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December 11, 2020

City of Arvada
Community and Economic Development
Attn: Ryan Stachelski, Director
8101 Ralston Road
Arvada, CO 80002

Re: Cover Letter to Application for Annexation; Initial Zoning

Mr. Stachelski:

We represent Scannell Properties, LLC (the “**Developer**”) with respect to its acquisition and development of the approximately 24.923 acres of land located at 6700 Indiana Street (the “**6700 Property**”), 6702 Indiana Street (the “**6702 Property**”), 6710 Indiana Street (the “**6710 Property**”), and a portion of 6720 Indiana Street (the “**6720 Property**”) as more particularly described on the attached Exhibit A-1 (collectively, the “**Scannell Property**”), in unincorporated Jefferson County, Colorado. Additionally, along with the Scannell Property, Scannell proposes to annex approximately 11.99 acres of land located in Maple Valley Park and owned by the City of Arvada (“**City**”), as more particularly described on the attached Exhibit A-2 (the “**Park Property**”), in unincorporated Jefferson County, Colorado. Annexation of the Park Property is a separate annexation from annexation of the Scannell Property but is proposed to be reviewed concurrently. The Developer is the owner of the 6700 Property, and the contract purchaser of the 6702 Property from Gary Dymond and Michell Dymond, the contract purchaser of the 6710 Property from Troy Newsome, and the contract purchaser of the 6720 Property from Kenneth F. Hathaway Jr. and Nancy J. Hathaway (collectively, Gary Dymond, Michell Dymond, Troy Newsome, and Kenneth F. Hathaway Jr. and Nancy J. Hathaway are the “**Sellers**”).

As evidenced by the petition, the Developer and the Sellers desire to annex the Scannell Property and the Park Property into the City of Arvada, Colorado (the “**City**”), to zone the Scannell Property as Light Industrial, and to zone the Park Property as Open Space. The Developer and Sellers have submitted applications to the City to secure the foregoing entitlements and approvals.

This letter is delivered in connection with such application to provide the City with additional information that may aid the City in reviewing and approving the proposed annexation and initial

zoning. It has been updated to reflect comments from the City’s 1st Staff Review related to the zoning designation.

BACKGROUND

The Developer owns the 6700 Property and is under contract to purchase the 6702 Property, the 6710 Property, and the 6720 Property from Sellers. The Developer intends to develop the Scannell Property and some adjacent incorporated properties that Developer also has under contract for a 100,894 square foot commercial warehouse, which may include wholesale uses, an attached 11,210 square foot related office space, and 21 truck docks for a global end user (the “**Project**”). The Project will include a 116,275 square foot detention area, 402 associate parking spaces, 60 van staging parking spaces, 60 van loading spaces, 983 van parking spaces, and 12 trailer parking spaces. Access to the Project will come directly off of Indiana Street, West 67th Avenue, Fig Street, West 66th Place, and Holman Street.

ANALYSIS

The remainder of this letter will discuss how the petition for annexation and application for initial zoning satisfy the applicable criteria for approval provided in the City’s Land Development Code (the “**Code**”).

I. Criteria for Approval of an Annexation

As described above, the Developer and Sellers propose to annex the Scannell Property and Park Property into the City. Division 8-3-3 of the Code and the Colorado Municipal Annexation Act of 1965 (the “**Act**”) establish the processes and requirements for annexations. In addition to the Act’s requirements, (1) annexations must be in accord with the City’s Comprehensive Plan (“**Comp Plan**”) and must be in the best interests of the City; (2) annexed property must be capable of integration into the City; (3) and the City must have capacity to serve all residents with utilities, facilities, and public service. Code § 8-3-3-3A.

Therefore, what follows is an explanation of how the petitions to annex the Scannell Property and the Park Property comply with the requirements in the Code and Act for approval of an annexation.

1. The Proposed Annexation Conforms with the Requirements in the Act

The Code requires that annexations conform to the requirements of the Act in order to be approved. Therefore, we will analyze whether the proposed annexation complies with the material requirements of the Act as applicable to the proposed annexation of the Scannell Property and the Park Property.

a. *Landowner Consent*

Except in limited circumstances, an annexation may only be approved with the consent of the landowners of the property subject to the annexation, which can be demonstrated through a public election or through submittal of an annexation petition that is “signed by persons

comprising more than 50% of the landowners in the area and owning more than 50% of the area, excluding public streets, and alleys and any land owned by the annexing municipality.” Colo. Const. Art. II, Section 30; C.R.S. § 31-12-104(1). Here, the Developer, the Sellers of the 6702 Property, the 6710 Property, and the 6720 Property, and the City have signed the petition for annexation attached to the annexation application.

b. *One-Sixth Contiguity*

Further, the subject property must meet a minimum contiguity requirement. More specifically, the City must find that “not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.” C.R.S. §31-12-104(1)(a). The Scannell Property and the Park Property far exceed the one-sixth contiguity requirement in the Act. The 6700 Property is contiguous to the City along its southern and western borders, the 6702 Property is contiguous along its southern and eastern borders, the 6710 Property is contiguous along its eastern and western borders, the 6720 Property is contiguous along its southern and western borders, and the Park Property is contiguous to the City along its northern, eastern, and western borders. Therefore, both the Scannell Property and the Park Property satisfy the one-sixth contiguity requirement in the Act.

c. *Community of Interest*

The City must also find that “a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality.” C.R.S. § 31-12-104(1)(b). The fact that the subject property has satisfied the one-sixth contiguity requirement described above “shall be a basis for a finding of compliance with these requirements,” unless certain facts are demonstrated at a hearing to prove, essentially, that the adult residents of the subject property will not use the services provided in the annexing municipality or work in the annexing municipality, that the landowners intend to dedicate the subject property exclusively to agricultural use for at least the next five years, and that it would not be physically practicable to extend municipal services to the subject property. *Id.* In other words, if the subject property is sufficiently contiguous with the annexing municipality, it is assumed that they share a community of interest unless it can be proven that they are in fact incompatible.

