



Tuesday, April 23, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL

ADOPTION OF AGENDA *(Opportunity for amendment or deletions to this evenings agenda.)*

PUBLIC COMMENT - *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

CONSENT AGENDA *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation. (5 Minutes)*

1. Minutes April 9, 2019
2. Resolution 24-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Accepting The Improvements Installed At The Sylvan Lake Roundabout And To Reduce The Performance Guarantee And Authorize Release Of Funds Held In Escrow (Eagle Landing at Brush Creek), Fred Tobias Town Engineer Report

TOWN MANAGER AND DEPARTMENT UPDATE - 10 Minutes

1. Town Manager Update
2. Eagle River Park, NV5 John Usery

PUBLIC HEARINGS - QUASI JUDICIAL HEARING - 20 Minutes

1. Haymeadow Subdivision, Filing 1 Final Plat – File#: S18-01
2. Red Mountain Ranch - File #: PUD18-01/AN17-01/S18-02 (Request to continue to May 28, 2019 Town Board Meeting)

OLD BUSINESS - None

NEW BUSINESS - 20 Minutes

1. Resolution 22-2019, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Establishing the Economic Vitality Committee" Bill Shrum, Assistant to the Town Manager
2. Resolution 23-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Cooperative Intergovernmental Agreement For Use Of The 800 Mhz System In The Eagle River Valley, Joey Stauffer, Chief of Police

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 10 Minutes

ADJOURN 7:30 PM

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEE – townofeagle2019



**Town Board of Trustees
Tuesday, April 9, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

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6:00 PM - REGULAR MEETING CALLED to ORDER and ROLL CALL

TRUSTEES PRESENT

Anne McKibbin, Mayor
Kevin Brubeck, Mayor Pro Tem
Scott Turnipseed
Matt Solomon
Paul Witt
Mikel "Pappy" Kerst
Andy Jessen

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk
Carrie McCool Interim Town Planner
Jill Kane, Finance Director/Treasurer
Bryon McGinnis, Public Works Director
Jeremy Gross, Marketing and Events Manager

ADOPTION OF AGENDA *(Opportunity for amendment or deletions to this evenings agenda.)*

There were no changes to the agenda.

PUBLIC COMMENT - *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to sign in.*

Mayor McKibbin opened Public Comment for items not on tonight's agenda, there was no public comment.

PUBLIC HEARING - QUASI JUDICIAL HEARING - 30 Minutes

1. Request to continue Reserve at Hockett Gulch Annexation and Planned Unit Development - File#: AN 18-01 and PUD18-02.

Mayor McKibbin opened File AN18-01 and PUD 18-02.

- a. Executive Session - To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and To hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) as it relates to Reserve at Hockett Gulch Annexation and Planned Unit Development.

MOTION: Mayor Anne McKibbin motioned to adjourn the regular meeting and enter into Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and To hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) as it relates to Reserve at Hockett Gulch Annexation and Planned Unit Development. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

Mayor McKibbin opened the Public Hearing for Public Comment.

Lisa Nerion stated she was against Hockett Gulch and felt it was too large with too many units. Expressed concerns regarding wildlife and the declining elk population, increasing the population of Eagle by 15%, the request for reduction in water, reduction in parking spaces, disagreed that there is a housing shortage and has concerns regarding building height.

Michael Cacioppo- agreed that the housing crisis is not as bad as being reported. Also has concerns regarding traffic.

MOTION: Trustee Witt motioned to continue Hockett Gulch Annexation and Planned Unit Development File# AN 18-01 and PUD 18-02 to the May 14, 2019 Town Board Meeting. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

CONSENT AGENDA *Consent agenda items are routine Town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation. (5 Minutes)*

Trustee Solomon requested clarification to a comment in the Minutes regarding short term rentals, in that they be address in our land use code.

1. Minutes March 26, 2019
2. Bill Pay March 2019

MOTION: Trustee Turnipseed motioned to approve the Consent Agenda with correction noted. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

TOWN MANAGER AND DEPARTMENT UPDATE - 15 Minutes

1. Town Manager Update
Brandy updated the Board that the Com Dev Direction position opening will be extended one week. Provided invitation to attend public outreach events. Comcast has approached the Town with interest in providing services and entering into a franchise agreement. Will be meeting with them later this month. Board inquired if this was a necessary considering the THOR approval, Brandy indicated that the Town is interested in additional services for Eagle and possibility to partner with THOR last mile delivery.

Michael Cacioppo – stated that a franchise agreement is a benefit and could include community-based interface like Vail has had since 1976.

2. Department Update

3. Lower Basin Water Treatment Plant, Michael Harmon

Bryon McGinnis stated he took Trustees Turnipseed and Brubeck on a tour of the project. Ben McGeachy is here with MWH to provide a project update and report on construction. Board members were invited to tour the project anytime.

4. Arbor Day Proclamation

Mayor McKibbin read Proclamation 02-2019 into the record for Arbor Day. This was In honor of the Town of Eagle being named a Tree City USA.

PUBLIC HEARING - QUASI JUDICIAL HEARING - 30 Minutes

1. Haymeadow Subdivision, Filing 1 Final Plat and Subdivision Improvements Agreement – File#: S18-01

Carrie McCool stated staff will need more time to review the Subdivision Improvements Agreement, as it is the document that sets forth all public improvements. We will need a few more weeks to finalize that document. We have recommended the applicant make a brief presentation, open this topic for public comment and then we are recommending a continuance to the April 23rd Board agenda.

Rick Pylman presented to the Town Board and iterated that no vote is being requested this evening. Presentation included historical approvals and process for Haymeadow, wildlife impact studies, traffic impact studies and planned improvements.

Board Comments: confirmation that studies for wildlife and traffic have not been updated since original approvals. Requested detail on the transfer assessment for Town review purposes. Confirmation that the fire department has reviewed the changes made for their location within Haymeadow.

Mayor McKibbin opened Public Comment for File# S18-01.

Ellen Bodenheimer: would like additional studies done on wildlife due to the time that has passed since initial approvals. Requested the town expand the open space department with additional staffing. Requested cleanup of the land where agricultural equipment and other debris.

Rick Pylman stated they have met with Craig Wescoatt regarding wildlife concerns and they are amenable to his suggestions. Will update about those amendments to the wildlife plans to the town. The open space will be cleared prior to dedicating to the town as there is a cleanup plan included in the approvals.

Michael Cacioppo: questioned whether the assessment is a tax. Town Attorney confirmed that is an assessment approved within the PUD.

MOTION: Trustee Brubeck motioned to continue Haymeadow Subdivision, Filing 1 Final Plat and Subdivision Improvements Agreement – File#: S18-01 to the April 23, 2019 Town Board Meeting. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

OLD BUSINESS - 10 Minutes

1. Ordinance 05-2019, An Ordinance Of The Board Of Trustees Of The Town Of Eagle, Colorado Amending Section 9.12.040 Of The Eagle Municipal Code To Prohibit Photography And Videography In Areas Of Public Buildings Where Access Is Restricted Brandy Reitter, Town Manager

Brandy updated the board on changes made that were based upon feedback to include restricted access and to define those areas more.

Board Comments: concern that the definitions are too broad and would ask that they be more specific to include what areas are restricted and why.

Public Comment:

Michael Cacioppo: concerns that there are not enough definitions and that it restricted first amendment rights. Did not believe it protected public health or public welfare.

Staff will bring Ordinance 05-2019 back at a future meeting for review.

NEW BUSINESS - 45 Minutes

1. Fee Schedule Amendments and Proposals
 - a. Construction Water and Sewer Proposal, Jill Kane Finance Director

Jill Kane presented this item and described the intent was to determine how to calculate and bill the cost of construction water. Options for consideration were discussed.

Bryon McGinnis provided examples of issues that arise with current practice of billing for all construction water at one time and not monthly. With the new tiered rates this causes concern as water is charged in the highest tiers. The Town will need to consider installing meters with remotes to bill monthly. In our utility records we need to clarify if it is the homeowner or the builder who gets billed prior to TCO.

Board Comments: agreed that we should have a monthly bill for water for construction. Setting up a remote reader and basing rates on the current structure appears appropriate. Staff concerns regarding meters freezing, would be the responsibility of the builder or the homeowner listed on the utility account. Board agreed that protection of the meter is up to those parties. Concerns regarding charging for sewer was also discussed.

Staff stated that it provided wastewater rates but did not see other districts charging for this service.

Board Comments: Agreed that wastewater/sewer would be used after TCO, but not much prior.

Board direction was to keep the current rate structure, install meters to bill monthly and not charge for wastewater prior to TCO.

- b. Ordinance 10-2019 Public Safety Impact Fee Draft Language, Bill Shrum Assistant to the Town Manager
- Brandy presented this item on behalf of Bill Shrum. Staff is requesting board feedback on this proposal. A development impact fee specifically impacts public safety. This is a onetime fee to be used for capital improvements and not for staffing. The Town should also decide if streets is another impact fee we should look at as well. This fee will apply to land development activity, redevelopment and modifications that increases services with new uses.

Board Comments: asked if staff has received developer feedback. Staff has discussed with current developers and they are aware of this proposed impact fee. There was some agreement that the Town has a good indication of what their reaction will be, as it is an added cost to their development. A periodic or annual review of these fees is recommended by staff to ensure they remain appropriate with conditions.

Chief Staufer provided his input on calls for service and impacts from development and increases in our population. The gap will come with future capital purchases needed. Acknowledgement that fire districts have impact fees in place to fund their capital infrastructure. Having low property taxes and relying on sales tax for funding is not proving sufficient.

Board Comments: Members discussed the low, medium and high proposals. Acknowledged that impact fees will end or slow with development trends and is not a steady flow of revenue.

MOTION: Mayor McKibbin motioned to approve draft Ordinance 10-2019 with the following amendments to include the \$1319.00 Impact fee per dwelling unit for residential land use and .31 per square foot for commercial land use. Motion was seconded and Passed with a vote of 5 in favor (Jessen, Brubeck, Kerst, McKibbin and Turnipseed) and 2 opposed (Solomon and Witt).

Staff will bring amended Ordinance for consideration at upcoming Town Board Meeting.

- c. Ordinance 07-2019 An Ordinance Of The Town Of Eagle, Colorado, Amending Sections Of The Eagle Municipal Code Concerning Various Fees And Costs, And Authorizing Fees To Be Set By Resolution Of The Board Of Trustees
- Jenny Rakow Town Clerk

Jenny Rakow presented this item. There were no Board Comments.

MOTION: Trustee Solomon motioned to approve Ordinance 07-2019. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

2. Extraterritorial Water Service Agreement – 177 Mosher Lane, Deron Dirksen Utilities Manager and Bryon McGinnis Public Works Director

Bryon McGinnis presented this item.

MOTION: Trustee Turnipseed motioned to approve the Extraterritorial Water Service Agreement – 177 Mosher Lane. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

3. Entertainment Districts Overview and Proposal, Town Clerk, Police and Events

MOTION: Trustee Turnipseed motioned to direct staff to prepare an Ordinance for consideration to allow for Entertainment Districts in the Eagle Town Code. Motion was seconded and Passed with a vote of 7 in favor and 0 opposed.

