) fining residents for having brown grass due to the restrictions. M. Brown responded, those measures associated with this drought restriction are for long-term sustainability instead of responding to short-term emergencies. Part of the reasoning of bringing this to Council early is to distribute communications quickly so residents are aware and HOA's understand that we are in severe drought conditions and not to fine residents for brown grass. Additionally, if conditions improve, the Stage 1 restrictions will be lifted.

Outcome: The Committee supports the Water Availability Resolution – Stage 1 moving forwarded to the next Study Session for consideration.

Follow-Up Action: The Committee forwarded the Water Availability Resolution – Stage 1 to the next Study Session for consideration.

7. Proposed Drought Surcharge Adjustment to the Rate Ordinance

Summary of Issue and Discussion: F. Aranda gave a presentation.

CM Sundberg asked, if the impacts of the surcharge are small, how is that a dissuading factor for outdoor water usage? Additionally, wouldn't the rate increase that was just passed act as discouragement? M. Brown responded, historically, rate increases, and drought stage 1 water restrictions have not led to great reductions in outdoor water usage with residents' opting to water for longer time periods on their scheduled two-days a week. The goal with the surcharge is to offer a financial incentive to those residents who follow the suggested watering reductions. Residents who continue to water the same amount as last year, with no reduction in water usage, will see an increase in their water bill by 20%.

CM Bergan asked, if residents not using over 5,000 gallons per day are not receiving surcharges now, why would we change what we are doing? M. Brown responded, since we are not currently in a drought stage, surcharges are not in effect. CM Bergan asked, so the theory is if you go from three (3) days of outdoor watering to two (2) days of outdoor watering you would not receive the surcharges? M. Brown responded, the surcharge will be on all outdoor irrigation, but if you reduce watering to two (2) days a week, your bill will look exactly the same as last year even with the inclusion of the surcharge. Additionally, with the use of zone monitoring or smart sprinkler systems, which could provide further cost-savings through reduced outdoor watering. CM Bergan asked, if conditions improve, will the stage 1 drought restriction be lifted? M. Brown stated yes, and the surcharges will go dormant.

CM Coombs suggested looking at how we can assist residents with large back yards who cannot afford to replace their turf. M. Brown agreed.

Outcome: The Committee supports the Proposed Drought Surcharge Adjustment to the Rate Ordinance and forwarded to the next Study Session.

Follow-Up Action: The Committee supports the Proposed Drought Surcharge Adjustment to the Rate Ordinance and will forward to the next Study Session.

8. Miscellaneous Matters for Consideration

Summary of Issue and Discussion: None.

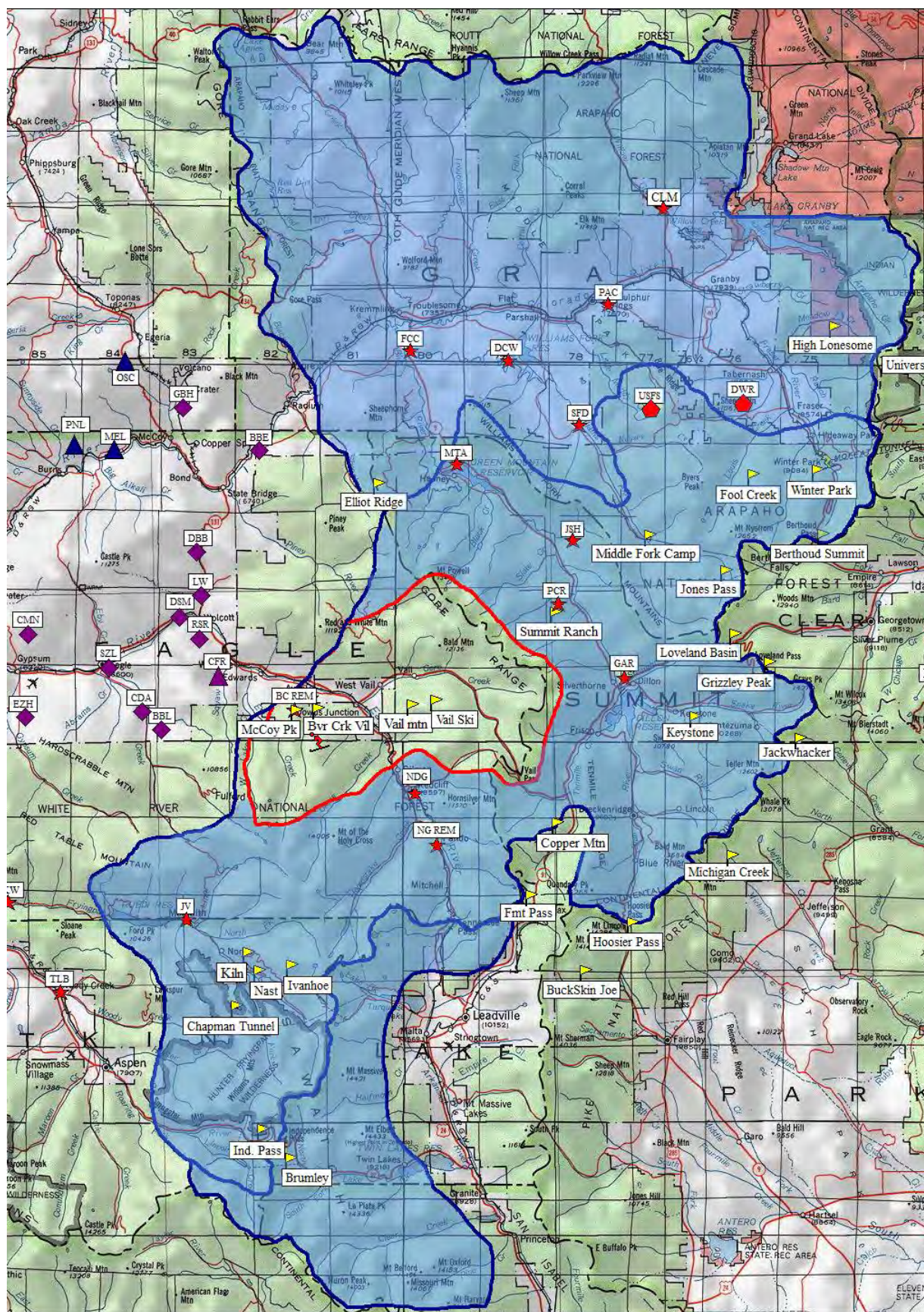
Outcome: Informational only.

Follow-Up Action: Information only.

9. Confirm Next Meeting

The next meeting is scheduled for February 15, 2023, 10:30 a.m. via WebEx.

2023 Central Colorado Mountains River Basin (CCMRB) Program Weather Modification Target Area Map





CITY OF AURORA

Fiscal Impact Form

Item Title: Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora approving the Central Colorado Mountains River Basin Weather Modification Program cost-sharing agreement.

Staff contact: Kathy Kitzmann, Water Resources Principal, Aurora Water

Staff Source/Legal Source: Abba Ahmed, Water Resources Project Manager, Aurora Water / Ian Best, Asst. City Attorney

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☒ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☐ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

Funding for the Cost-Sharing Agreement in the amount of \$25,000.00 will be from the Water Fund Operating Budget.

ORG: 52033 (Arkansas Valley Range Project); Account: 64947 (IGA Payments)

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A



CITY OF AURORA

Council Agenda Commentary

Item Title: Stage 1 – Water Availability (Resolution)
Item Initiator: Greg Baker, Manager of Public Relations, Aurora Water
Staff Source/Legal Source: Greg Baker, Manager of Public Relations, Aurora Water / Ian Best, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

Greg Baker, Manager of Public Relations, Aurora Water / Ian Best, Assistant City Attorney
Estimated time: 20 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Water Policy

Policy Committee Date: 1/18/2023

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| <input checked="" type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |

☒ Minutes Attached

☐ Minutes Not Available

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

On April 20, 2022, a water availability conditions presentation was given to the Water Policy Committee as an informational item.

On November 16, 2022, the Water Management Plan was presented to the Water Policy Committee as an informational item.

On January 18, 2023, the Water Policy Committee supported moving the APPROVAL OF A RESOLUTION expressing the Aurora City Council's declaration of Stage I water availability conditions effective May 1, 2023, forward to Study Session.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The Water Management Plan is used as per the rules and regulations described under Section 138-189 of the City Code to administer applicable water management and water wasting practices. These rules and regulation are required to meet the annual targets of water demand for the adopted water availability conditions response stage. In accordance with the Water Management Plan, City Council will adopt a Water Availability Resolution (Drought Stage) that implements a level of restrictions to meet the objectives of the water system. At present, the Water Availability Stage is at NORMAL, in which permanent conservation measures are in effect, which limits landscape watering to no more than a 3 day-per-week and prohibits watering between 10 am to 6 pm.

Since 2020, snowpack has been well below the respective annualized average. Across the three basins utilized by Aurora Water, the Colorado River, Arkansas River and South Platte River basins, **Aurora's storage levels are projected to be below 50% of capacity by early April.** The Prairie Waters potable reuse system provides an **additional eight to ten million gallons per day to Aurora's water supplies, which helps preserve our mountain supply.** Our goals are to maintain a three-year supply whenever practicable.

Based on these conditions and weather forecasts, the General Manager of Aurora Water recommends that City Council declare a Stage I Water Availability as defined in the Water Management Plan. Stage I Water Availability **indicates that conditions are abnormally dry, the city's reservoirs are low and the anticipated run off from snowpack will be insufficient to replenish the water supply.** Stage I Water Availability implements a mandatory 2-day-week watering limitation based on address (odd/even), as well as a reduction in watering variance allowances for irrigation accounts. These efforts are targeted to result in a 20% savings in outdoor water use citywide. Stage I does include surcharges as defined by the rate ordinance. Stage I Water Availability will be in effect until it is modified by further Water Availability Resolution.

QUESTIONS FOR COUNCIL

Does the City Council of the City of Aurora support moving the APPROVAL OF A RESOLUTION expressing the Aurora City Council's declaration of Stage I water availability conditions effective May 1, 2023, forward to the next Council meeting?

LEGAL COMMENTS

City Council shall determine the water availability stage by supplemental resolution. (City Code §138-223(a)(2)(b)) (Best)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: See Attached Fiscal Impact Form

PRIVATE FISCAL IMPACT

☐ Not Applicable ☐ Significant ☒ Nominal

If Significant or Nominal, explain: This drought surcharge adjustment will result in increased cost for higher water use for outdoor irrigation. Should outdoor water reductions achieve targeted goals of 20%, this adjustment should be cost neutral for customers.

RESOLUTION NO. R2023- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL’S DECLARATION OF STAGE I WATER AVAILABILITY CONDITIONS EFFECTIVE MAY 1ST, 2023

WHEREAS, the City Council has declared that as a result of the past drought conditions and a commitment to the wise stewardship of the finite water resources available to the City of Aurora ("Aurora"), a water management practice that effectively protects the health, safety, and welfare of the citizens of Aurora and those served by the Aurora water delivery system is warranted in an effort to continue conservation; and

WHEREAS, Aurora Water has prepared the “Aurora Water Management Plan” to promote efficient use of water for both indoor and outdoor purposes and to describe the rules and regulations as required by Section 138-189 of the Aurora City Code to administer the Water System; and

WHEREAS, the Aurora Water Management Plan was developed to describe effective management practices applicable to various water availability conditions; and

WHEREAS, the General Manager of Aurora Water has reviewed Aurora’s water availability conditions based on the snowpack and reservoir levels and recommends that water availability be declared as “Stage I” as that term is defined in the Aurora Water Management Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. The Aurora City Council resolves and declares “Stage I” water availability conditions exist within the City of Aurora effective as of May 1st, 2023.

Section 2. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Ian J Best

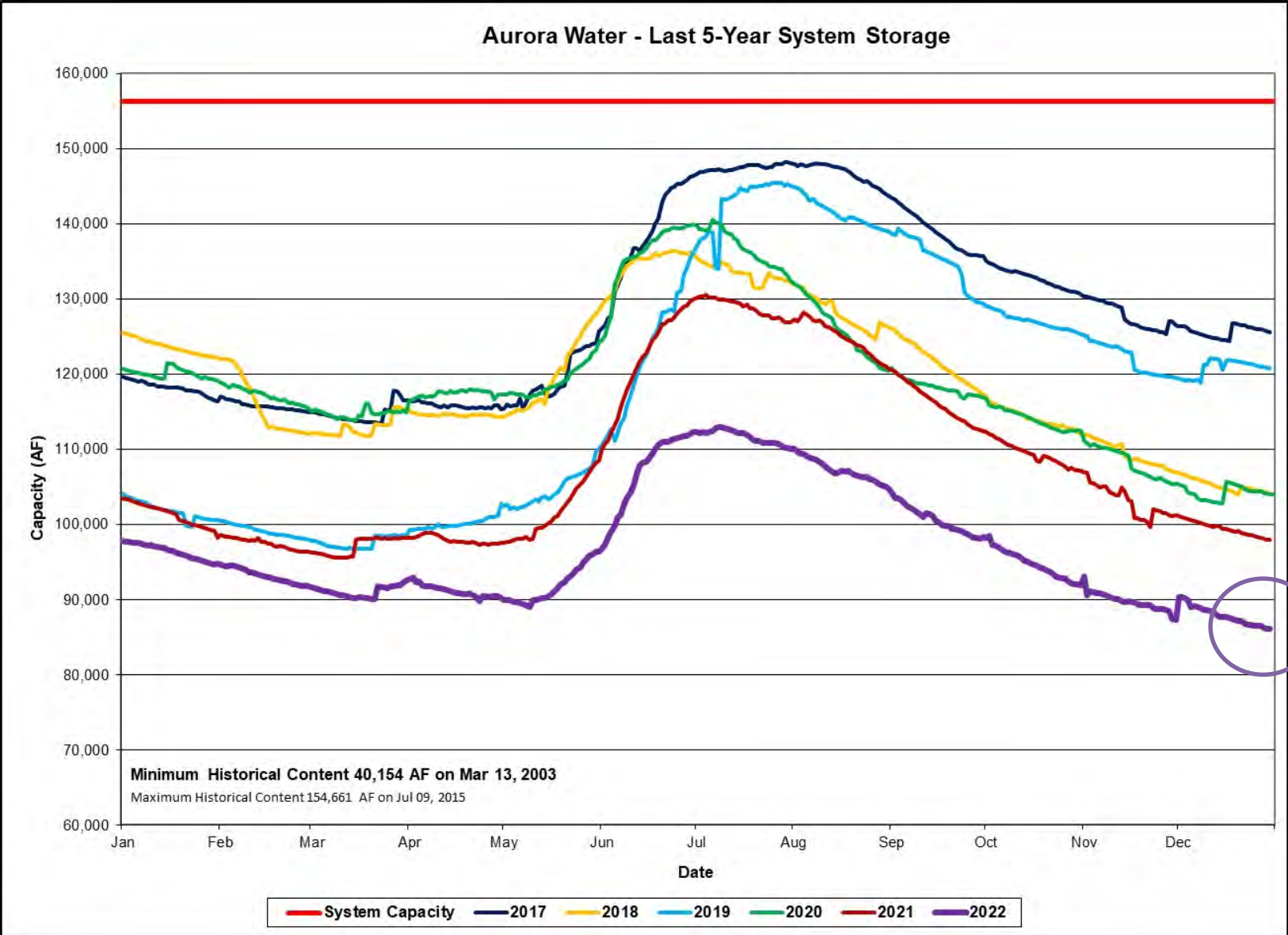
RLA

IAN BEST, Assistant City Attorney

Water Availability Resolution

**Request to move to
Stage I Water Availability**

Current Storage

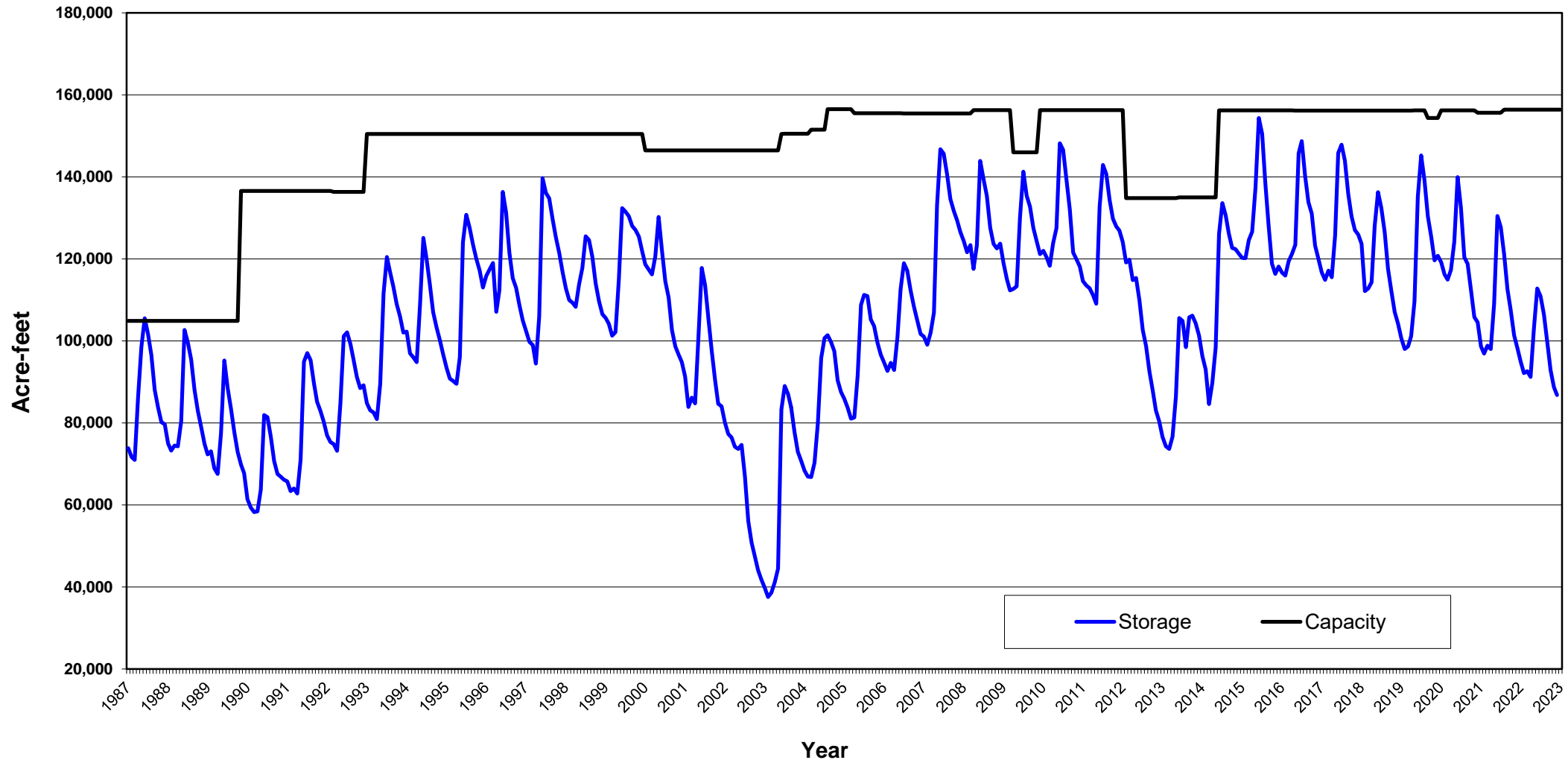


Projected to 48-49%
by mid-April



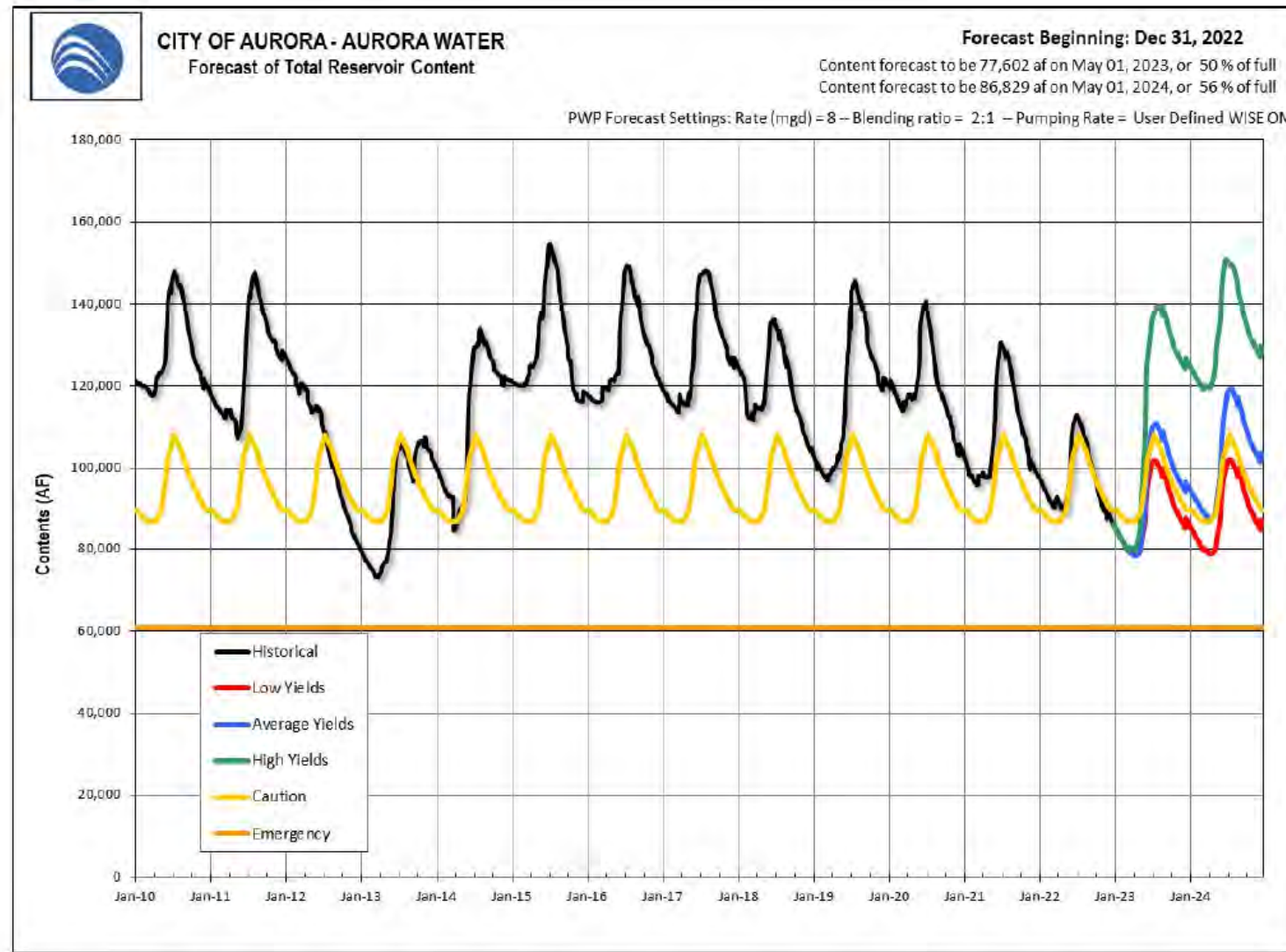
Current Storage

Storage Capacity vs. Total Storage



AURORA
WATER

Current Storage



Water Management Plan

The purpose of the Aurora Water Management Plan is to provide a framework for the City of Aurora's water demand reductions in the event of drought or other water emergencies.

Authorization

Aurora City Code 138-223 (b)

- (2) The allowable citywide outdoor allocation shall be determined by city council and is a function of the reservoir levels, usage, and the projected yield of the water supply system and will be described in the current water management plan.
- (3) The water management plan shall refer to the rules and regulations established by the director of water regarding water allocation, usage restrictions, and conservation adopted pursuant to section 2-3.

Water Management Plan Implementation

- “Water Availability” Resolution from City Council
- Use of “Water Availability” Stages
 - Limits outdoor water use only - Irrigation primarily
 - Day per week restrictions
 - Enforceable through fines attached to water bill
 - Can result in surcharges to rates

Current Triggers

Water Availability Stage Conditions and Demand Reduction Recommendation				
Water Availability Stage	NORMAL	Stage I SEVERELY DRY	Stage II EXCEPTIONALLY DRY	Stage III EMERGENCY CONDITIONS
Trigger - Months of supply based on current demand	Above 30 months	30-25 months	24-13	12 months or less
Demand Reduction Recommendation (outdoor use only)	0%	20%	50%	100%

Water Management Plan Implementation

- Current WMP stages
 - Normal – 3 day per week, non-fixed
 - Stage I – 2 day week, fixed days, surcharge, 20% reduction
 - Stage II – 1 day week, fixed day, surcharge, 50% reduction
 - Stage III – No outdoor water use, surcharge, 100% reduction
- Watering Variance Program for large properties

Communications

- Full communications plan
- Targeting
 - Residential users
 - HOAs & Metro Districts
 - Ward meetings
 - Commercial & other large properties
 - City Employees
- Outreach Tools
 - General media
 - City outlets
 - News Aurora
 - Aurora TV
 - Social media channels
 - Events & large meetings
 - Direct mail
 - City advertising venues

Effective May 1, 2023

Aurora Water is requesting that the Water
Availability Stage be changed from
Normal (3 day-per-week) to
Stage I (2 day-per-week)



CITY OF AURORA

Fiscal Impact Form

Item Title: Consideration of the City Council of the City of Aurora to APPROVE A RESOLUTION expressing the Aurora City Council's declaration of Stage I water availability conditions effective May 1st, 2023

Staff contact: Greg Baker, Manager of Public Relations, Aurora Water

Staff Source/Legal Source: Greg Baker, Manager of Public Relations, Aurora Water / Ian Best, Asst. City Attorney

TYPE OF FISCAL IMPACT

Select all that apply.

- ☒ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☐ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

This drought surcharge adjustment should result in reduced outdoor water use. Should outdoor water use rise above the 20% targeted reduction, the result will be increased revenue. If outdoor water reductions achieve the targeted goals of 20%, this adjustment would be revenue neutral.

Org: 0500 (Water Ops Fund Admin)

Account: 45240 (Utility Sales – Drought Surcharge) Org: 0500 (Water Ops Fund Admin)

Account: 45240 (Utility Sales – Drought Surcharge)

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

Water Policy Committee (WPC) Meeting
April 20, 2022

Members Present: Council Member Steve Sundberg Chair, Council Member Angela Lawson Vice-Chair, Council Member Curtis Gardner

Absent:

Others Present: Casey Rossman, Dawn Jewell, John Murphy, Steve Fiori, Leiana Baker, Jo Ann Giddings, Greg Baker, Ian Best, Lauren Maggert, Laura Perry, Marshall Brown, Alex Davis, Rachel Allen, Sarah Young, Fernando Aranda, Dan Brotzman, Chad DiFalco, Rory Franklin, Melina Bourdeau

1. Approval of Minutes

The March 16, 2022, meeting minutes were approved as presented.

2. Consent Items

- A. Construction Change Order Report
- B. Monthly Water Supply Update

Summary of Issue and Discussion: None.

Outcome: The Consent items were supported as presented.

Follow-Up Action: The Consent items were supported as presented.

3. Consideration to appoint one (1) member and reappoint one (1) member to the Metro Water Recovery District Board

Summary of Issue and Discussion: J. Giddings stated, on June 30, 2022, two of the six, City of Aurora, Metro Board Directors' terms will expire. Directors with expiring terms are Bob LeGare and John Dingess. Bob LeGare was appointed in 2020 for a two-year term expiring in June of 2022 and is seeking reappointment. John Dingess was reappointed in 2020 for a two-year term also expiring in June of 2022 and will not seek reappointment. Member select James DeHerrera is recommended to take the Director appointment that will be vacated by John Dingess in June of 2022 for a two-year term expiring in June of 2024.

Outcome: The Committee supports Consideration to appoint one (1) member and reappoint one (1) member to the Metro Water Recovery District Board.

Follow-Up Action: Forward to Study Session for consideration.

4. Intergovernmental Agreement (IGA) between the City of Aurora, the Bureau of Land Management and the City of Thornton regarding the Water Rights for Trout Creek Augmentation

Summary of Issue and Discussion: D. Jewell gave an overview of the IGA. This IGA will be effective as of April 1 in the calendar year it is signed and will remain in effect for 10 years. The agreement will renew automatically at the end of the 10-year term unless any of the parties decides to modify or terminate the agreement. Any of the three parties may modify or terminate this agreement with notice to, and consent from, the other parties.

Outcome: The Committee supports the Intergovernmental Agreement (IGA) between the City of Aurora, the Bureau of Land Management and the City of Thornton regarding the Water Rights for Trout Creek Augmentation.

Follow-Up Action: Forward to Study Session for consideration.

5. Reimbursement Agreement with Metro Water Recovery for the Design, Construction and Easement Costs for Connection Infrastructure to the Second Creek Interceptor

Summary of Issue and Discussion: S. Young gave a presentation.

Council Member Lawson asked, how are regulations and inspections handled? S. Young replied, regulations, infrastructure planning, and inspections coordination are done with the District and District members, including Aurora, at the board level and staff level.

Outcome: The Committee supports the Reimbursement Agreement with Metro Water Recovery for the Design, Construction and Easement Costs for Connection Infrastructure to the Second Creek Interceptor.

Follow-Up Action: Forward to Study Session for consideration.

6. Crossroads Offsite Sanitary Reimbursement Agreement

Summary of Issue and Discussion: S. Young gave a presentation.

Outcome: The Committee supports the Crossroads Offsite Sanitary Reimbursement Agreement.

Follow-Up Action: Forward to Study Session for consideration.

7. Fulenwider Second Creek Southwest Intergovernmental Agreement (IGA)

Summary of Issue and Discussion: S. Young gave a presentation.

Council Member Lawson asked, is there a capital improvement pre-assessment done prior to the agreement? S. Young replied, yes, it is part of our asset management plans, related inspections and project funding and prioritization planning.

Outcome: The Committee supports the Fulenwider Second Creek Southwest IGA.

Follow-Up Action: Forward to Study Session for consideration.

8. Aurora Water Drought Response and Management Plan Presentation

Summary of Issue and Discussion: L. Maggert and G. Baker gave a presentation.

Council Member Sundberg asked, how is the soil measured for saturation? G. Baker replied, samples are pulled directly from the ground. M. Brown added, there are remote sensors and satellites as well. Sundberg – can you track water usage? L. Maggert replied, yes. Demands are staying steady. G. Baker added, we are still treating less water due to conservation measures. S. Young added, in the Integrated Water Use Management Plan – projections are based on growth. Council Member Lawson asked, do newly built reservoirs stay empty if we do not have the water to fill them? L. Maggert replied, when in a drought the reservoirs take a longer to fill. M. Brown added, drought will affect our ability to keep water in storage, the storage content in the reservoirs varies depending on the conditions.

Outcome: Informational only.

Follow-Up Action: Informational only.

9. Connection Fee Update

Summary of Issue and Discussion: F. Aranda gave a presentation. Water connection fees are charged to all new development connections to the water system. The fee is used to fund cost associated with developing the water system to meet demands of new customers. A fee increase of 3.9% is planned for 2023. The fee is designed to cover the costs of the system based on water needed for additional development and at the same time encouraging water conservation. Mr. Aranda presented a proposed water connection fee schedule for 2023 including an option for the proposed conservation ordinance if passed.

Council Member Gardner asked, would the proposed fee structure only apply if the ordinance passed requiring xeriscape and no grass? F. Aranda replied, the connection fee change is what we price regarding indoor versus outdoor use. Council Member Lawson asked, with the new ordinance does that include xeriscape in the front and backyard? F. Aranda replied, 500 square feet of turf is allowed in the backyard. It's mainly the front yard that will change.