Here, because the Scannell Property and the Park Property both satisfy the one-sixth contiguity requirement, it can be concluded that the properties satisfy the above-mentioned requirements regarding the existence of a community of interest between the Scannell Property and the Park Property, on one hand, and the City, on the other hand. Therefore, a community of interest exists between the Scannell Property, the Park Property, and the City.

2. Letter Agreement

On June 3, 2020, the Developer and the City executed a letter agreement (the “**Letter Agreement**”) addressing the annexation. The Letter Agreement confirms that the City will concurrently review and process, among other things, the Developer’s petition for annexation of the Scannell Property and the Park Property, and both properties’ initial zoning districts.

3. The Annexation is in Accord with the Comp Plan and Will Be in the City's Best Interests

a. *Scannell Property*

The Comp Plan designates the Scannell Property as "Industrial/Office/Retail." Areas designated as such are intended to "encourage development of industrial and office uses that will minimally affect surrounding properties." Comp Plan Map. The Comp Plan also designates the Scannell Property as a future employment center, intended to "accommodate offices, manufacturing, high tech, flexible space, and other primary employment uses." Comp Plan 2-8.

The Project is a mixed-use facility with office and light industrial uses, and will encourage development in the area. The Project offers an attractive design, with the warehouse and parking areas designed to minimally affect the surrounding properties. Further, the Project will accomplish the City's stated goal of creating an employment center. Therefore, the Project is well-suited for the Comp Plan's designation as "Industrial/Office/Retail." Moreover, approval of the annexation will serve the City's best interests because the annexation will further the City's goals set forth in the Comp Plan.

b. *Park Property*

The Comp Plan designates the Park Property as "Open Space." The "Open Space" designation includes "public and private open space, public and private parks, outdoor sport complexes, and golf courses." Comp Plan 2-30. One of the City's goals is to "provide strategically placed parks . . . to serve Arvada residents and visitors." Comp Plan 4-15. The City's ownership of the Park Property demonstrates that the Park Property is strategically significant, and the Park Property will remain a public park upon annexation. Therefore, annexation of the Park Property to be used as a park is in accordance with the Comp Plan. Approval of the annexation also is in the City's best interests because it will further the City's stated goal of providing parks to City residents and visitors.

4. Integration with the City

As discussed above in Section I.1.c, the Scannell Property and the Park Property are capable of being integrated in the City because both properties demonstrate contiguity with the City in excess of the minimum one-sixth contiguity. Additionally, both properties can be developed in compliance with the terms of the Code. Indeed, the Developer is dedicated to working cooperatively with the City to develop the Scannell Property and the Park Property in compliance with the terms of the Code to best serve the City and Developer's own objectives, as evidenced by the Developer's agreement to annex the Park Property in addition to the Scannell Property. Therefore, approval of the annexation satisfies the approval criteria set forth in Section 8-3-3-3A.2 of the Code.

5. Utilities, Facilities, and Public Services

Finally, the City has capacity to adequately serve the Scannell Property and the Park Property with utilities, facilities, and public services. Although not all utilities have been extended to the

Scannell Property and the Park Property, the utility maps included in the Annexation Impact Report for the Scannell Property and the Park Property amply demonstrate that utilities may easily be extended by the Developer. The City also has adequate facilities and capacity to provide public services to the Scannell Property and the Park Property, including municipal law enforcement, code enforcement, and other municipal services. Therefore, approval of the annexation of the Scannell Property and the Park Property satisfy the approval criteria set forth in Section 8-3-3-3A.3 of the Code.

II. **Initial Zoning**

The Developer has requested that the City approve Industrial, Light (“**IL**”) as the initial zoning for the Scannell Property, and Parks and Open Space (“**OS**”) as the initial zoning for the Park Property. The Code applies the same standards and procedures to initial zoning and rezoning. Code § 2-1-2-4. Therefore, what follows is how the requested initial zoning complies with the requirements in the Code for zoning.

1. Initial Zoning Designation

a. *Scannell Property – Light Industrial*

The Comp Plan states that one of the appropriate zone districts for Industrial/Office/Retail areas is the IL zoning district. The IL zoning district is primarily intended “to provide areas for light manufacturing, assembly and fabrication uses, office, research, food and beverage processing, packaging, or bottling, and compatible recreational activities.” Code § 2-1-6-2A. The Project is a mix of office and light industrial uses. The intended uses at the Project fit within uses that are permitted in the IL zoning district, including “office, general,” and “light industry.” Code §§ 3-1-2-5, 3-1-2-7. IL zoning also permits a wide variety of fuel- and service-related uses that would allow for any maintenance shop and fueling station uses associated with the Project, including “fueling/service station,” “motor vehicle repairs and service, light,” “motor vehicle storage,” and “motor vehicle wash.” Code § 3-1-2-8. Furthermore, retail sales are permitted with wholesale establishments so long no more than twenty percent (20%) of floor area is devoted to retail operations. Code § 5.2.41. Therefore, the Project fits cleanly within the definition of the IL zoning district.