4. Resolution 21-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Authorizing Town Consultants And The Mayor To Take Certain Actions Regarding The Town's Green Mountain Reservoir Contract (*Roll Call Vote*)

Brandy Reitter presented this item.

MOTION: Trustee Turnipseed motioned to approve Resolution 21-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Authorizing Town Consultants And The Mayor To Take Certain Actions Regarding The Town's Green Mountain Reservoir Contract. Motion was seconded and Passed with a vote of 7 (Solomon, Jessen, Brubeck, Kerst, McKibbin, Turnipseed and Witt) in favor and 0 opposed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS - 10 Minutes

1. NWCCOG Meeting Update/Recap

Trustee Solomon requested response to Derrick Weimer's letter.

Brandy invited board to attend a Growing Water Smart Workshop April 24-26.

Trustee Brubeck will be acting Mayor Pro Tem at the next two meetings.

ADJOURN - 8:30 PM

Approved:

Date:

Kevin Brubeck, Mayor Pro Tem

Jenny Rakow, CMC Town Clerk



To: Mayor and Town Board of Trustees

From: Frederick E. Tobias, P.E., Town Engineer

Date: April 17, 2019

Agenda Item: Sylvan Lake Roundabout PUD (aka Eagle Landing at Brush Creek) – Acceptance of Public Improvements for Phase 1 and portions of Phases 2 & 3, and Reduction in Performance Guarantee

REQUEST AND INTRODUCTION:

Staff is requesting the Board of Trustees to review and approve the resolution to accept the public improvements that have been installed to date and reduce the performance guarantee.

ANALYSIS:

All required public improvements for Phase 1 have been installed, inspected and approved except for two street lights, which are currently on order. The public water mains and wastewater collection mains for Phases 2 and 3 have also been installed, inspected and approved. Additional required public improvements for Phases 2 and 3 will be installed later. Town Engineer has signed the Certificate of Final Acceptance and Owner has provided the Bill of Sale.

COMMUNITY INPUT:

None required.

BUDGET / STAFF IMPACT:

The existing letter of credit in the amount of \$281,112, will be reduced to \$126,429.65. This new amount includes \$31,371.50 retained for the 2-yr warranty period of accepted public improvements and \$95,058.15 for the required 110% security for the outstanding street light in Phase 1 and remaining public improvements to be constructed in Phase 2.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Major Objective #8 – Improve Housing Availability and Affordability

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to approve the resolution authorizing release of the remaining funds in escrow.

ATTACHMENTS:

- Resolution
- Bill of Sale
- Certificate of Final Acceptance of Public Improvements
- Final Actual Cost Summary
- Computations for New Letter of Credit

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 24
(Series of 2019)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO
ACCEPTING THE IMPROVEMENTS INSTALLED AT THE SYLVAN LAKE ROUNDABOUT
AND TO REDUCE THE PERFORMANCE GUARANTEE AND AUTHORIZE RELEASE OF
FUNDS HELD IN ESCROW

WHEREAS, by Resolution No. 39, Series of 2016, adopted on July 26, 2016, the Board of Trustees approved a major development permit for Gold Dust Capital Partners, LLC (the "Developer");

WHEREAS, the Town and the Developer entered into a Development Improvements Agreement (the "Development Agreement") on January 10, 2017;

WHEREAS, by Ordinance No. 5, Series of 2018, adopted on February 13, 2018, the Board of Trustees approved an amendment to the Development Agreement for improvements in Phase 1, Phase 2 and Phase 3 of a Planned Unit Development ("PUD");

WHEREAS, the Town accepted a letter of credit from ANB Bank in the amount of \$281,110 to guarantee the public improvements;

WHEREAS, all public improvements for Phase 1 have been installed, inspected and approved, with the exception of two street lights, which will be installed at a later date;

WHEREAS, public water mains and wastewater collection mains for Phases 2 and 3 are also installed, approved and inspected in accordance with the Development Agreement;

WHEREAS, the Town Engineer has signed a Certificate of Final Acceptance for the completed development improvements; and

WHEREAS, in accordance with the Development Agreement, upon final acceptance of the public improvements, the Town may authorize a reduction of the letter of credit to 10%.

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

Section 1. The Board accepts the development improvements for Phase 1 that have been installed, inspected and approved as outlined in the Certificate of Final Acceptance signed by the Town Engineer.

Section 2. The Board accepts the public water mains and wastewater collection mains for Phases 2 and 3 that have been installed, approved and inspected.

Section 3. The Board of Trustees hereby authorizes a reduction in the letter of credit from \$281,112 to \$126,429.65, which includes \$31,371.50 retained for the 2-year warranty period of the already accepted public improvements (10% of \$313,715), and \$95,058.15 for the required 110% security deposit for the pending street light improvements in Phase 1 and the remaining public improvements to be constructed in Phases 2 and 3 of the Development Agreement.

INTRODUCED, READ, PASSED AND ADOPTED ON APRIL 23, 2019.

TOWN OF EAGLE, COLORADO

Kevin Brubeck, Mayor Pro Tem

ATTEST:

Jenny Rakow, Town Clerk

BILL OF SALE

For value received GOLD DUST CAPITAL PARTNERS, LLC, hereby sets over, grants and conveys to TOWN OF EAGLE, COLORADO, all of its right, title and interest in and to the following described public and other development improvements all located within the Town limits of Eagle, Colorado, to-wit:

All public and other development improvements for Phase 1, including water service lines, water mains and other water distribution facilities; all wastewater collection mains and related improvements; drainage structures and improvements required; required sidewalks, curbs, gutters; pedestrian crossing lighting and street signs; street trees and sod lawn landscape improvements; excluding 2 street lights to be installed and conveyed at a later date; and Phases 2 and 3 public water mains and wastewater collection mains only, excluding remaining required public improvements to be installed at a later date for Phases 2 and 3, for Sylvan Lake Round-About Planned Unit Development (Eagle Landing at Brush Creek), (the "Improvements") as required by the First Amended Development Improvements Agreement, Sylvan Lake Round-About Planned Unit Development, dated February 13, 2018 and recorded at Eagle County, Colorado (the "Development Agreement"), at reception number 201804385, have been finally accepted by the Town of Eagle in accordance with the Development Agreement.

Executed this 17th day of April, 2019.

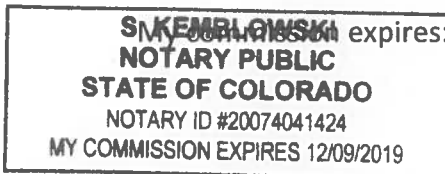
By:


Owner Brad Hagedorn - Member

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

Subscribed and sworn to before me this 17th day of April, 2019,
by Brad Hagedorn.

WITNESS MY HAND AND OFFICIAL SEAL.



12/09/2019


Notary Public

ACCEPTED BY TOWN OF EAGLE

Mayor

Date

ATTEST:

Town Clerk

Date

CERTIFICATION OF FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS AND OTHER REQUIRED
DEVELOPMENT IMPROVEMENTS FOR SYLVAN LAKE ROUND-ABOUT PLANNED UNIT DEVELOPMENT
(EAGLE LANDING AT BRUSH CREEK), TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

Frederick E. Tobias, Town Engineer, on behalf of the Town of Eagle, hereby certifies the following:

1. All public and other development improvements for Phase 1 have been completed in accordance with the Development Agreement, except for two (2) street lights which are to be installed at a later date. The public water and sewer mains for Phases 2 and 3 have been completed in accordance with the Development Agreement. The public improvements have been inspected and are hereby approved.
2. All remaining public improvements for Phases 2 and 3 as required by the Development Agreement are to be installed later.
3. This Final Acceptance allows the Town to authorize the reduction of the letter of credit guaranteeing the approved public improvements to 10% of the total actual cost of such improvements in accordance with the Development Agreement.
4. The warranty for the public and other development improvements shall commence on the date of this certification.

Dated this 12th day of April, 2019.

TOWN OF EAGLE, COLORADO, a municipal
corporation



Frederick E. Tobias, P.E., Town Engineer

Eagle Landing - DIA Cost Analysis

Total cost spent to date	\$ 313,715
Total cost to complete Phase 1	\$ 16,000
Total cost to complete Phase 2	\$ 70,417
Total cost to complete Phase 3	\$ 63,920

Phase	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL	ACTUAL COST
1	Remove and dispose of existing asphalt drive	SF	740	\$ 5.00	\$ 3,700.00	\$ 4,000
1	Remove and dispose of existing curb & gutter	LF	11	\$ 18.00	\$ 198.00	\$ 11,322
1	Remove/relocate existing guardrail	LS	1	\$ 8,000.00	\$ 8,000.00	\$ -
1	Remove Existing Trees	EA	2	\$ 200.00	\$ 400.00	\$ 1,750
1	Asphalt-Drive & path connect	TN	12	\$ 113.00	\$ 1,356.00	\$ 7,104
1	Basecourse- Drive & path connect	TN	24	\$ 36.00	\$ 864.00	\$ 2,160
1	Concrete drainage pan- 8' wide	SF	465	\$ 19.00	\$ 8,835.00	\$ 3,223
1	Concrete curb and gutter	LF	133	\$ 39.00	\$ 5,187.00	\$ -
1	Concrete walk	SF	293	\$ 12.00	\$ 3,516.00	\$ 2,548
1	Concrete ADA ramp	EA	1	\$ 2,600.00	\$ 2,600.00	\$ 1,500
1	Thermoplastic crosswalk	EA	1	\$ 800.00	\$ 800.00	Not Complete
1	Thermoplastic stop bar	EA	1	\$ 400.00	\$ 400.00	\$ 9,807
1	Signage	EA	4	\$ 500.00	\$ 2,000.00	\$ 50,239
1	Ligthing	EA	2	\$ 8,000.00	\$ 16,000.00	\$ 27,497
1	Rapid Flashing Beacons (solar)	EA	2	\$ 6,000.00	\$ 12,000.00	\$ 2,030
1	Landscaping and Irrigation	LS	1	\$ 50,000.00	\$ 50,000.00	\$ 7,500
1	8" SDR 35 Sewer Main	LF	470	\$ 65.00	\$ 30,550.00	\$ 46,042
1	Sewer Video & Testing	LF	470	\$ 5.00	\$ 2,350.00	\$ 15,300
1	4' Diameter Sewer Manhole	EA	5	\$ 3,000.00	\$ 15,000.00	\$ 10,000
1	8" DIP Water Main	LF	600	\$ 85.00	\$ 51,000.00	\$ 3,600
1	8" Gate Valves	EA	7	\$ 1,700.00	\$ 11,900.00	\$ 15,750
1	Roadway Crossing (with Traffic Control)	LF	40	\$ 250.00	\$ 10,000.00	Not complete
1	8" DIP Mechanical Bends	EA	7	\$ 450.00	\$ 3,150.00	Not complete
1	Fire Hydrant Assembly	EA	3	\$ 5,250.00	\$ 15,750.00	Not complete
2	Asphalt-Drive	TN	27	\$ 113.00	\$ 3,051.00	Not complete
2	Basecourse- Drive	TN	123	\$ 36.00	\$ 4,428.00	Not complete
2	18" curb and gutter (Hwy 6 median)	LF	125	\$ 23.50	\$ 2,937.50	Not complete
2	Traffic control (Hwy 6)	LS	1	\$ 8,000.00	\$ 8,000.00	Not complete
2	Thermoplastic stop bar	EA	1	\$ 400.00	\$ 400.00	Not complete
2	Signage	EA	3	\$ 500.00	\$ 1,500.00	Not complete
2	Ligthing	EA	1	\$ 8,000.00	\$ 8,000.00	\$ -
2	Landscaping and Irrigation	LS	1	\$ 50,000.00	\$ 50,000.00	Not complete
2	2' x 3' curb inlet	EA	1	\$ 2,350.00	\$ 2,350.00	\$ 2,350
2	18" RCP	LF	93	\$ 58.00	\$ 5,394.00	\$ 5,452
2	18" FES	EA	1	\$ 800.00	\$ 800.00	\$ 800
2	Riprap	CY	1	\$ 100.00	\$ 100.00	Not complete
2	8" SDR 35 Sewer Main	LF	146	\$ 65.00	\$ 9,490.00	\$ 13,748
2	Sewer Video & Testing	LF	146	\$ 5.00	\$ 730.00	\$ 1,015
2	4' Diameter Sewer Manhole	EA	1	\$ 3,000.00	\$ 3,000.00	\$ 1,500
2	8" DIP Water Main	LF	116	\$ 85.00	\$ 9,860.00	\$ 9,208
2	8" DIP Mechanical Bends	EA	1	\$ 450.00	\$ 450.00	\$ 450
2	Fire Hydrant Assembly	EA	1	\$ 5,250.00	\$ 5,250.00	\$ 5,250
3	Asphalt- Fishing Parking area	TN	16	\$ 113.00	\$ 1,808.00	Not complete
3	Basecourse- Fishing Parking area	TN	22	\$ 36.00	\$ 792.00	Not complete
3	11' wide gravel path (4" thick)	TN	153	\$ 40.00	\$ 6,120.00	Not complete
3	4' / 5' wide gravel path w/ steps	LS	1	\$ 5,200.00	\$ 5,200.00	Not complete
3	Landscaping and Irrigation	LS	1	\$ 50,000.00	\$ 50,000.00	Not complete
3	8" SDR 35 Sewer Main	LF	142	\$ 65.00	\$ 9,230.00	\$ 8,515
3	Sewer Video & Testing	LF	142	\$ 5.00	\$ 710.00	\$ 1,355
3	4' Diameter Sewer Manhole	EA	2	\$ 3,000.00	\$ 6,000.00	\$ 3,000
3	8" DIP Water Main	LF	313	\$ 85.00	\$ 26,605.00	\$ 34,000
3	8" DIP Mechanical Bends	EA	3	\$ 450.00	\$ 1,350.00	\$ 450
3	Fire Hydrant Assembly	EA	2	\$ 5,250.00	\$ 10,500.00	\$ 5,250
Total Cost of Completed Improvements						\$ 313,715