Council Member Gardner asked, the status quo vs new ordinance assumes they will do the amount of xeriscaping that would be required under the proposed ordinance? F. Aranda replied, yes. Council Member Gardener continued, if they did not do that, then the savings would be less or could possibly go up? F. Aranda replied, no, this is using the maximum turf if the ordinance passed. If the ordinance doesn't pass and they put turf in the front and back the ordinance would not save them any money. Council Member Gardner asked, are there two items, the fee ordinance and the water conservation ordinance? F. Aranda replied, yes. The fee ordinance let's us recover the costs from what's driving the cost which outdoor use has always been more expensive because we don't recover nearly as much water. The turf ordinance is focused on water conservation.

Outcome: Informational only.

Follow-Up Action: Informational only.

10. Follow-up Discussion on the feedback regarding the Water Conservation Ordinance

Summary of Issue and Discussion: M. Brown stated, we will be bringing back the Water Conservation Ordinance to this meeting in May. The feedback is as follows: the developers want to know what the cost impact would be and incentives. The connection fee would be approximately \$2,500.00 less for SFR under the proposed turf ordinance. For the non-functional turf areas (tree lawn or street landscape areas) the feedback was good from residents on the proposed ordinance. Alley loaded properties don't have the opportunity to put turf in the backyard and we're drafting a change that would allow turf in the front yard specifically for those situations. Council Member Gardner asked, are the incentives that we're currently offering not enough? Is this something residents don't want? What type of outreach is being done? M. Brown replied, there have been ongoing conversations with HOA's, residents and Metro Districts in the newer developments for years. We've been reaching out to residents and helping people process their landscape rebate programs. Council Member Lawson asked, there's a new type of turf (not sure of the name) can that be installed instead of xeriscape? M. Brown replied, the ordinance focuses on cool weather turf and does not restrict the use of native grasses and other warm-weather turf types.

Outcome: Informational only.

Follow-Up Action: Informational only.

11. Miscellaneous Matters for Consideration

Summary of Issue and Discussion: None.

Outcome: Informational only.

Follow-Up Action: Information only.

12. Confirm Next Meeting

The next meeting is scheduled for May 18, 2022, 10:30 a.m. via WebEx.

X 

Steve Sundberg
Chair, Water Policy Committee

Water Policy Committee (WPC) Meeting
November 16, 2022

Members Present: Council Member Steve Sundberg Chair, Vice-Chair, Council Member Curtis Gardner

Absent: Council Member Angela Lawson

Others Present: Rachel Allen, Fernando Aranda-Perozo, Greg Baker, Ian Best, Todd Brewer, Dan Brotzman, Marshall Brown, Steve Cann, Alex Davis, Steve Fiori, John Murphy, Swirvine Nyirenda, Casey Rossman, John Wesolowski, Brooke Bell, Adam Waters, Nicole Ankeney, Council Member Alison Coombs

1. Approval of Minutes

The October 19, 2022, meeting minutes were approved as presented.

2. Consent Items

- A. Construction Change Order Report
- B. Monthly Water Supply Update
- C. Quarterly Financial Report

Summary of Issue and Discussion: CM Gardner asked what affect does temperature have on water supply? M. Brown replied that temperature does affect water supply more in the summer than in the winter. However, how quickly the soil freezes can affect run off, but more than temperatures wind will also affect sublimation where snow evaporates. A. Davis also added the warming temperatures can also have an impact of a reduction of 30% or more on stream flow.

CM Sundberg asked if we will be undertaking cloud seeding this year? Yes, we will be participating in cloud seeding this year however, Colorado Springs may not be participating.

Outcome: The Consent items were supported as presented.

Follow-Up Action: The Consent items were supported as presented.

3. Water Education Colorado Water Fluency Program

Summary of Issue and Discussion: Council Member Coombs gave a presentation on completing the program over the summer with a focus on the Gunnison River Basin.

Outcome: Informational only.

Follow-Up Action: Informational only.

4. PROS Water Conservation – Past, Present, and Future

Summary of Issue and Discussion: B. Bell gave a presentation. The Parks, Recreation, and Open Space (PROS) and Aurora Water Departments have a long history of collaboration focused on data informed water conservation initiatives that include Kentucky Blue Grass turf conversions, irrigation controller and system replacements, alternative grass material evaluation, and use of xeric designs. The presentation includes water conservation accomplishments to date, gives perspective to PROS current water use, and describes the PROS plan to meet and exceed goals established in recent water conservation initiatives approved by City Council.

CM Gardner asked, when native grasses are installed or after installation do they require irrigation? J. Wesolowski, responded, there is irrigation for a two to three year period of irrigation to get the native grass established then can be tapered off. Gardner asked, would it be an option for Bermuda grasses in Colorado for golf courses? B. Bell responded that the Tahoma Bermuda grass is a cold-weather grass but would like more time to experiment with it before replacing the golf courses with it. M. Brown, agreed with Brooke and stated, there is more experimentation that needs to take place and may begin with a driving range to see how the Bermuda grass holds up. CM Gardner stated that he is glad to see that PROS is making the investments to preserve water supply through alternative grass material and xeric designs.

Outcome: The Committee supports the PROS Water Conservation – Past, Present, and Future.

Follow-Up Action: Forward to Study Session for consideration.

5. Intergovernmental Agreement (IGA) with the City and County of Denver regarding Sewer Discharge Connection

Summary of Issue and Discussion: S. Nyirenda gave an overview of the IGA. The City and County of Denver has a new customer constructing adjacent to Aurora's Segment 1E and requires connection for service. This agreement allows that connection and will initiate the ability to transfer this segment of the interceptor to Metro. The terms of the agreement are as follows:

- Denver is responsible for the connection costs.
- A target date for Metro transfer by 12-31-2024.
- Denver will be responsible for paying Metro rates directly and will therefore pay Aurora 65% of our internal customer rate for use of the interceptor.
- Denver must introduce a flowrate of less than 0.5 MGD average or 1.0 MGD peak.
- The term shall be 3 years or until Metro assumes Segment 1E.

Outcome: The Committee supports the Intergovernmental Agreement with the City and County of Denver regarding Sewer Discharge Connection.

Follow-Up Action: Forward to Study Session for consideration.

6. Intergovernmental Agreement (IGA) between the City of Aurora and the Bureau of Land Management for a Memorandum of Understanding for the purpose of preparing an Environmental Impact Statement for the Wild Horse Reservoir Project

Summary of Issue and Discussion: A. Davis gave an overview of the IGA. The Memorandum of Understanding (MOU) sets forth roles and responsibilities for the BLM and Aurora Water for the

purpose of hiring a third party contractor to prepare an Environmental Impact Statement (EIS) for the Wild Horse reservoir project. The MOU is an important step to begin the National Environmental Policy Act (NEPA) and Right of Way (ROW) permit processes. The costs associated with preparing the EIS and completing the ROW request (estimated cost of \$230,657.11) was addressed in a Cost Reimbursement Agreement approved by Council on July 25, 2022. The MOU and the third party contractor are a standard practice for permitting processes.

Outcome: The Committee supports the Intergovernmental Agreement between the City of Aurora and the Bureau of Land Management for a Memorandum of Understanding for the purpose of preparing an Environmental Impact Statement for the Wild Horse Reservoir Project.

Follow-Up Action: Forward to Study Session for consideration.

7. Aurora Water Management Plan Overview

Summary of Issue and Discussion: G. Baker gave a presentation on demand management in the event of drought or other water emergencies.

Outcome: Informational only.

Follow-Up Action: Informational only.

8. Miscellaneous Matters for Consideration

Summary of Issue and Discussion:

Outcome: Informational only.

Follow-Up Action: Information only.

7. Confirm Next Meeting

The next meeting is scheduled for December 20, 2022, 9:00 a.m. via WebEx.


Steve Sundberg (Dec 21, 2022 06:37 HST)

Steve Sundberg
Chair, Water Policy Committee






11-16-22 WPC Minutes Final

Final Audit Report

2022-12-21

Created:	2022-12-20
By:	Casey Rossman (crossman@auroragov.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAn3-hMk6Rdu6XxSfdxsBSrwVBFZhZJ7S2

"11-16-22 WPC Minutes Final" History

-  Document created by Casey Rossman (crossman@auroragov.org)
2022-12-20 - 4:57:12 PM GMT- IP address: 63.149.121.82
-  Document emailed to steve.sundberg@auroragov.org for signature
2022-12-20 - 4:57:36 PM GMT
-  Email viewed by steve.sundberg@auroragov.org
2022-12-21 - 1:35:34 PM GMT- IP address: 67.177.254.240
-  Signer steve.sundberg@auroragov.org entered name at signing as Steve Sundberg
2022-12-21 - 1:37:39 PM GMT- IP address: 67.177.254.240
-  Document e-signed by Steve Sundberg (steve.sundberg@auroragov.org)
Signature Date: 2022-12-21 - 1:37:41 PM GMT - Time Source: server- IP address: 67.177.254.240
-  Agreement completed.
2022-12-21 - 1:37:41 PM GMT

Water Policy Committee (WPC) Meeting
January 18, 2023

Members Present: Council Member Steve Sundberg Chair, Council Member Alison Coombs Vice Chair, Council Member François Bergan

Absent:

Others Present: Casey Rossman, Greg Baker, Marshall Brown, Rachel Allen, Fernando Aranda, Ian Best, Dan Brotzman, Steve Cann, Alex Davis, Dick Eason, Steve Fiori, Michelle Gardner, Sonya Gonzalez, Dan Mikesell, John Murphy, Gail Thrasher, Tim York, Sarah Young, Adam Waters, Abba Ahmed, Morgan Hopkins-Crawly, Diana Denwood, Eric Schneider

1. Approval of Minutes

The December 20, 2022, meeting minutes were approved as presented.

2. Consent Items

- A. Construction Change Order Report
- B. Monthly Water Supply Update

Summary of Issue and Discussion: CM Bergan asked how the reservoirs are doing in terms of storage? J. Murphy replied, at the end of December, we are about 55% of storage capacity. CM Sundberg asked, how does that compare to last year? J. Murphy replied, at the end of December of last year, the reservoirs had 10,000 acre feet more of storage than this year. G. Baker added, we can project out to early April when we start to see run-off and we will probably be about 48-49% of storage capacity which is lower than we have been since 2013.

Outcome: The Consent items were supported as presented.

Follow-Up Action: The Consent items were supported as presented.

3. Citizen's Water Advisory Committee (CWAC) Quarterly Report

Summary of Issue and Discussion: D. Eason gave an overview of who CWAC is, their purpose and what the Water Policy Committee can expect to hear with their quarterly reports.

Outcome: Informational only.

Follow-Up Action: Informational only.

4. Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement

Summary of Issue and Discussion: A. Ahmed gave a presentation.

CM Bergan asked, if the cloud-seeding only took place until April? A. Ahmed responded, yes, it takes place from November to April and is based on climate, we cannot seed without the right temperature. CM Bergan asked, why Colorado Springs had pulled out of the agreement? A. Davis replied, it had a lot to do with the leadership at Colorado Springs, who were opposed to the program. However, with new leadership, we are hoping they will participate in the program again.

CM Coombs asked, with the escalating costs, if more partners were involved, would that lower the cost for each partner and if we will expect a continued escalation of the cost of actual materials for this project? A. Ahmed responded, yes, the more partners that are involved, the lower the cost depending on each partner's budget. However, costs are also dependent on market forces which are also a factor in the increasing cost, this is especially true when transitioning from manual to automatic generators.

CM Bergan asked, is the transition to the automatic generators a significant cost difference? Or are we just trying to phase those in? A. Ahmed replied, we are slowly phasing in the automatic generators, but the manual generators are still effective.

Outcome: The Committee supports the Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement and forwarded to the next Study Session for consideration.

Follow-Up Action: The Committee supports the Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement and will forward to the next Study Session for consideration.

5. Citizen's Water Advisory Committee (CWAC) Restructure Proposal

Summary of Issue and Discussion: M. Brown discussed restructuring CWAC to become more involved with challenges in the water supply space including evaluating water supply proposals, reviewing large projects who may use a lot of water but may add a substantial economic value to the city, evaluating extra territorial requests to provide water outside our service area, and annexations that may have water supply implications. CWAC is supportive of the restructure.

CM Bergan responded with concerns about adding bureaucracy to the process, especially on annexations and large projects which is Council's responsibility to make decisions on. CM Bergan added, she did not have an issue with CWAC reviewing water supply proposals but has concerns with the other suggestions which may add an extra step when they can come to executive session for evaluation. M. Brown responded, that we do bring the extra territorial and annexation request to executive session however, the large projects proposals are not historically brought to executive session and are evaluated by staff based on potential water usage. CM Bergan suggested developing formal guidelines for evaluating large projects and bringing those to Council for approval. M. Brown responded, we are planning on doing that for potential large users, but we would be able to utilize CWAC for users proposing large gallon per day usage. The developer will have the opportunity to present to CWAC which will provide an additional perspective as well as an alternative to developers lobbying to individual Council Member's. CM Bergan stated she is agreeable to CWAC evaluating water supply proposals and large projects but would prefer the extra territorial requests and annexations continue to be presented to Council. M. Brown agreed.

CM Coombs added, she would like to see CWAC evaluate the budget as well due to the high interest from residents. M. Brown stated, CWAC would still be involved in reviewing the budget but would add water supply as a main focus.

M. Brown also proposed adding an additional commercial entity to the committee for a total of two on the committee whose terms would be staggered. Additionally, members of the committee would be selected based on basic qualifications including some water supply knowledge, completed water tours of facilities, completed Aurora Water courses and/or some level of exposure or familiarity with water supply in the West. CM Coombs had some concerns with residents who would like to be involved but do not meet those basic qualifications. M. Brown replied, that as long as potential members are willing to demonstrate an interest in water supply and willing to invest time in water supply education they would qualify.

M. Brown stated that the department in conjunction with the City Attorney's office and the City Clerk's office would work to draft the new bylaws and ordinance and will return to the Water Policy Committee to present once they are completed.

Outcome: Informational only.

Follow-Up Action: Information only.

6. Water Availability Resolution – Stage 1

Summary of Issue and Discussion: G. Baker gave a presentation on the advancement of the water availability stage 1 drought restrictions to be enacted in May 2023 based on the state of our current reservoir storage capacity levels.

CM Bergan asked to explain what stage 1 would entail. G. Baker stated, it would mean only two (2) days a week for outdoor irrigation instead of the three (3) day a week schedule currently in place. This will achieve a 10% savings to our storage capacity. CM Bergan was concerned for residents as the turf ordinance was already enacted as well as a ban on water features. She was also concerned with homeowner's associations (HOA's) fining residents for having brown grass due to the restrictions. M. Brown responded, those measures associated with this drought restriction are for long-term sustainability instead of responding to short-term emergencies. Part of the reasoning of bringing this to Council early is to distribute communications quickly so residents are aware and HOA's understand that we are in severe drought conditions and not to fine residents for brown grass. Additionally, if conditions improve, the Stage 1 restrictions will be lifted.

Outcome: The Committee supports the Water Availability Resolution – Stage 1 moving forwarded to the next Study Session for consideration.

Follow-Up Action: The Committee forwarded the Water Availability Resolution – Stage 1 to the next Study Session for consideration.

7. Proposed Drought Surcharge Adjustment to the Rate Ordinance

Summary of Issue and Discussion: F. Aranda gave a presentation.

CM Sundberg asked, if the impacts of the surcharge are small, how is that a dissuading factor for outdoor water usage? Additionally, wouldn't the rate increase that was just passed act as discouragement? M. Brown responded, historically, rate increases, and drought stage 1 water restrictions have not led to great reductions in outdoor water usage with residents' opting to water for longer time periods on their scheduled two-days a week. The goal with the surcharge is to offer a financial incentive to those residents who follow the suggested watering reductions. Residents who continue to water the same amount as last year, with no reduction in water usage, will see an increase in their water bill by 20%.

CM Bergan asked, if residents not using over 5,000 gallons per day are not receiving surcharges now, why would we change what we are doing? M. Brown responded, since we are not currently in a drought stage, surcharges are not in effect. CM Bergan asked, so the theory is if you go from three (3) days of outdoor watering to two (2) days of outdoor watering you would not receive the surcharges? M. Brown responded, the surcharge will be on all outdoor irrigation, but if you reduce watering to two (2) days a week, your bill will look exactly the same as last year even with the inclusion of the surcharge. Additionally, with the use of zone monitoring or smart sprinkler systems, which could provide further cost-savings through reduced outdoor watering. CM Bergan asked, if conditions improve, will the stage 1 drought restriction be lifted? M. Brown stated yes, and the surcharges will go dormant.

CM Coombs suggested looking at how we can assist residents with large back yards who cannot afford to replace their turf. M. Brown agreed.

Outcome: The Committee supports the Proposed Drought Surcharge Adjustment to the Rate Ordinance and forwarded to the next Study Session.

Follow-Up Action: The Committee supports the Proposed Drought Surcharge Adjustment to the Rate Ordinance and will forward to the next Study Session.

8. Miscellaneous Matters for Consideration

Summary of Issue and Discussion: None.

Outcome: Informational only.

Follow-Up Action: Information only.

9. Confirm Next Meeting

The next meeting is scheduled for February 15, 2023, 10:30 a.m. via WebEx.



CITY OF AURORA

Council Agenda Commentary

Item Title: Auto Theft Penalty Enhancement (Resolution)
Item Initiator: Councilmember Dustin Zvonek
Staff Source/Legal Source: Pete Schulte, Public Safety Client Group Manager, City Attorney
Outside Speaker: N/A
Council Goal: 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Sponsor: Dustin Zvonek, Council Member
Pete Schulte, Public Safety Client Group Manager, City Attorney
Estimated time: 15 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Federal, State & Intergovernmental Relations

Policy Committee Date: 1/27/2023

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input type="checkbox"/> Minutes Not Available |

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Resolution passed through FSIR on 1/27, 2-1 vote.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This Resolution provides City Support to the Colorado Assembly to amend state statutes to increase the penalty for motor vehicle theft and related offenses statewide

QUESTIONS FOR COUNCIL

Does council wish to support encouraging the Colorado Assembly to amend state statutes to increase the penalty for motor vehicle theft and related offenses statewide?

LEGAL COMMENTS

Pursuant to City Code Section 2-32, City Council has the power conferred by the State Constitution, statute, or City Charter, and such as it shall deem necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the City and the inhabitants thereof. (Schulte)

PUBLIC FINANCIAL IMPACT

☐ YES ☒ NO

If yes, explain: N/A

PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

RESOLUTION NO. R2023- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, URGING THE STATE OF COLORADO GENERAL ASSEMBLY TO PASS LEGISLATION IN 2023 TO REMOVE THE ELEMENT OF “VALUE” FOR MOTOR VEHICLE THEFT AND TO INCREASE THE PENALTY FOR COMMITTING MOTOR VEHICLE THEFT AND RELATED OFFENSES

WHEREAS, motor vehicle theft across the State of Colorado has increased over 86% from 2019 to 2021. As shown below, from 2019 to 2021, the number of *reported* motor vehicle thefts in the City of Aurora to the Aurora Police Department has increased over 239%, with 2022 showing an increase of over 23% from 2021; and

Year	Number of MVT Offense Reports
2019	2325
2020	3967
2021	5569
2022	6854 (prelim.)

WHEREAS, since 2019, there has been a 1,556% increase in catalytic converter thefts across the State of Colorado. In 2021 alone, 2,485 Coloradoans were the victims of catalytic converter theft; and

WHEREAS, motor vehicle and catalytic converter theft impact victims through disruption of their lives by having to work with insurance companies and securing alternative transportation, as well as the psychological mistrust resulting from the theft; and

WHEREAS, where crime rates have increased in major cities nationwide after the onset of the COVID-19 pandemic, most states have experienced an overall decrease in crime. Colorado, however, has experienced the fourth largest increase in overall crime from 2019 to 2021. Colorado continues to see an increase in crime today, much higher than the national average; and

WHEREAS, law enforcement consistently report that stolen cars are often used in the commission of other serious offenses, including, but not limited to, burglaries, drug dealing, assaults, organized crime, murder, and aggravated robberies; and

WHEREAS, the 2021 Colorado Assembly passed SB21-271, effective March 1, 2022, that reclassified certain state criminal offenses from felonies to misdemeanors, including motor vehicle theft of vehicles with a value of less than \$2,000, making those thefts a Class 1 Misdemeanor punishable by up to 364 days in jail and a fine of not more than \$1,000 and reduced the penalty for theft of motor vehicle parts as defined in C.R.S. § 42-5-104 to a petty offense; and

WHEREAS, after the 2021 amendment, “value” of a vehicle determines the level of offense, where, as an example, a person who steals a vehicle valued at \$100,000.00, the offender is likely to be charged with a class 3 felony, whereas theft of a vehicle valued at \$1,900.00 will see the offender charged with a misdemeanor. This value-based approach is fundamentally unfair and provides less access to justice to those who are more likely to be socio-economically disadvantaged by this crime; and

WHEREAS, Colorado Governor Jared Polis, in a letter to the Colorado Commission on Criminal and Juvenile Justice on September 15, 2022, called for increased penalties for people convicted of auto theft by stating that “the Commission to work at a deliberate and expeditious pace, especially as it pertains to recommendations for auto theft sentencing changes that will reduce auto theft offenses”; and

WHEREAS, motor vehicle theft under the Aurora Municipal Code Sec. 94-75 is punishable by a jail sentence of up to 364 days and a fine of not more than \$2,650.00 in the Aurora Municipal Court, regardless of the value of the vehicle stolen; and

WHEREAS, increasing the penalty for motor vehicle theft and related offenses and removing the monetary value as an element of the offense of motor vehicle theft in the entire State of Colorado will help reduce the instances of these offenses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. Council hereby supports that the penalty for all instances of the state offense of motor vehicle theft be increased to a felony offense and to add increased penalties for those offenders who have been previously convicted of the offense.

Section 2. Council directs the City Manager to take proactive measures to push the Colorado General Assembly in the current 2023 Colorado legislative session to pass legislation to remove the monetary value of a motor vehicle as an element of motor vehicle theft in state law and to increase penalties for motor vehicle theft and other related state offenses as stated in Section 1.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are expressly repealed.

RESOLVED AND PASSED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:



PETER A. SCHULTE, Public Safety Client Group Manager



CITY OF AURORA

Fiscal Impact Form

Item Title: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, URGING THE STATE OF COLORADO GENERAL ASSEMBLY TO PASS LEGISLATION IN 2023 TO REMOVE THE ELEMENT OF "VALUE" FOR MOTOR VEHICLE THEFT AND TO INCREASE THE PENALTY FOR COMMITTING MOTOR VEHICLE THEFT AND RELATED OFFENSES

Staff contact: Liz Rogers, Intergovernmental Relations Manager

Staff Source/Legal Source: George Koumantakis

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A



CITY OF AURORA

Council Agenda Commentary

Item Title: Juvenile Beds Legislation (Resolution)
Item Initiator: Dustin Zvonek, Council Member
Staff Source/Legal Source: Peter Schulte, Public Safety Client Group Manager, City Attorney
Outside Speaker: N/A
Council Goal: 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Sponsor: Dustin Zvonek, Council Member
Pete Schulte, Public Safety Client Group Manager, City Attorney
Estimated time: 15 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Federal, State & Intergovernmental Relations

Policy Committee Date: 1/27/2023

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

Resolution passed through FSIR on 1/27, 2-1 vote.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

This Resolution provides City Support to the Colorado Assembly to amend state statutes to remove the arbitrary "cap" on juvenile detention beds

QUESTIONS FOR COUNCIL

Does council wish to support encouraging the Colorado Assembly to amend state statutes to remove the arbitrary "cap" on juvenile detention beds?

LEGAL COMMENTS

Pursuant to City Code Section 2-32, City Council has the power conferred by the State Constitution, statute, or City Charter, and such as it shall deem necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the City and the inhabitants thereof. (Schulte)

PUBLIC FINANCIAL IMPACT

- ☐ YES ☒ NO

If yes, explain: Potential Public Financial impact will be on state budget, not city budget.

PRIVATE FISCAL IMPACT

- ☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: N/A

RESOLUTION NO. R2023- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
URGING THE STATE OF COLORADO GENERAL ASSEMBLY TO PASS LEGISLATION
IN 2023 TO REMOVE THE ARBITRARY “CAP” ON AVAILABLE “BEDS” IN JUVENILE
DETENTION FACILITIES

WHEREAS, there has been a drastic increase in the number of violent crimes being committed by juveniles in Aurora and the State of Colorado, as statistics from the Colorado Division of Youth Services show an increase of 16% in aggravated assaults with a firearm committed by juveniles from 2016 to 2021 and an increase of over 141% of juveniles committing homicide from 2017-2021; and

WHEREAS, in Aurora, the Aurora Police Department has seen a stark increase in violent crime committed by juveniles, most recently on November 30, 2022, when juveniles opened fire on Aurora police officers at a shopping center near East 6th Ave and Peoria St; and

WHEREAS, it was discovered that one of the juveniles involved in that shootout with Aurora police was wanted on multiple charges for motor vehicle theft and possession of a weapon and was wearing a disabled Division of Youth ordered leg monitor; and

WHEREAS, many juveniles who are taken into custody by police already have active cases in the criminal justice system but have been released due to the limitations in state law; and

WHEREAS, currently, Sec. 19-2.5-1514 of the Colorado Revised Statutes limits the number of available juvenile detention beds statewide to two hundred and fifteen (215); and

WHEREAS, prior to 2021, the number of juvenile detention beds statewide was limited to three hundred twenty-seven (327), and reduced in 2021 to its current number of 215 by the Colorado Assembly with no justification; and

WHEREAS, this limitation of juvenile detention beds set arbitrarily by the Colorado Assembly limits the ability for the judicial districts to take violent juvenile offenders off the street for committing violent criminal offenses and thereby preventing them from committing further crimes; and

WHEREAS, in order for the juvenile justice system to work, judges in Colorado need to always have all sentencing options available to rehabilitate juveniles who commit violent crimes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, THAT:

Section 1. Council hereby supports legislation in the 2023 Colorado Assembly legislative session to remove the arbitrary “juvenile detention bed cap” based in state law in order to ensure Judges in Colorado have all sentencing options available when adjudicating juveniles accused of violent crime.

Section 2. Council directs the City Manager to take proactive measures to push the Colorado General Assembly in the current 2023 Colorado legislative session to pass legislation to accomplish the goals identified in Section 1.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are expressly repealed.

RESOLVED AND PASSED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:



PETER A. SCHULTE, Public Safety Client Group Manager



CITY OF AURORA

Fiscal Impact Form

Item Title: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, URGING THE STATE OF COLORADO GENERAL ASSEMBLY TO PASS LEGISLATION IN 2023 TO REMOVE THE ARBITRARY “CAP” ON AVAILABLE “BEDS” IN JUVENILE DETENTION FACILITIES

Staff contact: Liz Rogers, Intergovernmental Relations Manager

Staff Source/Legal Source: George Koumantakis

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A



CITY OF AURORA

Council Agenda Commentary

Item Title: Proposed Drought Surcharge Change to Rate (Ordinance)
Item Initiator: Fernando Aranda, Rate Analyst, Aurora Water
Staff Source/Legal Source: Marshall Brown, General Manager, Aurora Water / Ian Best, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: 2/13/2023

ITEM DETAILS:

Marshall Brown, General Manager, Aurora Water / Ian Best, Assistant City Attorney
Estimated time: 20 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Water Policy

Policy Committee Date: 1/18/2023

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |

☒ Minutes Attached

☐ Minutes Not Available

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

On January 18, 2023, the Water Policy Committee supported moving the APPROVAL OF AN ORDINANCE amending section 138-223 of the City Code pertaining to service for the provision of water forward to Study Session.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

In anticipation of a request for a drought declaration for 2023, staff began preparation for messaging on drought surcharges included in the rates ordinance approved in 2022. These surcharges are triggered by Water Availability Stage declarations, beginning at Stage I. The surcharges serve two functions: 1) to provide incentives for outdoor water use reductions to help meet the target goals identified in the Water Management Plan; and 2) to help fund opportunistic water leases to assist with reservoir recovery during and following a drought.

The current surcharges were projected to be challenging for multifamily and commercial rate classes, which use an allocation method that does not delineate indoor use for properties that have a single meter for both indoor and irrigation use. The residential rate class currently recognizes the indoor use component through the existing tier structure, with tier 1 reflecting indoor use which is exempt from surcharges. Current surcharges for the residential rate only apply to tier 2 and above. This proposed change to the surcharges through the Rate Ordinance will correct the multifamily and commercial challenge by providing an indoor use component based on the winter quarter average calculation used for sewer charges. To be consistent, this change will also be applied to the residential class.

QUESTIONS FOR COUNCIL

Does the City Council of the City of Aurora support moving the APPROVAL OF AN ORDINANCE amending section 138-223 of the City Code pertaining to service for the provision of water forward to the next Council meeting?

LEGAL COMMENTS

City Charter authorizes the City Council to establish, by ordinance, rates, rules, regulations, and extension policies, for services provided by city-owned utilities. (City Charter Section 12-3) (Best)

PUBLIC FINANCIAL IMPACT

☒ YES ☐ NO

If yes, explain: See Attached Fiscal Impact Form

PRIVATE FISCAL IMPACT

☐ Not Applicable ☐ Significant ☒ Nominal

If Significant or Nominal, explain: This drought surcharge adjustment will result in increased cost for higher water use for outdoor irrigation. Should outdoor water reductions achieve targeted goals of 20%, this adjustment would be cost neutral for customers.

ORDINANCE NO. 2023- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA,
COLORADO, AMENDING SECTION 138-223 OF THE CITY CODE PERTAINING
SERVICES FOR THE PROVISION OF WATER

WHEREAS, Aurora Water continually monitors its rates and their impacts on current and future commercial and residential customers and seeks to adjust Aurora Water rates to recognize the probability of a drought condition; and

WHEREAS, Aurora Water has prepared the “Aurora Water Management Plan ” to promote efficient use of water for both indoor and outdoor purposes and to describe the rules and regulations as required by Section 138-189 of the Aurora City Code to administer the Water System; and

WHEREAS, Aurora Water’s multi-year phased residential rate structure has the goal of encouraging conservation efforts by higher volume customers while maintaining affordability for lower volume water customers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That Section 138-223 of the City Code of Aurora is hereby amended to read as follows:

Sec. 138-223. - Water rates and charges.

- (a) The water availability surcharges will be in addition to the rates described in subsection (a)(2)(a) of this section. The applied water availability surcharges for each customer shall be based on the customer's cumulative usage in each tier or rate as applicable and the approved water availability conditions stage. The water availability surcharges for each customer class shall be as follows:

- (1) *Monthly service charges.*

Effective January 1, 2023

Meter Size (Inches)	Residential, Multifamily and Commercial	Irrigation
5/8 and 3/4	\$13.51	\$12.91
1 and 1 1/4	\$20.66	\$18.91
1 1/2	\$32.58	\$28.90

2	\$46.90	\$40.91
3	\$85.04	\$72.90
4	\$127.95	\$108.89
6	\$247.18	\$208.88
8	\$505.74	\$328.84

- (2) a. *Metered water rates.* The rate for water used each billing period by each customer class shall be as follows:

Residential
Effective January 1, 2023

Tier 1	0 5,000 gallons, per 1,000	\$5.63
Tier 2	5,001—10,000 gallons, per 1,000	\$6.53
Tier 3	10,001 — 20,000 gallons, per 1,000	\$7.35
Tier 4	20,001 gallons and over, per 1,000	\$11.55

Effective January 1, 2023

	Multifamily	Commercial	Irrigation
Cost per 1,000 gallons used up to 100% of customer's annual block allocation	\$5.98	\$6.29	\$7.68
Cost per 1,000 gallons used greater than 100% of customer's annual block allocation	\$6.58	\$6.92	\$8.46

- b. *Water availability surcharges.* Prior to imposing any water availability surcharges, the city council shall determine the water availability conditions by supplemental resolution. The water availability surcharges shall be in effect until further action by council.