Further, the Project complies with the design and site standards for the IL zoning district. The maximum building height of 39 feet 10 inches is less than the allowed maximum height of 40 feet; the Project complies with the minimum 20-foot setback from front, street side, and front parking, and 5-foot interior side and rear applicable to IL zoning; and lot coverage is only 8%, well below the 50% maximum lot coverage. Code § 2-1-6-2.

Therefore, given the mixture of industrial and vehicular uses on the Scannell Property and the Project’s compliance with design and site standards, the inclusion of the Scannell Property within the IL zoning district is the correct initial zoning for the Scannell Property.

b. *Park Property – Parks and Open Space*

The OS zoning district is intended to “provide for public parks, open space, nature preserves, recreation facilities, golf courses, greenbelts, cemeteries, waterways, trails, protected floodplains, and fields.” Code § 2-1-3-1A. The Developer is committed to ensuring the Park Property remains a park, accessible to City residents and visitors. Consequently, a park fits perfectly within the definition of the OS zoning district, and the inclusion of the Park Property within the OS zoning district is the correct initial zoning.

2. The Requested Initial Zoning Complies with the Code Approval Criteria

In addition to the proposed uses being permitted in the respective zoning district, the initial zoning meets the following criteria for approval set forth in Section 8-3-4 of the Code:

1. The [zoning] is consistent with the Arvada Comprehensive Plan, or an adopted sub-area plan, corridor plan, or urban renewal plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan;
2. The intended land use is consistent with the stated intent of the proposed zoning district;
3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development;
4. The intended land use for which the [zoning] is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
5. The [zoning] is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.

a. *Consistency with the Comp Plan*

First, zoning of the Scannell Property as IL is consistent with the Comp Plan pursuant to Section 8-3-4-2A.1 of the Code. As discussed above in Section I.1.3.a, the Comp Plan envisions light industrial and office uses on the Scannell Property, so long as those uses have a minimal adverse impact on surrounding properties. The Developer’s proposed design for the Scannell Property accomplishes this by providing ample buffers between the Scannell Property and surrounding residential uses. Therefore, the initial zoning of the Scannell Property as IL is consistent with the Comp Plan.

As discussed above in Section I.1.3.b, the initial zoning of the Park Property as OS also is consistent with the Comp Plan because it ensures that the City can annex city-owned property to create a city-owned park for City residents and visitors to utilize.

b. *Consistency of Proposed Uses with Stated Intent of Proposed Zoning District*

Second, the intended land uses on the Scannell Property and the Park Property are consistent with the stated intent of the IL and OS zoning districts pursuant to Section 8-3-4-2A.2 of the Code. The IL zoning district's purpose is, in essence, to permit industrial development of areas suitable for various light industrial uses. As discussed above, the Project undoubtedly is permitted within the IL zoning district, and therefore, the Project is consistent with the stated intent of the IL zoning district.

Likewise, the presence of a park on the Park Property is consistent with the stated intent of the OS zoning district because the OS zoning district is intended to provide parks for City residents and visitors, and the placement of a park in the OS zoning district promotes that objective.

Therefore, the presence of an industrial development on the Scannell Property and a park on the Property complies with Section 8-3-4-2A.2 of the Code.

c. *Adequate Facilities and Services*

Third, as discussed above, there will be adequate facilities and services to serve the Scannell Property and the Park Property, including sewage and water disposal, water, gas, electricity, police and fire protection, and roads and transportation.

Consequently, the initial zoning of IL for the Scannell Property and OS for the Park Property complies with Section 8-3-4-2A.3 of the Code.

d. *No Significant Adverse Impacts upon Natural Environment*

Fourth, the intended land use for the Scannell Property will not result in significant adverse impacts upon the natural environment, or such impacts will be substantially mitigated pursuant to Section 8-3-4-2A.4 of the Code. Recognizing the importance of proper stormwater management, especially in light of Ralston Creek, the Developer intends to construct large retention ponds on the Scannell Property to mitigate any potential adverse impacts. Further, the Developer will initiate a dialogue with the City to address any mitigation measures needed for other adverse impacts on the natural environment as a result of the construction of a light industrial facility upon the Scannell Property. Therefore, the Developer's thoughtful design of the Project and its dialogue with the City ensures that the Project will not have any significant adverse impacts upon the natural environment, or if impacts are created, that the Developer will substantially mitigate such impacts.

Additionally, the Park Property, as open space, will have no adverse impacts upon the natural environment. Indeed, the presence of a park on the Park Property will ensure that air, water, noise, stormwater management, wildlife, and vegetation will remain unaffected.

Therefore, the Project on the Scannell Property and the park on the Park Property comply with Section 8-3-4-2A.4 of the Code.

e. *Consistency with Character of Existing or Planned Development*

Finally, the initial zoning of the Scannell Property as IL is consistent with the character of all existing and planned development on adjacent properties and in the surrounding area or

neighborhood pursuant to Section 8-3-4-2A.5 of the Code. The initial zoning of IL will permit light industrial development consistent with the development to the west and to the south of the Scannell Property. Therefore, such zoning will promote consistency in character between the Scannell Property and surrounding industrial uses. Moreover, industrial uses on the Scannell Property will not impact the residential uses located to the north and east of the Scannell Property because the Park Property acts as a buffer between the Project and the residential homes to the north of the Scannell Property, and the undeveloped area to the east of Fig Street acts as a buffer along between the Project and the residential homes to the east of the Scannell Property.