Phase II LOC
Reduction in Phase I
3/28/19

Fred Tobias

From: Fred Tobias
Sent: Thursday, March 28, 2019 12:21 PM
To: Brad Hagedorn
Cc: Bruce Hagedorn; Jesse Hagedorn; Carrie McCool; Dawn Koenig; Jill Kane; Bryon McGinnis
Subject: RE: Eagle Landing Phase 1 Letter of Credit Reduction

Brad,

Thank you for providing the actual cost of installed improvements. I have reviewed the information and compute slightly different totals. Please review the following and feel free to contact me to discuss if necessary.

Actual Cost of Completed Improvements: \$313,715.00 (I need to omit the Phase 1 "Lighting" @ \$11,844 since the TOE standard street lights are not yet installed.)

10% Retainage for Warranty: \$31,371.50 ($\$313,715.00 \times 0.10$)

Estimated Cost of Outstanding Improvements:

Phase 1: \$16,000.00 (TOE standard street lights per cost estimate – not installed)

Phase 2: \$70,416.50

Total 1+2: \$86,416.50

Required 110% Security for Outstanding Improvements on Phases 1 & 2:

\$95,058.15 ($\$86,416.50 \times 1.1$)

NEW LETTER OF CREDIT FOR PHASE 2 (and Phase 1 Street Lights):

\$126,429.65 ($\$31,371.50 + \$95,058.15$)

Reduction in current LOC:

\$154,682.35 ($\$281,112.00 - \$126,429.65$)

Thanks,

Frederick E. Tobias, P.E.
Town Engineer

From: Brad Hagedorn <brad@arcwestproperties.com>
Sent: Wednesday, February 27, 2019 10:30 AM
To: Fred Tobias <fred.tobias@townofeagle.org>
Cc: Bruce Hagedorn <bruce.r.hagedorn@gmail.com>; Morgan Landers <morgan.landern@townofeagle.org>; Jesse Hagedorn <jesse.hags@gmail.com>
Subject: Re: Eagle Landing Phase 1 Letter of Credit Reduction

Fred,

This had fallen off my radar, but with Phase II quickly approaching I wanted to revisit the Phase I LoC reduction, as well as talk about what will be needed for Phase II.



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: April 23, 2019

Re: Town Manager Report

Administration & Organization

The Community Development Director position interviews are scheduled for April 29. There are two candidates that the hiring committee will meet. One candidate is from out of the state, and the other is local. Staff hopes to select the finalist by the end of April and negotiate a June start.

Gypsum and Eagle staff met to discuss sharing electrical inspections. It was a productive conversation and both towns will move forward on a partnership. Both teams will work on an MOU that will be finalized by early May. Safebuilt gave notice that they can no longer serve this area and May 31 is when they will discontinue services.

The annual All Employees meeting is scheduled for May 6. The topics that are on the agenda are below:

- Retirement plan update
- CIRSA harassment training
- Customer service standards rollout
- Department initiatives update
- Employee of the year

The elk have moved off the Haymaker trail and outer loops and the town has opened the closures. Staff will continue to monitor the trails for wildlife. The remaining trails are still closed through May 1.

The Climate Action Collaborative is hosting a climate action policy workshop on May 23 from 9 am – noon in Breckenridge. The workshop is structured to give local government elected officials and climate/clean energy programs managers the tools they need to be more effective influencing decisions on legislation at the state and local level. Let staff know if you want to reserve a space.

Starting in May, staff will begin work on a Home Rule charter template. If the election is successful, it will be important to be prepared since there is limited time to develop a charter. The next outreach event will be in June.

Members of the BOT have mentioned looking into fee in lieu for parking and assessment of the street impact fees. The NWCCOG has micro grants for small plans and studies up to \$5,000. Since staffing capacity is limited, it is possible to contract out policy development using some of these funds if the BOT is interested. The grant is due April 24. Let staff know if this is something worth expediting.

Mountain Recreation and the TOE are conducting interviews for consultants for the Pool & Ice Rink Recreation Campus Master Plan on April 24. A selection will be made next week.

To keep the BOT informed on topics for May meetings – below is a list of potential items:

- Ordinances & Agreements
 - Entertainment Districts
 - EQR table revision
 - Removal of the water and wastewater fees from code
 - Animal control code revision
 - River Park Use Agreement (revised)
- Proposals and Reports
 - Temporary-mobile vendor permits
 - Quarterly manager and finance update
 - Fee in lieu for parkland dedication
 - Sidewalk rules for downtown
 - 2020 Census update

Economic Development and Planning

Eagle River Park – Town is making progress on the completion. Below are a few updates:

- A response was sent to the Eagle River Watershed Council addressing questions they asked of the town earlier this year.
- CPW has requested a meeting with the USACE to discuss concerns about fish passage and the design of features 3 and 4.
- The team finalized the beach sand, site furnishings and continues construction.
- Staff is working with temporary vendors for the park so that they can do business in the park when it opens.
- The construction team is meeting with Steve Tarrant to discuss the incorporation of his generous donation of trees for the park.
- The county sent an updated Use Agreement for post construction use of the park when it is open. Staff hopes to approve this before the River Park opens at the end of May.

Elevate Eagle – This project continues to move forward. Below are a few updates:

- The next outreach events will occur April 29 – May 3. The committees will meet that week and conduct walking tours of downtown to discuss different applications of the code. Staff will also have a photo contest during the popups to engage the public.

Broadband – There are several updates on THOR and broadband in Eagle:

- THOR – All of the THOR partners have approved meet me centers in their communities with Aspen-Pitkin County signing off on Monday. The next steps are:
 - Meet with DOLA on the feasibility study grant submission
 - Finalize and publish feasibility study RFP in May
 - Identify a stakeholder committee in May – June
 - Staff met with the county on partnerships and the following was discussed:
 - Participation as a stakeholder on the feasibility study
 - Openness to have the town serve if it makes sense
 - Assisting the town with the implementation plan when appropriate

- Comcast – Staff is meeting with the Comcast team on April 24 to have an initial conversation about a franchise agreement and technical items.

Downtown Revitalization – Work continues towards this initiative. Below are a few updates:

- Staff and downtown stakeholders are finalizing the Challenge Studio report and will make a presentation to the BOT in May. A lot of great suggestions came from the session at the DCI conference this month.

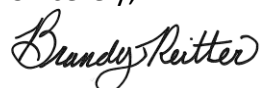
Outreach & Meetings – *Updates on participation on community outreach opportunities, regional/community meetings, and project specific meetings.*

- April 24 – Meeting with Jeff Shroll on fairgrounds camping pilot.
- May 10 – Vail Valley Partnership annual awards lunch.

Reminders – *Updates on events or meetings that might be of interest to the Board of Trustees.*

- April 22 – Art Wall outreach meeting and kickoff – 5:30 PM – 7:30 PM at Pavilion.
- April 29 – May 4 – Comprehensive Plan outreach popups.
- May 1 – Source Water Protection & Water Efficiency plans public meetings – 11:00 PM – 3:00 PM at town hall.

Sincerely,



Brandy Reitter
Town Manager

Eagle River Park

EXECUTIVE SUMMARY #25 - April 2019

Town of Eagle

NV5

Upland Park Designer: Alpine Engineering & Zehren Architects

White Water Park Designer: S2O Engineering

Contractor: Hobbs Excavating and Trucking, LLC.