The water availability surcharges will be in addition to the rates described in subsection (a)(2)(a) of this section. The applied water availability surcharges for each customer shall be based on the customer's cumulative usage in each tier or rate as applicable and the approved water availability conditions stage on usage above

the customer's average monthly winter water consumption computed from meter readings taken during the winter period (winter quarter average). For purposes of this section, the term "winter period" and the method of computing winter quarter average shall be defined in rules and regulations promulgated by the director of water. The water availability surcharges for each customer class shall be as follows:

~~Surcharges for Residential and Multifamily
With Less Than Five Individual Units
Effective January 1, 2023~~

Water Availability Conditions					
Tier	Water availability conditions	Normal	Stage I	Stage II	Stage III
I	Surcharge per 1,000 gallons used up to 5,000 gallons	\$0.00	\$0.00	\$0.00	\$0.00
II	Surcharge per 1,000 gallons used for 5,001 to 10,000 gallons	-0.00	\$0.91	\$2.72	\$8.21
III	Surcharge per 1,000 gallons used for 10,001 to 20,000 gallons	-0.00	\$1.00	\$2.98	\$9.00
IV	Surcharge per 1,000 gallons used for 20,001 gallons and over	-0.00	\$1.54	\$4.59	\$13.84

~~Surcharges for Multifamily With Five or More Units
Effective January 1, 2023~~

Water Availability Conditions				
Allowed water usage for tiers	Normal	Stage I	Stage II	Stage III
Surcharge per 1,000 gallons used up to 100% of customer's annual block allocation	\$0.00	\$0.91	\$2.72	\$8.20
Surcharge per 1,000 gallons used greater than 100% of customer's annual block allocation	-0.00	\$1.00	\$2.99	\$9.01

~~Surcharges for Commercial
Effective January 1, 2023~~

Water Availability Conditions				
Allowed water usage for tiers	Normal	Stage I	Stage II	Stage III
Surcharge per 1,000 gallons used up to 100% of customer's annual block allocation	\$0.00	\$0.94	\$2.80	\$8.46
Surcharge per 1,000 gallons used greater than 100% of customer's annual block allocation	\$0.00	\$1.03	\$3.08	\$9.30

**Surcharges for Residential, Multifamily and Commercial
Effective April 1, 2023**

Water Availability Conditions				
Allowed water usage for tiers	Normal	Stage I	Stage II	Stage III
Surcharge per 1,000 gallons used up to 110% of winter quarter average	\$0.00	\$0.00	\$0.00	\$4.20
Surcharge per 1,000 gallons used above 110% winter quarter average	\$0.00	\$1.95	\$7.60	\$12.60

**Surcharges for Irrigation
Effective ~~January 1, 2023~~ April 1, 2023**

Water Availability Conditions				
Allowed water usage for tiers	Normal	Stage I	Stage II	Stage III
Surcharge per 1,000 gallons used up to 100% of customer's annual block allocation	\$0.00	\$1.15 \$1.95	\$3.42 \$7.20	\$15.49 \$12.60
Surcharge per 1,000 gallons used greater than 100% of customer's annual block allocation	\$0.00	\$1.26 \$1.95	\$3.77 \$7.20	\$17.05 \$25.20

(b) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings ascribed to them:

- (1) A customer's "annual block allocation" is an individualized annual water budget amount allocated to each commercial, irrigation, and multifamily with five or more units for use in each calendar year. The annual block allocation shall be determined by the projected demand of the commercial, multi-family, irrigation or mixed use user as defined in the city water engineer standards and specifications. Unused allocation amounts will not carry to subsequent years. The director may establish a review or appeal process and pursuant to such review or appeal process may adjust a customer's annual block allocation if the director determines that the customer's current annual block allocation is not appropriate, provided that the director determines the customer is using best water management practices, the customer is not wasting water, and the customer can clearly show water efficiency measures have been implemented.
- (2) The "water management plan" shall refer to the rules and regulations established by the director of water regarding water allocation, usage restrictions, and conservation adopted pursuant to section 2-3.
- (3) The term "residential" shall mean single-family detached, individually metered single-family attached, and multifamily users. The terms single-family detached, single-family attached and multifamily will have the same definitions as in section 138-221.
- (4) The term "multi-family" shall mean multifamily users and existing master metered single-family attached. The terms single-family attached and multifamily will have the same definition as section 138-221.
- (5) "Irrigation users" are those accounts that consume water only for irrigating external lawn areas or areas covered with vegetation.
- (6) The term "commercial" shall mean commercial users as defined in section 138-221.
- (7) "Construction and hydrant water users" are users that obtain water service through a hydrant meter.
- (8) The term "water service" shall mean the retail sale of water and all services attendant thereto by the city to single-family detached, single-family attached, multifamily, commercial, and irrigation users. Water service shall not include the sale or trade of water by the city to a municipal or quasi-municipal water supplier for resale or use by such water supplier in accordance with such terms and conditions as the city council may establish.
- (9) The term "base rate" shall mean the adopted charges for water services described in subsection (a)(2)(a) of this section.

(c) *Private fire protection service.*

Fire Line Tap Size (Inches)	Monthly Service Charge Inside City Effective January 1, 2023
2	\$2.42
3	\$5.28
4	\$9.51
6	\$21.14

8	\$36.24
10	\$57.38
12	\$75.50

- (d) *Outside city.* The council shall have the sole and exclusive authority to contract to furnish water service outside the city limits and to determine and classify all uses therefor. Whenever a contract is made to furnish water service outside of the city limits, the city council may establish a rate for furnishing water service, which rate may be one and one-half times the in-city rate unless other consideration is recommended by the director. Factors the city council will consider establishing such rate include, but are not limited to, water acquisition costs, transportation costs, treatment costs, debt service costs, infrastructure development costs, improvement and maintenance costs, and any potential offsetting benefit to the water utility or the City. In such outside city contracts, the city council may also require payment of a service connection fee not less than one and one-half times the in-city fee for each tap or tap equivalent which is to receive water from the city unless other consideration is recommended by the director of city water.
- (e) *Nonpotable irrigation water service.* Internal city charges for nonpotable irrigation water services shall be determined by the city manager or designee in accordance with section 2-587.
- (f) *Construction and hydrant water.* The following charges are established for water service furnished through a hydrant meter:

- (1) *Monthly service charge.* The monthly service meter charge shall be as follows:

Meter Size (Inches)	Monthly Charge Effective January 1, 2023
3/4	\$12.62
3	\$80.04

- (2) *Water usage rate.* All water furnished shall be charged at the rate of \$10.19 effective January 1, 2023 per 1,000 gallons.
- (g) *Public fire protection service.* An annual fee shall be paid to the water department by the fire department responsible for fire protection service within the limits of the city. The amount of such fee shall be established by the director of water in accordance with the provisions of section 2-587.
- (h) Water service may be provided to customers within city water service area by other service providers when approved by the director of city water by written agreement. The rates paid by these customers will be the rates established by the outside service provider.

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. The Mayor and City Clerk are hereby authorized to execute the ordinance in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

Section 4. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 5. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Ian J Best *RLA*

IAN BEST, Assistant City Attorney

The background of the slide is a close-up photograph of water. The water is dark blue and black, with numerous bright, out-of-focus light reflections scattered across the surface, creating a bokeh effect. The text is overlaid on this background.

Aurora Water

Drought Pricing Proposal 2023

Agenda

- Existing Surcharges
- Challenges
- Proposed New Methodology
- Next Steps

Existing Surcharges

Drought Surcharges				
Water Management Plan Stages	Existing Rates	Stage I	Stage II	Stage III
Water Availability Condition		Severely Dry	Exceptionally Dry	Emergency Conditions
Conservation factor (Outdoor Use)		20%	50%	100%
Existing Drought Surcharges per Code				
Residential Surcharges		15%	46%	138%
Block 1 (0-5Kgals)	\$5.63	\$0.00	\$0.00	\$0.00
Block 1 (6-20Kgals)	\$6.53	\$0.91	\$2.72	\$8.21
Block 2 (21-40Kgals)	\$7.35	\$1.00	\$2.98	\$9.00
Block 3 (>41Kgals)	\$11.55	\$1.54	\$4.59	\$13.84
Commercial Surcharges				
Block 1	\$6.29	\$0.94	\$2.80	\$8.46
Block 2	\$6.92	\$1.03	\$3.08	\$9.30
Multifamily Surcharges				
Block 1	\$5.98	\$0.91	\$2.72	\$8.20
Block 2	\$6.58	\$1.00	\$2.99	\$9.01
Irrigation Surcharges				
Block 1	\$7.68	\$1.15	\$3.42	\$15.49
Block 2	\$8.46	\$1.26	\$3.77	\$17.05

Existing Surcharges

- Can be implemented starting in April 2023
- Surcharges apply to all usage throughout the year
- **How it works**
 - Only residential 0-5Kgals is not surcharged
 - Surcharges follows existing rate structure

WQA Option

- Can be implemented starting in April 2023
- **How it works**
 - Winter Quarter Average (WQA) – Dec-Jan-Feb usage average
 - Only usage above WQA+10% is subject to the surcharge
 - 10% Cushion to help customers with variance during winter
 - A Minimum WQA floor of 5,000 gallons is established for residential customers this helps snowbirds and small families
 - Irrigation customers are surcharged on all usage

Pros and Cons

Options	Pro	Cons
Existing Surcharges	<ul style="list-style-type: none"> • Existing structure • Lower Surcharges 	<ul style="list-style-type: none"> • Impact customers with no outdoor usage (MF & Com) • Surcharges apply to all year usage • Large families are affected
WQA Option (Winter Quarter Consumption)	<ul style="list-style-type: none"> • Impact mainly customers with outdoor usage • Recognize Large family's indoor usage • Affects mainly usage during summer 	<ul style="list-style-type: none"> • Requires education to customers • Strange pattern customers with no outdoor usage may be affected

Drought Model Results – Stage 1 -WQA

	Stage 1	Stage 2	Stage 3
Residential Surcharges			
Up to 110% WQA	\$0.00	\$0.00	\$4.20
Over 110% WQA	\$1.95	\$7.60	\$12.60
Commercial Surcharges			
Up to 110% WQA	\$0.00	\$0.00	\$4.20
Over 110% WQA	\$1.95	\$7.60	\$12.60
Multifamily Surcharges			
Up to 110% WQA	\$0.00	\$0.00	\$4.20
Over 110% WQA	\$1.95	\$7.60	\$12.60
Irrigation Surcharges			
All Usage	\$1.95	\$7.60	\$25.20

Customer Impact Example

Average Customer

Item	Average Usage	Usage after 20% Outdoor Reduction	Existing Bill	Proposed Bill after reduction and Surcharge
Total	88.0	82.6	\$689.48	\$693.14
AWC	5 .0		Annual \$ impact	\$3.66
			Annual % Impact	0.53%

High Water User

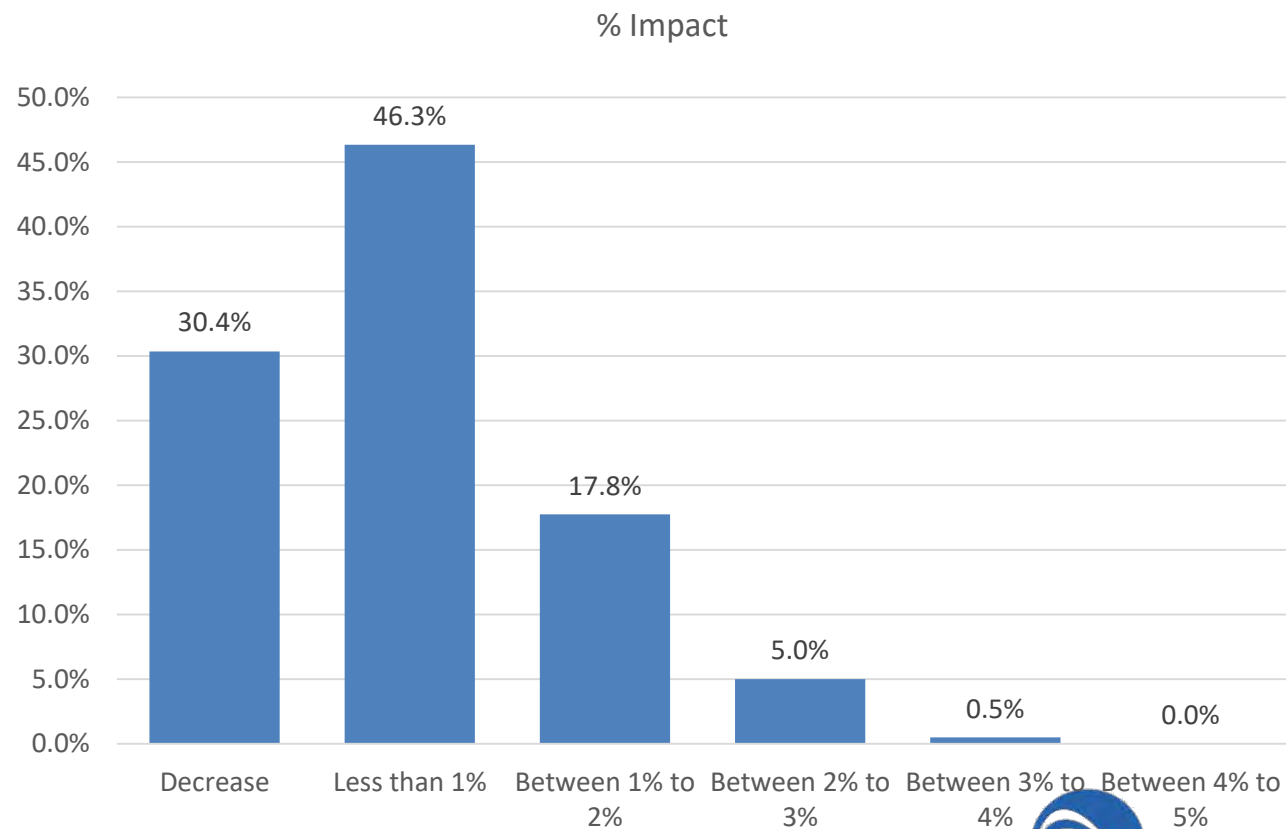
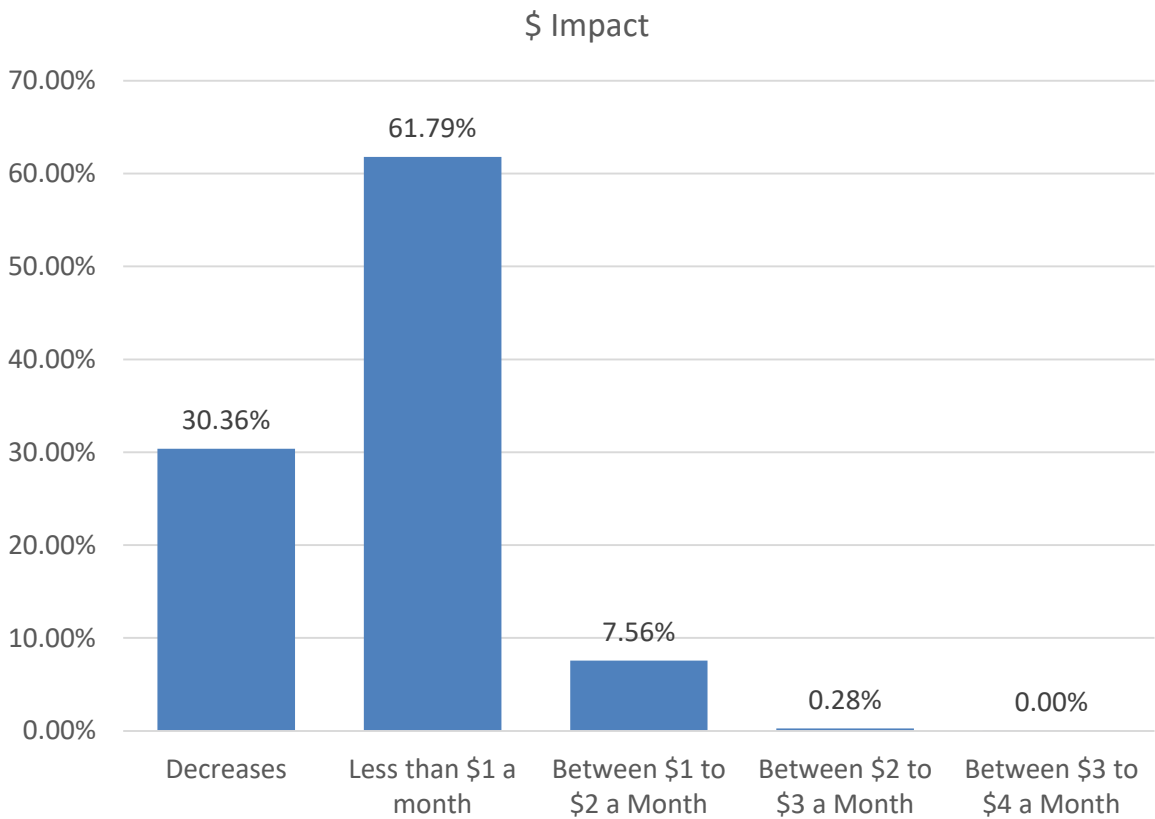
Item	Average Usage	Usage after 20% Outdoor Reduction	Existing Bill	Proposed Bill after reduction and Surcharge
Total	104.0	98.1	\$797.08	\$800.35
AWC	6.0		Annual \$ impact	\$3.27
			Annual % Impact	0.41%

Unsustainable Water User

Month	Average Usage	Usage after 20% Outdoor Reduction	Existing Bill	Proposed Bill after reduction and Surcharge
Total	151	142.24	\$1,136.17	\$1,131.71
AWC	8.7		Annual \$ impact	(\$4.46)
			Annual % Impact	-0.39%



Impacts Residential Customers



AURORA
WATER

Impacts are small because surcharges only recover revenue losses due to decrease

Next-Steps

- Proposing the WQA option \$1.95/thousand gallons drought surcharge
- Communications plan
 - “All hands” approach to educate customers on surcharge impacts and options
 - NewsAurora & This is Aurora
 - Social media
 - Traditional media
 - Drought mailer to all customers
 - Aurora8
 - Ward meetings

Next-Steps

- Schedule
 - Citizens' Water Advisory Committee – January 10, 2023
 - Water Policy Committee – January 18, 2023
 - Study Session – February 6, 2023
 - Regular Session – February 13, 2023
 - 1st Publication - February 16, 2023
 - Final Reading – February 27, 2023
 - 2nd Publication – March 2, 2023
 - Reconsideration ends – March 13, 2023
 - Effective date – April 1, 2023

Water Policy Committee (WPC) Meeting
January 18, 2023

Members Present: Council Member Steve Sundberg Chair, Council Member Alison Coombs Vice Chair, Council Member François Bergan

Absent:

Others Present: Casey Rossman, Greg Baker, Marshall Brown, Rachel Allen, Fernando Aranda, Ian Best, Dan Brotzman, Steve Cann, Alex Davis, Dick Eason, Steve Fiori, Michelle Gardner, Sonya Gonzalez, Dan Mikesell, John Murphy, Gail Thrasher, Tim York, Sarah Young, Adam Waters, Abba Ahmed, Morgan Hopkins-Crawly, Diana Denwood, Eric Schneider

1. Approval of Minutes

The December 20, 2022, meeting minutes were approved as presented.

2. Consent Items

- A. Construction Change Order Report
- B. Monthly Water Supply Update

Summary of Issue and Discussion: CM Bergan asked how the reservoirs are doing in terms of storage? J. Murphy replied, at the end of December, we are about 55% of storage capacity. CM Sundberg asked, how does that compare to last year? J. Murphy replied, at the end of December of last year, the reservoirs had 10,000 acre feet more of storage than this year. G. Baker added, we can project out to early April when we start to see run-off and we will probably be about 48-49% of storage capacity which is lower than we have been since 2013.

Outcome: The Consent items were supported as presented.

Follow-Up Action: The Consent items were supported as presented.

3. Citizen's Water Advisory Committee (CWAC) Quarterly Report

Summary of Issue and Discussion: D. Eason gave an overview of who CWAC is, their purpose and what the Water Policy Committee can expect to hear with their quarterly reports.

Outcome: Informational only.

Follow-Up Action: Informational only.

4. Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement

Summary of Issue and Discussion: A. Ahmed gave a presentation.

CM Bergan asked, if the cloud-seeding only took place until April? A. Ahmed responded, yes, it takes place from November to April and is based on climate, we cannot seed without the right temperature. CM Bergan asked, why Colorado Springs had pulled out of the agreement? A. Davis replied, it had a lot to do with the leadership at Colorado Springs, who were opposed to the program. However, with new leadership, we are hoping they will participate in the program again.

CM Coombs asked, with the escalating costs, if more partners were involved, would that lower the cost for each partner and if we will expect a continued escalation of the cost of actual materials for this project? A. Ahmed responded, yes, the more partners that are involved, the lower the cost depending on each partner's budget. However, costs are also dependent on market forces which are also a factor in the increasing cost, this is especially true when transitioning from manual to automatic generators.

CM Bergan asked, is the transition to the automatic generators a significant cost difference? Or are we just trying to phase those in? A. Ahmed replied, we are slowly phasing in the automatic generators, but the manual generators are still effective.

Outcome: The Committee supports the Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement and forwarded to the next Study Session for consideration.

Follow-Up Action: The Committee supports the Central Colorado Mountains River Basin Weather Modification Program Cost-Sharing Agreement and will forward to the next Study Session for consideration.

5. Citizen's Water Advisory Committee (CWAC) Restructure Proposal

Summary of Issue and Discussion: M. Brown discussed restructuring CWAC to become more involved with challenges in the water supply space including evaluating water supply proposals, reviewing large projects who may use a lot of water but may add a substantial economic value to the city, evaluating extra territorial requests to provide water outside our service area, and annexations that may have water supply implications. CWAC is supportive of the restructure.

CM Bergan responded with concerns about adding bureaucracy to the process, especially on annexations and large projects which is Council's responsibility to make decisions on. CM Bergan added, she did not have an issue with CWAC reviewing water supply proposals but has concerns with the other suggestions which may add an extra step when they can come to executive session for evaluation. M. Brown responded, that we do bring the extra territorial and annexation request to executive session however, the large projects proposals are not historically brought to executive session and are evaluated by staff based on potential water usage. CM Bergan suggested developing formal guidelines for evaluating large projects and bringing those to Council for approval. M. Brown responded, we are planning on doing that for potential large users, but we would be able to utilize CWAC for users proposing large gallon per day usage. The developer will have the opportunity to present to CWAC which will provide an additional perspective as well as an alternative to developers lobbying to individual Council Member's. CM Bergan stated she is agreeable to CWAC evaluating water supply proposals and large projects but would prefer the extra territorial requests and annexations continue to be presented to Council. M. Brown agreed.

CM Coombs added, she would like to see CWAC evaluate the budget as well due to the high interest from residents. M. Brown stated, CWAC would still be involved in reviewing the budget but would add water supply as a main focus.

M. Brown also proposed adding an additional commercial entity to the committee for a total of two on the committee whose terms would be staggered. Additionally, members of the committee would be selected based on basic qualifications including some water supply knowledge, completed water tours of facilities, completed Aurora Water courses and/or some level of exposure or familiarity with water supply in the West. CM Coombs had some concerns with residents who would like to be involved but do not meet those basic qualifications. M. Brown replied, that as long as potential members are willing to demonstrate an interest in water supply and willing to invest time in water supply education they would qualify.

M. Brown stated that the department in conjunction with the City Attorney's office and the City Clerk's office would work to draft the new bylaws and ordinance and will return to the Water Policy Committee to present once they are completed.

Outcome: Informational only.

Follow-Up Action: Information only.

6. Water Availability Resolution – Stage 1

Summary of Issue and Discussion: G. Baker gave a presentation on the advancement of the water availability stage 1 drought restrictions to be enacted in May 2023 based on the state of our current reservoir storage capacity levels.

CM Bergan asked to explain what stage 1 would entail. G. Baker stated, it would mean only two (2) days a week for outdoor irrigation instead of the three (3) day a week schedule currently in place. This will achieve a 10% savings to our storage capacity. CM Bergan was concerned for residents as the turf ordinance was already enacted as well as a ban on water features. She was also concerned with homeowner's associations (HOA's) fining residents for having brown grass due to the restrictions. M. Brown responded, those measures associated with this drought restriction are for long-term sustainability instead of responding to short-term emergencies. Part of the reasoning of bringing this to Council early is to distribute communications quickly so residents are aware and HOA's understand that we are in severe drought conditions and not to fine residents for brown grass. Additionally, if conditions improve, the Stage 1 restrictions will be lifted.

Outcome: The Committee supports the Water Availability Resolution – Stage 1 moving forwarded to the next Study Session for consideration.

Follow-Up Action: The Committee forwarded the Water Availability Resolution – Stage 1 to the next Study Session for consideration.

7. Proposed Drought Surcharge Adjustment to the Rate Ordinance

Summary of Issue and Discussion: F. Aranda gave a presentation.

CM Sundberg asked, if the impacts of the surcharge are small, how is that a dissuading factor for outdoor water usage? Additionally, wouldn't the rate increase that was just passed act as discouragement? M. Brown responded, historically, rate increases, and drought stage 1 water restrictions have not led to great reductions in outdoor water usage with residents' opting to water for longer time periods on their scheduled two-days a week. The goal with the surcharge is to offer a financial incentive to those residents who follow the suggested watering reductions. Residents who continue to water the same amount as last year, with no reduction in water usage, will see an increase in their water bill by 20%.

CM Bergan asked, if residents not using over 5,000 gallons per day are not receiving surcharges now, why would we change what we are doing? M. Brown responded, since we are not currently in a drought stage, surcharges are not in effect. CM Bergan asked, so the theory is if you go from three (3) days of outdoor watering to two (2) days of outdoor watering you would not receive the surcharges? M. Brown responded, the surcharge will be on all outdoor irrigation, but if you reduce watering to two (2) days a week, your bill will look exactly the same as last year even with the inclusion of the surcharge. Additionally, with the use of zone monitoring or smart sprinkler systems, which could provide further cost-savings through reduced outdoor watering. CM Bergan asked, if conditions improve, will the stage 1 drought restriction be lifted? M. Brown stated yes, and the surcharges will go dormant.

CM Coombs suggested looking at how we can assist residents with large back yards who cannot afford to replace their turf. M. Brown agreed.

Outcome: The Committee supports the Proposed Drought Surcharge Adjustment to the Rate Ordinance and forwarded to the next Study Session.

Follow-Up Action: The Committee supports the Proposed Drought Surcharge Adjustment to the Rate Ordinance and will forward to the next Study Session.

8. Miscellaneous Matters for Consideration

Summary of Issue and Discussion: None.

Outcome: Informational only.

Follow-Up Action: Information only.

9. Confirm Next Meeting

The next meeting is scheduled for February 15, 2023, 10:30 a.m. via WebEx.



CITY OF AURORA

Fiscal Impact Form

Item Title: Proposed Drought Surcharge Adjustment to the Rate Ordinance

Staff contact: Fernando Aranda, Rate Analyst, Aurora Water

Staff Source/Legal Source: Fernando Aranda, Rate Analyst, Aurora Water / Ian Best, Asst. City Attorney

TYPE OF FISCAL IMPACT

Select all that apply.

- ☒ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☐ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

This drought surcharge adjustment should result in reduced outdoor water use. Should outdoor water use rise above the 20% targeted reduction, the result will be increased revenue. If outdoor water reductions achieve the targeted goal of 20%, this adjustment would be revenue neutral.

Org: 0500 (Water Ops Fund Admin)

Account: 45240 (Utility Sales – Drought Surcharge)

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A



CITY OF AURORA

Council Agenda Commentary

Item Title: Civil Service Commissioners Classification and Compensation (Ordinance)
Item Initiator: Ryan Lantz, Director of Human Resources (requested by Matt Cain, Civil Service Administrator)
Staff Source/Legal Source: Ryan Lantz, Director of Human Resources / Kim Skaggs, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 2.1--Work with appointed and elected representatives to ensure Aurora's interests

COUNCIL MEETING DATES:

Study Session: 12/20/2022

Regular Meeting: N/A

ITEM DETAILS:

Ryan Lantz, Director of Human Resources / Kim Skaggs, Assistant City Attorney
Estimated time: 15 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Management & Finance

Policy Committee Date: 12/20/2022

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| <input checked="" type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input type="checkbox"/> Minutes Not Available |

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Two questions were asked by Matt Cain (Civil Service Administrator) on behalf of the Civil Service Commissioners:

1. Does the City consider the members of the Civil Service Commission to be employees or volunteers?
2. Should the members of the Civil Service Commission receive the inflation stipend that the City paid to employees?

Council Evaluation Committee deferred these questions to the Management and Finance Policy Committee to address.

HR and Legal presented at the November 22, 2022 Management and Finance Policy Committee Meeting providing information related to City Charter, City Practice and City Code. M&F Policy Committee requested HR to gather information related to two questions:

1. What are other Civil Service Commissions doing with Commissioner's compensation?
2. What is the recommendation for Civil Service Commissioner compensation?

The information related to the questions were presented at the December, 20, 2022 M&F Policy Committee Meeting, and approved to move forward to Study Session.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

As a result of the presentations and discussions at the November 22, 2022 and December 20, 2022 Management and Finance Policy Committee Meetings, the Committee supports the following recommendations:

1. Civil Service Commissioners should be considered volunteers and not employees
2. Civil Service Commissioners should not receive the inflation stipend that was provided to City Employees in 2022
3. Civil Service Commissioners should transition from being paid an hourly rate to receiving a monthly stipend of \$375 per month and receive \$184.43 per day of hearings

QUESTIONS FOR COUNCIL

1. Does the City consider the members of the Civil Service Commission to be employees or volunteers?
2. Should the members of the Civil Service Commission receive the inflation stipend that the City paid to employees?
3. What compensation should the Civil Service Commission receive?

LEGAL COMMENTS

Type legal comments here

Questions From the Civil Service Commission

1. Does the City consider the members of the Civil Service Commission to be employees or volunteers?
2. Should the members of the Civil Service Commission receive the inflation stipend that the City paid to employees?