The initial zoning of the Park Property as OS also is consistent with the character of the existing and planned development on adjacent properties and in the surrounding area. The Park Property will be nestled between a residential development and the Scannell Property, acting as a buffer between the two uses. The Park Property also ensures that City residents and visitors will continue to be able to enjoy open space along Ralston Creek.

Therefore, the initial zoning of IL for the Scannell Property and OS for the Park Property complies with Section 8-3-4-2A.5 of the Code.

III. Conclusion

As summarized in this letter, the proposed annexation satisfies the applicable criteria for approval in the Code and the Act. The Developer and Sellers respectfully request approval of their applications, and look forward to developing successful projects in the City of Arvada.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carolynne White', written in a cursive style.

Carolynne White
Attorney

Exhibit A-1

Legal Description of Scannell Property

6700 Indiana Street

That part of the Northwest ¼ Southwest ¼ of Section 6, Township 3 South, Range 69 West, described as follows:

Beginning at a point from which the West Quarter corner of said Section 6 bears North 01 degree 10 minutes East 710.2 feet; Thence South 88 degrees 23 minutes East 749.0 feet; Thence South 01 degree 10 minutes West 95.6 feet; Thence North 88 degrees 23 minutes West 448.4 feet; thence South 01 degree 10 minutes West 69.4 feet; Thence North 88 Degrees 23 minutes west 300.6 feet; Thence North 01 degree 10 minutes East 165 feet to the Point of Beginning, (Except the West 30 feet thereof, and except that part described in Book 2266 at Page 960, which was conveyed to William L. Hart III and Nevae L. Hart).

also;

A part of the Northwest Quarter of the Southwest Quarter of Section 6 in Township 3 South in Range 69 West of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line of said Northwest Quarter of the Southwest Quarter which is 875.2 feet South of the West Quarter corner of said Section 6, Thence South 88°23' East 300.6 feet; Thence North 01°10' East 69.4 feet; Thence South 88°23' East 251.4 Feet; Thence South 01°10' 123.7 Feet, Thence North 88°23' West 552 feet to a point on the West line of said Northwest Quarter of the Southwest Quarter; Thence North 01°10' East along said West line 54.3 feet to the Point of Beginning,

Except:

A tract of land in the Northwest One-Quarter of the Southwest One-Quarter of Section 6, Township 3 South, Range 69 West of the 6th P.M., more particularly described as follows: Beginning at a point on the West line of said Northwest One-Quarter of the Southwest One-Quarter, whence the West One-Quarter corner of said Section bears North 1° 10' East, 710.2 feet, Thence South 88°23' East, 300.6 feet to the True Point of Beginning, Thence continuing South 88°23' East 448.4 feet to a point; Thence South 1°10' West, 95.6 feet to a point; Thence North 88°23' West, 197.0 feet to a point; Thence South 1° 10' West, 123.7 feet to a point; Thence North 88° 23' West, 251.4 feet to a point; Thence North 1° 10' East, 219.3 feet to the True Point of Beginning,

County of Jefferson,
State of Colorado.

6702 Indiana Street

Parcel 1:

A tract of land in the Northwest One-Quarter of the Southwest One-Quarter of Section 6, Township 3 South, Range 69 West of the 6th P.M., more particularly described as follows:

Beginning at a point on the West line of said Northwest One-Quarter of the Southwest One-Quarter, whence the West One-Quarter corner of said Section bears North 01°10'00" East, 710.2 feet; Thence South 88°23'00" East, 300.6 feet to the True Point of Beginning; Thence continuing South 88°23'00" East 448.4 feet to a point; Thence South 01°10'00" West, 95.6 feet to a point; Thence North 88°23'00" West, 197.0 feet to a point; Thence South 01°10'00" West, 123.7 feet to a point; Thence North 88°23'00" West, 251.4 feet to a point; Thence North 01°10'00" East, 219.3 feet to the True Point of Beginning,

County of Jefferson,
State of Colorado.

Parcel 2:

A non-exclusive easement for Private Road purposes over the Northerly 15.0 feet of the West 300.6 feet of that property described in Book 1083 at Page 145 of the Jefferson County records, as set forth and described in Warranty Deed recorded June 8, 1971 in Book 2266 at Page 960 of the Jefferson County records.

6710 Indiana Street

THAT PORTION OF THE SOUTHWEST 1/4 AND THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 6; THENCE SOUTH 01°10' WEST ALONG THE WEST LINE OF SAID SECTION 6, 710.2 FEET;
THENCE SOUTH 88°23' EAST 916.5 FEET;
THENCE NORTH 1°10' EAST, 724.0 FEET;
THENCE NORTH 89°49' EAST, 550.0 FEET;
THENCE NORTH 1°07' EAST, 217.7 FEET;
THENCE NORTH 86°32' EAST, 349.6 FEET;
THENCE NORTH 6°55' WEST, 617.5 FEET;
THENCE NORTH 87°22' WEST, 298.0 FEET;
THENCE SOUTH 81°9' WEST, 384.5 FEET;
THENCE SOUTH 65°22' WEST, 225.4 FEET;
THENCE SOUTH 49°17' WEST, 219.9 FEET;
THENCE SOUTH 17°27' WEST, 138.7 FEET;
THENCE NORTH 85°58' WEST, A DISTANCE OF 646.3 FEET, MORE OR LESS, TO A POINT O THE WEST LINE OF SAID SECTION 6;
THENCE SOUTH 1°12' WEST ALONG SAID WEST LINE A DISTANCE OF 471.9 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS OF THE ABOVE DESCRIBED PROPERTY DESCRIBED IN DEEDS RECORDED OCTOBER 7, 1869 IN BOOK P AT PAGE 224 AND 225, APRIL 5, 1870 IN BOOK P AT PAGE 405 AND 406, JUNE 6, 1873 IN BOOK 4 AT PAGE 83; MARCH 15, 1887 IN BOOK 46 AT PAGE 184; DECEMBER 18, 1920 IN BOOK 226 AT PAGE 30;