Materials Testing: Ground Engineering

Recently Completed

- General
 - Site Stormwater Infrastructure
 - Infrastructure for Beach Sand Area
 - Underground Electric Rough In
 - Utility Stub Outs
 - Willow Revegetation Plantings
- Design
 - All Design Deliverables Complete

In Progress

- General
 - Upland Park Boulder Terracing
 - Final Site Grading
 - Irrigation
 - Sand by Beach Areas
 - Case Property Irrigation Intake Structure
- Design
 - Construction Administration
- Communication
 - Website Updates
 - Eagle Eddie Update

Upcoming

- General
 - Landscaping and Seed
 - Crusher Fines at Walkways
 - Parking lot Final Grading
 - Gas Fire Pit
 - Ribbon Cutting 5/24
- Design
 - Design Documents completed
- Communication

Project Schedule Summary

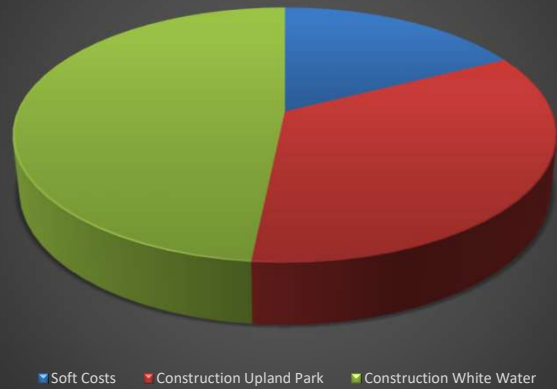
	Start	Completion
White Water Park Design	January-16	July-17
Upland Park Design	January-17	March-18
White Water Construction (Phase 1)	November-17	March-18
Upland Construction	March-18	June-18
White Water Construction (Phase 2)	September-18	December-18

Budget and Expenditures Summary

Description	Budget	Committed	Spent	% Spent	Balance
Soft Costs	\$ 1,091,202	\$ 1,091,202	\$ 1,045,989	96%	\$ 45,213
Construction Upland Park	\$ 2,129,739	\$ 2,129,739	\$ 1,218,623	57%	\$ 911,116
Construction White Water	\$ 3,016,131	\$ 3,016,131	\$ 2,845,119	94%	\$ 171,012
TOTAL	\$ 6,237,072	\$ 6,237,072	\$ 5,109,731	81.9%	\$ 1,127,341

Total Budget includes GOCO

Projected Costs



Project Schedule

- Actual/Projected Duration
- Baseline Duration



Photos



Boulder Terracing



Beach Sand Area and Stair Case Rough Grading



CERTIFICATE OF RECOMMENDATION

TO: Board of Trustees

FROM: Department of Community Development

STAFF: Carrie McCool, Interim Town Planner

DATE: April 23, 2019

PROJECT: Haymeadow Subdivision Filing 1 – Final Plat

FILE NUMBER: S18-01

APPLICANT: Brandon Cohen, Abrika Properties LLC

LOCATION: 657.3 acres along Brush Creek Road. Parcels 210904400001, 210903300005, 210903400001, 210910100003, 210910100005, 210910100004, 210910100006, 210910100007, 210910100008, 210911200007, 210909100022

CODE: Chapter 4.12 – Subdivision Review

ZONING: Planned Unit Development (PUD)

EXHIBITS: Full Copies of the staff report and exhibits are available at Town Hall. Hard copies will also be available at the hearing.

- A. Application and Narrative
- B. Final Plat dated April 19, 2019
- C. Subdivision Improvement Agreement
- D. Ecological Restoration Plan ([LINK](#))
- E. Wetland Enhancement Plan ([LINK](#))
- F. Weed Management Plan ([LINK](#))
- G. Ownership and Maintenance Table
- H. Landscape Guidelines for Streetscapes
- I. Agency Referral Comments Summary
- J. Public Comment
- K. Planning and Zoning Commission Minutes – March 19, 2019

PUBLIC COMMENT: Staff has received three letters of public comment and one Vail Daily article as of the date of this staff report (see Exhibit J). Letters received after this time will be gathered and entered into the public record at the hearing.

REQUEST: Final plat approval to create the boundaries of the 657.3 acre Haymeadow PUD and plat open space and common area parcels, future school/recreation parcels, future fire station site, four (4) multi-family development tracts, eight (8) single family lots and five (5) duplex lots on approximately 150 acres.

BACKGROUND

In 2014, the 657.3-acre Haymeadow property was annexed into the Town of Eagle under a metes and bounds legal description and was zoned Planned Unit Development (PUD). The PUD approval consisted of the PUD Guide, PUD Development Plan, Annexation and Development Agreement (ADA), and Preliminary Subdivision Plan for Phase 1. Collectively, these approvals and agreements dictate the densities, uses, location of uses, locations and types of streets, trails, parks, and open space, wildlife corridors, and land dedication for future public service facilities (Greater Eagle Fire Protection District and Eagle County School District). The PUD Guide and Development Plan outline the densities and uses while the ADA contains a set of requirements for the development that were negotiated at the time of approval (street improvements, land dedications, etc.)

The Haymeadow project is located on the south side of town along the Brush Creek Corridor just north of Eagle Ranch, the largest master planned community in town. The full buildout of the development will include 837 multi-family and single-family housing units of various sizes and types, a 20-acre community park, a 32-acre school and recreation site, and approximately 335 acres of open space. The housing units will be dispersed throughout five neighborhoods (A1, A2, B, C, and D) per the approved PUD Guide.

PROJECT SUMMARY

Abrika Properties, LLC has submitted a request for a final plat approval to create the boundaries of the 657.3-acre Haymeadow PUD, and plat open space and common area parcels, future school/recreation parcels, future fire station site, four (4) multi-family development tracts, eight (8) single family lots and five (5) duplex lots on approximately 150 acres. This Filing 1 represents the first phase of Neighborhood A and includes the first phase of access and infrastructure improvements of the project. It also addresses the requirements of the approved Haymeadow Annexation and Development Agreement that are triggered at final plat, including but not limited to land dedication parcels as referenced above, the payment of development impact fees, and creation of required easements for access and infrastructure improvements.

STANDARDS FOR APPROVAL

Subdivision Final Plat

Per the Land Use and Development Code, final subdivision plats shall be reviewed for conformance with the approved preliminary plan, and subdivision regulations as well as compliance with all requirements imposed under the approved Annexation and Development Agreement (ADA).

REVIEW OF STANDARDS

Conformance with Subdivision Regulations and Preliminary Plan

The purpose of the final plat is to complete the subdivision of land consistent with the technical standards as an instrument for recording. The final plat process is the last step in the subdivision process and is mainly a technical engineering review. As such, staff has reviewed the Subdivision Final Plat per the approved Preliminary Plan and the requirements of Section 4.12.020.C.2.f of the Land Use and Development Code finding that:

- The plat was prepared by a registered surveyor.
- The technical preparation of the plat is in general compliance with the requirements for bearings, lengths, monuments of record, and error thresholds.

- The plat includes the various pieces of information required by the town code including legal description and project information, and acreages of various tracts and lots.
- The plat includes street names and addresses.
- The plat includes the various certifications and title blocks for the signatories per plat recording requirements.

Because this first phase of the project includes detailed engineering construction plans for the street system and the necessary utility services in the Haymeadow property – a streetscape design is included in the Access and Infrastructure Plans (construction documents) for all proposed roads. As such, the applicant submitted a set of Design Guidelines for Streetscapes as it relates to the landscaping of roundabouts and the proposed street system within this phase. As this is primarily an infrastructure package, design guidelines for architecture, site design, landscape, and lighting will be reviewed and approved prior to submittal of any building permit as outlined above. Per the ADA, the review of the Design Guidelines shall follow the noticing and review procedures for Major Development Permits per the town's code. The Landscape Guidelines for Streetscapes were reviewed by town staff as well as the CSU Extension Office in Eagle. A primary objective of the project is to take a water conservation approach to the landscaping. This can be achieved most effectively by selecting low water ground covers and trees/plants/shrubs that are known to succeed in mountain environments and native to the area. Town Staff has approved Design Guidelines for Streetscapes (see Exhibit H). As such, the Planning and Zoning Commission condition of approval 6 has been removed from the recommended conditions to the Town Board.

The Land Use and Development Code requires all developers to construct, pay for and install or cause to be installed all on-site and off-site public improvements to serve development at time of final plat. These requirements are addressed in the Subdivision Improvements Agreement (see Exhibit C). The Public Works Department has minor technical comments on the associated construction plans that will affect the final cost estimates and the deadlines for completion that will be attached to the Subdivision Improvements Agreement. These and other technical comments on the final plat shall be addressed prior to final plat recordation. A condition of approval has been provided accordingly.

The final plat for phase 1 is in substantial conformance with the approved Preliminary Plan with the following exceptions:

- The final plat includes the entirety of the property, the preliminary plan didn't include the full annexed property.
- Specific acreages for all tracts and lots being created by the plat, the preliminary plan only included tract and lot lettering/numbering.
- Addresses and street names.
- The preliminary plan included the platting of all of Neighborhood A1, however, Filing 1 only includes a portion of Neighborhood A. As such, the full extent of Sylvan Lake Rd to Ouzel lane is not being platted at this time.
- The general shape of the Fire Station Parcel has changed, however, the acreage remains consistent with the requirements of the ADA
- The preliminary plan didn't include the 30' wide right-of-way dedication along Brush Creek Road as required by the ADA. The final plat includes this.

Annexation and Development Agreement

On March 25, 2014, the Town approved an Annexation and Development Agreement (ADA) that controls development of the Haymeadow property. The final plat complies with the provisions set forth in the ADA as amended on February 27, 2018, and March 12, 2019. Below is an overview of the provisions that have been addressed since the Planning and Zoning Commission public hearing:

1. School/Recreation Site Dedication, Reclamation, and Irrigation – The school/recreation parcel will be dedicated to the town at the first subdivision plat according to the ADA. Currently, the property is

overrun with noxious weeds and much of the healthy ground cover is gone. The ADA requires an Ecological Restoration Plan (Exhibit D) for the weed mitigation and re-establishment of healthy ground cover. An integrated Weed Management Plan (Exhibit F) has also been submitted that will overlap ongoing weed management issues of various areas throughout the development. This effort will require watering and the town's existing non-potable water service cannot serve the entire site. The Haymeadow project is responsible for extending its non-potable system to serve the remaining portions of the property. The applicants have provided a restoration plan that includes success criteria to evaluate the effectiveness of the plan. The Public Works Director and Open Space Manager have approved the revised Plan thereby addressing the Planning and Zoning Commission recommended condition of approval 4.

2. Municipal Water and Sewer Service Construction – The project is required to construct municipal water and sewer service for the development. For irrigation purposes, the agreement requires that a non-potable system (raw water irrigation) be constructed for all multi-family residential uses and common area/parks. The project is complying with this requirement and has extended the non-potable system to service the single-family residential units as well. The system must be constructed to serve each phase of the development. The Raw Water Irrigation Operations Plan is included in the Access and Infrastructure Plans (construction documents) that will be reviewed and approved prior to execution of the Subdivision Improvement Agreement. The Planning and Zoning Commission recommended condition number 5 has been carried forward for Town Board consideration.
3. Wetlands Dedication, Restoration, and Enhancement – The ADA requires that the 24 acres of wetlands along Brush Creek Rd and Sylvan Lake Rd be dedicated to the town. In addition to the dedication, enhancements to the wetland area are required. The applicant has provided a Wetland Enhancement Plan (Exhibit E), all areas within the boundaries of phase 1 will be completed and additional wetland enhancements will be completed with the future phases of the project. Staff has reviewed the plan and agrees with the approach to the project, however, requested a set of success criteria be included in order to have a benchmark to evaluate the success of the enhancement. The applicant has updated the Wetland Enhancement Plan to include success criteria. The revised Plan has been approved by the town's Public Works Director and Open Space Manager thereby addressing the Planning and Zoning Commission recommended condition of approval 4.
4. Transfer Assessment Covenant – The ADA requires a transfer assessment be placed into the private declarations of the project. The applicants will comply with this requirement and are drafting Covenants and Declarations for the project in accordance with the ADA. The town is not a party to the declarations and cannot enforce the declarations. As such, the town does not review the documents in detail other than to ensure that the requirement for the assessment is included. A condition of approval has been included to ensure that the transfer assessment covenant is prepared and recorded prior to final plat recordation.
5. Construction Operations Plan – The ADA requires a Construction Operations Plan (COP) to be submitted for review and approval. The applicants have selected their contractor for the project and are preparing the COP. The Subdivision Improvement Agreement requires the developer to obtain Town Engineer approval of the COP prior to commencing construction. As such, Planning and Zoning Commission condition of approval 7 has been adequately addressed.
6. Ownership, Maintenance, Replacement, and Enforcement Agreement. In addition to the Subdivision Improvement Agreement, a separate maintenance agreement will be executed between the Town of Eagle and the Haymeadow Metropolitan District for the ongoing maintenance of the project per the ADA. The reason for the separate agreement is that the SIA expires once the construction and warranty periods have ended. The obligations of the maintenance extend beyond the construction completion and therefore a separate document is required. A maintenance agreement shall be executed between the Town of Eagle and the Haymeadow District prior to acceptance of any public improvements as outlined in the Subdivision Agreement. The Planning and Zoning Commission recommended condition number 4 has been carried forward for Town Board consideration.