City Charter

- Charter Article 3-17 creates the Civil Service Commission, but does not state whether members are employees or volunteers
- Charter Article 3-11 states that City Council “shall appoint . . . all members of the boards and commissions” and those members “shall serve at the pleasure of council and may be removed at any time, with or without cause.”
- Charter Article 3-17(2) states same specific to the Civil Service Commission members
- Charter Article 3-10 withholds from City Council the power to “direct or request the appointment of any person to, or his removal from employment by the city manager.”
- If CSC members were employees, City Council should not be able to appoint or remove them



City Practice

- City has, in practice, recruited CSC members as volunteers

FOR IMMEDIATE RELEASE



City of Aurora

Date: Oct. 30, 2018

Media Contact: Julie Patterson
Senior Public Information Officer
303.739.6617
jpatters@auroragov.org

Worth Discovering • auroragov.org

City looking for **volunteers** to serve on Civil Service Commission

AURORA, Colo. – The city of Aurora is accepting applications now for a vacancy on its Civil Service Commission, which will open in February:



City Practice

- The City has, in practice, recruited CSC members as volunteers
 - Prospective members apply through the City Clerk's Office, as with other volunteer board and commission members, not the Human Resources department

Date: <div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div>	City of Aurora APPLICATION FOR APPOINTMENT PLEASE TYPE OR PRINT CLEARLY	Ward No. <div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div>			
<u>Application kept for One Year. May Attach Resume.</u>					
Board/Commission Applying For: <div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div>					
<p>I certify that the foregoing information is true and correct.</p> <table style="width: 100%;"><tr><td style="width: 33%; text-align: center;"><div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Volunteer's name printed)</td><td style="width: 33%; text-align: center;"><div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Volunteer's signature)</td><td style="width: 33%; text-align: center;"><div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Date)</td></tr></table> <p style="text-align: center;"><u>SEND COMPLETED FORM TO:</u> CITY CLERK'S OFFICE, 15151 E. Alameda Parkway, Suite 1400, Aurora, CO 80012 PHONE: 303-739-7094 FAX: 303-739-7520.</p>			<div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Volunteer's name printed)	<div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Volunteer's signature)	<div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Date)
<div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Volunteer's name printed)	<div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Volunteer's signature)	<div style="border: 1px solid black; height: 20px; width: 100%; background-color: #cccccc;"></div> _____ (Date)			



City Code Sec. 102-69

- “Members of the civil service commission shall be paid as compensation for their services an amount equal to \$10.56 per hour or portion thereof for time actually spent as a member of the civil service commission performing those duties authorized by the Charter with a minimum of \$21.12 (two hours) and a maximum of \$84.48 (eight hours) payable for any one calendar day. Members of the civil service commission shall be paid \$150.00 per day (four hours minimum) when conducting a hearing concerning a disciplinary appeal rather than the hourly rate and without regard to the aforementioned minimum or maximum.”
- Fair Labor Standards Act (FLSA) requires employees be paid for all hours worked, and a premium rate for overtime hours, which would be inconsistent with City Code
- FLSA allows a public entity to pay volunteers a stipend



Questions From the Civil Service Commission

1. Does the City consider the members of the Civil Service Commission to be employees or volunteers?

- a. If Council wishes to treat CSC members as employees, changes to the Code and to practice are needed

2. Should the members of the Civil Service Commission receive the inflation stipend that the City paid to employees?

- a. Charter Article 3-17(2) empowers Council to set CSC member compensation by resolution



Civil Service Commission Compensation Information

Civil Service Commissioner Pay and Hours

Year	Hourly Rate	Per Hearing/Day	Avg. Monthly Pay	Avg. Hours/Month
2022	\$13.19	\$184	\$371.16	23.13
2021	\$12.32	\$179	\$435.37	24.14
2020	\$12.00	\$174	\$407.42	24.25

Average monthly pay includes hourly rate plus compensation for hearings
2022 average pay and hours reflect January to October



Questions From Management & Finance Policy Committee

1. What are other Civil Service Commissions doing with Commissioner's compensation?

- Colorado Springs – No Compensation
- Denver – \$100 per meeting (maximum \$100 per 24 hours)
- Ft. Collins – No Compensation
- Pueblo - \$250 per month

2. What is the recommendation for Civil Service Commissioner compensation?

- Monthly stipend: \$375 per month
- Per hearing: \$184.43 per day of hearing

Stipends adjusted annual in amount of Consumer Price Index or average pay change for all full-time city employees, whichever is less



ORDINANCE NO. 2023- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO,
AMENDING SECTION 102-69 OF THE CITY CODE PERTAINING TO COMPENSATION
OF MEMBERS OF THE CIVIL SERVICE COMMISSION

WHEREAS, the City Council wishes to remove any potential lack of clarity in City Code as to the status of Civil Service Commissioners as volunteers for the City of Aurora, consistent with the City's practice and all other appointed members of boards and commissions for the City; and

WHEREAS, the City Council recognizes the important civic service that the Civil Service Commissioners perform for the City of Aurora and wishes to provide the Commissioners a nominal fee for their voluntary services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. Amend Section 102-69 of the City Code of the City of Aurora, Colorado, as follows:

Sec. 102-69. - Compensation.

Members of the civil service commission **are volunteers who receive a monthly stipend of \$375 for each calendar month in which they are appointed. In addition, for any day in which a disciplinary appeal hearing is convened, members who serve on the hearing panel shall receive a daily stipend of \$184.43.** ~~shall be paid as compensation for their services an amount equal to \$10.56 per hour or portion thereof for time actually spent as a member of the civil service commission performing those duties authorized by the Charter with a minimum of \$21.12 (two hours) and a maximum of \$84.48 (eight hours) payable for any one calendar day. Members of the civil service commission shall be paid \$150.00 per day (four hours minimum) when conducting a hearing concerning a disciplinary appeal rather than the hourly rate and without regard to the aforementioned minimum or maximum. Said hourly rate, and minimum and maximum daily payment, and disciplinary hearing rate~~ **Beginning in January 2024, the monthly and daily stipend amounts** shall be modified annually in an amount equal to **either the average** cost of living increase or decrease occurring during **January through September** of the previous calendar year as determined by the United States Department of Labor Consumer Price Index for the region which includes the Denver metropolitan area or the average increase or decrease given to all **full-time** city employees **not part of the civil service system**, whichever is less.

Section 2. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 3. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this ____ day of _____, 2023.

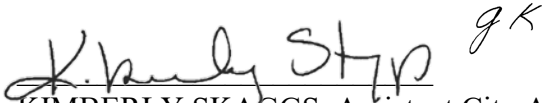
PASSED AND ORDERED PUBLISHED this ____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

 gk

KIMBERLY SKAGGS, Assistant City Attorney



CITY OF AURORA

Late Submission Approval for Agenda Item

Item Title: Civil Service Commissioners Classification and Compensation
Item Initiator: Ryan Lantz, Director of Human Resources (requested by Matt Cain, Civil Service Administrator)
Staff Source/Legal Source: Ryan Lantz, Director of Human Resources Kim Skaggs, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 2.1--Work with appointed and elected representatives to ensure Aurora's interests

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

- ☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date
- ☐ The delay will result in an adverse financial impact to the city
- ☐ The item is related to a disaster and must be addressed before the next available meeting

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: 2/6/2023

Regular Meeting: N/A

EXPLANATION: *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

Due to unconventional scheduling, there are only two Study Sessions in the first two months of 2023. If this item is not addressed in the February 6, 2023 Study Session, then it will have to wait until March 6, 2023.

This item has a financial impact on the decision of how Civil Service Commissioners are compensated by the city.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Ryan Lantz
Agenda Item Initiator Name


Agenda Item Initiator Signature

1/23/2023
Date

Laura Perry
Late Submission Approver Name


Late Submission Approver Signature

1/23/2023
Date



CITY OF AURORA

Council Agenda Commentary

Item Title: Residential Snow Plowing and Ice Removal Update
Item Initiator: Lynne Center, Deputy Director Public Works - Operations
Staff Source/Legal Source: Cindy Colip, Public Works Director / Lynne Center, Deputy Director Public Works Operations / Michelle Gardner, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 3.0--Ensure excellent infrastructure that is well maintained and operated.

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: N/A

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Sponsor: Françoise Bergan, Council Member

Cindy Colip, Public Works Director / Lynne Center, Deputy Director of Public Works Operations / Michelle Gardner, Senior Assistant City Attorney

Estimate time: 35 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input checked="" type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Transportation, Airports & Public Works

Policy Committee Date: 11/30/2022

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input checked="" type="checkbox"/> Minutes Attached | <input type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

On December 17, 2020 Staff presented a Summary of Research on Residential Plowing to Transportation, Airports and Public Works Council Policy Committee.

At the Study Session on January 4, 2021, Council approved forwarding to Regular Session an Intergovernmental Agreement with the Blackstone Metropolitan District to allow the District to plow residential streets within the Blackstone neighborhood as a pilot program.

On January 11, 2021 at a Regular Council Meeting, Council Approved the IGA with Blackstone.

On September 29, 2021 Staff presented an Analysis and Evaluation of City Provided Snow Plowing for Residential Streets to the Transportation, Airport and Public Works Council Policy Committee

On November 30, 2022, Staff presented an Analysis and Evaluation of Pilot Program for Plowing Residential Streets to Transportation, Airports and Public Works Council Policy Committee

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

Staff will present an overview of the 2022-2023 Snow and Ice Plan, provide a synopsis of research completed regarding snow plowing for residential streets and considerations including conclusions from the pilot program to allow Districts and HOAs to plow public, residential streets within their boundaries.

Since March 2019, Staff has explored options for providing snow removal for residential streets. The options explored included providing this service with City forces, Contract forces or allowing Districts and HOAs to provide this service. In 2020, Staff worked with the High Plains Metro District, which covers the Blackstone neighborhood, to develop a pilot program that would allow the District to plow public residential streets within their boundaries. On December 17, 2020, an IGA with the District for this pilot program was approved by the Transportation, Airport and Public Works Council Policy Committee and forwarded to Study Session. Council approved the IGA at the Regular Council Meeting on January 11, 2021. The IGA expired on June 30, 2022 and did not contain terms allowing for an extension of the agreement. Staff will present details of the pilot program and an analysis of the results, which were presented to Transportation, Airports and Public Works Council Policy Committee on November 30, 2022.

Per policy committee request in September 2021, staff presented an evaluation of providing snow removal on residential streets using city forces and contract forces to Transportation, Airports and Public Works Council Policy Committee. This evaluation included a cost comparison between city forces and contract forces using the City and **County of Denver's residential plowing program as a model.** The evaluation concluded that if forces are deployed more than two shifts per year, it is more cost efficient to utilize city forces, which would require additional staff and equipment. Staff will present details on this proposal with an updated cost analysis.

The Metro Area has experienced rare weather conditions that have contributed to ice buildup on residential streets and afforded little opportunity for ice to melt. Since January 1, 2023, Public Works has received 984 ice cutting requests. As of January 31st, 542 had been closed and 442 remained open. Street crews have been working every **day that it hasn't snowed, including at least one day of overtime every week, to respond to these requests.** The average time a request is open is 5-7 days. On January 30th, contractors were hired to augment city staff efforts. Staff will present information on on-going efforts and plans to respond to these requests.

QUESTIONS FOR COUNCIL

This item is for information only.

LEGAL COMMENTS

Council members have authority to place items on the Study Session agenda. Each such item shall indicate the party requesting the item. (City of Aurora City Council Rule of Order and Procedure Section B.2(a)). The City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge and to make written or verbal reports to the Council concerning the affairs of the City under his supervision. (City Charter §7-4(e)). Additionally, the City Manager shall keep the Council advised of the future needs of the City and make such recommendations to the Council for adoption as he may deem necessary or expedient. (City Charter §7-4(f)). (M. Gardner)



CITY OF AURORA

Fiscal Impact Form

Item Title: Summary of Research on Residential Snow Plowing

Staff contact: Lynne Center, Deputy Director Public Works - Operations

Staff Source/Legal Source: Lynne Center, Deputy Director Public Works – Operations / Michelle Gardner, Senior Assistant City Attorney

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☒ Non-Budgeted Expenditure Impact
☒ Workload Impact ☐ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

If Aurora were to implement a city staffed residential snow plowing program there will be on-going and one time costs to staff the program

If Aurora utilized contractors to staff residential snow plowing, depending on annual weather conditions, costs could exceed a city staffed program, depending on frequency.

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

18 operators and associated equipment are needed.

City staffed program - \$1.5M annual wages and \$1.7M equipment one time costs (3 deployments equates to \$166,704)

Contractors - \$295/operator/hour (3 deployments equate to \$191,160)

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

If the city develops a program for district/HOA plowing, two FTE's will be required for program management with estimated on-going costs of \$180,000/year and \$170,000 one time for associated equipment.

Transportation, Airports and Public Works (TAPS) Policy Committee Meeting

December 17, 2020 – DRAFT

Members Present: Council Member (CM) Juan Marcano, Chair; Council Member Angela Lawson, Vice Chair

Others Present: Scott Bauman, Scott Berg, Mac Callison, Carlie Campuzano, Lynne Center, Cindy Colip, Nancy Freed, Michelle Gardner, Haley Johansen, Matt Kozakowski, Huiliang Lui, Tom McMinimee, Lainy Palmer, Mindy Parnes, Victor Rachael, Brian Rulla, Elly Watson, Tom Worker-Braddock

1. WELCOME/INTRODUCTION

2. APPROVAL OF MINUTES

The TAPS October 22, 2020 minutes were approved as written

3. CONSENT ITEMS (None)

4. Agreement with Metropolitan District Snow Plowing Operations

Summary of Issue and Discussion:

Tom McMinimee, Streets Operations Manager, said the Streets department has been approached by different Homeowner Associations (HOA) and Metro districts to allow them to provide their own snow plowing operations during the winter. This idea has been discussed before but never moved forward partly because the HOA or Metro District found it cost prohibitive to use contractors, such as a landscape company. The City does use contractors when we get a category four event and it is very expensive.

Blackstone Metropolitan District (Blackstone) approached the City and Mr. McMinimee discussed a couple of scenarios with them. Staff started looking at what it would take for the City to allow an HOA or a Metro district to be able to provide this service on public streets. Based on discussions with City Attorney's office, the only mechanism currently available for metro districts is an intergovernmental agreement (IGA).

Details of the proposed agreement are in the presentation that is attached to these minutes. Council adoption of this resolution will approve an IGA with Blackstone by which both parties would agree to certain items and Blackstone would provide this service. Michelle Gardner, Senior Assistant City Attorney, stated this option is only available to metro districts and she can provide more information if this becomes a pilot program that would include HOAs as well. If this is a successful program Ms. Gardner would probably recommend a different mechanism so that the Public Works Director could issue a permit in lieu of having to bring a resolution to Council each time.

Nancy Freed, Deputy City Manager, reminded everyone that the City does not plow neighborhood streets except if there is a major, unusual event. Mr. McMinimee confirmed that this is correct. He stated that the City does have green routes within neighborhoods in the snow and ice control plan but typically the sun melts snow on those routes before staff is able to plow them.

Prior to engaging in snow removal operations, Blackstone would obtain any licenses and permits required to operate inside of the City right-of-way. There are provisions in the IGA to safeguard our infrastructure. For example, we require use of rubber edged blades to protect manholes and valve covers. We also use chemicals to treat streets and do not use sand. Per the agreement, Blackstone is required to submit a list of equipment they will use for staff approval. Blackstone and staff will inspect the streets to assess and document any damage present prior to the start of snow operations. At the end of the season another assessment will be done, and Blackstone will be responsible for costs to repair any damage resulting from their operations. The IGA specifies specific materials that can be used and explicitly prohibits sand.

A pre-season meeting between Blackstone and staff is required to confirm that there was communication with the homeowners to notify residents that Blackstone will be taking care of any additional needs. Blackstone is required to maintain daily logs during an event and produce a post-season report by June 1st.

The City will continue to do all the arterials around Blackstone (red routes). There is currently only one blue route in this area that will service a future school. Normally, the City would plow this route but, under this IGA, Blackstone will plow it.

Ms. Gardner added that this particular metro district reached out to the City interested in such a program and was hoping to already have this program in place. The City agreed to move forward with this one-time IGA.

Council Member (CM) Lawson asked about word of mouth getting out to other communities and how the City will message this. CM Lawson asked if the City will accept proposals and how the City will interact with the communities that may be interested in a similar program.

Mr. McMinimee said that she was correct and that if this becomes a frequent request, we can change the mechanism by proposing an ordinance through Council. The ordinance would allow a mechanism similar a standard permit process and we can refine that process as the requests are submitted. There would be a permit application process. The community would have to do some due diligence on the front end before the City would spend time and energy on the process. They would need to show adequate support from residents, similar to a special improvement district or a general improvement district, showing that a majority of people in the community are willing to take on that cost.

Council Member CM Marcano said that there is a set of persistent issues with the snow removal contractor at Danbury Park where they continue to leave snow in places including the middle of the public road. He stated that there is a mixture of private and public streets in that area and wondered if the City had ever offered to treat their areas and see if we could make that work. CM

Marcano theorized it might actually be less expensive than a private contractor while also ensuring the we are abiding by the City code and not creating a slipping hazard or blocking any right-of-way. Mr. McMinimee said that the city had not because they are private roads.

CM Marcano asked about the just previous storm where we only deployed 23 out of the City's 50 trucks.

Mr. McMinimee explained that on the day mentioned, the City went into partial shift work and there were 23 trucks on the road along with supervision in the office and driving around. All of the other Streets employees that are not engaged with the snow and ice control for the day would hold a standard workload.

CM Marcano said that he was thinking of available hardware but obviously there would be staffing concerns. CM Marcano ask if it would it be cost effective for the City to offer an option to do snow removal since we already have the trucks and the expertise.

Mr. McMinimee stated that he had never known of the City offering this service. Lynne Center, Deputy Director of Public Works Street Operations, said that in the past there have been questions regarding liability if the City damages something that is a private asset and that there is also concern about potentially setting the City up as competition against a private contractor.

Cindy Colip, Director of Public Works, confirmed that when the City is engaged in partial shift work the other employees are committed to doing the work that we have scheduled throughout the City. This option would draw away from the ability to get additional work done during the lighter events.

Mr. McMinimee said that once in a while we find ourselves in a situation where a storm might be between categories and so we are set up for the lesser category and if the storm intensifies, we will put out more plows. If we were in an agreement for the City to be providing services, we would have to pull trucks from doing this service and that may be problematic.

Ms. Freed said that questions regarding routinely plowing neighborhood streets have been asked previously and to do so is very costly. Ms. Freed stated that CM Lawson is correct that people are going to hear about this agreement. Are people going to want to raise their HOA dues or a Metro District to raise their mil levy? They will have to both of these. There are many sides to this subject.

Mr. McMinimee confirmed that the City will be tracking performance metrics.

CM Lawson said that she understands that this is a pilot program but she thinks it is going to present some interesting conversation in the City regarding the haves and the have-nots.

CM Marcano said Mr. McMinimee is aware of the conversations when people see other streets getting serviced and thinking that it is the City giving extra treatment not being aware that the HOA in the other neighborhood is providing that service.

Outcome: Councilmembers approved this item and agreed to move this forward to the next Study Session

Follow-up Action: Will be moved forward to the next Study Session



Public Works, Street Operations

Presents:
Metropolitan District Snow Plowing Operations
Proposed Pilot Program



Thomas McMinimee Street Operations Manager
Public Works – Street Operations

Metropolitan District Snow Plowing Operations

Metropolitan District Snow Plowing Operations History:

- Staff was approached by a Metropolitan District (Blackstone) and asked if they could provide snow plowing on public streets within their District.
- Currently, the only mechanism by which the City could allow a Home Owners Association (HOA) or a Metropolitan District (District) the ability to hire private services to replace City services is a formal agreement and resolution, which must be approved by Council.
- PW Staff and City Attorney worked with Blackstone representatives to develop agreement requirements



Metropolitan District Snow Plowing Operations

Actions:

- The proposed agreement acts essentially as an Intergovernmental Agreement (IGA) between the City and the District. Council can approve execution of such an agreement by resolution.
- Street Operations has toured and documented existing conditions of concrete and road surfaces in the District.

Outcome:

The proposed resolution authorizes the execution of an agreement with the Blackstone Metropolitan District under which the Blackstone Metropolitan District would provide snow and ice control operations within the Blackstone District Boundaries.



Metropolitan District Snow Plowing Operations

Agreement Overview:

- Allows Blackstone Metropolitan District (District) to conduct snow and ice removal operations on public streets within District Boundaries
- Intended as a pilot program for 2020-2021 Snow Season only (Expires 12/31/2021)
- District agrees to indemnify, defend and hold harmless the City from and against any and all loss, damage, injuries, claims, causes of action, or any liability resulting from District or their Operator's actions or inactions.
- Requires:
 - District snow removal plan and procedures
 - Specific materials to be used or avoided (i.e. use of sand for traction is prohibited)
 - Services provided be performed and completed in a similar manner as performed by COA



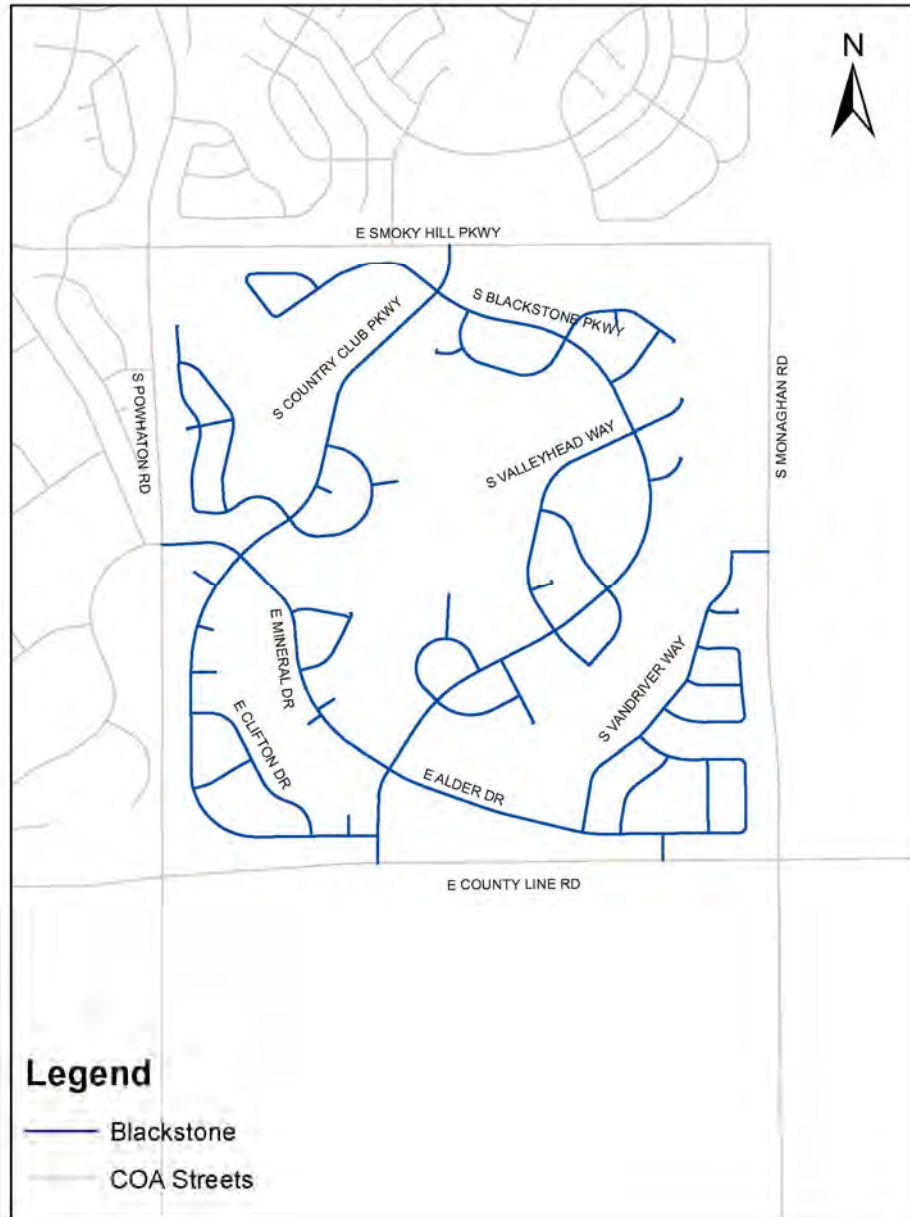
Metropolitan District Snow Plowing Operations

Agreement Overview – Requires (cont.):

- Pre-season tasks by the District including:
 - Acquisition of any licenses and permits to operate within COA right of way
 - Inventory & condition assessment of street, curb, gutter & sidewalk within District
 - List of equipment to be used, to be approved by COA
 - Dry run of the routes with the equipment to be used
 - Training on proper equipment operation and snow operations/procedures
- Daily logs during an event and follow-up meetings as necessary to address issues
- A post-season report, due by June 1st, that includes all log information and any additional information required by COA, including post-season condition review



Blackstone



Location



Metropolitan District Snow Plowing Operations

Future Considerations:

- Proposed agreement fulfills an immediate request but, requires a Resolution and Agreement approved by Council for each District or HOA
- Potential solution is likely to be an ordinance that allows Public Works Director to issue an instrument similar to a permit.



Questions or Concerns???

Policy Question for the Committee:

Does the Committee support forwarding to Study session?



MINUTES

Regular Meeting of the Aurora City Council

Monday, January 11, 2021

1. **RECONVENE REGULAR MEETING OF JANUARY 11, 2021 AND CALL TO ORDER**

Mayor Coffman reconvened the regular meeting of City Council at 6:30 p.m.

2. **ROLL CALL** – Kadee Rodriguez, City Clerk

COUNCIL MEMBERS PRESENT: Mayor Coffman, Bergan, Berzins, Bergan, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marciano, Murillo

Roger Sherman and Andrew Larsen, interpreter, provided call-in instructions for the benefit of the public.

3. **INVOCATION/MOMENT OF SILENCE**

Mayor Coffman called for a moment of silence for all those who lost their lives to and those who suffer with COVID.

4. **PLEDGE OF ALLEGIANCE** (all standing)

5. **APPROVAL OF MINUTES**

5.a. November 16, 2020 Minutes

Motion by Marciano, second by Gruber, to approve the minutes of the meeting of November 16, 2020, as presented.

Voting Aye: Mayor Coffman, Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marciano, Murillo

5.b. December 7, 2020 Minutes

Motion by Gruber, second by Marciano, to approve the minutes of the meeting of December 7, 2020, as amended.

Council Member Marciano issued a statement of clarification based on advice from staff related to the Mayor Pro Tem votes. He stated Council was told at the meeting they could abstain from the vote but were later told they could not, therefore, he stated his intent was to vote in favor of Council Member Murillo and opposed to the remaining candidates. He noted the clarification did not change the votes but he wanted the statement clarified in the minutes regardless.

Council Member Coombs concurred. She clarified her intent was a no vote where it was listed as abstentions.

Council Member Murillo also clarified the intention for her votes.

- ♦ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

This portion of the agenda is a meeting management tool to allow the City Council to handle several routine items with one action. Any member of the Council may request an item to be removed from the Consent Calendar and considered separately. Any item removed will be considered immediately following the adoption of the remainder of the Consent Calendar

9.a. CCWCD Intergovernmental Agreement for Well Augmentation

Alexandra Davis, Deputy Director of Water Resources / Stephanie Neitzel, Assistant City Attorney

9.b. Consideration to AWARD THE GUARANTEED MAXIMUM PRICE CONSTRUCTION WORK PACKAGE CONTRACT to Saunders Construction, Inc., Englewood, Colorado in the amount of \$34,200,074.00 for the Southeast Recreation Center (SERC) project; Project No.: 5727A.

Waiver of Reconsideration

John Perkins, Senior Project Manager / Dave Lathers, Senior Assistant City Attorney

9.c. Consideration to AWARD AN OPENLY SOLICITED contract to Saunders Construction, Englewood, Colorado in the amount of \$94,076,155 for Work Package 3 of the Southeast Aurora Maintenance (SEAM) Facility Project. R-5661A

Elly Watson, Manager Of Business Services, Public Works / David Lathers, Senior Assistant City Attorney

9.d. Crestone Water Supply Agreement

Sarah Young, D/D Planning and Engineering, Aurora Water / Christine McKenney, Client Group Manager

Motion by Coombs, second by Gruber, to approve items 9a – 9d.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10. **RESOLUTIONS**

10.a. **Snow Plowing Operations (Blackstone Community)**

R2021-01 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE AGREEMENT BETWEEN THE CITY OF AURORA, COLORADO AND THE HIGH PLAINS METROPOLITAN DISTRICT FOR SNOW REMOVAL AND PLOWING OPERATIONS (BLACKSTONE COMMUNITY)

Tom A. McMinImee, PE / Michelle Gardner, Senior Assistant City Attorney

Motion by Gruber, second by Bergan, to approve item 10a.

Mayor Pro Tem Bergan stated this was a pilot program that would be reevaluated next year and that would be required to abide by all of the City inspections.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.b. Porteos Business Improvement District Appointment of Directors

R2021-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPOINTING FIVE MEMBERS TO THE BOARD OF DIRECTORS OF THE PORTEOS BUSINESS IMPROVEMENT DISTRICT

Cesarina Dancy, Project Manager / Hans Hernandez, Assistant City Attorney

Motion by Berzins, second by Gruber, to approve item 10b.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.c. Create and Install Public Art at The Green Valley Ranch Neighborhood Park

R2021-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S APPROVAL OF A CONTRACT WITH THE TEAM OF MAY + WATKINS DESIGN OF NEW YORK TO CREATE AND INSTALL PUBLIC ART AT THE GREEN VALLEY RANCH NEIGHBORHOOD PARK

Roberta Bloom, Public Art Coordinator/Tim Joyce Assistant City Attorney

Motion by Gruber, second by Johnston, to approve item 10c.

Council Member Coombs requested staff provide a brief presentation for the benefit of the public.

Roberta Bloom, Public Art Coordinator, did so.

Council Member Coombs expressed appreciation to Ms. Bloom and all those who worked on the item because she felt it was a very exciting piece and she was happy to see it move forward.

Voting Aye: Bergan, Berzins, Coombs, Gardner, Gruber, Hiltz, Johnston, Lawson, Marcano, Murillo

10.d. Second Amendment to the Surface Use Agreement and three related easements.

R2021-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, FOR THE SECOND AMENDMENT TO SURFACE USE AGREEMENT AND THREE RELATED EASEMENTS

Alexandra Davis, Deputy Director of Water Resources, Aurora Water / Michelle Gardner, Senior Assistant City Attorney

Transportation, Airports and Public Works (TAPS) Policy Committee Meeting

September 29, 2021

Members Present: Council Member (CM) Juan Marcano, Chair; Council Member Angela Lawson, Vice Chair, Council Member Allison Hiltz

Others Present: Bret Banwart, Scott Bauman, Brooke Bell, Traci Burton, Mac Callison, Carlie Campuzano, Lynne Center, Matt Chapman, Cindy Colip, Barbara Cummins, Karen Hancock, Haley Johansen, Matt Kozakowski, Huiliang Liu, Tom McMinimee, Julie Patterson, LainyPalmer, Mindy Parnes, Victor Rachael, Elly Watson, Tom Worker-Braddock

Guest: None

1. WELCOME AND INTRODUCTION

Council Member Marcano polled the room for predictions of the first snowfall of the season. He picked 11/8, Council Member Lawson 10/31, Bret Banwart 10/31, Scott Bauman 10/29, Brooke Bell 12/1, Traci Burton 10/17, Mac Callison 11/18, Carlie Campuzano 10/20, Lynne Center 10/31, Matt Chapman 10/29, Cindy Colip 12/14, Karen Hancock 11/11, Haley Johansen 10/26, Matt Kozakowski 11/12, Huiliang Liu 10/31, Tom McMinimee 10/28, Julie Patterson 11/2, LainyPalmer 10/18, Mindy Parnes 11/4, Victor Rachael 11/10, Elly Watson 10/21, Tom Worker-Braddock 10/30. Council Member Marcano asked if we were using “Price is Right” rules, closest without going over, and Tom McMinimee said “Yes”.

2. APPROVAL OF MINUTES

The minutes for the August 24, 2021 TAPS meeting were approved as written.

3. CONSENT ITEMS (None)

4. GENERAL BUSINESS

4.a. Public Works After-Action for March 13, 2021 Blizzard Tom A. McMinimee, Street Operations Manager

Summary of Issue and Discussion:

Tom McMinimee provided a presentation on Public Works, Street Operations, March 13, 2021, Blizzard After Action report. His presentation started with some quick facts. The City of Aurora’s population is 386,500 and continues to grow. The city currently encompasses 160 square miles and almost 1300 miles of road responsibility. The storm event forecast projections were as follows: Five days before the event (March 9th), we were looking at a storm predicted at about 19” of snow and light winds with a mild upslope condition. This information was verified by both the Weather Sentry and National Weather Service (NWS). The local news was forecasting roughly the same scenario. Two days out (March 11th) the storm was predicted to be 14” of snow and a light wind with a mild upslope condition. The Weather Sentry and the NWS revised and lessened off their original forecast. The local news was still predicting “Snowmageddon”. On storm day (March 13th) early in the day, the storm tracking continued to indicate a lesser event, predicting a 12” inch spring storm with a light wind. Local news still predicted “Snowmageddon” starting in the

the benefits of roundabouts. Matt Kozakowski, Manager of Project Delivery Services, said that Gartrell Road is planned to be an arterial and the footprint would be rather large. To build a roundabout to accommodate that size of roadway would likely interfere with the existing structure. CM Marciano said that he understands, and that he thinks the teardrop roundabout might be much less of a footprint than what staff may have in mind. He wanted to be sure that it was considered, and he understands that this is an E-470 project.