MAY 4, 1943 IN BOOK 471 AT PAGE 261; MARCH 19, 1970 IN BOOK 2168 AT PAGE 423; JANUARY 6, 1970 IN BOOK 2153 AT PAGE 738 AND DECEMBER 28, 1992 UNDER RECEPTION NO. 92167755, RE-RECORDED JANUARY 11, 1993 UNDER RECEPTION NO. 93004477; AND EXCEPT THAT PART LYING WITHIN INDIANA STREET.

THE ABOVE PARCEL IS ALSO DESCRIBED AS:

A parcel of land situated in the North half of the Southwest quarter and the South half of the Northwest quarter of Section 6, Township 3 South, Range 69 West of the Sixth Principal Meridian, City of Arvada, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the West quarter corner of said Section 6;

Thence South 00°04'37" East, for 710.20 feet to the POINT OF BEGINNING;
Thence South 89°37'37" East, for 916.50 feet;
Thence North 00°04'37" West, for 724.00 feet;
Thence North 88°34'23" East, for 550.00 feet;
Thence North 00°07'37" West, for 217.70 feet;
Thence North 85°17'23" East, for 349.60 feet;
Thence North 08°09'37" West, for 368.91 feet;
Thence South 72°10'40" West, for 610.00 feet;
Thence South 67°28'20" West, for 590.00 feet;
Thence North 78°44'41" West, for 161.57 feet;
Thence South 00°02'37" West, for 351.20 feet;
Thence South 89°57'23" West, for 246.83 feet;
Thence South 00°04'37" East, for 518.04 feet;
Thence along a curve to the right, having a radius of 20.00 feet, a central angle of 90°02'01", along a curve length of 31.43 feet;
Thence South 89°57'23" West, for 210.99 feet;
Thence South 00°04'37" West, for 72.48 feet, to the POINT OF BEGINNING,

County of Jefferson,
State of Colorado.

A portion of 6720 Indiana Street

A TRACT OR PARCEL OF LAND LOCATED IN THE WEST 1/2 OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, STATE OF COLORADO, BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED BY DEED RECORDED WITH THE JEFFERSON COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 2017119140, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL DESCRIBED UNDER RECEPTION NO. 2017119140, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 6 BEARS N00°02'35"W, 1.17 FEET;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL, N00°02'36"W, 56.64 FEET;

THENCE S89°07'58"E, 124.28 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 135.50 FEET AND A LONG CHORD OF S55°37'16"E, 149.62 FEET;

THENCE SOUTHEASTERLY, A DISTANCE OF 158.51 FEET ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 67°01'24";

THENCE S22°06'34"E, 74.99 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL;

THENCE S89°49'10"W, 45.26 FEET TO A SOUTHWESTERLY CORNER OF SAID PARCEL;

THENCE N00°05'36"W, 99.54 FEET TO A CORNER OF SAID PARCEL;

THENCE S89°57'02"W, 230.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 13,413 SQUARE FEET OR 0.308 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE CENTER LINE OF THE WEST HALF OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., BEING N88°58'53"E USING THE COLORADO STATE PLANE COORDINATES - CENTRAL ZONE, AS MONUMENTED AT THE WEST 1/4 CORNER OF SECTION 6, FOUND ILLEGIBLE 2.0" ALUMINUM CAP, PER MONUMENT RECORD BY PLS 12405 DATED 8/16/00, AND AS MONUMENTED AT THE CENTER 1/4 CORNER OF SECTION 6, BY A FOUND 2.5" ALUMINUM CAP PLS 5112, PER MONUMENT RECORD BY PLS 5112, DATED 6/11/97.

PREPARED UNDER THE SUPERVISION OF:
DOUGLAS H. ORT III, PLS 37066
(303) 501-1221
1675 BROADWAY, SUITE 200
DENVER, CO 80202

Exhibit A-2

Legal Description of the Park Property

A TRACT OR PARCEL OF LAND LOCATED IN THE WEST ONE-HALF OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, JEFFERSON COUNTY, STATE OF COLORADO, BEING ALL OF THOSE PARCELS OF LAND DESCRIBED BY DEED RECORDED WITH THE JEFFERSON COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 93004477 AND A PORTION THE RIGHT-OF-WAY IN INDIANA AVENUE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY MOST CORNER OF A PARCEL OF LAND DESCRIBED IN RECEPTION NUMBER 2017111129, AS RECORDED WITH THE CLERK AND RECORDER OF JEFFERSON COUNTY, COLORADO, WHENCE THE CENTER OF SAID SECTION 6 BEARS S46°18'37"E, 852.84 FEET;

THENCE ALONG THE A NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NUMBER 2017111129, S72°13'57"W, 609.63 FEET;

THENCE ALONG THE A NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NUMBER 2017111129, S67°31'37"W, 590.00 FEET;