Adequate Public Facilities

A Conditional Positive Determination of Adequacy was granted in Section 6 of the ADA. The conditions outlined are to be evaluated with each phase of development. However, not all conditions apply to each phase. Below is a list of conditions that apply to the first phase of development as proposed:

- Constructing off-site improvements including the Sylvan Lake Roundabout and path to Pool and Ice Rink
- Payment of Plant Investment Fees
- Dedication of Fire Station parcel
- Dedication of School and Recreation parcel
- Available treated water supply
- Payment of Impact Fees

The project has or will comply with all of the requirements stated above. The town evaluated the availability of treated water for the development during the First Amendment of the ADA. Upon review, it was determined that the town could serve up to approximately 100 units in phase 1 provided that the finished floor elevation of the building was below elevation 6730 feet. This is primarily related to the water pressure needs for the development. The first amendment addressed this stipulation and the proposed phase 1 is in compliance with this restriction.

PUBLIC COMMENT

The Land Use and Development Code requires a Major Activity Notice for any project that includes five acres or more. Due to this requirement, an extensive list of referral agencies were notified of the application and given an opportunity to comment. An Agency Referral Comments Summary that provided comments from staff and referral agencies is included as Exhibit I of this packet. All staff and referral agency comments have been adequately addressed on the revised final plat dated April 19, 2019.

Additional public comments were submitted in writing (see Exhibit J) and at the Planning and Zoning Commission public hearing. The majority of public comments/concerns related to the following:

- Density (too many developments proposing a large number of dwelling units community-wide)
- Quality of life
- High costs of infrastructure maintenance
- Wildlife – Elk population decline due to development and Haymeadow trails, changing elk behavior (Elk bedding down on Haymeadow property)
- Traffic
- Housing affordability
- Soils (irrigation resulting in sinkholes)
- Emergency response/fire evacuation
- Wetland preservation
- Development receiving approval but do not end up happening

The Haymeadow PUD was vested in 2014 and allows the development of 837 multi-family and single-family housing units of various size and types on 657.3 acres. Any changes to the PUD would require a PUD amendment and would need to be initiated by the landowner. The applicant and planning staff met with Colorado Parks and Wildlife (CPW) and concerned residents regarding wildlife impacts and approved trails of the 2014 Haymeadow PUD. Concerned residents requested the trail located south the Haymaker Trail be removed from the development plans outside of Filing 1 or that the trail be constructed of soft surface in order to mitigate impacts on the elk. The applicant noted they are open to considering trail alternatives in terms of location and materials in future filing but are concerned about the required PUD amendment process required to make any changes to the trail network. CPW confirmed

that elk behavior is changing, the organization supports adaptive measures to mitigate potential impacts to wildlife and they have no objections to Haymeadow Filing 1.

STAFF FINDINGS

Staff finds the Haymeadow Subdivision filing – Final Plat is in compliance with the approved preliminary plan, town’s Subdivision regulations, Haymeadow PUD and provisions of the Annexation and Development Agreement (ADA) subject to the recommended conditions of approval included in this staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission considered the Final Plat application on March 19, 2019. Meeting minutes from the hearing are included as Exhibit K in this packet. Upon review of the application, the Planning and Zoning Commission unanimously recommended approval of the final plat with the following conditions:

1. No building permit application or Development Permit application shall be accepted by the Town of Eagle until the Design Guidelines establishing architectural and building material standards, landscape design, urban design, site design standards and a design review process for development within Haymeadow have been reviewed and approved by the Town of Eagle as outlined in the Subdivision Improvements Agreement.
2. Protective covenants, homeowners' association (HOA) documents, and articles of incorporation for HOA including the Transfer Assessment Covenant shall be finalized prior to final plat recording.
3. Success Criteria for the Ecological Restoration Plan and Wetland Enhancement Plan shall be approved by the Public Works Director and Open Space Manager prior to execution of the Subdivision Improvements Agreement.
4. A maintenance agreement shall be executed between the Town of Eagle and the Haymeadow Metropolitan District prior to the acceptance of any public improvements as outlined in the Subdivision Improvements Agreement.
5. A Raw Water Irrigation Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.
6. The final Landscape Standards for Streetscapes shall be approved by the Town Planner prior to execution of the Subdivision Improvements Agreement.
7. A Construction Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.
8. Final technical comments from Town Planner, Town Engineer, and Town Attorney shall be addressed prior to final plat recording.

STAFF RECOMMENDATION

Staff recommends **approval** of the Haymeadow Subdivision Filing 1, Final Plat, **with the following conditions:**

1. No building permit application or Development Permit application shall be accepted by the Town of Eagle until the Design Guidelines establishing architectural and building material standards, landscape design, urban design, site design standards and a design review process for development within Haymeadow have been reviewed and approved by the Town of Eagle.
2. Protective covenants, homeowners' association (HOA) documents, and articles of incorporation for HOA including the Transfer Assessment Covenant shall be finalized prior to final plat recording.
3. A maintenance agreement shall be executed between the Town of Eagle and the Haymeadow Metropolitan District prior to the acceptance of any public improvements as outlined in the Subdivision Improvements Agreement.
4. A Raw Water Irrigation Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.

5. Final technical comments from Town Planner, Town Engineer, and Town Attorney shall be addressed prior to final plat recording.

POTENTIAL MOTIONS

Below are the Board of Trustees options related to the Haymeadow Subdivision Filing 1, Final Plat request:

1. I find the application substantially meets the standards for approval, and move to **APPROVE** the Haymeadow Subdivision Filing 1, Final Plat with no conditions.
2. I find the application substantially meets the standards for approval, and move to **APPROVE** the Haymeadow Subdivision Filing 1, Final Plat with the following conditions of approval:

<insert conditions of approval>

3. I find that the Applicant has not provided sufficient information to review the application per the standards for approval and move to **CONTINUE** the Haymeadow Subdivision Filing 1, Final Plat to the next regularly scheduled meeting.
4. I find that the application does not substantially meet the standards for approval and move to **DENY** the Haymeadow Subdivision Filing 1, Final Plat.

EXHIBIT A:
Application and Written
Narrative
(attached)



TOWN OF EAGLE
COMMUNITY DEVELOPMENT
200 BROADWAY • PO BOX 609 • EAGLE, CO 81631
PHONE: 970-328-9655 • FAX: 970-328-9656
www.townofeagle.org

LAND USE & DEVELOPMENT PERMIT APPLICATION

Pursuant to the Land Use & Development Code, Title 4

ZONING REVIEW	DEVELOPMENT REVIEW	SUBDIVISION OR PLANNED UNIT DEVELOPMENT REVIEW
☐ Special Use Permit ☐ Zoning Variance ☐ Rezoning ☐ Temporary Use Permit ☐ Amendment to Zone District Regulations	☐ Minor Development Review ☐ Major Development Review	☐ Concept Plan ☐ Preliminary Plan ☒ Final Plat ☐ Lot Line Adjustment ☐ Condominium / Townhouse ☐ Minor Subdivision ☐ P.U.D. Zoning Plan

PROJECT NAME Haymeadow Planned Unit Development

PRESENT ZONE DISTRICT PUD **PROPOSED ZONE DISTRICT** PUD
(if applicable)

LOCATION

STREET ADDRESS N/A

PROPERTY DESCRIPTION

SUBDIVISION Haymeadow Filing 1 **LOT(S)** **BLOCK**
(attach legal description if not part of a subdivision)

DESCRIPTION / PURPOSE Initial Final Plat for the Haymeadow PUD

APPLICANT NAME ABRIKA Properties, LLC **PHONE** 352-854-7753

ADDRESS 8250 Southwest 27th Avenue Ocala, FL 34476 **EMAIL**

OWNER OF RECORD same as applicant **PHONE**

ADDRESS **EMAIL**

REPRESENTATIVE Scott Schlosser **PHONE** 970-390-9223

ADDRESS PO Box 5607 Eagle CO 81631 **EMAIL** Scottes@vail.net

The above information is correct and accurate to the best of my knowledge.

Signature

Date

In addition to the Application Fee payable at time of Land Use Application, costs related to public notices, postage, Town Attorney Fees and any related outside consultant fees required to review the application shall be billed to the applicant.

FOR OFFICE USE ONLY

DATE RECEIVED BY FILE NUMBER
REVIEW FEE DATE PAID RECEIVED BY
DATE CERTIFIED COMPLETE BY
P&Z HEARING DATE DECISION
TBOT HEARING DATE DECISION



September 17, 2018

Ms. Morgan Landers
Director of Community Development
Town of Eagle
PO Box 609
Eagle, CO 81631

HAND DELIVERED

Re: Haymeadow PUD Filing 1 Final Plat

Dear Morgan:

Please accept this letter and the attachments as a formal application for the Haymeadow Filing 1 Final Plat for the Haymeadow PUD. The purpose of this plat is to initiate the first phase of infrastructure and access improvements for the Haymeadow PUD. The plans and documents address the submittal requirements for a final plat in accordance with the Town of Eagle Land Use regulations and with the Haymeadow PUD Preliminary Plan and Annexation & Development Agreement.

Under cover of this letter please find:

- One executed application form for a Final Plat.
- One copy of a current Title Report for the properties.
- An adjacent owners list and two sets of mailing labels.
- Two full size copies of the Final Plat and the related engineering and design plans.
- Two copies of a narrative description and related reports.
- Two copies of the Alpine Engineering, Inc. Final Drainage Report.
- Two copies of the Birch Ecology LLC Integrated Weed Management Plan

The Town of Eagle Fee Schedule indicates the Final Plat submittal fees are \$500.00 plus \$50.00 per lot. The proposed final plat includes four multi-family development tracts and thirteen single family/duplex lots. The fee total is calculated at \$1,350.00. Haymeadow is currently working with the Town of Eagle under a fee deposit system. The applicant assumes this fee will be deducted from the funds currently under deposit.

If you have any questions or require additional information please contact me at your convenience.