Ms. Campuzano said that they are also sometimes referred to as dog bones. She said that they look like roundabouts, but they do not have the full circular movement. Ms. Campuzano explained that the dog bone/teardrop is an interchange design that has increased in popularity but there are large footprints because interchanges need to accommodate big truck movements. The compact roundabouts that Ms. Campuzano presented on during the August meeting are for smaller roadways.

Outcome: The committee approved moving this topic to Study Session

Follow-up Action: This item will move to Study Session

4.f. Analysis and Evaluation of City Provided Snow Plowing for Residential Streets

Summary of Issue and Discussion:

Lynne Center, Deputy Director of Public Works Street Operations, manages the Street Maintenance group which includes snow plowing. Every time the City gets a big storm, we have a discussion about residential snow plowing. Council Member (CM) Marciano requested that staff look into this topic a little deeper. Ms. Center said that there is a lot more to the City Snow & Ice Control Plan, but she gave a quick summary. The City prioritizes routes into Priority 1 (red), Priority 2 (blue), Priority 3 (green), and Priority 4 (yellow). This helps to decide where to put resources in a snowstorm. We also have storm categories which determines the staffing and resources the City will need for each storm. Ms. Center said that the historic weather data that the City keeps is very detailed and dates back to 1994. She presented a slide with information about both route priorities and storm categories. The route priorities table listed the prioritized routes, the roadway classification, and the lane miles for each priority. The storm categories table listed the categories I through IV, the snow fall amount of each category, the number of storms in each category since 1994, and the average storms per season of each category. The City has only had 15 Cat IV or larger storms in the last 26 years. This is less than one per year. Ms. Center presented a sample of the snow routes. The red routes are primarily arterial streets, the blue routes are collectors, the green routes are residential streets that act as a connector for the neighborhood to arterial streets or collector streets.

The City Snow and Ice Plan is designed to maintain access for emergency and public safety operations on primary roadways. During a snowfall event, staff is deployed first to the red routes until it is determined that those roads can be kept clear, or the snow ends, whichever happens first. Then staff will move to the remaining priority routes in priority order (red – blue – green). For snow events above a Cat IV, more than 12 inches, the plan includes deployment of contracted plow services to help maintain the priority routes. The plan also includes deployment of contracted snowplow services to clear residential streets in extreme weather conditions.

Ms. Center said that staff has come up with three options in respect to residential plowing. The committee is aware of the pilot program wherein a Metro District or an established Homeowner's Association (HOA) is allowed to bring in a third-party contractor to plow their residential streets. This goes into effect with an Intergovernmental Agreement (IGA) and because this is a pilot program, it is currently limited to a single IGA with the Metro District for the Blackstone neighborhood. One of the advantages to this program is that there is minimal cost for the City to

offer this program. Two other options to provide snow plowing for residential streets were looked at. One is to provide contracted snow plowing to residential streets only during large storms. This can get costly if we send them out more than once per year. The other option is to bring residential snow plowing in house and plow using in-house forces. This option requires a significant investment in equipment and employees.

Option 1: Metro District/HOA Snow Plowing – Established by an IGA between Metro District/HOA and the City. District/HOA is required to:

- Develop and provide a snow removal plan and procedures for City review
- Use specific equipment (i.e. rubber edges for plow blade)
- Use specific materials (i.e. use of sand for traction is prohibited)
- Provide services at least at the same level as City would provide
- Submit daily logs during an event
- Complete pre-season tasks, including condition assessment of street, curb, gutter and sidewalks
- Perform post-season condition assessment and fund any needed repairs
- Submit a post-season report including details of each deployment annually – due by June

Currently the only IGA the City has is with the Metro District for the Blackstone Neighborhood. This IGA was executed in January 2021 and because that was in the middle of the season the IGA extends through June 2022 to allow them to have a full season. The City did receive the annual report for the 2020-2021 season. The Metro District did not deploy any forces during that season including during the March 2021 blizzard. Staff is wrapping up the pre-season inspections for the 2021-2022 snow season.

In June the Metro District for the Wheatlands Neighborhood, which has the same management company as the Metro District for Blackstone, approached the City about engaging in a similar IGA. Staff found that there would not be enough time to negotiate the IGA, get it approved by the committee, get it approved by Council and do the pre-inspection before snow started flying. Staff is looking at executing an IGA for the 2022-2023 snow season, but we need to have approval and authority to move forward with this program. Right now, the City is still in a pilot program and still evaluating. At this time, we do not have Council approval or management approval to expand the pilot program. Delaying implementation of this request until next season gives staff time to go through the necessary steps.

Ms. Center stated Streets has collected detailed weather history since 1994. She said that Streets has a love/hate relationship with weather. She said that in the last 26 years the City has had 604 storms that resulted in any snow accumulation. Only 15 storms resulted in snow accumulations greater than 12 inches. Nine storms had accumulations greater than 12 inches to 18 inches. Four storms had accumulation greater than 18 inches to 24 inches and only two storms had accumulations greater than 24 inches. Ms. Center said that the 10-inch storm in March 2019 isn't in the greater than 12-inch category but that was the Bomb Cyclone. The 2006 – 2007 blizzard dumped 24 inches of snow on the City in December of 2006. It got cold and stayed cold. Then every two to three days it snowed two to three inches. Streets was working in 12-hour shifts, 24 hours a day, 7 days a week for three months. That was an example of an extreme weather condition and contracted snow plowing and removal were deployed in residential areas because the snow was not melting. In March of 2021 it snowed 22 inches. The Halloween blizzard of 1997 was Ms. Center's husband's first year in Colorado, and it snowed 31 inches. She said that there was a nine-foot drift in front of their driveway and was a very memorable snowstorm. In March of 2003 a blizzard dropped 40 inches of snow on the City.

Ms. Center looked at the time of year that these storms have happened. Four of these 15 storms occurred in the Fall, between September and November. Three of them occurred between December and February, which is typically the coldest time of year in the City. Eight of the storms occurred in the springtime, between March and May. Ms. Center said that all of this data means that storm events in excess of 12 inches accumulation are rare. It calculates to less than one half storm per season. A majority of our storms, 87.7%, are Category I or II, so they are six inches or less. She said that this is the reason they staff for a Category II, because the majority of the storms are this Category or less. For storms that are greater than 12 inches, 80 percent of them occurred in the Spring and Fall and we had rapid temperature recovery. We had above freezing temperatures within 24 hours. The rapid temperature recovery melts the snow to a level that a common passenger vehicle can drive down the street, without getting stuck in the snow. Ms. Center pointed out that she is not talking strictly about air temperature recovery, but it is also road temperature recovery. Most of the melting that happens is coming from the road temperatures and the roads warming up and heating up and helping to melt the snow. The snow gets melted from two directions. The result being that for 99.5 percent of storms the snow actually melts to a passable level before City resources, as we are currently resourced, can be deployed to plow residential streets.

Ms. Center said that they looked at the cost comparison for contracted snow plowing and bringing residential snow plowing in house for a common response, very similar, if not the same as what Denver provides for their residential snow plowing. Staff looked at doing a single path down the centerline of the street, not down to bear pavement but leaving four to six inches of snow that a typical sedan can pass through without getting stuck. Typically, Streets is still doing cleanup during the first 12 hours of snowfall so, if we start our initial operations within the first 12 hours of snowfall, we would need additional staff to bring this in house. The City has 862 lane miles of residential streets (including Green routes). At a plow speed of five miles per hour and considering 10 hours of active plowing in a 12-hour shift, one vehicle can plow 50 lane miles of roadway in a 12-hour shift. To plow all residential streets in one shift would require 18 vehicles. The contacted cost estimate includes the operator, their equipment, their gas mobilization and they charge the City \$280 per hour. For 18 vehicles and operators for a 12-hour shift the cost would be \$60,400. These costs are based on what we were charged for the March blizzard 2021.

If the City had everything and we could respond, the operating costs, consisting of labor costs for 18 employees (wages plus benefits) for 12 hours, and the vehicle maintenance costs of about \$11,000 per shift, would total \$19,908 per shift. However, to do that we would need a significant investment in operators and equipment. The total annual wages for 18 operators would be a little over \$1,400,000 per year. Staff estimates the initial capital cost for the pickups and plows would be \$990,000. Ms. Center said that she is not an economist so she did a simple annualization and assumed that the trucks would be utilized in some summer operations as well. The capital costs equate to about \$61,875 per year for snow operations.

To really analyze City costs versus contracted cost, Ms. Center had to look at comparing various numbers of deployments. She said that if the City were to deploy residential snow plowing, one time per year, it is more cost effective to contract this out. If the City plans to deploy residential snow plowing only when the storm is 12 inches or more, we would only deploy one time per year at a cost of \$60,000 to \$65,000. However, if we go to two deployments, which could be two separate storms, or two full 12-hour shifts for a single storm, it is less costly to invest and have that operation performed by in-house crews. The bottom line is that if the City is going to deploy residential plowing more than once a year, it is more cost effective to bring that operation in house. Ms. Center said that then they looked at what they would do with these people when it is not snowing. They looked at how the City could utilize these employees in the summertime. They found that with an additional \$715,000 for equipment the additional crews could be utilized for summer operations.

We could create an additional patch group to patch behind Aurora Water's water cuts. At one point this past summer there were 84 cuts on the waitlist, so an additional patch crew would allow staff to respond quicker and not have those cuts open quite as long. We could re-establish an in-house concrete crew that could patch back some of the cuts that Aurora Water has had to make in curb, gutter and sidewalks. They could also be a rapid response team when we have concrete damage that cannot wait for a contractor to get on location to fix, this team could go out and fix the damage. Ms. Center said that just because she likes the number to add up to 16 or 18, she added two additional employees to help with trucking for in house paving. One of our limiting factors on production for our in-house crews is how much material they can haul, and the two additional employees would have a great impact on paving operations. To bring this in house, the City's total capital costs, winter and summer operations, would be just over \$1,700,000. The annual total wages would be a little over \$1,400,000.

The City has some challenges around plowing residential streets, mostly around safety. With snow plowing, not removing, the driveways may be blocked by a windrow of snow. Cars that are parked on the street may be buried or blocked by the windrow that is created by the snowplow. To eliminate the windrow, staff would need to remove (i.e. haul) the snow off-site and that requires additional heavy equipment and crews. The cost of that was not considered in this analysis so that would be a separate analysis that would need to be done. One of the things that really concerns staff is having residents out on the major arterials before staff is ready for them to be there. Ms. Center said that if anyone was able to get out during the March Blizzard, you know that you would be driving along and, all of a sudden, your lane would end because the snow was piled up blocking the lane. Staff would prefer any means possible to keep the residents at home until staff had the roads open fully. Staff is very concerned about increasing the ability for residents to access arterial network before staff is ready for them to do so. There is also a higher potential for damage to private property when plowing residential streets due to cars being parked on the street, et cetera.

Council Member (CM) Hiltz said that she didn't have a question but that it is a lot to take in. There are not a lot of events and there are a lot of problems in doing it whether it be City run or contracted. She mentioned that not everyone has access to a Metro District or a HOA to do it themselves and it gets really complicated.

Council Member (CM) Marcano asked if there is a potential to do cost sharing with Aurora Water to reduce cost out of the general fund. Ms. Center said that they did a preliminary pass through with Aurora Water and that the response was that it was interesting, and they would consider it. Aurora Water already funds our Street Sweeping Program mostly and they also fund the existing patch crew. They have been wanting to partner with Public Works on getting the concrete patching repairs going a little bit quicker. The City doesn't have the capability of doing this outside of a contract and bouncing a contractor around to a lot of standalone locations is not cost effective. Public Works tries to include concrete repairs when there is a contract nearby (nearby is a pretty big radius). The result being that we have some concrete cuts from Aurora Water sitting out there for three years. This would give Streets the opportunity to approach Aurora Water on at least partially funding the concrete crew. Ms. Center said if the City decides to move forward with this there would have to be discussions with Aurora Water diving into the details on the funding. CM Marcano said that the City used to have a concrete crew and he thought that there was a cost savings over contracting that work. He asked what happened with the concrete crew? Ms. Center said the in-house concrete crew was not as productive as a contractor, so we had a hard time getting concrete. This made the City last on the list for concrete deliveries. We were ordering smaller loads and they were charging us more for a short load. She said the plan would be to buy an insert, a mini concrete mixer, for one of the pickups that would be used for snow plowing. This truck would hold two or three yards of concrete which is what staff can get poured in four hours so we could go pick up our own concrete 378

instead of having it delivered. In that sense, it would cost the City less money. Ms. Center said that one of the things that is really appealing to her is that if the concrete crew is re-established they would have the ability to be a rapid response team for some of the concrete lifts and some of the potential trip hazards. Instead of putting asphalt down to make these situations safe we could actually send a concrete crew out to repair and replace that concrete slab. Ms. Center said that she cannot say that there would be savings. She said that they looked at this more about utilizing them. This would be something that would benefit our operations rather than necessarily seeing any cost savings. As far as the paving goes, it is amazing what two additional operators can do hauling material for our productivity when we are doing in house paving. Staff can make a significant impact to how much asphalt we can put down in a day by adding two drivers. She said that it about 30 percent more that can be put down in a day. Cindy Colip, Director of Public Works, said that there is a lot of patching behind Aurora Water and the additional crew would be beneficial. Ms. Center said that it would be extremely beneficial and in fact, earlier, we had an asphalt shortage for about four weeks this year. During that time, we could still get mix for patching and we turned our paving crew into an additional patch crew. That allowed us to get caught up with Aurora Water's patches. If we had not been able to do that, we would be looking at a backlog list of about 100 patches. That is between three and six months behind where we want to be with patching and making those repairs. The additional crew would allow us to keep up with Aurora Waters cuts.

CM Marcano asked, in regard to the statement that we pay more for the smaller amount of concrete, how much more would we have to order than we currently do to get the better, bulk rate? Then could we put that to work outside of the Aurora Water operations to help Public Works in other ways? Ms. Center explained that because of the size of the crew they have, the crew has to do the tear out, forming, and the pouring, which is different than a contractor. Because of the number of hours in the day and the size of the crew the City is limited to how much concrete they can put down in a day. She said that the sweet spot is two to five cubic yards, but the big concrete trucks hold about 10 to 15 cubic yards of concrete. Because we are not having the concrete delivered the City would not be paying extra for the short load. Concrete is sold by the cubic yard. It is the delivery that costs us more because they are sending out a huge truck with just a little bit of concrete in it.

CM Marcano asked how Denver handles the concerns regarding the windrows of snow in their residential plowing program. Ms. Center said that once Denver's crews are done, they can free up crews to go back out with small equipment and they shovel it out if it hasn't melted by then.

CM Marcano said that the concern regarding residents going out onto the arterials before they are ready seems like a phasing issue. He said that the residential street could wait to be done until the arterials are actually ready for traffic. So basically, we wouldn't really get going on the residential until our arterials were ready. He asked is that is how Denver does theirs as well. Ms. Center said that her understanding is that plows are on the residential streets within the first 12 hours after the snow stops. She also said that Denver's residential network is very different from Aurora's, particularly downtown.

CM Marcano said that this is a lot of information and his is digesting some of it. He said that he really liked the comparison between having contractors on retainer for major snow events versus just bring all of this in house and how we could put those folds to work outside of the winter months. CM Marcano asked Ms. Center, if you had to give us your opinion today, where are you leaning on this? Does this have merit, or do you think that for the less than once per year, major snow event what we are doing currently is adequate? Ms. Center said that she is on the fence about it because she would love to have the extra people for this. CM Marcano said that he would love to provide a Cadillac level of service to residents. Ms. Center said that given the rarity of these large snow

events, her personal opinion is that we would be better served sticking with contractors for these one-off events. She said that if we want to change what we do on the residential streets then she might have a different opinion. If we are sticking with only plowing residential streets when an event is over 12 inches and we are not getting the warming it is more cost effective to continue to contract. Ms. Center said that staff learned some things in March about getting contractors onboard early, potentially paying them a retainer so that when Aurora calls, they are there for us before anyone else. We have some strategies to improve this moving forward. Ms. Center said that looking at a once a year event we are definitely better served sticking with the contractor. Cindy Colip, Deputy Director of Public Works, said that looking back on the 2006 event, we definitely could have utilized contractors. She said that she doesn't know what the situation was in Public Works back then. Ms. Colip said that the March Blizzard, the Aurora streets were pretty much back open Tuesday, so people were able to drive. She said that to Ms. Center's point, staff would have gotten to the residential streets when they were already passable due to the temperatures coming up both from the air and the roadway. Ms. Colip said that when we have a prediction of a large event during the cold, winter months, when we don't get the warming we should consider contracting. CM Marciano said that if he is hearing correctly, Public Works is leaning toward maintaining the status quo but, getting ahead of the storm by getting folks on retainer if needed. Effectively, having an emergency plan for residential plowing in a major event but not going beyond that with new employees and equipment. Ms. Center said that 87 percent of storms in Aurora are six inches or less. A majority of storms are passable by a typical sedan. Ms. Colip said that regarding the Cadillac version, she does think it is worth further conversations with Aurora Water to see if they see the benefit of that type of option. She said that Public Works will continue those conversations and follow up with the committee on those conversations. CM Marciano said that he likes the idea of a cost sharing possibility and if not appropriate now, there may be a need in the future.

Ms. Colip thanked Ms. Center for pulling together all of this information. CM Marciano said that he appreciates all of this information. Ms. Center said that she believes that the full report was included in the packet for this meeting but if the committee would like to see the nitty gritty, to let her know and she would send it to them. CM Marciano said he believes that Ms. Center provided everything that they needed.

CM Hiltz said that there is a lot of information. She wonders if it is possible to get employees that are capable of doing both of these jobs, snow plowing and pouring concrete. She said that she can see both sides of this and she doesn't know how that decision will be made. She said that she will not be here for that decision. Both CMs Hiltz and Marciano thanked Ms. Center for pulling all the information together and doing the great presentation.

Outcome: Information only

Follow-up Action: N/A

5. MISCELLANEOUS MATTERS

5.a.

Summary of Issue and Discussion:

6. CONFIRM NEXT MEETING Next Meeting

The next meeting was confirmed for October 28, 2021 starting at 1:00 PM. It will be a virtual meeting.

Approved: _____

CM Juan Marcano, Committee Chair

Date

Transportation, Airports and Public Works (TAPS) Policy Committee Meeting

November 30, 2022

Members Present: Council Member (CM) Juan Marcano, Chair; Council Member (CM) Alison Coombs, Vice-Chair, Council Member (CM) Crystal Murillo

Others Present: Scott Bauman, Traci Burton, Mac Callison, Carlie Campuzano, Lynne Center, Cindy Colip, Kenna Davis, Michelle Gardner, Matthew Kozakowski, James Paral, Mindy Parnes, Julie Patterson, Laura Perry, Brian Rulla, Elly Watson, Tom Worker-Braddock

1. WELCOME AND INTRODUCTION

2. APPROVAL OF MINUTES

The minutes for the October 2722 TAPS meeting were approved as written.

3. CONSENT ITEMS (None)

4. GENERAL BUSINESS**4.a. A Resolution for the IGA between the City and CDOT for the Advanced Traffic Controller Project****Summary of Issue and Discussion:**

Carlie Campuzano presented an Intergovernmental Agreement (IGA) between Aurora and the Colorado Department of Transportation (CDOT) for a grant funded project for advanced signal controllers. Funding was received through the Denver Regional Council of Governments (DRCOG) Regional Transportation Operations and Technology set-aside program. Aurora applied for three projects, of which two were awarded. The other awarded project was the Traffic Signal System Upgrade which is already underway. The Advanced Traffic Signal Controller grant funding provides \$795,800 with no local match for the fiscal year 2023. This will cover 175 traffic controllers which represents almost half of the signals in the city. Currently, controllers are reaching the end of life and do not support current technology projects. New controllers will support optimizing different types of signal timing, data collection, and transit signal priority. They are the latest and greatest standard and support high-powered functionalities.

Committee Discussion:

CM Marcano asked where the controllers will be deployed. C. Campuzano explained that DRCOG has specific corridors identified as regionally significant. For Aurora, this covers most arterials. She added that she will include a map when the item goes before the full Council.

Outcome: The Committee unanimously approved moving this item to Study Session.

Follow-up Action: This item will move forward to Study Session.

are comfortable that staff can manage the majority of the storms. She mentioned that they talked with a company about providing snowplow operators to drive city trucks. The employer was willing to offer it to his employees and the city would hire them as seasonal workers.

CM Marcano asked what equipment would be used to remove snow in the bike lanes. L. Center stated that they use a skid loader or skid steer that would have a plow or broom. She explained that 2021 was the first full snow season that they had the bike lanes, and they are still experimenting to see what works best. The city has acquired the specific-sized equipment to do this job. Staff also talked with other agencies that have separated bike lanes, and they are also still experimenting with the right equipment. CM Marcano echoed CM Coombs' sentiments that people still depend on bike lanes for commuting even during snow events. He mentioned that there are concerns with the liability issues of having contracted workers operating city-owned vehicles. He asked if they have social media graphics for temporary driver opportunities. L. Center mentioned that the posting is on the website, and they can work with Communications to develop graphics for social media.

CM Marcano mentioned that constituents living in South 2 have concerns that they are in a Priority 3 route which connects from Sable which is Priority 1 to Marina and Heather Gardens which is Priority 2. They feel that they are not highly prioritized enough given the level of usage that their route gets during snow events compared to Heather Gardens and Marina which are freshly and frequently plowed. He asked for an explanation of the prioritization of the routes. L. Center explained that the prioritization was set years ago, and she was not involved in it. However, they are planning to do a deep dive into their snow plan in 2023. She adds that one of their drivers who is responsible for South 2 is aware to do the area north of Heather Gardens first, and there is vehicle tracking to prove this. She explained that they try to hit that area first before Heather Gardens. She mentioned that Heather Gardens and Marina Drive have more traffic and they have their own Metro District. CM Marcano agreed that there is a lot of traffic in this area. He mentioned that the green route in South 2 should be a blue route since a lot of people follow the same loop and cut through Chaddsford to get to Iliff or interconnect to Sable. He added that he talked with the people on Heather Gardens' district board and received a copy of their policies. They explained that they only use their private contractor for public roads during major events. CM Marcano noted that he sees AFR and Falck using South Blackhawk as a direct route as opposed to turning and going into the traffic circle on Harvard St. He suggested looking at this route as well once they conduct their evaluations. L. Center said that they will take another look at this route for their upcoming deep dive. She mentioned that when the traffic circle went in, nobody was sure how traffic would flow through the area. CM Marcano requested the link to the job application portal be shared with all of Council.

Outcome: Information only.

Follow-up Action: No follow-up is needed.

5. MISCELLANEOUS MATTERS

5.a. Analysis and Evaluation of Pilot Program for Plowing Residential Streets

Summary of Issue and Discussion:

Lynne Center presented this item. Currently, residential streets are not prioritized for plowing. Staff will come in and remove snow as a cleanup effort only after heavy snowstorms due to several challenges encountered. Typical plow operations create a windrow that could block driveways, bury parked cars, and have a high potential for private property damage. To haul snow off-site, heavy

equipment, loaders, and haul trucks would be needed. Moreover, plowed residential streets allow access to the roadway network that might not yet be prepared for additional traffic coming from residential neighborhoods. Three residential plowing options were identified including contracted plowing, city plowing, and metro district/HOA plowing. The pilot program was executed through an IGA with the High Plains Metro District that covers the Blackstone neighborhood. The cost to the city was minimal. The Metro District is required to develop a snow removal plan to be sent to city staff, use specific materials and equipment, create snow event logs, conduct pre- and post-season assessments, and prepare a post-reason report which included the details for each deployment. The pilot program included 18 lane miles excluding blue routes. A contractor was hired to conduct the pre-season inspection in September 2020 to look at the pre-existing damage to curbs, gutters, sidewalks, and roadways. Subsequent inspections were conducted by city staff. Pre- and post-season inspections cost \$2,380. The IGA was executed in January 2021 and expired in June 2022. The metro district did not deploy forces during this period, even during the May snowfall. Most of the snowstorms in Aurora occur during spring and fall with rapid temperature recovery that helps melt the snow to a passable level to allow passenger vehicles to pass within 48 hours. For 99.5% of storms, snow melts to this level before city resources can be deployed to plow residential streets. This is the opportunity for Metro Districts and HOAs to fill the gap if necessary.

The number of events potentially needing private plowing is low, which calls to question the value of the service. Metro Districts and HOAs can increase fees to cover this cost but might not actually need to render the service. The pilot program concluded that IGAs may not be the most efficient method for a city-wide program. IGA lead times are longer with submission deadlines being set in May to conduct the pre-season inspections in September. In addition, it takes a lot of staff time to negotiate and execute agreements. Staff can only support one or two IGAs per season. A permit program, as a potential solution, would require developing ordinances, processes, and fees. These could be developed in 2023 with the first permits being issued in 2024 and 2025. Inspection costs \$76 per lane mile. Moreover, at least one additional staff is needed to be hired due to more interest. This would cost \$86,000 in ongoing costs and a one-time payment of \$50,000 for a vehicle, computer, and workstation. There are also concerns regarding equity and that HOAs and Metro Districts are receiving more services than other areas of the city. There is interest from two Metro Districts and a HOA, but staff anticipates that there would be more interest in a citywide program. In conclusion, with current resources, it is not recommended to move forward with a citywide program. Despite this, other types of programs may be considered.

Committee Discussion:

CM Murillo commented that Ward I constituents would appreciate residential snowplowing. However, she understands the challenges and the rationale behind the recommendation. CM Marcano echoed this. He asked if staff reached out to the HOA to ask why they did not deploy services during the major snow events. L. Center answered that they had a contractor ready to go but could not get in until after the snow had started to melt. C. Colip added that they do not want residents on the street until they have cleared the arterials and collectors due to safety concerns.

Outcome: The Committee supports the staff recommendation.

Follow-up Action: No follow-up is needed.

6. ANTICIPATED TOPICS FOR NEXT MEETING

CITY OF AURORA

RESIDENTIAL SNOW AND ICE REMOVAL UPDATE

Public Works Department
Monday, February 6, 2022

Sponsor: Councilmember Francoise Bergan





Overview

- 2022-2023 Snow & Ice Control Plan Overview
- Residential Snow Plowing Strategies and Considerations
 - Special District/HOA Plowing Pilot
 - City v. Contracted Snow Removal
 - Our Immediate Response
- Proposed Next Steps





Snow Plan Overview

The City's snow plan goal is public safety and is designed to ensure that the city's emergency services remain functioning at all times during a snow event.

- The city of Aurora provides snow removal equipment and staffing levels based on the most common types of winter storms that occur in our area.
 - The city has more than 90 pieces of snow removal equipment
- The snow plan focuses on arterial and collector streets, secondary and residential-through streets, and rural and outlying streets.
 - Liquid and granular deicer are used in tandem with the equipment to clear streets.



Snow Plan Overview

Route Priorities

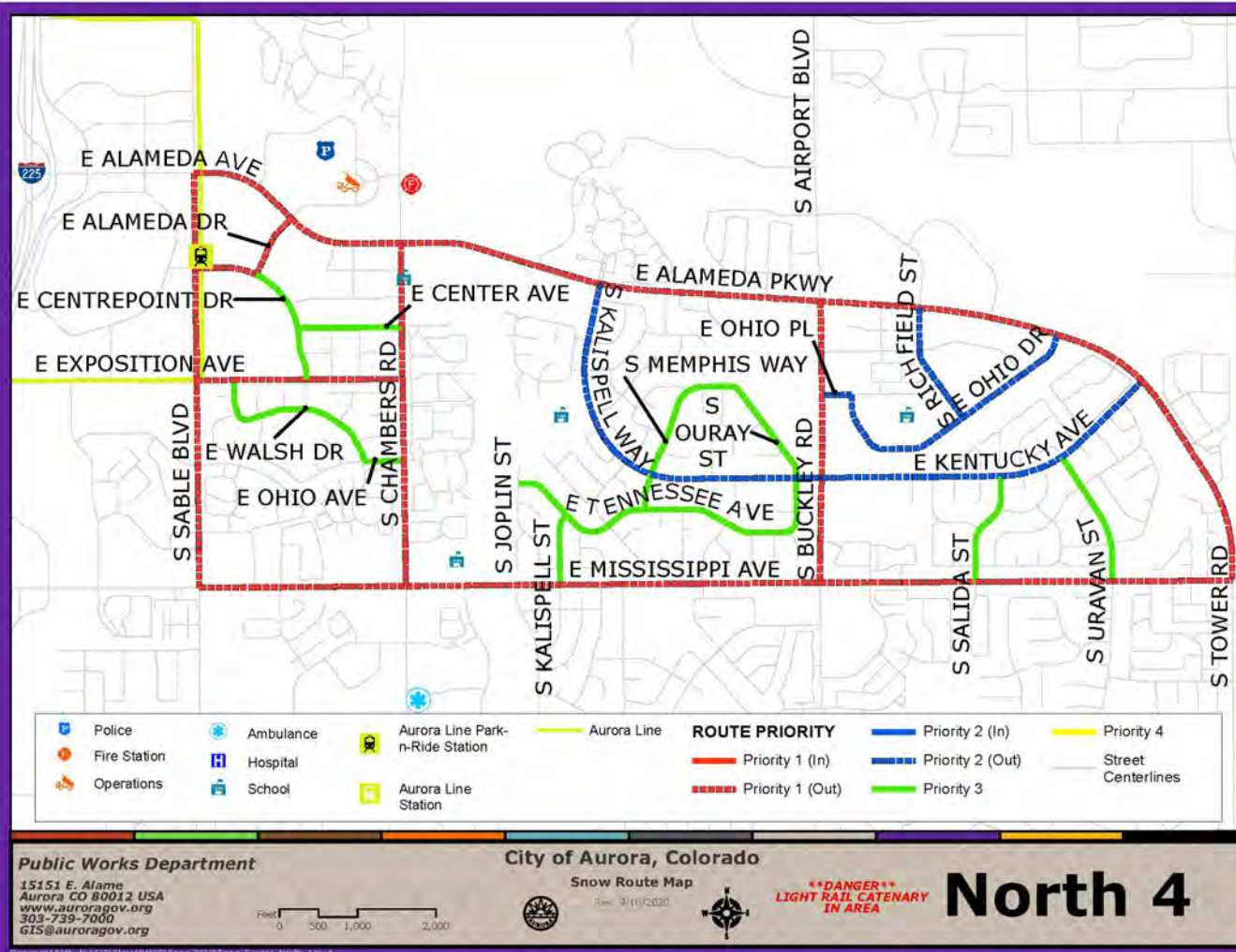
Route Priority	Route Color	Lane Miles	Roadway Classification
Priority 1	Red	870	Primarily Arterial Roads
Priority 2	Blue	362	Primarily Collector Roads, schools and hospitals
Priority 3	Green	233	Neighborhood connector streets
Priority 4	Yellow	40	Main North/South and East/West connectors in east area

Storm Categories

Category	Snow Fall	# Storms since 1994	Avg. Storms/Season
I	<2"	272	10
II	2" - 6"	258	10
III	6" - 12"	59	2
IV	>12"	15	<1



2022-2023 Snow & Ice Control Plan



Lanes Miles of Plowed Snow

	<u>Lane Miles</u>
Priority (Red)	870
Secondary (Blue)	362
Collectors (Green)	233
Other (Yellow)	<u>40</u>
	1505

Snow removal in 2021-2022
cost \$2,328,241 or
\$5.85 per resident



2022-2023 Snow & Ice Control Plan

- Plan designed to maintain access for emergency and public safety operations on primary roadways.
- During an event, plows are deployed to Red Routes until end of snowfall or until emergency access is sustained; when that state is reached, plows are deployed to other routes in priority order.
- For Cat IV snow events plan includes deployment of contracted plow services to assist on priority routes.
- Residential streets are not prioritized for snow plowing.