THENCE ALONG THE A NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NUMBER 2017111129, N78°41'24"W, 161.57 FEET TO THE NORTHEASTERLY CORNER OF A PARCEL OF LAND DESCRIBED IN RECEPTION NUMBER 2017119140;

THENCE ALONG THE A NORTHERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN RECEPTION NUMBER 2017119140, N89°59'16"W, 477.98 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 6;

THENCE ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 6, N00°02'36"W, 220.09 FEET;

THENCE ALONG A SOUTHERLY LINE OF MAPLE VALLEY SUBDIVISION FILING NO. 1, AMENDED, RECEPTION NUMBER 86025891, FOR THE NEXT SEVEN (7) COURSES:

1. S87°13'39"E, 646.65 FEET;
2. N16°03'41"E, 138.57 FEET;
3. N48°02'25"E, 219.93 FEET;
4. N64°04'33"E, 225.23 FEET;
5. N79°51'27"E, 384.59 FEET;
6. S88°27'45"E, 298.02 FEET

7. S87°55'45"E, 0.44 FEET TO THE NORTHWESTERLY CORNER OF PARKWAY CENTER SUBDIVISION, FINAL PLAT AND REPLAT OF A PORTION OF COBE LABORATORIES ARVADA BUILDING SITE, RECEPTION NUMBER 81024687;

THENCE ALONG A WESTERLY LINE OF SAID PARKWAY CENTER SUBDIVISION, FINAL PLAT AND REPLAT OF A PORTION OF COBE LABORATORIES ARVADA BUILDING SITE,, RECEPTION NUMBER 8102468, S08°03'46"E, 249.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 537,034 SQUARE FEET OR 12.329 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE EAST-WEST CENTER LINE OF THE WEST HALF OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., BEING N88°58'53"E USING THE COLORADO STATE PLANE COORDINATES - CENTRAL ZONE, AS MONUMENTED AT THE WEST 1/4 CORNER OF SECTION 6, FOUND ILLEGIBLE 2.0" ALUMINUM CAP, PER MONUMENT RECORD BY PLS 12405 DATED 8/16/00, AND AS MONUMENTED AT THE CENTER 1/4 CORNER OF SECTION 6, BY A FOUND 2.5" ALUMINUM CAP PLS 5112, PER MONUMENT RECORD BY PLS 5112, DATED 6/11/97.

PREPARED UNDER THE SUPERVISION OF:
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December 11, 2020

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cwhite@bhfs.com

City of Arvada
Community and Economic Development
Attn: Ryan Stachelski, Director
8101 Ralston Road
Arvada, CO 80002

RE: Supplemental Cover Letter to Application for Rezoning

Mr. Stachelski:

We represent Scannell Properties, LLC (the "**Developer**") with respect to its acquisition and development of the approximately 5.349 acres of land located at 6730 Indiana Street (the "**6730 Property**"), 14725 W 66th Place, (the "**14725 Property**"), and 14785 W 66th Place (the "**14785 Property**") as more particularly described on the attached Exhibit A (collectively, the "**Scannell Property**"), in the City of Arvada (the "**City**"). The Developer is the contract purchaser of the 6730 Property from Carolyn L. Denning, and the 14785 Property and the 14725 Property from Silo Development LLC (together, Carolyn L. Denning and Silo Development LLC are the "**Sellers**").

This supplemental letter is delivered in connection with such application to provide the City with additional information to aid the City in reviewing and approving the rezoning of the Scannell Property. It has been updated to reflect comments from the City's 1st Staff Review related to the zoning designation.

BACKGROUND

The Developer intends to develop the Scannell Property and some adjacent properties the Developer has under contract for a 100,894 square foot commercial warehouse, which may include wholesale uses, an attached 11,210 square foot related office space, and 21 truck docks for a global end user (the "**Project**"). The Project will include a 116,275 square foot detention area, 402 associate parking spaces, 60 van staging parking spaces, 60 van loading spaces, 983 van parking spaces, and 12 trailer parking spaces. Access to the Project will come directly off of Indiana Street, West 67th Avenue, Fig Street, West 66th Place, and Holman Street.

ANALYSIS

The Developer has requested that the City rezone the Scannell Property from General Commercial ("**GC**") to Industrial, Light ("**IL**"). This letter analyzes how the requested rezoning complies with the requirements in the 2020 City Land Development Code (the "**Code**").

I. The IL Zoning District is Proper

The Comprehensive Plan (the "**Comp Plan**") designates the Scannell Property as a Neighborhood/Community Commercial area. Although this designation primarily envisions general retail, personal services, and office uses, it also recognizes that a number of alternative uses may be appropriate

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depending on site context. Because the Scannell Property is adjacent to other office and light industrial businesses along Indiana Street and is not immediately adjacent to residences, the IL zoning district is appropriate for the site.

The IL zoning district is primarily intended “to provide areas for light manufacturing, assembly and fabrication uses, office, research, food and beverage processing, packaging, or bottling, and compatible recreational activities.” Code § 2-1-6-2A. The Project is a mix of office and light industrial uses. The intended uses at the Project fit within uses that are permitted in the IL zoning district, including “office, general,” and “light industry.” Code §§ 3-1-2-5, 3-1-2-7. The IL zoning district also permits a wide variety of fuel- and service-related uses that would allow for any maintenance shop and fueling station uses associated with the Project, including “fueling/service station,” “motor vehicle repairs and service, light,” “motor vehicle storage,” and “motor vehicle wash.” Code § 3-1-2-8. Furthermore, retail sales are permitted with wholesale establishments so long no more than twenty percent (20%) of floor area is devoted to retail operations. Code § 5.2.41. Therefore, the Project fits cleanly within the definition of the IL zoning district.