Sincerely,

Rick Pylman

Rick Pylman

Copy:

Brandon Cohen

Scott Schlosser

Haymeadow Final Plat Application

Haymeadow Filing 1

September 2018

Haymeadow Final Plat Application

Haymeadow Filing 1

September 2018

Prepared for:

ABRIKA Properties, LLC
8250 Southwest 27th Avenue
Ocala FL 34476

Prepared by:

Pylman & Associates, Inc.
137 Main Street
Suite C107W
Edwards CO 81632

Project Team

Owner's Contact

Scott Schlosser
PO Box 5607
Eagle, CO 81631

Civil Engineering

Alpine Engineering, Inc.
PO Box 97
Edwards, CO 81632

SGM

18 W. Sixth Street, Suite 200
Glenwood Springs, CO 81601

Surveyor

Archibeque Land Consulting, Ltd.
PO Box 3893
Eagle, CO 81631

Landscape Architecture/Site Planning

DHM
311 Main Street, Suite 102
Carbondale, CO 81623

Land Planning

Pylman & Associates, Inc.
137 Main Street, Suite C107W
Edwards, CO 81632

Electrical & Lighting

BG Buildingworks
Avon, CO 81620

Irrigation Design

Grand Junction Pipe & Supply
740 Highway 133
Carbondale, CO 81623

Construction Management

Cairn Consulting Services, LLC
5197 Black Gore Drive
Vail, CO 81657

Ecological

Birch Ecology, LLC
PO Box 170
Lyons, CO 80540

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Appendix:

1.	Town of Eagle Application Form
2.	Title Commitment
3.	Approved PUD Development Plan
4.	Reduced Copy of the Haymeadow Filing 1 Final Plat
5.	Phase 1 Traffic Report
6.	Water System Phase I Report
7.	Filing 1 Pavement Section Soils Report
8.	Wetlands Enhancement Plan
9.	Open Space Ecological Restoration Plan
10.	Open Space Management Plan
11.	Open Space Management Chart
12.	Streetscape Design Philosophy
13.	Raw Water Irrigation System Basis of Design
	Drainage Report under separate cover
	Integrated Weed Management Plan under separate cover

1. Introduction

The purpose of this report and accompanying documents is to provide information relative to a request for the initial Final Plat approval for the Haymeadow PUD. The Haymeadow PUD was approved by the Town of Eagle as Ordinance No. 11, Series of 2014, which outlines and approves the PUD Development Plan for the Haymeadow property.

This report addresses the requirements for a final plat as outlined in the Town of Eagle Municipal Code Section 4.12.020 C. Final Plat and addresses conformance with the Haymeadow PUD Development Plan.

The Haymeadow property was annexed into the Town of Eagle and the PUD is also governed by an Annexation and Development Agreement (“ADA”) approved by the Town of Eagle under Resolution No. 12, Series of 2015 and amended by Resolution No. 10, Series of 2018. The ADA includes some specific actions and requirements concurrent with the initial final plat. This report also addresses all relevant requirements with the Haymeadow Annexation and Development Agreement.

The approved Haymeadow PUD consists of 660 acres and is approved for 837 units in a mix of single family and multi-family units distributed over five distinct neighborhoods. The plan includes a school and town park area of 32 acres, a large community park of approximately 20 acres and a future fire station site. The neighborhoods comprise approximately 250 acres of the total 660 acres with over 335 acres designated as open space.

This is the initial final plat application for the Haymeadow PUD and is titled Haymeadow Filing 1. The primary purposes of this plat is to formally plat the boundaries of the Haymeadow PUD, to address the requirements of the ADA that are triggered by the first final plat action, to provide a review of the engineering and design details of the first phase of access and infrastructure construction plans and to establish the first few development parcels for the first phase of neighborhood A. All lands outside of the first phase of development will be designated as future development tracts and will be the subject of future final plat actions as the development moves into future phases. These future development lands will remain in agricultural production.

This plat is not a review of building construction plans and does not create any approval for multi-family development. The designated multi-family development tracts will require Town of Eagle Development Plan approval prior to the issuance of any building permits.



Figure 1. Approved PUD Development Plan.

2. Description of Filing 1 Final Plat

The 660 acres of the Haymeadow property was annexed into the Town of Eagle under a metes and bounds legal description and has never been the subject of a formal platting process. This initial final plat will formally plat the entire boundary of the Haymeadow property and will address the requirements of the approved Haymeadow Annexation and Development Agreement that are triggered at Final Plat approval, including but not limited to several land dedication parcels, the payment of certain fees, and the creation of certain easements.

This initial final plat will detail the first phase of access and infrastructure improvements that form the backbone of the overall Haymeadow PUD and will include the access and infrastructure required to serve the initial phase of the first neighborhood. The Filing 1 Plat will create road right of ways, easements, open space and common area parcels, the school and town park parcel as well as four multi-family development tracts, eight single family lots and five duplex lots.

This Haymeadow Filing 1 Final Plat represents the first phase of Neighborhood A. The applicant and the town staff have worked very closely together to define the area and improvements associated with this first phase and to ensure that this final plat application is in compliance with the approved PUD Preliminary Plan and preliminary plat.

2.1 Access and Infrastructure

The Filing 1 plat creates the road rights of way and details the engineering construction plans for the first phase of the Sylvan Lake Road roundabout and for the initial extension of Sylvan Lake Road and the necessary utility services into the Haymeadow property. The plans also detail the engineering for the street system and utilities designed to serve the first phase of the initial Haymeadow neighborhood. A streetscape design plan is included for all the proposed roads.

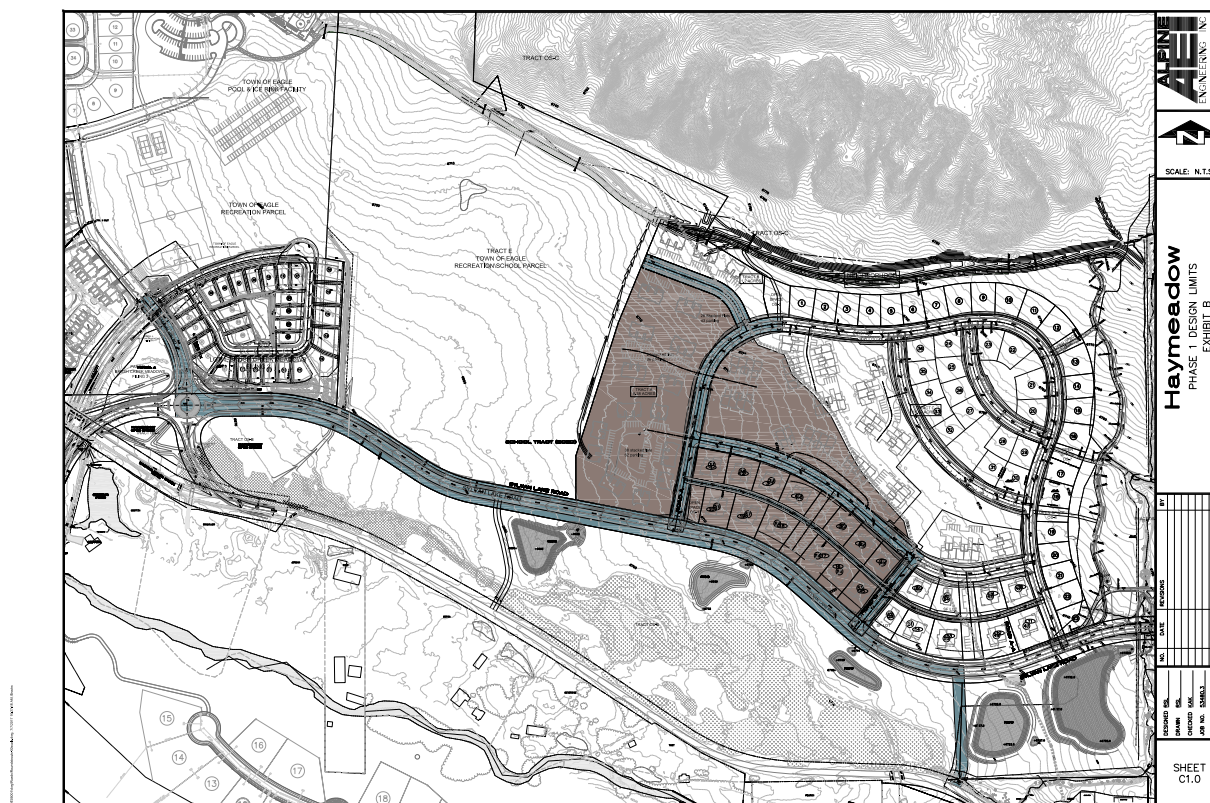


Figure 2. Area of Filing 1 Plat design limits.

The first phase of the Sylvan Lake Road roundabout design includes the full traffic circle and the two legs that connect Meadow Lark Road to the new extension of Sylvan Lake Road into the Haymeadow property. In compliance with the ADA the full construction of the roundabout with the connecting legs to Brush Creek Road and Sylvan Lake Road will be completed with the initiation of development in the second neighborhood.

attached to this report as an appendix. This streetscape landscape design description will become a section of the future Haymeadow PUD Design Guidelines.

There is a main trunk sanitary sewer line that currently extends from Eagle Ranch to the edge of the Haymeadow parcel. This line will be extended into the property to provide the backbone sanitary sewer service. Existing 12' water mains in Brush Creek Road and near the Pool and Ice Rink will be extended into the Haymeadow property to provide the water service backbone and to serve the initial phase of Neighborhood A. The engineering plans also detail the extension of gas, electric and telecommunication services into the property.

The road system to access the initial phase of Neighborhood A will consist of a leg of the Neighborhood A loop road that will provide access to the first multi-family parcels, a short street that will eventually connect into the town park and school parcel and two streets that will serve the initial single family and duplex lots and an additional multi-family parcel. The street system will provide a second point of access back to Sylvan Lake Road. This circulation system and the associated utilities will serve approximately 110 units that will comprise this initial phase.

A 10-foot-wide paved pedestrian trail will be constructed across the top of the property, just below the Haymaker Trail, to connect this first phase of homes to the Town of Eagle Pool, Ice Rink and pump track area. In conjunction with the separated pedestrian trail along Sylvan Lake Road this creates two pedestrian trail connections from Haymeadow into the Pool and Ice Rink area and on into the existing trail and sidewalk system.



Figure 4. Approved PUD Trails Plan

2.2 Filing 1 Final Plat

The Filing 1 Final Plat plan set is a ten page set that details the layout of the right-of-ways, open space and recreation tracts, other dedication parcels, common areas, the four multi-family development parcels and the eighteen single family/duplex lots. The plat also dedicates easements for access and infrastructure improvements. The submitted version of the plat does not include, at this time, shallow utility easements and easements for the proposed non-potable water system. As an integral part of this application review process the town staff and the various utility companies will review and comment on these plans. The plat will be updated to include all of the required shallow utility and non-potable system easements as the final design of these improvements is approved by the review agencies.