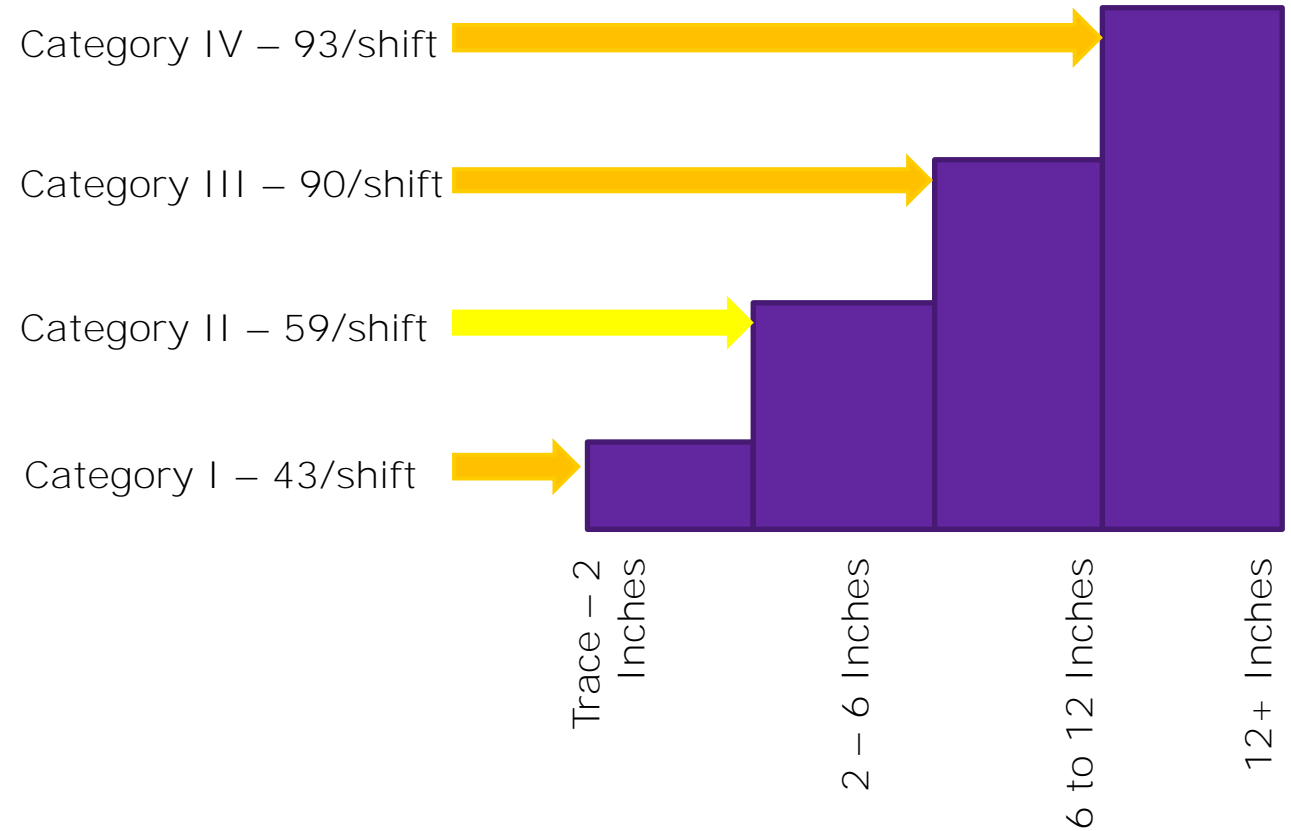


2022-2023 Snow & Ice Control Plan

It's all about People – Staffing

- Street Operations ~37% vacancy (PW, all divisions, provide 25/shift)
- Aurora Water ~20% vacancy (provide 6/shift)
- PROS ~15%-20% vacancy (provide 20/shift)
- Actively recruiting for a Streets Operations Manager (vacant for 1 year)

Staffing Model by Predicted Snowstorm Category*



* Includes supervisors





Snow Plan Storm Categories

Historical Average Number of Storms and Types

Category	Predicted Snowfall Amount	Historic (since 1994)		2021 - 2022	
		Average Storms/Season	% of Storms	Storms	% of Storms
Category I	Trace to 2 inches	10	36%	9	56%
Category II	2 to 6 inches	10	39%	7	44%
Category III	6 to 12 inches	2	20%	1	3%
Category IV	More than 12 inches	<1	5%	1	3%

For 99.5% of storms, snow melts to passable level before city resources can be deployed to plow residential streets



RESIDENTIAL SNOW PLOWING STRATEGIES AND CONSIDERATIONS





Residential Snow Plowing

District/HOA

- IGA Executed with Metro District or HOA to plow residential streets within their boundaries
- Pilot program completed June 2022

Contracted Plowing

- Usually only an option for large storms
- Can be costly if deployed more than once per year

City Plowing

- Most cost effective if deployed more than twice per year
- Requires investment in equipment and employees



District/HOA Plowing

- Following “Bomb Cyclone” in March 2019, staff began exploring a process to allow Special Districts and established HOAs to plow public residential streets within their boundaries
- Pilot program developed for High Plains Metro District via an IGA (approved January 2021, expired June 2022) which services the Blackstone neighborhood



District/HOA Plowing

The District or HOA is required to:

- Develop/provide snow removal plan and procedures for City review
- Use specific equipment and materials (i.e. rubber edges for plow blade)
- Provide services at least at the same level as City would provide
- Submit daily logs during an event
- Pre and post-season tasks
 - Condition assessment of street, curb, gutter and sidewalks
 - Fund any needed repairs post-season
 - Submit post-season report including details of each deployment



District/HOA Plowing

High Plains Metro District/Blackstone Pilot

- Covered 18 lane miles
- District plan called for deployment at 6" of snow accumulation (Category III)
- Condition assessments were funded by the City and only the initial assessment was contracted
- Total assessment cost: \$2,380
- District did not deploy forces
 - One Category III storm and one Category IV storm during pilot period





District/HOA Plowing

Program Considerations

- The number of events potentially needing private plowing is low
- Special District/HOA level of participation will dictate need for additional resources, including FTEs
 - Interest expressed from other metro districts and HOAs
- Equitable implementation across city
 - Possible participation with Title 31 Districts (BIDs and GIDs)
- A permit or license program will require ordinances, process, and fee development which will take a year to develop and gain approvals.



District/HOA Plowing

Proposed Next Steps

- Public Works is actively recruiting for two manager level positions in the Streets Division who can begin developing a Metro District/HOA Permit Program approach, policies, and procedures in partnership with City Attorney's Office.
 - Program development anticipated to take approximately one year
- In interim, work with City Council to develop a list Metro Districts and HOAs who are interested in participating in the program.



Residential Plowing

- After the March 2021 Blizzard, the TAPS policy committee requested an informational presentation on the costs for plowing residential streets.
- Review of City and County of Denver's residential snow program
- Two options were evaluated: Contracted plowing and City crews



City and County of Denver Residential Plowing

- Single pass on centerline of street and snow plowed to allow passage of standard passenger vehicle (not to bare pavement)
- Typically deployed at 8" accumulation or more depending on weather conditions; begins within 12 hours of snowfall ending
- 72 pieces of equipment, includes equipment equivalent to Ford F-350 pickup with Boss V-plow
- "Hybrid Model" consisting of reassigned operations staff and volunteer, non-CDL licensed employees (engineers, project managers, etc.)





City and County of Denver Residential Plowing

If Aurora were to implement a residential snow plowing program like Denver's program, the program would consist of the following:

- 862 lane miles of residential streets (includes Green routes)
- One vehicle can plow 50 lane miles in a 12 hr shift
- 18 operators/vehicles required to plow residential streets in a shift
- **Total Annual Wages: \$1,493,856/yr**
- **Pickups and Plows: \$1,695,000 one-time**



Residential Plowing Contracted v. City Crews

# Deployments	In-House Costs			Contracted Costs
	Capital	Operating	Total	
1	\$105,750	\$20,318	\$126,068	\$63,720
2	\$105,750	\$40,636	\$146,386	\$127,440
3	\$105,750	\$60,954	\$166,704	\$191,160



Residential Plowing Considerations

- Plowed residential streets allow access to a roadway network that may not be passable or prepared for the additional traffic
- High potential for private property damage
- Snow windrow
 - Blocked driveways
 - Buried and/or blocked parked cars
 - Results in hauling of snow off-site requiring additional heavy equipment and crews
- Staff and equipment are challenging due to supply chain issues and labor market.
- If residential plowing deployed more than two shifts per year, City forces are more cost efficient than contract





Immediate Residential Response

- Maximizing city resources with an “all hands-on deck” approach
 - Staff reassignments including Public Works Facilities, Aurora Water, and Parks, Recreation & Open Space. Aurora Fire is also providing support on volunteer basis.
 - Increased contractor support
- Additional crews have allowed for ability to optimize resources for plowing and ice removal
 - Currently inspecting and addressing conditions on entire subdivisions v. individual request and adjacent area
 - Making streets passable by removing ice and treating with IceSlicer to accelerate ice melting
- Residents requiring access due to medical conditions can call 303-739-7000 or the non-emergency dispatch number 303-627-3100



Residential Plowing Proposed Next Steps

- Continued use of staff reassignments and city contracted snow and ice removal to support needs in residential areas as weather conditions warrant.
- Continued evaluation of residential snow and ice removal needs/requests across neighborhoods to inform response measures.
- Once Street Division management positions are hired:
 - Can develop Special District/HOA Permit Program approach, policies, and procedures in partnership with City Attorney's Office
 - Review and update of overall snow plan including exploration of options and strategies for city residential snow removal incorporating successes and lessons learned.

Feedback and Discussion





CITY OF AURORA

Council Agenda Commentary

Item Title: Legislative Update
Item Initiator: Liz Rogers, Intergovernmental Relations Manager
Staff Source/Legal Source: Liz Rogers, Intergovernmental Relations Manager / George Koumantakis, Manager of Client Services, City Attorney
Outside Speaker: n/a
Council Goal: 2012: 2.0--Serve as leaders and partners with other governments and jurisdictions

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: N/A

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

Elizabeth Rogers, Intergovernmental Relations Manager / George Koumantakis, Manager of Client Services, City Attorney
Estimated time: 5 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|---|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input checked="" type="checkbox"/> Approve Item as proposed at Study Session |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Federal, State & Intergovernmental Relations

Policy Committee Date: 1/27/2023

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input type="checkbox"/> Minutes Not Available |

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The Federal, State and Intergovernmental Relations Committee is the standing committee that oversees Aurora's relationships with our state legislative and federal congressional delegations. As empowered by Council Rules, the FSIR committee shall debate and take positions on proposed state legislation on behalf of the city of Aurora. Staff will answer questions as needed under the request of Council Members or the Mayor.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The FSIR committee held a regular committee meeting on January 27, 2023 to discuss legislation before the Colorado General Assembly. The committee discussed and took active positions on four bills. The Council Members that sit on the FSIR committee for 2023 include Councilmember Angela Lawson (Chair), Councilmember Danielle Jurinsky, and Councilmember Dustin Zvonek.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

QUESTIONS FOR COUNCIL

Does the Mayor or City Council have any questions regarding the bills and positions taken by the FSIR committee at its January 27th meeting?

Support if Asked:

- SB23-052: Municipal Priority Lien Surviving Treasurer's Deed

Oppose if Asked:

- HB23-1061: Alcohol Beverage Retail Establishment Permit

LEGAL COMMENTS

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge, and to that end he shall have the power and duty to attend Council Meetings and participate in discussions with the Council in an advisory capacity and inform the public concerning plans and activities of the Council and the City Administration. (City Charter Art. 7-4). The Federal, State and Intergovernmental Relations Committee shall recommend objectives and initiatives in the State and Federal Legislature. (Council Rules, Appendix A). (Koumantakis)

**FEDERAL, STATE, AND INTERGOVERNMENTAL RELATIONS COMMITTEE**

Colorado's 2023 Legislative Session began on January 9th and there has subsequently been several bills identified that may impact the City of Aurora. Below, please find the bill, summary, impact, and position as recommended by the City Department(s) impacted. Legislation is separated by position recommendation.

Support if Asked

Bill Name	SB23-052: Municipal Priority Lien Surviving Treasurer's Deed
Sponsors	Hinrichsen (D-Senate)
Summary	Under current law, a municipality may levy a lien against real property for costs associated with removing weeds, brush, and other rubbish from the property. The lien has priority over other liens, except liens for general taxes and prior special assessments imposed by a municipality. After a foreclosure action is initiated for unpaid property taxes, a person may obtain a treasurer's deed, which provides a purchaser title to real property that is free and clear of most prior encumbrances, including liens, if certain conditions are met. The bill specifies that a municipal lien for the costs of removing weeds, brush, and other rubbish survives the issuance of a treasurer's deed.
Position Recommendation	Support If Asked – position approved
Rationale	This is favorable to the City continuing liens for weed clean up that we have completed. The bill will make city liens survivable to any transfer of deeds which will increase the city's opportunities to get paid for services rendered.

Oppose if Asked

Bill Name	HB23-1061: Alcohol Beverage Retail Establishment Permit
Sponsors	Daugherty (D-House), Zenzinger (D-Senate)
Summary	The bill broadens this permit to allow all retail establishments to obtain the permit if the establishment conducts business at a physical building in Colorado, sells goods or services to the public at the location, and derives less than 50% of the establishment's gross sales of goods and services from the sale of food. The prohibitions applicable to art gallery permit holders under current law are not changed and apply to a retail establishment that obtains a permit; except that: • The prohibition on selling alcohol is broadened to cover the sale of alcohol beverages in any form; and • The number of days that an establishment may serve alcohol beverages in a year is increased from 15 to 24 days.
Position Recommendation	Oppose if Asked – position approved
Rationale	This bill will replace the art gallery permit with a retail establishment permit for purposes of serving alcohol. Under this new permit any retail business can serve complimentary alcohol beverages, 24 times a year, for four hours, and serving up to 250 people. The city can still reject an application for this permit but only if the city believes the applicant cannot comply with the requirements of the liquor code and the event will not create a public safety risk to the neighborhood. The bill is similar to a special event liquor permit that is limited to only certain entities. The bill will affect the city in a minimal way and will not have an impact on our operations or home rule powers.



	<p>This bill would allow nearly any unlicensed business to obtain a permit to serve alcohol for up to 24 days a year to the general public. Currently this permit is limited to Art Galleries for 15 days per year. The bill also caps local fees for the permit to an amount that may not cover the city's costs to review the permit and ensure a safe operation and there is no inflationary increase in the cap in the bill. Recommend actively oppose until this cap is removed. This bill is a considerable expansion of the ability to serve alcohol and could lead to short term night clubs and bar operations by fly by night operators as the bill contains very little limitations as to who can obtain it and it has no provision for neighborhood input prior to issuance of one of these permits. The complimentary provision can be circumvented through indirect sales. The individuals obtaining the permit may have no experience in the alcohol business and may have little vested interest nor knowledge to ensure safe service, prevent service to minors, and mitigate impacts to the community. Additional staff may be needed to process these permits depending on volume. If the bill is passed the city should consider if a corresponding local ordinance is necessary to prevent public safety impacts.</p>
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Informational

Bill Name	DRAFT: Removing Children's Identifying Information
Sponsors	Fields (D-Senate)
Summary	The bill removes the limitation that a child be a victim of an enumerated sexual offense for the child's name and identifying information to be deleted from a criminal justice record released to the public. The bill requires that the name and identifying information of a child who witnesses a criminal offense be deleted from criminal justice records released to the public. The bill also requires that a criminal justice agency make the notation "CHILD WITNESS" on a criminal justice record involving a child witness.
Relevant Information	This legislation was drafted in conjunction with the Mayor, Police, and City Attorney's office and has received Council approval at the Study Session on January 23. Sen. Fields has requested we provide testimony in support of this legislation.

Bill Name	Affordable Housing
Sponsors	Governor Polis
Summary/Relevant Information	There is no written language when it comes to the affordable housing provisions from the Governor's office, however there are rumors that provisions would seek to: remove local control of building designations, alter water tap fees, and make changes to zoning. We expect to see legislation by March.
Rationale	This information is an update to upcoming policy.

Bill Name	DRAFT: Concerning the Use of Micro-trenching to Install Fiber for Broadband Service Deployment
Sponsors	Titone (D-House)
Summary/Relevant Information	The bill requires a local government to approve an excavation application for the use of a micro-trench to install underground fiber for broadband service. Local governments would have limited exemptions to halt the process.



Rationale	Internally, staff are concerned as this may create traffic closures, geographical fairness concerns, interference with existing utility lines, and will infringe on local control. A second draft is expected and once the final bill is released staff will bring a position recommendation to the Committee.
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CITY OF AURORA

Fiscal Impact Form

Item Title: State Legislative Update: Legislative Position Discussion
Staff contact: Liz Rogers, Intergovernmental Relations Manager
Staff Source/Legal Source: George Koumantakis

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

N/A

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0489.01 Zach Blaes x4348

SENATE BILL 23-052

SENATE SPONSORSHIP

Hinrichsen,

HOUSE SPONSORSHIP

(None),

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING A MUNICIPAL PRIORITY LIEN THAT SURVIVES THE**
102 **ISSUANCE OF A TREASURER'S DEED.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a municipality may levy a lien against real property for costs associated with removing weeds, brush, and other rubbish from the property. The lien has priority over other liens, except liens for general taxes and prior special assessments imposed by a municipality. After a foreclosure action is initiated for unpaid property taxes, a person may obtain a treasurer's deed, which provides a purchaser

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

title to real property that is free and clear of most prior encumbrances, including liens, if certain conditions are met. The bill specifies that a municipal lien for the costs of removing weeds, brush, and other rubbish survives the issuance of a treasurer's deed.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 31-15-401, **amend**
(1)(d) as follows:

31-15-401. General police powers. (1) In relation to the general police power, the governing bodies of municipalities have the following powers:

(d) (I) To provide for and compel the removal of weeds, brush, and rubbish of all kinds from lots and tracts of land within such municipalities and from the alleys behind and from the sidewalk areas in front of such property at such time, upon such notice, and in such manner as such municipalities prescribe by ordinance, and to assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the weeds, brush, and rubbish are removed. The assessment ~~shall be~~ IS a lien against each lot or tract of land until paid and ~~shall have~~ HAS priority over all other liens except general taxes and prior special assessments. A DEED ISSUED PURSUANT TO SECTION 39-11-120 OR 39-11-143 DOES NOT EXTINGUISH A LIEN PURSUANT TO THIS SUBSECTION.

(II) In case such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general

1 taxes, including the laws for the sale and redemption of property for taxes
2 ~~shall~~ apply to the collection of such assessments.

3 **SECTION 2.** In Colorado Revised Statutes, 39-11-136, **amend**
4 (3) as follows:

5 **39-11-136. Treasurer to execute deed - effect.** (3) Execution of
6 a deed pursuant to this section ~~shall~~ DOES not affect the existence of:

7 (a) Any public or private roads, rights-of-way, conservation
8 easements, other easements, or equitable servitudes that run with land and
9 have both benefits and burdens, all as claimed or existing prior to the
10 execution of such deed; OR

11 (b) ANY LIEN LEVIED PURSUANT TO SECTION 31-15-401 (1)(d).

12 **SECTION 3.** In Colorado Revised Statutes, **amend** 39-11-146 as
13 follows:

14 **39-11-146. Lien of special assessment not affected.** Nothing in
15 sections 39-11-143 to 39-11-145 shall be construed to affect in any
16 manner or degree whatsoever the lien of any special assessment OR ANY
17 LIEN LEVIED PURSUANT TO SECTION 31-15-401 (1)(d) to which such real
18 estate and the conveyance thereof by the treasurer is subject under law.

19 **SECTION 4. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0463.01 Jery Payne x2157

HOUSE BILL 23-1061

HOUSE SPONSORSHIP

Daugherty,

SENATE SPONSORSHIP

Zenzinger,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PERMITTING A RETAIL ESTABLISHMENT TO SERVE**
102 **COMPLEMENTARY ALCOHOL BEVERAGES AT A PLACE OF**
103 **BUSINESS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law authorizes an art gallery to be issued a permit that allows the art gallery to serve complementary alcohol beverages. Under current law, a permit holder is prohibited from:

- Selling alcohol beverages by the drink;
- Serving alcohol beverages for more than 4 hours in a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- 24-hour period;
- Serving alcohol beverages more than 15 days per year;
- Charging an entrance fee or a cover charge in connection with offering complimentary alcohol beverages;
- Violating the "Colorado Liquor Code"; or
- Allowing more than 250 people to be on the premises at one time when alcohol beverages are being served.

The bill broadens this permit to allow all retail establishments to obtain the permit if the establishment conducts business at a physical building in Colorado, sells goods or services to the public at the location, and derives less than 50% of the establishment's gross sales of goods and services from the sale of food. The prohibitions applicable to art gallery permit holders under current law are not changed and apply to a retail establishment that obtains a permit; except that:

- The prohibition on selling alcohol is broadened to cover the sale of alcohol beverages in any form; and
- The number of days that an establishment may serve alcohol beverages in a year is increased from 15 to 24 days.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 44-3-424 as
3 follows:

4 **44-3-424. Retail establishment permit - definition.** (1) (a) A
5 person operating ~~an art gallery that offers~~ A RETAIL ESTABLISHMENT MAY
6 OFFER AND SERVE complimentary alcohol beverages for consumption only
7 on the premises ~~may be~~ IF THE RETAIL ESTABLISHMENT HAS BEEN issued
8 ~~an art gallery~~ A RETAIL ESTABLISHMENT permit, which ~~shall~~ MUST be
9 renewed annually. ~~An art gallery permittee~~

10 (b) A RETAIL ESTABLISHMENT PERMIT HOLDER shall not:

11 ~~(a)~~ (I) Directly or indirectly, sell alcohol beverages; ~~by the drink;~~
12 ~~shall not~~

13 ~~(b)~~ (II) Serve alcohol beverages for more than four hours in ~~any~~
14 ~~one day;~~ A TWENTY-FOUR-HOUR PERIOD; and ~~shall not~~

15 ~~(c)~~ (III) Serve alcohol beverages more than ~~fifteen~~ TWENTY-FOUR

1 days per year. ~~of licensure.~~

2 (2) (a) The state or local licensing authority may reject the
3 application for ~~an art gallery~~ A RETAIL ESTABLISHMENT permit if the
4 applicant fails to establish that the applicant is able to offer
5 complimentary alcohol beverages without violating this section or
6 creating a public safety risk to the neighborhood.

7 (b) Upon initial application, and for each renewal, the applicant
8 ~~shall~~ MUST list each day that alcohol beverages will be served, which days
9 ~~shall~~ MUST not be changed without a minimum of fifteen days' written
10 notice to the state and local licensing authority.

11 (3) ~~An art gallery shall not be denied an art gallery~~ NEITHER THE
12 STATE NOR A LOCAL LICENSING AUTHORITY SHALL DENY A RETAIL
13 ESTABLISHMENT permit based solely on the ~~art gallery's~~ RETAIL
14 ESTABLISHMENT'S proximity to any public or private school or the
15 principal campus of a college, university, or seminary.

16 (4) ~~An art gallery~~ A RETAIL ESTABLISHMENT shall not charge an
17 entrance fee or a cover charge ~~in connection with~~ IN EXCHANGE FOR
18 offering complimentary alcohol beverages for consumption only on the
19 premises.

20 (5) ~~An art gallery~~ A RETAIL ESTABLISHMENT permit may be
21 suspended or revoked in accordance with section 44-3-601 if the
22 ~~permittee~~ PERMIT HOLDER violates ~~any provision of~~ this article 3 or any
23 rule adopted pursuant to this article 3 or fails to truthfully furnish any
24 required information in connection with a permit application.

25 (6) (a) EXCEPT AS PROVIDED IN SUBSECTION (6)(b) OF THIS
26 SECTION, it is unlawful for any owner, part owner, shareholder, or person
27 interested directly or indirectly in ~~an art gallery~~ A RETAIL ESTABLISHMENT

1 THAT HOLDS A permit ISSUED PURSUANT TO THIS SECTION to conduct, own
2 either in whole or in part, or be directly or indirectly interested in any
3 other business licensed pursuant to this article 3 or article 4 of this title
4 44. ~~except that~~

5 (b) ~~A person regulated under~~ RETAIL ESTABLISHMENT THAT HOLDS
6 A PERMIT ISSUED PURSUANT TO this section may have an interest in:

7 (I) ~~Other art gallery permits; in~~ RETAIL ESTABLISHMENTS THAT
8 HOLD A PERMIT ISSUED PURSUANT TO THIS SECTION;

9 (II) A license described in section 44-3-401 (1)(j) to (1)(t), (1)(v),
10 or (1)(w), 44-3-412 (1), or 44-4-104 (1)(c); ~~or in~~

11 (III) A financial institution referred to in section 44-3-308 (4).

12 (7) As used in this section, ~~"art gallery"~~ "RETAIL ESTABLISHMENT"
13 means an establishment:

14 (a) ~~Whose THAT HAS THE primary purpose is to exhibit and offer~~
15 ~~for sale works of fine art as defined in section 6-15-101 or precious or~~
16 ~~semiprecious metals or stones as defined in section 18-16-102. OF~~
17 SELLING GOODS OR SERVICES TO THE PUBLIC;

18 (b) THAT CONDUCTS THE BUSINESS DESCRIBED IN SUBSECTION
19 (7)(a) OF THIS SECTION AT A PHYSICAL BUILDING IN COLORADO; AND

20 (c) THAT DERIVES LESS THAN FIFTY PERCENT OF THE
21 ESTABLISHMENT'S GROSS SALES OF GOODS AND SERVICES FROM THE SALE
22 OF FOOD.

23 (8) ~~An art gallery~~ A RETAIL ESTABLISHMENT issued a permit shall
24 not intentionally allow more than two hundred fifty people to be on the
25 premises at one time when alcohol beverages are being served.

26 (9) ~~Nothing in this section~~ THIS SECTION DOES NOT:

27 (a) ~~shall be construed to~~ Abrogate any insurance coverage

1 required by law; OR

2 (b) ~~to authorize a licensed art gallery~~ AUTHORIZE A RETAIL

3 ESTABLISHMENT PERMIT HOLDER to violate:

4 (I) Section 44-3-901, including ~~without limitation~~, serving a

5 visibly intoxicated person and taking an alcohol beverage off the licensed

6 premises; or ~~to violate~~

7 (II) Any zoning or occupancy ordinances or laws.

8 **SECTION 2.** In Colorado Revised Statutes, 44-3-501, **amend**

9 (1)(t) as follows:

10 **44-3-501. State fees - rules - one-time fee waiver.** (1) The

11 applicant shall pay the following license and permit fees to the

12 department annually in advance:

13 (t) For each ~~art gallery~~ RETAIL ESTABLISHMENT permit, fifty

14 dollars;

15 **SECTION 3.** In Colorado Revised Statutes, 44-3-505, **amend**

16 (1)(o) and (4)(a)(IV) as follows:

17 **44-3-505. Local license fees.** (1) The applicant shall pay the

18 following license fees to the treasurer of the municipality, city and

19 county, or county where the licensed premises is located annually in

20 advance:

21 (o) For each ~~art gallery~~ RETAIL ESTABLISHMENT permit,

22 twenty-five dollars;

23 (4) (a) Each application for a license provided for in this article 3

24 and article 4 of this title 44 filed with a local licensing authority must be

25 accompanied by an application fee in an amount determined by the local

26 licensing authority to cover actual and necessary expenses, subject to the

27 following limitations:

1 (IV) For a new ~~license~~ or renewal application for ~~an art gallery~~ A
2 RETAIL ESTABLISHMENT permit, not to exceed one hundred dollars;

3 **SECTION 4.** In Colorado Revised Statutes, 44-3-901, **amend**
4 (1)(i)(IV) as follows:

5 **44-3-901. Unlawful acts - exceptions - definitions.** (1) Except
6 as provided in section 18-13-122, it is unlawful for any person:

7 (i) (IV) Notwithstanding subsection (1)(i)(I) of this section, it is
8 not unlawful for adult patrons of ~~an art gallery permittee~~ A RETAIL
9 ESTABLISHMENT PERMIT HOLDER to consume alcohol beverages on the
10 premises when the consumption is conducted within the limitations of a
11 valid permit granted pursuant to section 44-3-424.

12 **SECTION 5. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2024 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.



CITY OF AURORA

Council Agenda Commentary

Item Title: Majestic Commercenter II Conditions Survey and Blight Designation (Ordinance)
Item Initiator: Andrea Amonick, AURA Manager
Staff Source/Legal Source: Jennifer Orozco, Senior Development Project Manager / Rachel Allen, Manager of Client Services
Outside Speaker: N/A
Council Goal: 2012: 5.2--Plan for the development and redevelopment of strategic areas, station areas and urban centers

COUNCIL MEETING DATES:

Study Session: 2/6/2023

Regular Meeting: N/A

ITEM DETAILS:

- Agenda long title
- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated Presentation/discussion time for Study Session

Jennifer Orozco, Senior Development Project Manager / Rachel Allen, Manager of Client Services, City Attorney
Estimated time: 20 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached | <input type="checkbox"/> Minutes Not Available |

HISTORY (Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)

Consultation with Aurora Urban Renewal Authority (AURA) Board on August 22, 2022.

ITEM SUMMARY (Brief description of item, discussion, key points, recommendations, etc.)

In mid-2022 Majestic Realty Company approached AURA staff requesting consideration of an urban renewal area and an incentive to redevelop approximately 418 acres of their property located between Picadilly Road and E-470 from East 26th Drive to East 38th Avenue. The property is immediately east of Majestic Commercenter and is currently vacant, apart from the recently-constructed Shamrock Foods facility.

Majestic Realty has plans for up to 5,250,000 SF of new industrial/flex space on the property. However, further build-out in the area will require three significant public improvements:

1. Improving or replacing the Picadilly bridge;
2. Improving First Creek by realigning the channel corridor and constructing a regional trail; and
3. **Constructing a regional detention pond at the property's southeast corner (see Attachment A).**

The cost estimate to complete these improvements is \$22.5 million. The timing and the financing of these **improvements is not yet planned, inhibiting the developer's ability to begin** site development. The developer desires to begin construction more expeditiously, stating that doing so will ensure timely site redevelopment and bring additional property taxes and jobs to the area more quickly.

Because the initiation of a new urban renewal area takes considerable staff effort and time (12-18 months) to **negotiate and process, staff sought the Aurora Urban Renewal Authority (AURA) Board's** direction on August 22, 2022, prior to proceeding with a blight study. The AURA Board requested staff to initiate a conditions survey as a first step in the process of authorizing creation of an urban renewal area and potentially negotiating a Public Financing and Redevelopment Agreement (PFRA) to assist in the expeditious financing for the necessary public improvements.

Staff retained a consultant, SEH, to conduct an independent blight study, funded by Majestic Realty. SEH visited the site in October 2022, and issued the following Conditions Survey (see Attachment B), dated November 2, 2022.

Colorado's Urban Renewal Law (C.R.S. 31-25-101 to 116) defines eleven factors, four of which must be identified within a defined area before an Urban Renewal Project or Plan can be established and adopted. In the event there is no objection by the property owner(s) and the tenant(s) to the inclusion of their property within an urban renewal plan area, then only one blighting factor need be identified for Council to determine the area is eligible for renewal projects and activities.