The Project also complies with the design and site standards for the IL zoning district. The maximum building height of 39 feet 10 inches is less than the allowed maximum height of 40 feet; the Project complies with the minimum 20-foot setback from front, street side, and front parking, and 5-foot interior side and rear applicable to the IL zoning district; and lot coverage is only 8%, well below the 50% maximum lot coverage. Code § 2-1-6-2.

Therefore, given the mixture of industrial and vehicular uses on the Scannell Property and the Project’s compliance with design and site standards, the rezoning of the Scannell Property as IL is proper and would allow for the best use of the Scannell Property.

II. The Requested Initial Zoning Complies with the Code Approval Criteria

In addition to the proposed uses being permitted in IL zoning district, the rezoning meets the following criteria for approval set forth in Section 8-3-4 of the Code:

1. The rezoning is consistent with the Comp Plan, or an adopted sub-area plan, corridor plan, or urban renewal plan, or reflects conditions that have changed since the adoption of the Comp Plan;
2. The intended land use is consistent with the stated intent of the proposed zoning district;
3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development;
4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
5. The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.

A. Consistency with the Comp Plan

First, rezoning the Scannell Property as IL is consistent with the Comp Plan. As discussed above in Section I, the Comp Plan supports light industrial and office uses on the Scannell Property. Moreover, although the Developer's proposed design for the Scannell Property is more intensive than general retail, personal services, and office, it is comparable to large format retail, and the Developer's proposed design provides ample buffers between the Scannell Property and surrounding residential uses to prevent any impacts on surrounding properties. Therefore, the rezoning of the Scannell Property from G-C to IL complies with Section 8-3-4-2A.2 of the Code.

B. Consistency of Proposed Uses with Stated Intent of Proposed Zoning District

Second, the intended land uses on the Scannell Property are consistent with the stated intent of the IL zoning district. The IL zoning district's intent is to permit industrial development of areas suitable for such development. As discussed above, the Project undoubtedly is suitable for the IL zoning district. Therefore, the rezoning complies with Section 8-3-4-2A.2 of the Code.

C. Adequate Facilities and Services

Third, as discussed in our Cover Letter to Application for Annexation; Initial Zoning dated October 23, 2020, there will be adequate facilities and services to serve the Scannell Property, including sewage and water disposal, water, gas, electricity, police and fire protection, and roads and transportation. Therefore, the rezoning complies with Section 8-3-4-2A.3 of the Code.

D. No Significant Adverse Impacts upon Natural Environment

Fourth, the intended land use for the Scannell Property will not result in significant adverse impacts upon the natural environment, or the Developer will substantially mitigate such impacts. The Developer intends to construct large retention ponds on the Scannell Property to mitigate any potential adverse impacts because it recognizes the importance of proper stormwater management. The Developer also will consult with the City to address necessary mitigation measures for any adverse impacts on the natural environment caused by construction. These steps ensure the Project will not have any significant adverse impacts upon the natural environment, or that the Developer will substantially mitigate any such impacts. Therefore, the rezoning complies with Section 8-3-4-2A.4 of the Code.

E. Consistency with Character of Existing or Planned Development

Finally, rezoning the Scannell Property as IL is consistent with the character of existing and planned development on adjacent properties and in the surrounding areas or neighborhoods. Approval of the rezoning will permit the Developer to construct a light industrial development consistent with developments to the west and to the south of the Scannell Property, and will promote consistency in character between the Scannell Property and surrounding industrial uses. Importantly, the Project will not impact residential homes located to the north and east of the Scannell Property because Maple Valley Park acts as a buffer between the Project and the residential homes to the north of the Scannell Property, and the undeveloped area to the east of Fig Street acts as a buffer between the Project and the residential homes to the east of the Scannell Property. Therefore, the rezoning complies with Section 8-3-4-2A.5 of the Code.

CONCLUSION

As summarized in this letter, the proposed rezoning satisfies the applicable criteria for approval in the Code. The Developer and Sellers respectfully request approval of their application, and look forward to working with the City on the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolynne C. White". The signature is written in a cursive, flowing style with a large initial 'C'.

Carolynne C. White

Exhibit A

Legal Description of the Scannell Property

6730 Indiana Street

A TRACT OR PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, STATE OF COLORADO, BEING ALL OF THAT PARCEL OF LAND DESCRIBED BY DEED RECORDED WITH THE JEFFERSON COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 90066231, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6;

THENCE S88°20'17"E, 30.01 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWESTERLY CORNER OF SAID PARCEL;

THENCE ALONG THE EXTERIOR OF SAID PARCEL, N89°57'02"E, 201.00 FEET;

THENCE ALONG THE EXTERIOR OF SAID PARCEL, S00°02'58"E, 617.72 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A LONG CHORD OF S44°57'02"W, 28.28 FEET;

THENCE SOUTHWESTERLY ALONG THE EXTERIOR OF SAID PARCEL, A DISTANCE OF 31.42 FEET ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°00'00";

THENCE ALONG THE EXTERIOR OF SAID PARCEL, S89°57'02"W, 211.00 FEET;

THENCE ALONG THE EXTERIOR OF SAID PARCEL, N00°02'58"W, 406.72 FEET;

THENCE ALONG THE EXTERIOR OF SAID PARCEL, N89°57'02"E, 30.00 FEET;