2.3 Development Parcels

The Filing 1 Plat will create road right of ways, easements, open space and common area parcels, the school and town park parcel as well as four multi-family development tracts, eight single family lots and five duplex lots. As stated in the Introduction section of this report this plat is not a review of building construction plans and does not create any approval for multi-family development. The designated multi-family development tracts will require Town of Eagle Development Plan approval prior to the issuance of any building permits. The approved Haymeadow PUD Guide includes a requirement that Haymeadow PUD will include a homeowner operated Design Review Board. Prior to initiation of any residential construction the Haymeadow Design Review Board must develop and submit design guidelines to the Town of Eagle for review and approval. This process will occur immediately after approval of the Filing 1 Plat. The applicant understands that no residential building permits will be issued prior to Town of Eagle approval of the Haymeadow Design Guidelines.

3.0 Conformance with Haymeadow Annexation & Development Agreement

The approved Annexation and Development Agreement includes certain requirements and land dedications that are triggered at the initial final plat or at each phase of neighborhood platting. This section of the report will identify those requirements and detail the conformance of the application. The following paragraphs reference the numerical section of the approved ADA that lists the referenced requirement.

ADA Section 7 Development Impact Fees

Section 7 details the requirement of Haymeadow to pay development impact fees at the time of subdivision final plat for Street Improvement Fees and Emergency Medical Impact fees as defined in the Town of Eagle Municipal Code. This initial final plat is primarily an access and infrastructure package that details the initial infrastructure construction for the first phase of the Haymeadow PUD. The plat does create four multi-family development tracts, eight single family lots and five duplex lots. The multi-family parcels will be subject to a further development permit process that will determine the exact number of dwelling units to be constructed. The impact fees for the multi-family units will be paid at time of development permit, when the exact density is determined.

This application will include the payment of impact fees for the eight single family lots and the five duplex lots, a total of eighteen units.

The Street Improvement Fee of \$1,016.00 per unit totals \$18,286.00.

It is the applicant's understanding that there is no longer an Emergency Medical Impact Fee requirement.

The Fire Protection Impact Fee will be paid in accordance with the language of the approved ADA, which details a significant up-front fee payment at the time the Greater Eagle Fire Protection District is issued a building permit for a new station.

ADA Section 9.3 Perimeter Fence

This section of the ADA details a requirement to establish a perimeter fence on the north and east sides of the Haymeadow PUD boundary to prevent cattle on adjacent lands from entering the Haymeadow property. Since the Haymeadow PUD and ADA was approved there has been a significant change in land use and ownership of the adjacent lands that render this requirement unnecessary. The adjacent ranch property has been purchased by Eagle County as a protected open space parcel and the associated grazing permit for the BLM lands along the north boundary has been discontinued.

Because of these ownership and lease changes and in consultation with Colorado Parks and Wildlife the cattle fencing along the north boundary has been removed completely and the cattle fence along the Hardscrabble Ranch boundary has been removed and replaced with a wildlife friendly fence.

ADA Section 9.4 Brush Creek Road Fence

This section of the ADA requires the removal of existing fencing along Brush Creek Road as the phases of development commence. In compliance with this requirement the implementation of these first phase improvements will include removal of the fence along Brush Creek Road from the western property boundary to the existing willow tree corridor.

ADA Section 9.5 Raw Water to School/Park Parcel

The ADA requires the Haymeadow PUD to provide raw water for irrigation purposes to the designated school and town park parcel. The applicant has worked closely with the town staff to determine how to best serve the property and the proposed engineering plans include construction design for a raw water delivery system that will serve the school/park parcel. All the outside irrigation within the Haymeadow PUD including the Sylvan Lake Road roundabout, streetscape landscaping, the school/park parcel, all parks and open space and all residential development will be provided from a raw water system. This system will alleviate demand on the town system to treat and store water for

irrigation needs. A complete report on the raw water irrigation system proposal is included as an appendix to this report.

ADA Section 9.7 Recreation Path to Pool & Ice Facility

The submitted engineering plans detail the proposed 10-foot-wide paved path connection from this first phase of Neighborhood A to the Pool & Ice Rink that is in compliance with this requirement.

ADA Section 9.8 Recreation Trail Along Sylvan Lake Road

The submitted engineering plans include a design for a 10-foot-wide paved recreation trail that will tie into the existing trail connections at Sylvan Lake Road and Meadow Lark Lane and will extend along the new roundabout and will parallel the length of Sylvan Lake Road. As Sylvan Lake Road is extended into future phases this trail will also be extended. The proposed plans are in full compliance with this requirement.

ADA Section 9.9 Wetlands Enhancement

This section of the ADA requires the submittal of a wetlands enhancement plan for the wetland area located south of Neighborhood A. A comprehensive Wetlands Enhancement Plan has been developed for this area by Birch Ecology, LLC and is included as an appendix to this application. This plan includes a description of how the wetlands footpath system will be designed and constructed.

ADA Section 10.3 Sylvan Lake Road Roundabout

The application includes detailed engineering plans for the first phase of the Sylvan Lake Road Roundabout that will be built during this first phase of infrastructure construction. The proposed plans are in full compliance with this requirement.

ADA Section 10.4 Recreation Path Connection to Pool & Ice Rink Facility

This section of the ADA is identical to the previously addressed Section 9.7. The 10-foot wide trail has been fully designed and will be a part of the initial infrastructure construction package in full compliance with this requirement.

ADA Section 14.1 Brush Creek Road Right-of-Way

This section of the ADA requires a dedication of a 30-foot wide strip of land adjacent and parallel to Brush Creek Road along the boundary of the Haymeadow PUD. The purpose of the dedication is to allow room for future road improvements. The Filing 1 Plat creates this 30-foot wide dedication parcel in full compliance with this section of the ADA.

ADA Section 14.2 Upland Open Space

This section of the ADA requires a sequential dedication of the upland areas north of the proposed residential neighborhoods to the Town of Eagle for use as open space. The proposed Filing 1 Plat details the proposed dedication area and is in full compliance with this requirement.

ADA Section 14.3 Fire Station Dedication

This Haymeadow Filing 1 Final Plat includes a land dedication of approximately 1.6 acres for the future construction of a new Greater Eagle River Fire Protection District fire station in full compliance with this commitment.

ADA Section 14.4 Haymaker Trail Easement

This section of the ADA requires the applicant to provide an easement over the existing Haymaker Bicycle and Pedestrian Trail. This requirement has been met and a permanent easement has been provided to the town and is recorded as reception # 201504931 at the Office of the Eagle County Clerk and Recorder. The easement will be described on the Haymeadow Filing 1 Final Plat.

ADA Section 14.8 Wetland Open Space

This section of the ADA requires a dedication of the wetland area south Neighborhood A to the Town of Eagle for use as open space. The proposed Filing 1 Plat details the proposed dedication area and is in full compliance with this requirement.

ADA Section 15

This section of the approved ADA outlines the requirement for the dedication of the land identified as Parcel 8 on ADA exhibit H for public school and recreation purposes. This plat does identify and propose dedication of that land.

ADA Section 17 Eagle Ranch Recapture Fee

The approved ADA includes a commitment for the Haymeadow PUD to provide reimbursement, in the form of a described “recapture fee” to the Town of Eagle, to then be made to West Eagle Ranch LLC, for the extension of Sylvan Lake Road, for Highway 6 access improvements and for certain wastewater system improvements. The fee has been calculated by the town engineer to be \$1051.12 per unit and is paid at each applicable final plat. Town of Eagle approval of this application will trigger the payment of this fee for the eighteen units created by this final plat, a total fee of \$18,920.16.

ADA Section 20.2 Reclamation of Open Space

The Preliminary Plan vegetation analysis identified a couple of areas north of the proposed neighborhoods and above the area historically irrigated that had been previously disturbed by

agricultural activities that are now somewhat populated with weeds. ADA Section 20.2 requires the submittal of a reclamation plan for these areas of the upland open space. A reclamation plan for these areas has been developed and is included with this application in compliance with this requirement. The reclamation of the upland open areas will occur simultaneously with the infrastructure construction for this phase I final plat.

ADA Section 21 Mail Delivery

This section pertains to mail delivery and requires the Town of Eagle and the developer to meet with the postal service to determine if any on-site delivery to cluster mail boxes will be provided by the postal service. If so, the proposed improvements will include appropriate design for facilities to accommodate on-site mail delivery. To date no determination has been made regarding mail delivery. The applicant will work with town staff and the postal service to resolve this question. There are areas within the phase I plat that could be designed to serve cluster box mail delivery.

ADA Section 22 Chemical Management Plan

This section requires the submittal of a chemical management plan for use of chemicals in the open space areas to be maintained and managed by the metropolitan district. As the applicant initiated the environmental reports required under the ADA it became apparent that the chemical management plan is best incorporated into the related required reports. The Open Space Management Plan is the primary document to guide the ecological management of the open space areas and chemical management is incorporated into that plan as Section 4.3. The Open Space Ecological Enhancement Plan, which details the program for eradication of existing weeds in several identified locations also contains chemical management direction under Section 9 of that report. The accompanying Integrated Weed Management Plan also includes, as Section 8, a section detailing chemical management.

ADA Section 23 Open Space Management Plan

Section 23 of the ADA requires a written management plan for the areas of upland open space. This management plan has been included in this application and details the long-term maintenance strategy for the upland open space areas.

ADA Section 25 Open Space Management Responsibility

The approved ADA includes an Exhibit K that details the ownership and maintenance responsibility of various elements of the Haymeadow plan, particularly open space, parks and trails. The maintenance responsibilities are designated to either the Town of Eagle or the Haymeadow HOA or the Haymeadow Metropolitan District. Section 25 of the ADA requests that the applicant identify, at this time, which entity, the HOA or the metropolitan district will assume the maintenance tasks assigned to the applicant. An updated version of Exhibit K, titled Haymeadow Ownership and Maintenance Responsibility Chart has been included as an appendix to this report. The chart details which entity will be responsible for maintenance of each listed element. In short, the HOA will be

responsible for covenant control and the design review function and the metropolitan district will handle all maintenance elements.

4. Summary

The Haymeadow PUD Preliminary Plan was approved in 2014 and allows for 837 units on the 660-acre parcel in five relatively distinct neighborhoods. The first neighborhood to be developed within the Haymeadow PUD, Neighborhood A1, is comprised of 47.7 acres and allows for up to 146 multi-family homes and 82 single family/duplex homes. The approved Haymeadow PUD Guide and the Haymeadow Annexation and Development Agreement regulate the development within the PUD.

The Haymeadow Filing 1 Final Plat for this first phase of Neighborhood A1 is in full compliance with the approved documents and plans. The Haymeadow Filing 1 plan initiates maintains and initiates the vision for a mixed use residential neighborhood with a variety of unit types around a central park system and surrounded by trails and open space. The infrastructure design and the layout of the proposed roads, utilities, open space areas, recreation tracts, land dedications and development parcels is in conformance with the design and intent of the approved Preliminary Plat. The compliance with the approved Preliminary PUD design concept maintains the conformance with the town's goals policies and regulations as determined and memorialized in the Preliminary Plan approval.

The proposed Haymeadow Filing 1 Final Plat is in compliance with all the requirements imposed under the approved Annexation and Development Agreement that are due to be addressed at this time and with this application.