In the Majestic Commercenter II Conditions Survey, the consultant identified the following five blighting factors (per C.R.S. 31-25-103.2) within the area:

- Factor 2: Predominance of Defective or Inadequate Street Layout;
- Factor 3: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness;
- Factor 4: Unsanitary or Unsafe Conditions;
- Factor 6: Unusual Topography or Inadequate Public Improvements or Utilities; and
- Factor 11: The existence of Health, Safety, or Welfare Factors Requiring High Levels of Municipal Services or substantial Physical Underutilization or Vacancy of Sites, Buildings, or other Improvements.

The attached report includes the detailed findings. Blighting factors have been mapped to illustrate the location of the observed conditions. SEH concluded: "Based upon our field observations and analysis, this report finds that the surveyed area meets the Act's statutory minimum of blighting factors required to designate the proposed Majestic Commercenter II Urban Renewal Plan as an urban renewal project eligible for urban renewal activities."

Should Council agree with this conclusion and finding, Council may declare the area "blighted" and "appropriate for an urban renewal project" (C.R.S. 31-25-103). This blight designation would allow staff to proceed with drafting an urban renewal plan, evaluating the fiscal impacts and potential tax increment generation, and negotiating with the taxing jurisdictions.

QUESTIONS FOR COUNCIL

Does the Council wish to move the item forward to a regular Council agenda to set a public hearing to declare the area blighted and appropriate for urban renewal, and initiate an urban renewal plan?

LEGAL COMMENTS

The Authority shall not undertake an urban renewal project for an urban renewal area within the City unless, based on evidence presented at a public hearing, the City Council of the City ("Council"), by resolution, has determined such area to be a blighted area and designated such area as appropriate for an urban renewal project. (Section 31-25-107(1), C.R.S.). Once an area is determined to be a blighted area and, as a result, is designated as appropriate for urban renewal, Council shall hold a public hearing on the adoption of an urban renewal plan for the redevelopment of such area. (Section 31-25-107(3), C.R.S.) (Allen)

PUBLIC FINANCIAL IMPACT

☐ YES ☒ NO

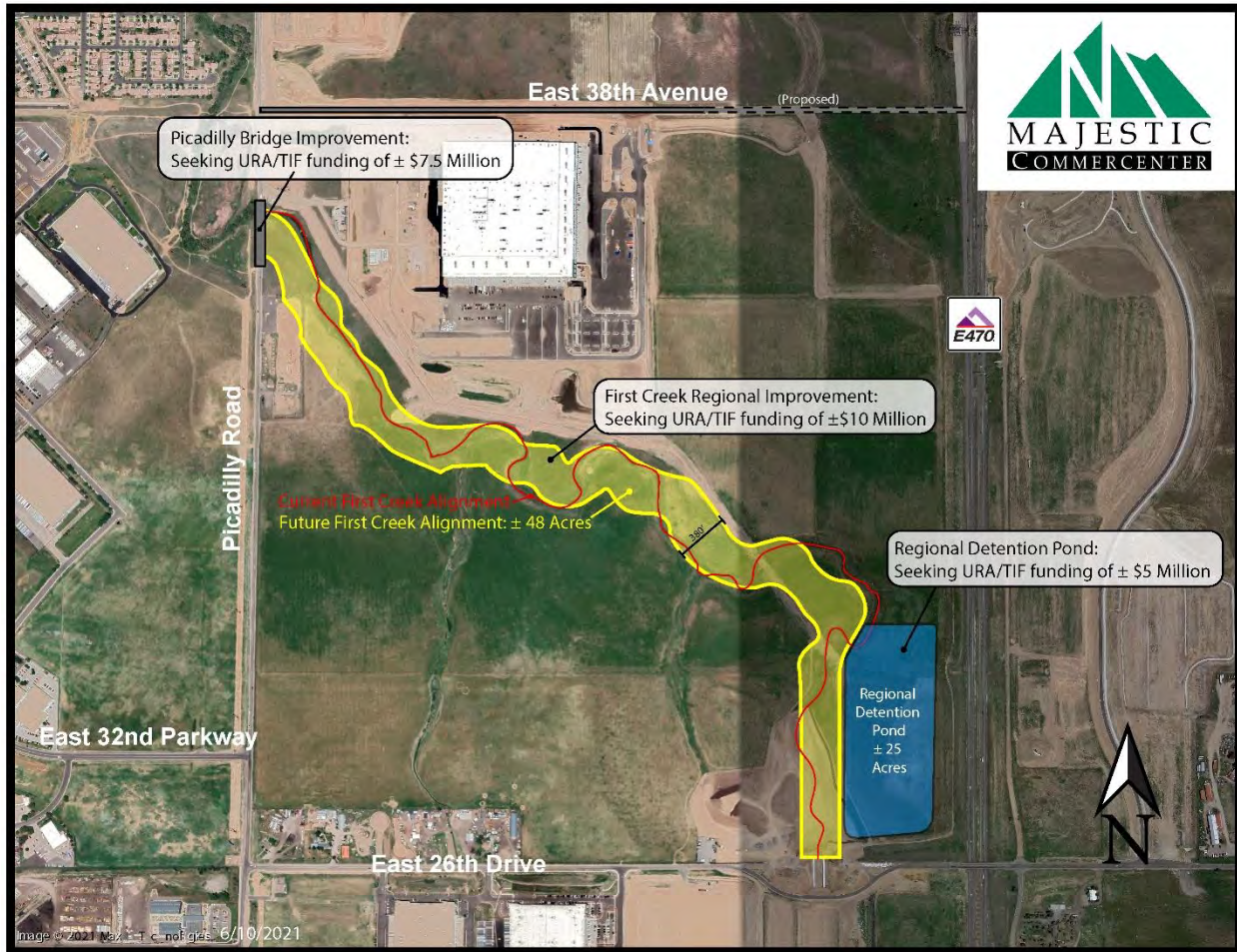
If yes, explain: N/A

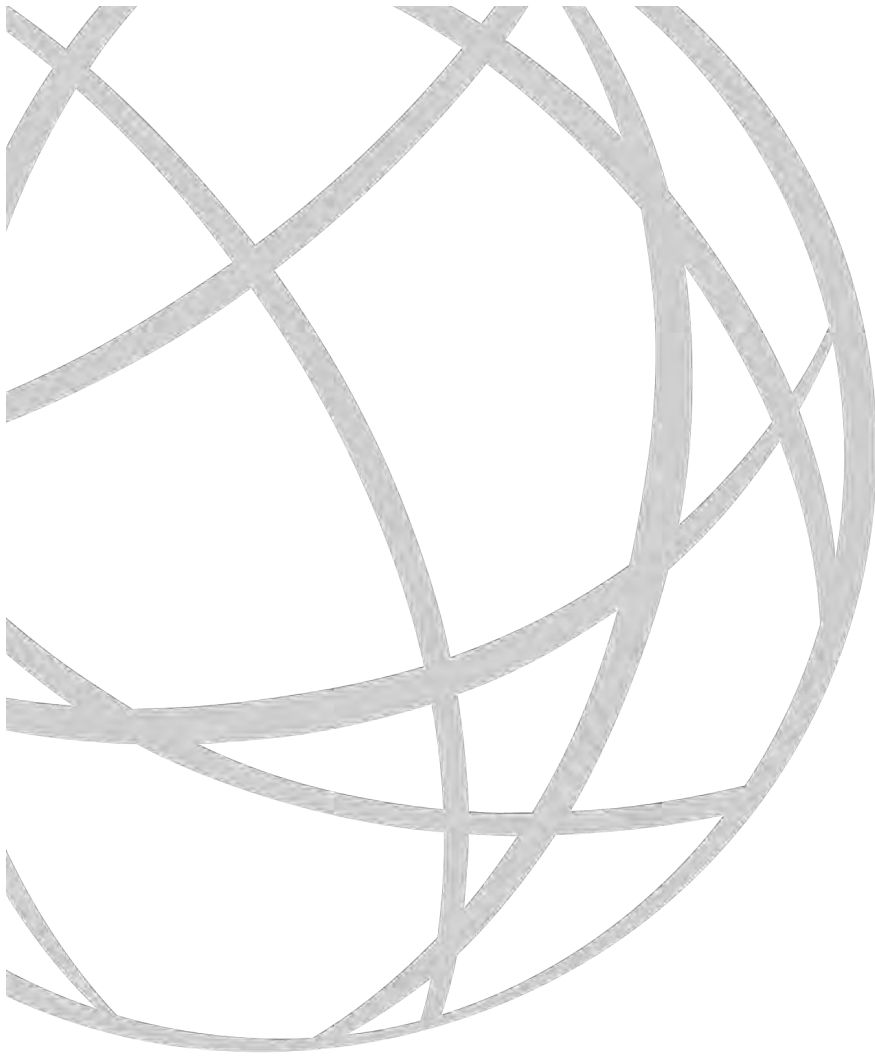
PRIVATE FISCAL IMPACT

☒ Not Applicable ☐ Significant ☐ Nominal

If Significant or Nominal, explain: There is no direct fiscal impact from the Council declaration of blight. However, declaration of blight is a prerequisite for the eventual adoption of an urban renewal plan and establishment of a Tax Increment Financing (TIF) area. Although a new urban renewal plan/area takes considerable staff effort and time (12-18 months) to negotiate and process, there are no direct revenue or budgetary impacts unless a plan and incentive agreement are ultimately adopted.

The developer asserts that financing public improvements with Metropolitan District bonds, supported by a pledge of tax increment financing (TIF) revenue, would enable the developer to begin construction more expeditiously, ensuring timely site redevelopment and bringing additional property taxes and jobs to the area more quickly.





Aurora Urban Renewal Authority

Majestic Commercenter II: Conditions Survey

The City of Aurora, Colorado

169922 | November 2, 2022



Building a Better World
for All of Us®

Engineers | Architects | Planners | Scientists



November 2, 2022

Aurora Urban Renewal Authority
The City of Aurora, Colorado

Dear Aurora Urban Renewal Authority Board of Commissioners,

The following conditions survey report is intended to assist the Aurora Urban Renewal Authority (AURA) with identifying and cataloging conditions that may be arresting sound development from occurring throughout a specific area in town. This area tentatively named the “Majestic Commercenter II Urban Renewal Plan” since it is being considered for a future urban renewal project.

The proposed Majestic Commercenter II Urban Renewal Plan will encompass approximately 418 acres that includes 1 parcel. The parcel is currently vacant and without any building improvements. The land is assessed agricultural and features four oil and gas wells. This conditions survey evaluates the area in its entirety.

The conditions survey report has been prepared based upon the application of Colorado’s Urban Renewal Law under C.R.S. 31-25 Part I, more specifically §§ 101 to 116 (the “Act”). The report includes a description of each blighting factor for identification pursuant to the Act and an identification of those factors observed, identified, and found to exist within the proposed plan area. Blighting factors have also been mapped to illustrate the location of these observed conditions and the parcels they impact.

Based upon our field observations and analysis, this report finds that the surveyed area meets the Act’s statutory minimum of blighting factors required to designate the proposed Majestic Commercenter II Urban Renewal Plan as an urban renewal project eligible for urban renewal activities.

Sincerely,

Andrew Arnold, AICP
Associate | Economic Development
Short Elliott Hendrickson, Inc (SEH®)

CC: Jennifer Orozco

Executive Summary

The Majestic Commercenter II Urban Renewal Plan Conditions Survey:

A conditions survey report is required by Colorado's Urban Renewal Law to examine the existence of specific conditions that contribute to making an area within the community "blighted", and therefore eligible for urban renewal treatment. The conditions survey is the first step in the process of either establishing an Urban Renewal Authority within a municipality or creating an urban renewal plan for a specific geographical area of that municipality.

An urban renewal plan area, also known as an urban renewal project, is defined by state statute to mean "a slum area, or blighted area, or combination thereof, which the local governing body designates as appropriate for an urban renewal project" (C.R.S. 31-25-103). The process to designate an urban renewal plan is organized under Colorado Urban Renewal Law (C.R.S. 31-25-101 to 116).

For an urban renewal plan to be established and adopted, a specific geographic area within the community must be found to exhibit certain conditions. These conditions are known as "blighted area factors" and these factors must be cataloged before urban renewal projects and activities can commence. The process of surveying for the presence of blighting factors is part of conducting a conditions survey, a report that carefully analyzes a geographic area to determine the existence of factors that, "substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare." (C.R.S. 31-25-103.2)

A conditions survey does not create a new Urban Renewal Plan or Urban Renewal Project. The conditions survey is merely a starting point for that process, one that is required before the Aurora Urban Renewal Authority can designate a specific plan area, evaluate its fiscal impacts and potential tax increment generation, and adopt its Urban Renewal Plan. The conditions survey's purpose is to evaluate the proposed URA plan area and determine if it meets the statutorily required threshold of blighted area factors. Colorado's Urban Renewal Law defines eleven factors, four of which must be identified before an Urban Renewal Project or Plan can be established and adopted. In the event that there is no objection by the property owner(s) and the tenant(s) to the inclusion of their property within an urban renewal plan area, then only one blighting factor need be identified for that area to become eligible for renewal projects and activities.

The proposed Majestic Commercenter II Urban Renewal Plan area was carefully surveyed using a holistic analysis. Observations were taken during a field visit that identified the presence of statutorily defined blighting factors throughout the area. These observations were supplemented with background research on the site and market characteristics. This report thoroughly reviewed both City and County planning documents, as well as assessment information that could help identify blighting factors that were not easily observable during the site visits.

This conditions survey's conclusion is that the proposed Majestic Commercenter II Urban Renewal Plan area exhibits the necessary number of blighting factors to make it eligible for an urban renewal project or plan area according to state statute. This conditions survey identified five (5) blighting factors within the area, listed in the table below:

MCC II URA Plan Conditions Survey - Blighted Area Factors Cataloged	
Blighted Area Factor # (C.R.S. 31-25-103.2 List Label)	Definition
Factor 2	Predominance of Defective or Inadequate Street Layout
Factor 3	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness
Factor 4	Unsanitary or Unsafe Conditions
Factor 6	Unusual Topography or Inadequate Public Improvements or Utilities
Factor 11	The existence of Health, Safety, or Welfare Factors Requiring High Levels of Municipal Services or substantial Physical Underutilization or Vacancy of Sites, Buildings, or other Improvements

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Aurora Urban Renewal Authority

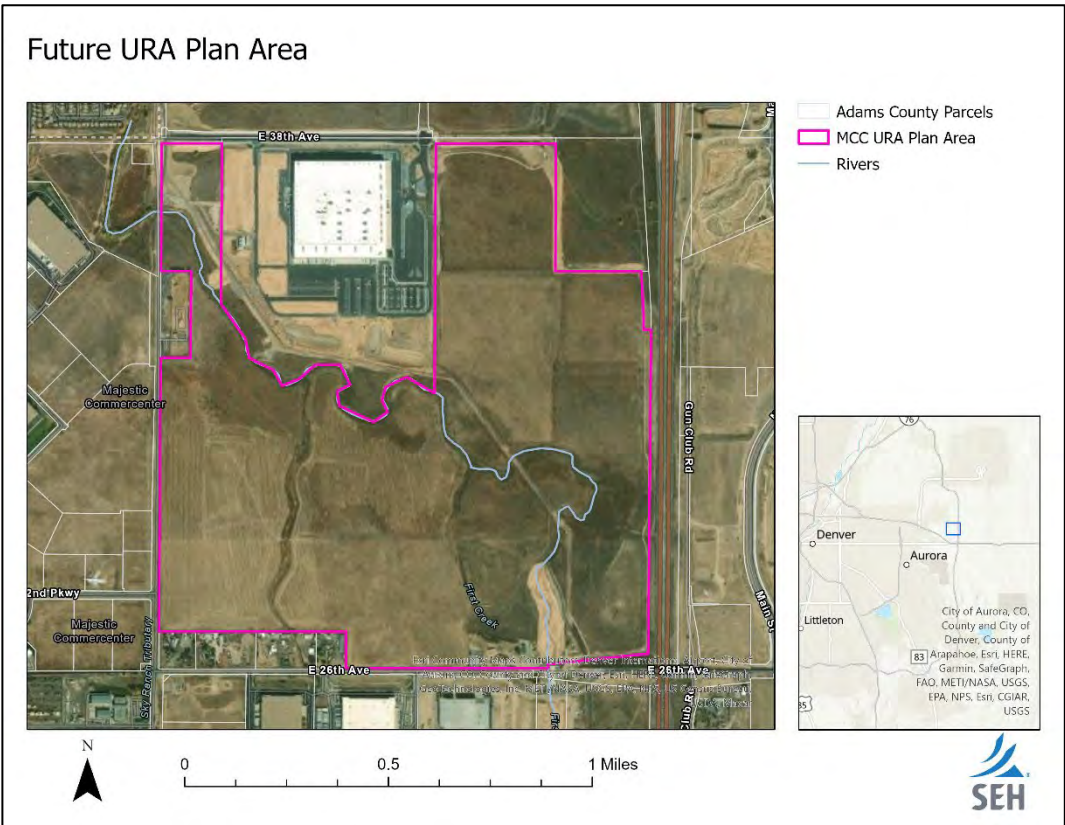
Majestic Commercenter II: Conditions Survey

Prepared for the AURA Board of Commissioners

1 The Majestic Commercenter II Urban Renewal Plan Summary

1.1 Survey Area

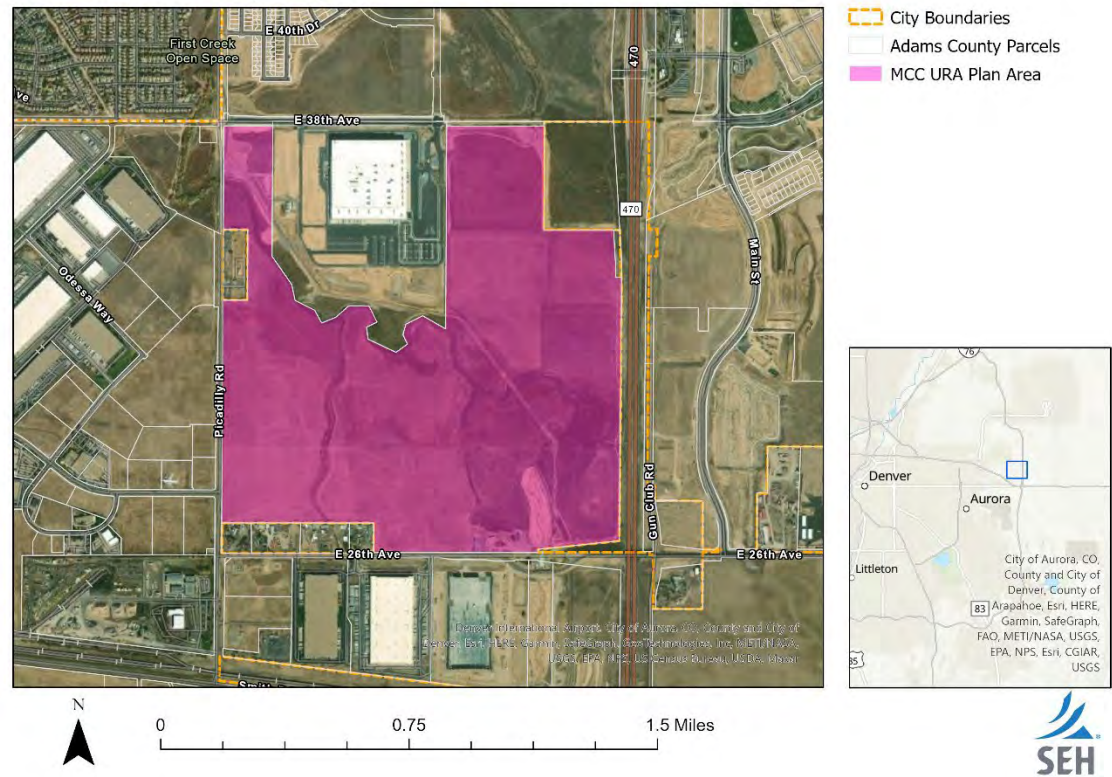
The Majestic Commercenter II Urban Renewal Plan’s proposed boundary encompasses 418 acres within the City of Aurora’s limits. Only one parcel . This parcel and its surrounding ROW form this Conditions Survey’s boundary.



Survey Boundary Statistics

MCC URA Survey Boundary	Totals
Number of Total Acres	418
Parcel Acreage	418
Number of Parcels	1

MCC Urban Renewal Plan Conditions Survey Map



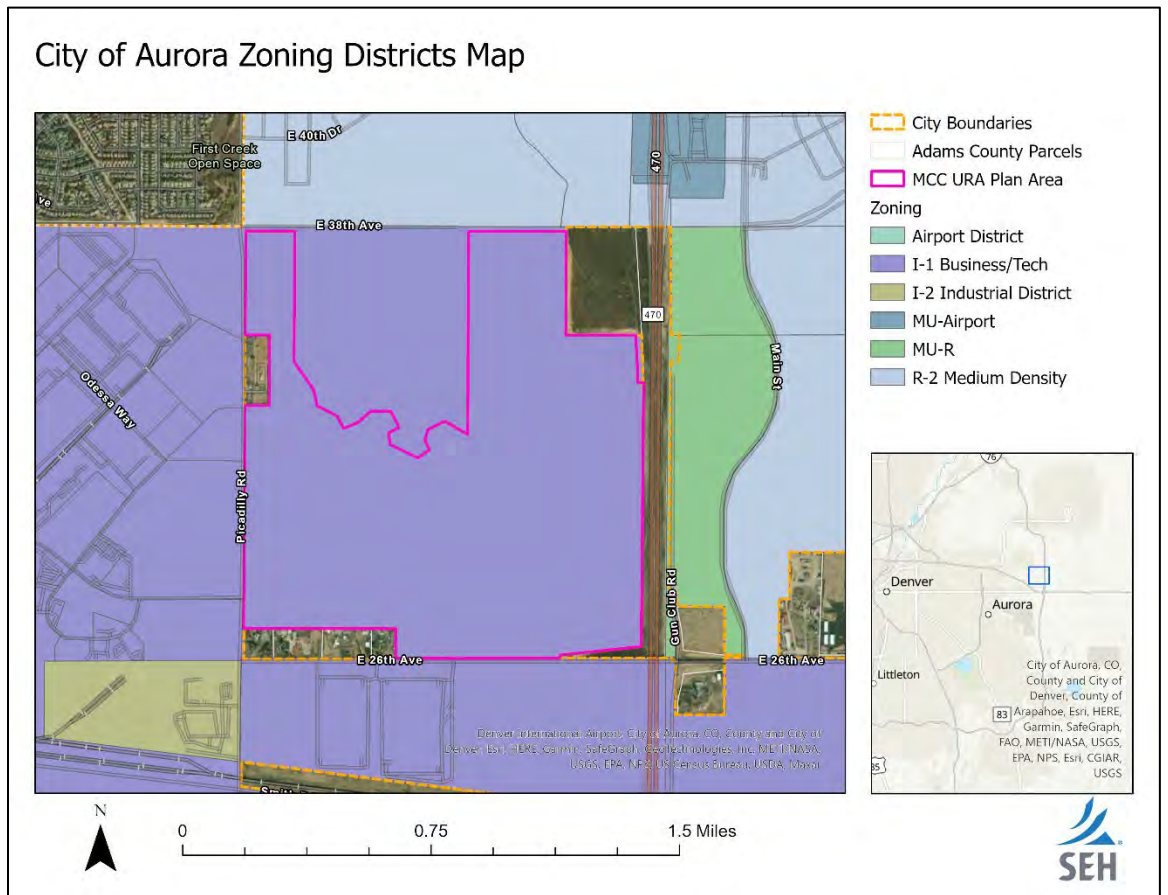
1.2 Zoning Districts

The Majestic Commercenter II Urban Renewal Plan survey boundary includes 1 parcel that is zoned I-1 Business/Tech District. This zoning district will regulate the redevelopment that will be permitted throughout the Majestic Commercenter II urban renewal project.

A summary of the zoning district's acreage, number of parcels, and assessed value has been included in the table below. The location of this zoning district relative to the survey boundary is illustrated in the map below.

Zoning Districts Statistics

Zoning District Statistics			
Zoning District Code	Number of Parcels	Estimated Acreage	Estimated Assessed Value
I-1	1	418	\$7,190



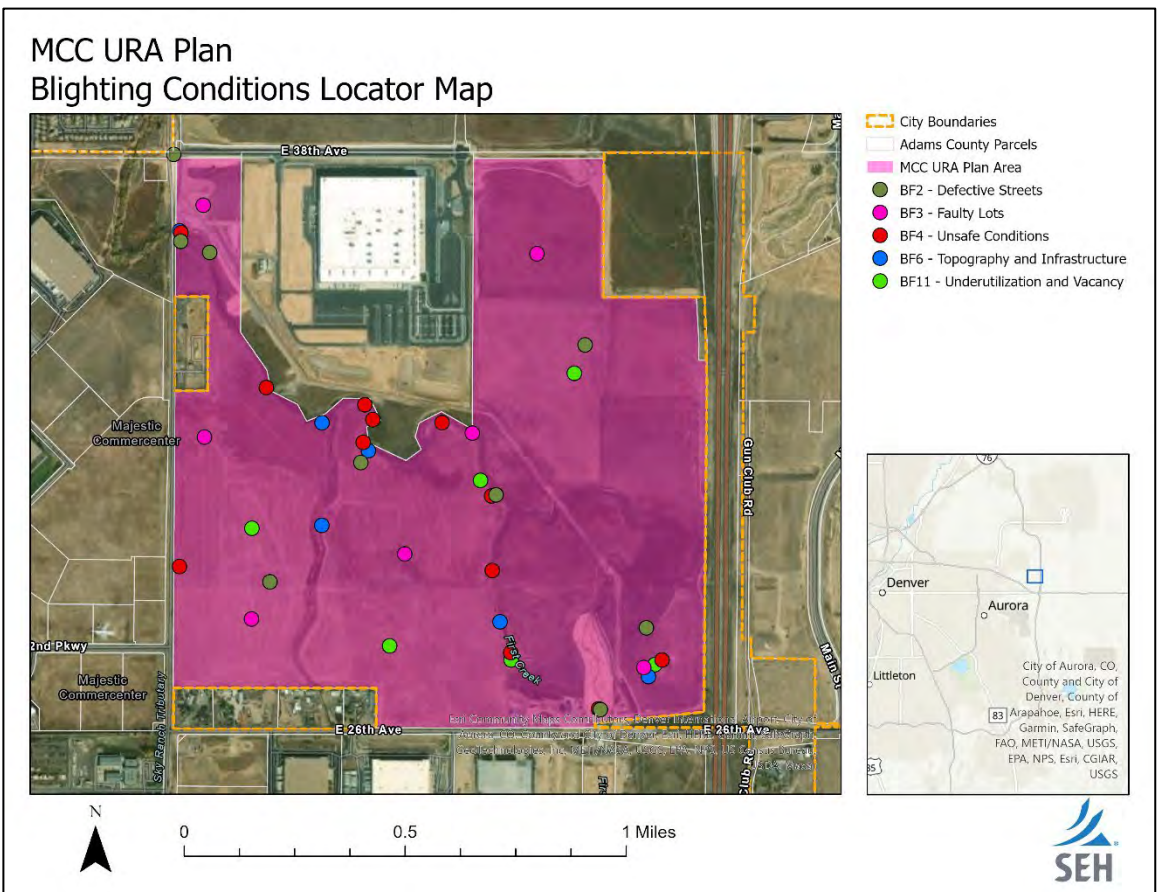
1.3 Current Assessment of Survey Area

The survey area includes 1 parcel. The total equalized assessed value of this parcel, according to the Adams County Assessor's database, is \$7,190. There are no building improvement values within the survey boundary. It should be noted that this assessed value is based on an agricultural assessment and cannot be used as the base value for the proposed Urban Renewal Plan. The Urban Renewal Plan's base value must be recalculated as if the land were assessed as vacant.

The survey boundary is within Adams County's 591 Tax Area. The millage rate in this area is 142.149.

2 Methodology

This Conditions Survey utilized a holistic methodology in determining whether blighting factors exist within the proposed Majestic Commercenter II Urban Renewal survey boundary. This methodology included a literature review of adopted plans and reports, an analysis of County Assessor records and GIS databases, and a field visit. Field work was supplemented by GIS technology that recorded and documented potential blighting factors in real time. Maps were created for each blighting factor identified within the survey area, illustrating which parcels contain, or are in proximity to, statutorily defined blighting factors. These maps represent the layered information gathering approach used in this report to ensure that each blighting factor was thoroughly analyzed.



It is important to note that conditions surveys evaluate an area in its entirety for the presence of blighting factors and are not intended to declare individual properties or separate areas as blighted¹. The maps included in this report illustrate the location and clustering of individual blighting factors as a means of representing this survey's findings. For a survey area to be declared blighted, it must exhibit four or more blighted area factors². It is the combination of factors within an area that makes that area eligible for urban renewal activities.

¹ Unless that individual property is in fact the entirety of the URA Plan area.

² Exceptions include property owner consent and eminent domain. A survey area where property owners' consent to inclusion may only require one blighting factor. In order to use eminent domain, five blighting factors must be found.

3 Evaluation of Blighting Factors

Defining “Blighted Area Factors”

Colorado Revised Statutes 31-25-103 states that for an Urban Renewal Plan area to be established, there must exist certain conditions known as “blighted area factors”. State statute defines eleven separate factors for blight. The law indicates that if four or more of these factors are found in an area of the municipality, that area may be declared blighted and qualify for urban renewal treatment.

Blighted Area Factors Defined:

- a) Slum, deteriorated, or deteriorating structures
- b) Predominance of defective or inadequate street layout
- c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- d) Unsanitary or unsafe conditions
- e) Deterioration of site or other improvements
- f) Unusual topography or inadequate public improvements or utilities
- g) Defective or unusual conditions of title rendering the title nonmarketable;
- h) The existence of conditions that endanger life or property by fire or other causes
- i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities
- j) Environmental contamination of buildings or property
- k) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

These eleven factors can also be thought as “conditions”, and the presence of at least four of these conditions can satisfy the state statute defining an area blighted. In addition to this list, C.R.S. 31-25-103(2) lists a twelfth condition. This final condition only applies when there is unanimous agreement among affected property owners that their properties can be included in an Urban Renewal Area. In this rare occurrence, only one blighting factor from the list of eleven needs to be identified to declare the area blighted.

State statute allows for some flexibility in defining what each blighting factor represents. For the purpose of this conditions survey, each blighting factor will be unpacked to describe various real world “conditions” that would indicate the presence of said factor. The presence of a condition within the survey boundary alone is not enough to make that area eligible for urban renewal activities. Rather, it is the culmination of four or more blighting factors which indicates that renewal activities should be applied within the proposed project area.

Identifying blighting conditions throughout this proposed project area required an objective analysis. The following sections outline the blighted area factors that this analysis found to be present within the survey area. Blighted area factors that were not identified were excluded from this report.

3.1 Factor Two – Predominance of Defective or Inadequate Street Layout

Description:

This factor refers to street conditions that negatively impact sound development, redevelopment, or threaten safety. Conditions that would justify the inclusion of this factor in an area may include:

- Inadequate street widths, lack of streets, dead ends or overall faulty layouts that impede vehicular access and internal circulation
- Streets that exhibit high degrees of traffic or accidents
- Streets that are in need of repair or reconstruction
- Poor emergency access or active transportation

Findings:

The parcel for the proposed Majestic Commercenter II URA plan area lacks building improvements and is assessed agricultural. The area has not been subdivided and consists of only one 418-acre parcel. There are no proposed streets or road layouts on the site and there is currently no public right of way on the site. Access to and from the site is also limited, despite the parcel's size and its contiguity with public right-of-way. The roads leading to the site exhibit an ineffective street network and consist of many dead ends with no clear and obvious access to the site. There is also no active transportation infrastructure around or within the site.

The main condition identified that creates barriers to redevelopment is the parcel's lack of internal street network. The parcel is 418 acres, and yet there are only deteriorating dirt roads to gain access to the interior of the parcel. The property is also transected by First Creek and lacks culverts or bridges for crossings. First Creek contributes to a large 100-year floodplain through the property as well, an additional challenge for future street and parking improvements.