THENCE ALONG THE EXTERIOR OF SAID PARCEL, N00°02'58"W, 231.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 140,297 SQUARE FEET OR 3.221 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE CENTER LINE OF THE WEST HALF OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., BEING N88°58'53"E USING THE COLORADO STATE PLANE COORDINATES - CENTRAL ZONE, AS MONUMENTED AT THE WEST 1/4 CORNER OF SECTION 6, FOUND ILLEGIBLE 2.0" ALUMINUM CAP, PER MONUMENT RECORD BY PLS 12405 DATED 8/16/00, AND AS MONUMENTED AT THE CENTER 1/4 CORNER OF SECTION 6, BY A FOUND 2.5" ALUMINUM CAP PLS 5112, PER MONUMENT RECORD BY PLS 5112, DATED 6/11/97.

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DENVER, CO 80202

14785 W. 66th Parkway

A TRACT OR PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, STATE OF COLORADO, BEING ALL OF LOT 9, INDIANA BUSINESS CENTER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6;

THENCE ALONG THE WESTERLY LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 6, S00°02'58"E, 930.13 FEET;

THENCE S89°35'35"E, 55.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWESTERLY CORNER OF SAID LOT 9;

THENCE ALONG THE EXTERIOR OF SAID LOT 9, S89°35'35"E, 221.00 FEET;

THENCE ALONG THE EXTERIOR OF SAID LOT 9, N00°23'55"E, 0.45 FEET;

THENCE ALONG THE EXTERIOR OF SAID LOT 9, S00°23'55"W, 175.42 FEET TO A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 365.00 FEET, AND A LONG CHORD OF S74°26'07"W, 57.12 FEET;

THENCE WESTERLY ALONG THE EXTERIOR OF SAID LOT 9, A DISTANCE OF 57.17 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 08°58'30" TO A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET, AND A LONG CHORD OF S79°56'54"W, 116.35 FEET;

THENCE WESTERLY ALONG THE EXTERIOR OF SAID LOT 9, A DISTANCE OF 116.94 FEET ALONG A REVERSE CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 20°00'02" HAVING A RADIUS OF 50.00 FEET, AND A LONG CHORD OF N45°03'05"W, 70.71 FEET;

THENCE NORTHWESTERLY ALONG THE EXTERIOR OF SAID LOT 9, A DISTANCE OF 78.54 FEET ALONG A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 90°00'00";

THENCE ALONG THE EXTERIOR OF SAID LOT 9, N00°03'05"W, 162.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 43,659 SQUARE FEET OR 1.002 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE CENTER LINE OF THE WEST HALF OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., BEING N88°58'53"E USING THE COLORADO STATE PLANE COORDINATES - CENTRAL ZONE, AS MONUMENTED AT THE WEST 1/4 CORNER OF SECTION 6, FOUND ILLEGIBLE 2.0" ALUMINUM CAP, PER MONUMENT RECORD BY PLS 12405 DATED 8/16/00, AND AS MONUMENTED AT THE CENTER 1/4 CORNER OF SECTION 6, BY A FOUND 2.5" ALUMINUM CAP PLS 5112, PER MONUMENT RECORD BY PLS 5112, DATED 6/11/97.

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14725 W. 66th Street

A TRACT OR PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY OF ARVADA, STATE OF COLORADO, BEING ALL OF LOT 10, INDIANA BUSINESS CENTER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6;

THENCE ALONG THE WESTERLY LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 6, S00°02'58"E, 930.13 FEET;

THENCE S89°35'35"E, 275.85 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWESTERLY CORNER OF SAID LOT 10;

THENCE ALONG THE EXTERIOR OF SAID LOT 10, S89°35'35"E, 276.22 FEET TO A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 253.09 FEET, AND A LONG CHORD OF S14°48'54"E, 132.95 FEET;

THENCE SOUTHERLY ALONG THE EXTERIOR OF SAID LOT 10, A DISTANCE OF 134.52 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 30°27'15" TO A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AND A LONG CHORD OF S29°59'57"W, 43.28 FEET;

THENCE SOUTHWESTERLY ALONG THE EXTERIOR OF SAID LOT 10, A DISTANCE OF 52.32 FEET ALONG SAID NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 119°53'55";

THENCE ALONG THE EXTERIOR OF SAID LOT 10, S89°56'55"W, 219.99 FEET TO A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 365.00 FEET, AND A LONG CHORD OF S84°26'07"W, 70.13 FEET;

THENCE WESTERLY ALONG THE EXTERIOR OF SAID LOT 10, A DISTANCE OF 70.23 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 11°01'30";

THENCE ALONG THE EXTERIOR OF SAID LOT 10, N00°23'55"E, 174.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 49,062 SQUARE FEET OR 1.126 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS USED HEREIN ARE BASED ON THE CENTER LINE OF THE WEST HALF OF SECTION 6, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH P.M., BEING N88°58'53"E USING THE COLORADO STATE PLANE COORDINATES - CENTRAL ZONE, AS MONUMENTED AT THE WEST 1/4 CORNER OF SECTION 6, FOUND ILLEGIBLE 2.0" ALUMINUM CAP, PER MONUMENT RECORD BY PLS 12405 DATED 8/16/00, AND AS MONUMENTED AT THE CENTER 1/4 CORNER OF SECTION 6, BY A FOUND 2.5" ALUMINUM CAP PLS 5112, PER MONUMENT RECORD BY PLS 5112, DATED 6/11/97.

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