In sum, the survey boundary exhibits an inadequate street layout that negatively impacts sound development throughout the survey area.

Blighting Factor 2 - Defective Streets



3.2 Factor Three – Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

Description:

This factor refers to shapes, layout and sizes of lots that complicate sound development and the usefulness of the property. Conditions that would justify the inclusion of this factor in an area may include:

- Narrow or odd shaped lots
- Impractical lot layouts
- Lot configurations that yield unproductive conditions on the land as exhibited by misuse or nonuse

Findings:

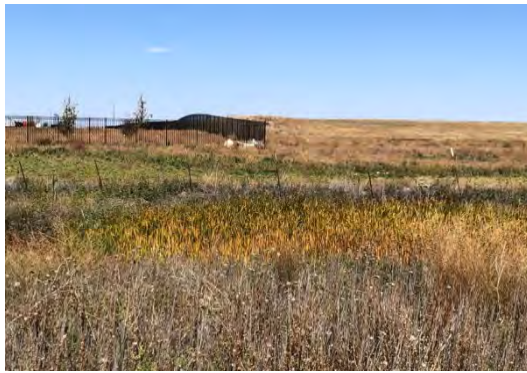
The conditions survey identified examples of this factor throughout the survey area. This condition can apply to parcels that are of a size or shape that makes it challenging for development. The subject parcel of this study is 418 acres. Its boundaries are irregular, and it is effectively divided by a Creek and 100-year floodplain. These conditions yield an impractical lot layout that complicates sound development.

The odd shape of this parcel and the First Creek division makes access limited and challenging. The property also lacks an interior street network, further complicating redevelopment. The irrigation ditch that makes up the northern border of the parcel is meandering and oddly shaped, rendering the area impractical. This situation yields unproductive lot layouts and challenging lot configuration.

The parcel's size is also a consideration for this blighting factor. Development at this scale is difficult, and oftentimes it requires a property to be subdivided to trigger private development interests. At 418 acres, this property represents a significant challenge for redevelopment.

The parcel's large size, impractical layout, and odd features indicates that this blighting factor is present.

The map shows an aerial view of the East Commerce Center area in Denver, Colorado. A large, irregularly shaped area is highlighted in a light purple color, representing the proposed 28th Avenue Transit Station. This area is bounded by E 30th Ave to the north, E 26th Ave to the south, and E 28th Ave to the east. To the west of the highlighted area is the Majestic Commerce Center. The map also shows Gun Club Rd running vertically on the right side. A scale bar at the bottom indicates a distance of 0 to 1 mile, and a north arrow is located in the bottom left corner. The map includes various labels such as 'E 30th Ave', 'E 26th Ave', 'E 28th Ave', 'Majestic Commerce Center', and 'Gun Club Rd'. There are also some smaller labels like '2nd Pkwy' and 'Majestic Commerce Center' on the left side. The map shows a mix of developed areas with buildings and parking lots, and undeveloped land with some vegetation. The highlighted area appears to be a mix of both developed and undeveloped land.



3.3 Factor Four – Unsanitary or Unsafe Conditions

Description:

This factor refers to a multitude of unsafe or hazardous conditions. The commonality is that these conditions contribute to hazards that could have an adverse effect on the health, safety or wellbeing of the public. This factor shares similarities to conditions one (1), five (5), eight (8), nine (9) and ten (10). Conditions that would justify the inclusion of this factor in an area may include:

- Floodplain or flood prone areas
- Poor storm water drainage areas
- Cracked or uneven sidewalks
- Hazardous materials
- Dangerous traffic or pedestrian conditions
- High crime statistics
- Facilities are prone to fire dangers
- Environmental contamination
- Inadequate utility systems
- Water scarcity and lack of water and sewer infrastructure
- Evidence of vandalism or homelessness
- Steep topography
- Trash, debris and noxious weeds

Findings:

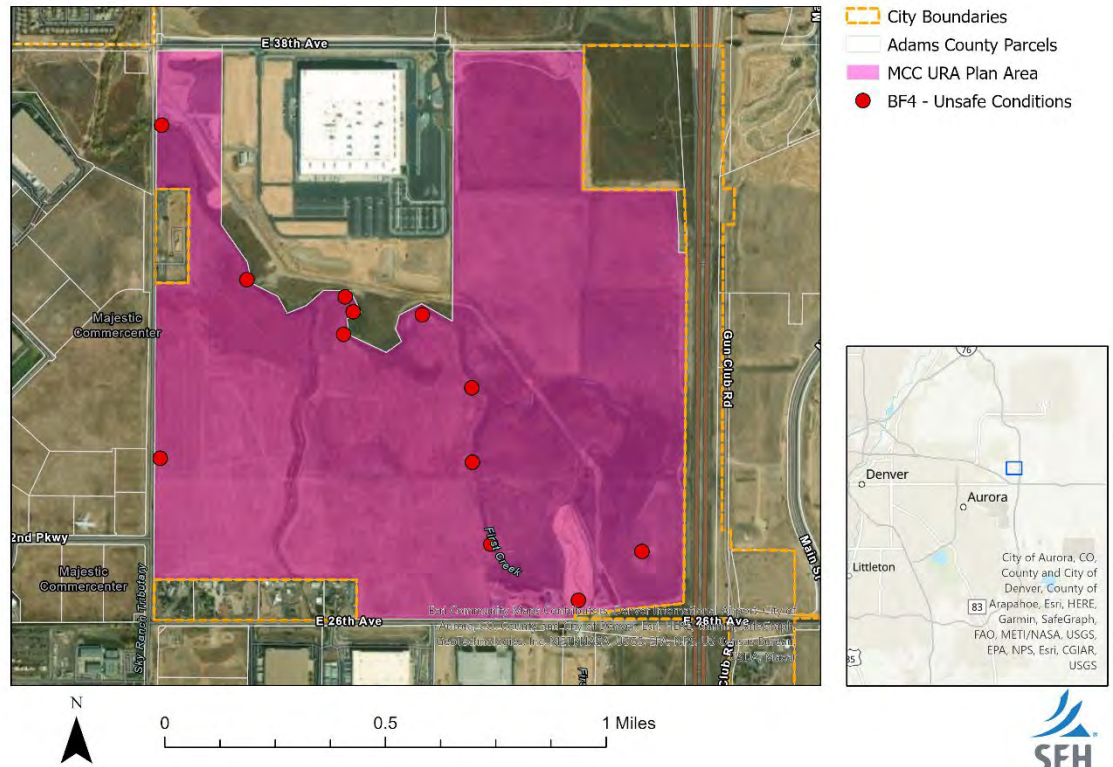
The range of conditions listed made it possible to find multiple examples of this blighting factor within the survey area. The most significant example identified in the survey area involved the presence of a floodplain or flood prone areas. The subject parcel is divided by First Creek. This stream is a flood risk, and the subject parcel has a large area within the 100-year floodplain. Future development projects would need to contend with this flood risk, and be required to meet the standards of development in a floodplain. The significant floodplain is the primary reason for this blighted area factors inclusion in this report.

Poor stormwater drainage was also identified as a condition in the southeastern corner of the site. In the proposed regional detention pond on the southeast area of the parcel, a visible depression in the ground can be seen. This depression in the ground does not appear to have any formal stormwater drainage facilities. This area also falls into the flood zone area with “high risk” which makes stormwater drainage even more vital to the site.

Dangerous traffic and pedestrian conditions were also present on the site, specifically on the western side of the parcel along Picadilly Road. There is not adequate pedestrian access here and high traffic volumes contribute to its hazards.

The culmination of environmental and drainage concerns, as well as dangerous traffic and pedestrian conditions identified during the site visit, underscores the presence of this factor.

Blighting Factor 4 - Unsafe/Unsanitary Conditions



3.4 Factor Six – Unusual Topography or Inadequate Public Improvements or Utilities

Description:

This factor refers to unusual topography or lack of public infrastructure that have the effect of arresting sound development in a study area. Areas that exhibit steep grades which cause development to be incompatible or unprofitable would fall under this factor. Properties that are lacking public infrastructure, or are served by deteriorating public infrastructure, would also fall under this factor. This factor shares aspects of factors two (2) and four (4). Conditions that justify the inclusion of this factor in an area may include:

- Steep slopes or unusual terrain
- Overhead utilities in need of repair
- Deteriorating parking lots, street surfaces, sidewalks
- Poor storm water drainage facilities
- Lack of central sewer or water
- Lack of internal street network
- Broken or inadequate street lighting

Findings:

The conditions survey analysis found similar conditions for this factor as those that were identified in blighted area factors 2 and 4. The deteriorating street surfaces at the bridge on Picadilly Road show a drastic need in improvement. The street network on the site is inadequate because it consists entirely of dirt roads that could not provide access for cars, making this infrastructure inadequate for sound development.

There is also steep and unusual terrain throughout the site, especially along First Creek. The steep slopes and unusual terrain also fall within the boundary of the 100-year floodplain. This marks unusual terrain that can challenge redevelopment efforts throughout the property.

Poor stormwater drainage facilities were also identified as a potential challenge within the survey boundary. Although the First Creek drainage ditch bisects the survey area, standing water and debris were observed within this ditch. Stormwater drainage facilities would need to be improved and constructed throughout the survey area to ensure that the existing drainage ditch is not negatively impacted and to mitigate the flood risk.

The combination of these conditions supports the inclusion of this factor within the Conditions Survey.



3.5 Factor Eleven – The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

Description:

This factor references a broad category of health, safety and welfare factors. The common conditions for this factor to be present are instances where high levels of municipal service are required, substantial physical underutilization of property is exhibited, or high levels of vacancy are common. Vacancy can include land, buildings, or tenancy. This factor shares similarities with many of the factors on this list. Conditions that would justify the inclusion of this factor in an area include:

- Numerous vacant buildings or property throughout the area
- Evidence of underutilized buildings
- Underutilized or vacant sites

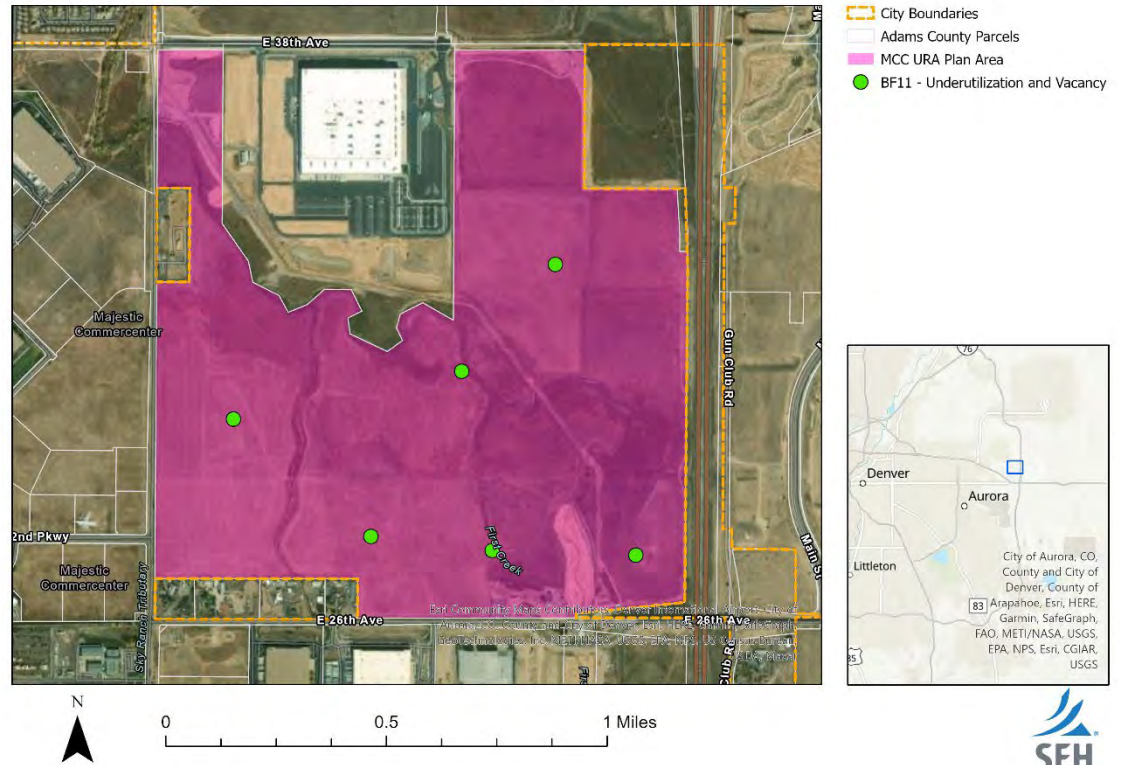
Findings:

The conditions survey identified this blighted area factor throughout the survey boundary. The condition that led to this factor's inclusion in the report was substantial underutilization of the site. This underutilization determination resulted from researching the existing uses throughout the survey area and comparing these properties with surrounding properties in the City of Aurora and Majestic Commercenter.

The survey area parcel is currently assessed for agricultural uses. This would typically mean that the agricultural parcels are being utilized, despite their lack of building improvements. However, after the field visit and analyzing real estate and assessor data, it is clear the parcel is being significantly underutilized. The surrounding parcels exhibit a thriving business and industrial park, and the neighboring parcel is home to Shamrock foods.

The fact that this survey area is essentially a vacant site surrounded by development and proposed development, indicates that it is underutilized relative to its location in Aurora. This underutilization underscores the presence of this blighted area factor within the survey boundary.

Blighting Factor 11 - Underutilization and Vacancy



4 Conclusion

This conditions survey catalogs the presence of statutorily defined blighting factors within the proposed Majestic Commercenter II Urban Renewal Plan area. This report was designed to assist the Aurora Urban Renewal Authority (AURA) in determining whether this area is 1) eligible for urban renewal projects and activities, and 2) that the proposed boundary is drawn as narrowly as possible.

This Conditions Survey identified five blighted area factors as defined by Colorado's Urban Renewal Law, within the survey boundaries of the proposed plan area. The presence of five blighted area factors meets the requirements outlined in C.R.S. 31-25-103(2), in which at least four blighted area factors must be present for that area to be declared "blighted" and therefore eligible to be designated as an Urban Renewal Plan area.

The proposed boundary also meets the statutory recommendation of "being drawn as narrowly as possible". The five blighting factors were not clustered in one vicinity, but rather, spread across the entirety of the survey boundary.

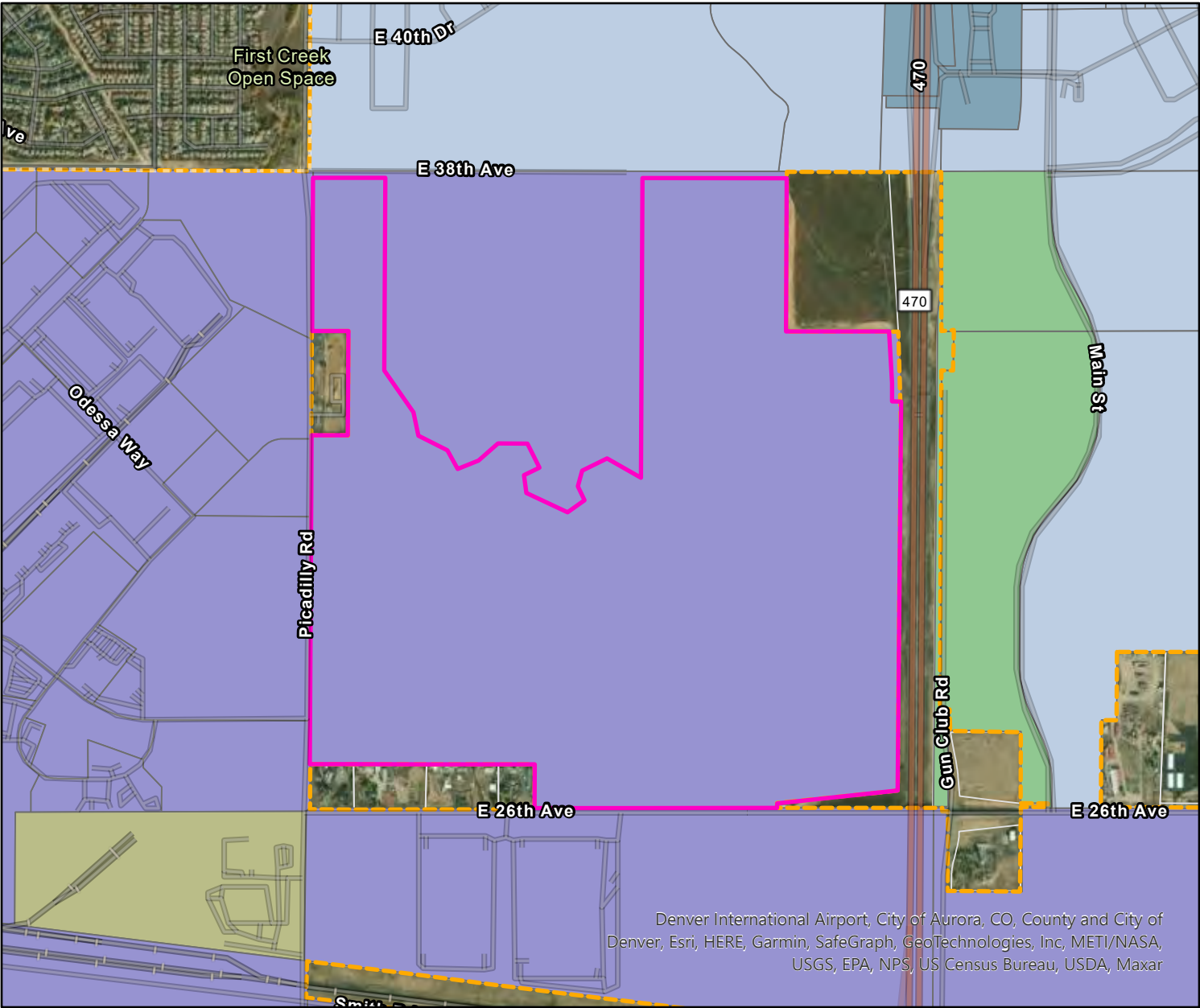
This Conditions Survey finds that the proposed Majestic Commercenter II Urban Renewal Plan area can be declared a "blighted area" as defined by Colorado's Urban Renewal Law and therefore qualifies for urban renewal treatment.

Conditions Survey Maps

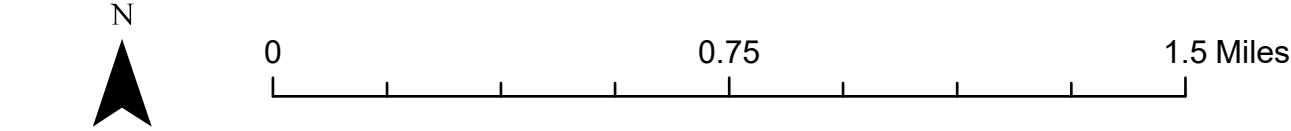
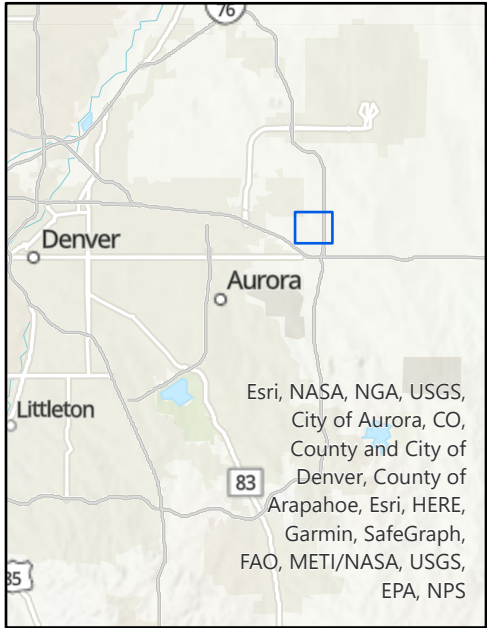
Appendix A

Zoning Map

City of Aurora Zoning Districts Map



- City Boundaries
- Adams County Parcels
- MCC URA Plan Area
- Zoning
 - Airport District
 - I-1 Business/Tech
 - I-2 Industrial District
 - MU-Airport
 - MU-R
 - R-2 Medium Density

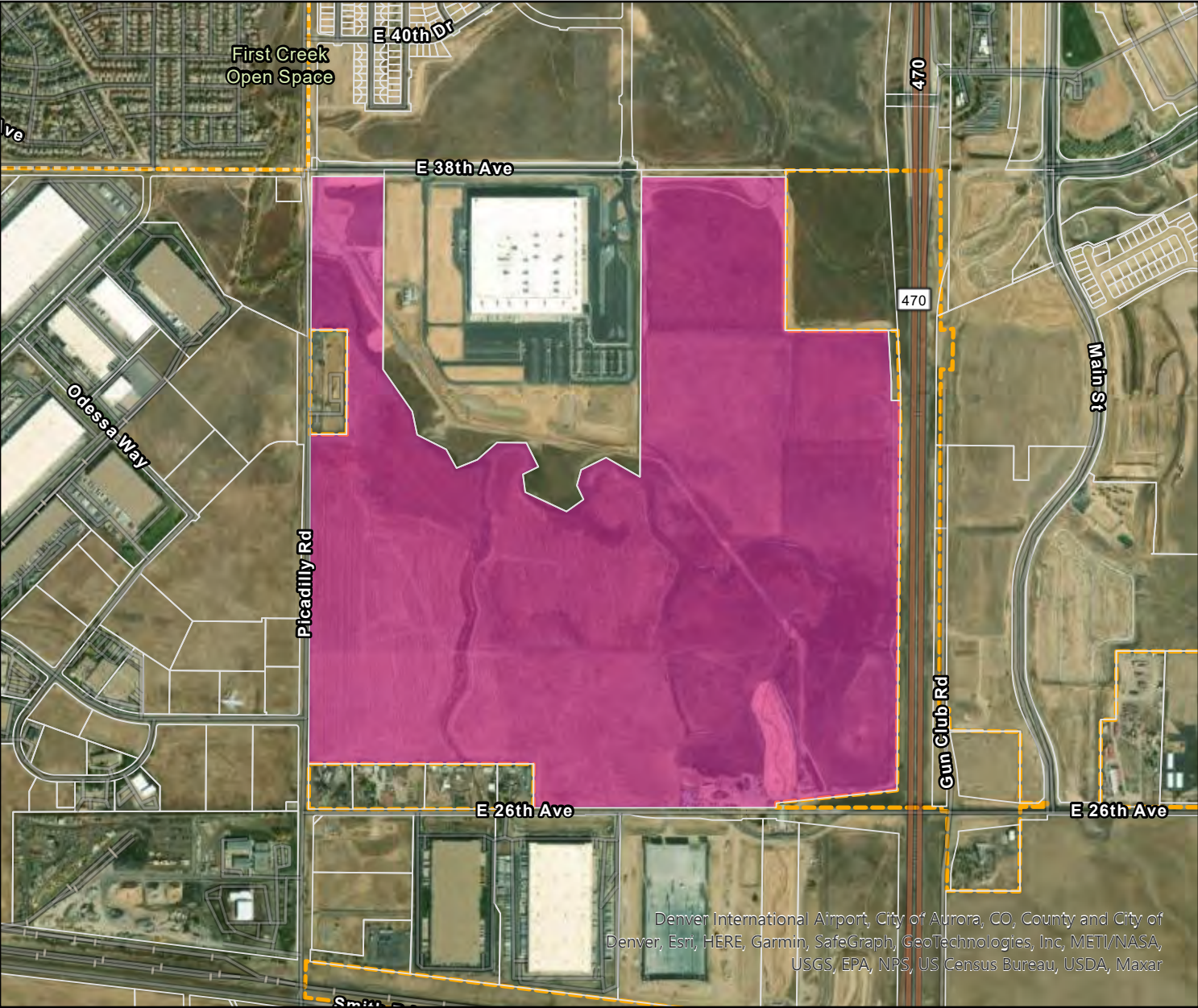


Appendix B

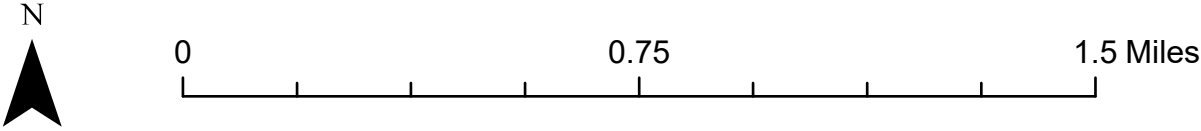
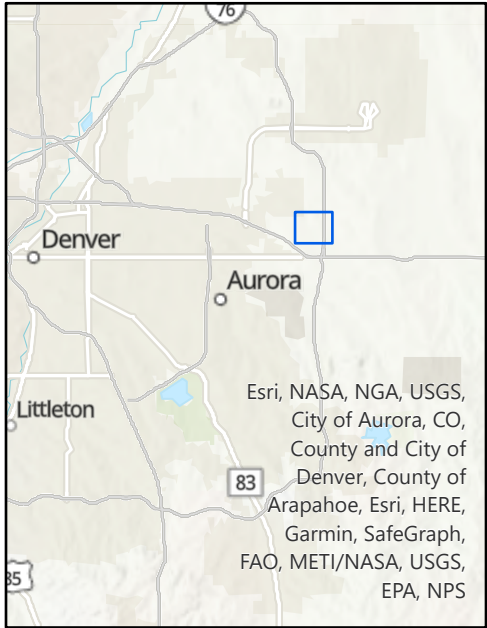
Future URA Plan Area Map

MCC Urban Renewal Plan

Conditions Survey Map



- City Boundaries
- Adams County Parcels
- MCC URA Plan Area

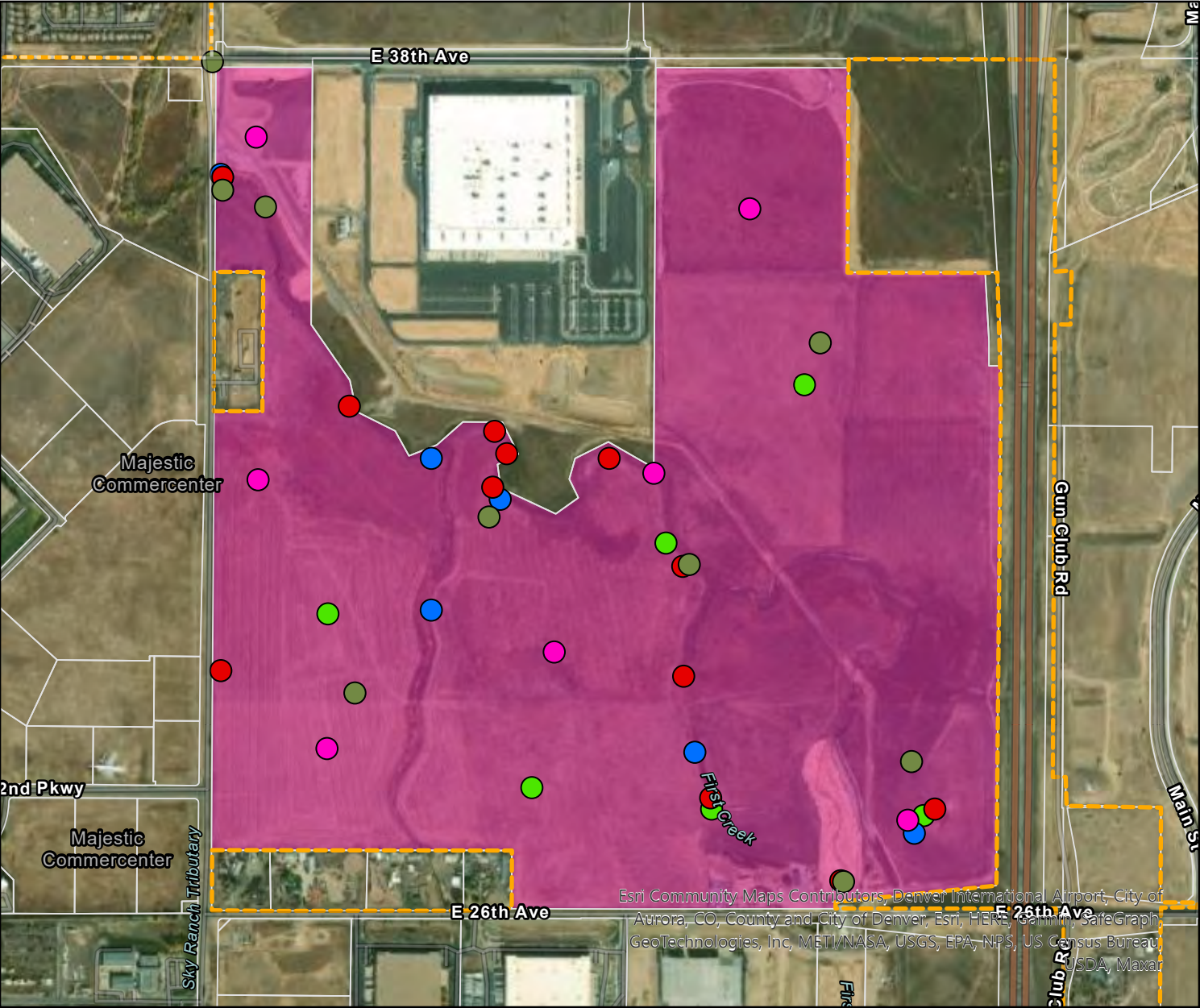


Appendix C

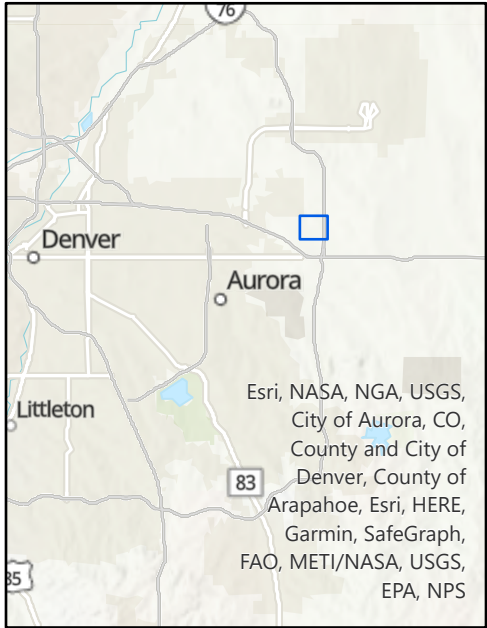
Conditions Survey Field Work Map

MCC URA Plan

Blighting Conditions Locator Map



- City Boundaries
- Adams County Parcels
- MCC URA Plan Area
- BF2 - Defective Streets
- BF3 - Faulty Lots
- BF4 - Unsafe Conditions
- BF6 - Topography and Infrastructure
- BF11 - Underutilization and Vacancy





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CITY OF AURORA

Fiscal Impact Form

Item Title: Majestic Commercenter II: Conditions Survey

Staff contact: Andrea Amonick

Staff Source/Legal Source: Jennifer Orozco / Rachel Allen

TYPE OF FISCAL IMPACT

Select all that apply.

- ☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☒ Workload Impact ☐ No Fiscal Impact

FISCAL SUMMARY

Provide a plain language summary of the fiscal impact. (List program and/or service fund(s) affected. Is this request due to an internal/external audit need or mandated by State, Federal, or legal action? List all departments affected; such as IT, Fleet, HR, etc. What are the implications on performance measures in the city? Provide additional detail as necessary.)

A Council declaration of blight is a prerequisite for the eventual adoption of an urban renewal plan and establishment of a new urban renewal area and Tax Increment Financing (TIF) area. Although a new urban renewal plan/area takes considerable staff effort and time (12-18 months) to negotiate and process, there are no direct revenue or budgetary impacts unless a plan and incentive agreement are ultimately adopted.

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

The workload impact is absorbable with current staff.