EXHIBIT B:
Final Plat – Filing 1
dated April 19, 2019
(attached)

CERTIFICATE OF DEDICATION AND OWNERSHIP

The undersigned, Abrika Properties, LLC, being the sole owner in fee simple of all that real property described as follows:

Haymeadow Parcel, Being those lands currently owned by the applicant, and being further described as follows: A parcel of land located in Tracts 37, 38, 44, 55, 59, 61, 62 and 63 in Sections 2, 3, 4, 9, 10 and 11, Township 5 South, Range 84 West of the 6th Principal Meridian; said parcel of land is more particularly described as follows, assume all curves as non-tangent, to wit: Beginning at angle point 2 of said Tract 38, being marked on the ground by a 2 1/2" USGLO brass cap on 1" iron pipe, found in place; thence along the 2-1 line of said Tract 38, N 89 DEGREES 57 MINUTES 47 SECONDS E, 2819.44 feet to angle point 1 of said Tract 38, also being angle point 2 of said Tract 37, being marked on the ground by a 1 1/2" aluminum cap on # 5 rebar, LS #4551, found in place, S 10 DEGREES 32 MINUTES 06 SECONDS W, 13.67 feet from the record location; thence along the 2-1 line of said Tract 37, N 89 DEGREES 58 MINUTES 44 SECONDS E, 2779.22 feet to angle point one of said Tract 37, being marked on the ground by a 2 1/2" USGLO brass cap on 1" iron pipe, found in place; thence along the 1-6 line of said Tract 37, S 00 DEGREES 14 MINUTES 15 SECONDS E, 1346.59 feet to angle point 6 of said Tract 37, also being angle point 2 of said Tract 62 and angle point 1 of said Tract 59, being marked on the ground by a 2 1/2" USGLO brass cap on 1" iron pipe, found in place; thence along the 2-1 line of said Tract 62, S 89 DEGREES 57 MINUTES 23 SECONDS E, 2838.60 feet; thence leaving said 2-1 line of Tract 62, S 00 DEGREES 02 MINUTES 37 SECONDS W, 4743.42 feet to a point on the northerly right-of-way fence line of Brush Creek Road; thence along said northerly right-of-way fence line of Brush Creek Road the following twelve (12) courses:

- 1) N 79 DEGREES 30 MINUTES 59 SECONDS W, 166.80 feet,
- 2) N 79 DEGREES 11 MINUTES 51 SECONDS W, 197.18 feet,
- 3) N 79 DEGREES 41 MINUTES 31 SECONDS W, 89.23 feet,
- 4) N 69 DEGREES 00 MINUTES 09 SECONDS W, 48.79 feet,
- 5) N 65 DEGREES 35 MINUTES 39 SECONDS W, 53.04 feet,
- 6) N 55 DEGREES 20 MINUTES 50 SECONDS W, 61.81 feet,
- 7) N 47 DEGREES 15 MINUTES 27 SECONDS W, 52.82 feet,
- 8) N 44 DEGREES 46 MINUTES 44 SECONDS W, 97.90 feet,
- 9) N 43 DEGREES 18 MINUTES 30 SECONDS W, 471.12 feet,
- 10) N 43 DEGREES 41 MINUTES 12 SECONDS W, 311.25 feet,
- 11) N 57 DEGREES 28 MINUTES 07 SECONDS W, 17.09 feet,
- 12) N 63 DEGREES 53 MINUTES 22 SECONDS W, 98.91 feet to a point on the 4-5 line of said Tract 63; thence leaving said northerly right-of-way fence line of Brush Creek Road, along said 4-5 line of Tract 63, N 00 DEGREES 26 MINUTES 38 SECONDS E, 32.80 feet to angle point 4 of said Tract 63, also being a point on the 3-4 line of said Tract 61, being marked on the ground by a 3 1/2" aluminum cap on #6 rebar, PLS #23508, found in place; thence along said 3-4 line of Tract 61, N 87 DEGREES 39 MINUTES 09 SECONDS W, 53.69 feet to a point on said Northerly right-of-way fence line of Brush Creek Road; thence leaving said 3-4 line of Tract 61, along said northerly right-of-way fence line of Brush Creek Road, the following three (3) courses:

- 1) N 71 DEGREES 51 MINUTES 06 SECONDS W, 155.57 feet,
- 2) N 86 DEGREES 50 MINUTES 43 SECONDS W, 269.20 feet,
- 3) N 74 DEGREES 27 MINUTES 53 SECONDS W, 580.93 feet to a point on the boundary of the Norman Property described in Book 232 at Page 462 and Book 271 at Page 437; thence leaving said northerly right-of-way fence line of Brush Creek Road, along said boundary line of the Norman Property the following five (5) courses:
- 1) N 00 DEGREES 27 MINUTES 52 SECONDS W, 1073.83 feet,
- 2) S 72 DEGREES 09 MINUTES 52 SECONDS E, 105.30 feet,
- 3) N 00 DEGREES 27 MINUTES 52 SECONDS W, 226.55 feet,
- 4) N 72 DEGREES 09 MINUTES 52 SECONDS W, 565.27 feet,
- 5) S 00 DEGREES 27 MINUTES 52 SECONDS E, 1295.60 feet to said northerly right-of-way fence line of Brush Creek Road; thence along the northerly right-of-way fence line of Brush Creek Road the following four (4) courses:
- 1) N 71 DEGREES 00 MINUTES 00 SECONDS W, 41.08 feet,
- 2) N 66 DEGREES 08 MINUTES 17 SECONDS W, 300.81 feet,
- 3) N 49 DEGREES 39 MINUTES 25 SECONDS W, 454.64 feet,
- 4) N59 DEGREES 14 MINUTES 45 SECONDS W, 365.99 feet to a point on the northerly right-of-way boundary line of Brush Creek Road, Parcel C as recorded in Book 470, Page 687; thence along said northerly right-of-way boundary line of Brush Creek Road, Parcel C the following two (2) courses:
- 1) N 30 DEGREES 00 MINUTES 27 SECONDS E, 13.58 feet,
- 2) N 59 DEGREES 59 MINUTES 33 SECONDS W, 519.40 feet to a point on the boundary line of Peters Subdivision as recorded in Book 524, Page 199; thence leaving said right-of-way of Brush Creek Road, along said boundary of Peters Subdivision the following six (6) courses:

- 1) N 80 DEGREES 12 MINUTES 04 SECONDS E, 299.29 feet,
- 2) N 85 DEGREES 52 MINUTES 11 SECONDS W, 171.57 feet,
- 3) N 62 DEGREES 02 MINUTES 32 SECONDS W, 50.05 feet,
- 4) N 71 DEGREES 56 MINUTES 16 SECONDS W, 192.31 feet,
- 5) N 58 DEGREES 31 MINUTES 55 SECONDS W, 390.77 feet,
- 6) S 25 DEGREES 22 MINUTES 18 SECONDS W, 240.90 feet to a point on the northerly right-of-way boundary of Brush Creek Road, Parcel B, as recorded in Book 470, Page 687; thence along leaving said Peters Subdivision, along said northerly right-of-way boundary of Brush Creek Road, Parcel B the following six (6) courses:
- 1) N 57 DEGREES 11 MINUTES 23 SECONDS W, 36.26 feet,
- 2) N 54 DEGREES 19 MINUTES 30 SECONDS W, 105.80 feet,
- 3) 293.22 feet along a curve to the right with a radius of 6465.00 feet, the chord of which bears N 53 DEGREES 01 MINUTES 32 SECONDS W, 293.19 feet, 4) N 51 DEGREES 43 MINUTES 35 SECONDS W, 115.13 feet,
- 5) 52 DEGREES 59 MINUTES 59 SECONDS W, 33.80 feet,
- 6) 125.04 feet along a curve to the left with a radius of 2285.00 feet, the chord of which bears N 54 DEGREES 34 MINUTES 03 SECONDS W, 125.03 feet to a point on the 2-3 line of said Tract 37, also being a point on the 1-6 line of Tract 58; thence leaving said northerly right-of-way boundary of Brush Creek Road, along said 2-3 line of Tract 37, N 00 DEGREES 00 MINUTES 34 SECONDS W, 457.78 feet to Corner 1 of said Tract 58, being marked on the ground by a 2 1/2" aluminum cap on #6 rebar, PLS #26967, found in place; thence leaving said 2-3 line of Tract 37, along the 1-2 line of said Tract 58, S 89 DEGREES 12 MINUTES 06 SECONDS W, 654.26 feet to the northerly right-of-way boundary of Brush Creek Road, Parcel A, as recorded in Book 470 at Page 687; thence along said northerly right-of-way boundary of Brush Creek Road, Parcel A the following twenty (20) courses:

- 1) N 72 DEGREES 17 MINUTES 55 SECONDS W, 112.23 feet,
- 2) 42.20 feet along a curve to the left with a radius of 585.00 feet the chord of which bears N 78 DEGREES 54 MINUTES 56 SECONDS W, 42.29 feet,
- 3) N 80 DEGREES 59 MINUTES 13 SECONDS W, 48.03 feet,
- 4) N 88 DEGREES 08 MINUTES 24 SECONDS W, 408.36 feet,
- 5) N 83 DEGREES 01 MINUTES 28 SECONDS W, 40.11 feet,
- 6) 254.45 feet along a curve to the right with a radius of 665.00 feet, the chord of which bears N 72 DEGREES 03 MINUTES 46 SECONDS W, 252.90 feet,
- 7) N 61 DEGREES 06 MINUTES 04 SECONDS W, 40.13 feet,
- 8) N 55 DEGREES 59 MINUTES 08 SECONDS W, 409.17 feet,
- 9) 485.00 feet along a curve to the left with a radius of 5764.58 feet, the chord of which bears N 58 DEGREES 23 MINUTES 45 SECONDS W, 484.86 feet,
- 10) N 60 DEGREES 48 MINUTES 22 SECONDS W, 342.72 feet,
- 11) N 62 DEGREES 48 MINUTES 22 SECONDS W, 33.98 feet,
- 12) 370.57 feet along a curve to the left with a radius of 1467.39 feet, the chord of which bears N 70 DEGREES 02 MINUTES 26 SECONDS W, 369.58 feet,
- 13) N 77 DEGREES 16 MINUTES 31 SECONDS W, 33.94 feet,
- 14) N 79 DEGREES 16 MINUTES 31 SECONDS W, 208.60 feet,
- 15) N 71 DEGREES 35 MINUTES 45 SECONDS W, 44.29 feet,
- 16) 57.57 feet along a curve to the right with a radius of 486.00 feet, the chord of which bears N 68 DEGREES 12 MINUTES 07 SECONDS W, 57.54 feet,
- 17) N 64 DEGREES 48 MINUTES 30 SECONDS W, 44.26 feet,
- 18) N 57 DEGREES 07 MINUTES 44 SECONDS W, 426.57 feet,
- 19) N 53 DEGREES 12 MINUTES 03 SECONDS W, 37.69 feet,
- 20) 35.57 feet along a curve to the right with a radius of 815.00 feet, the chord of which bears N 51 DEGREES 57 MINUTES 02 SECONDS W, 35.57 feet to a point on the 7-8 line of said Tract 44, also being a point on the 3-4 line of said Tract 38; thence leaving said northerly right-of-way boundary of Brush Creek Road, Parcel A, along said 7-8 line of Tract 44, N 89 DEGREES 23 MINUTES 49 SECONDS E, 913.11 feet to angle point 7 of said Tract 44, also being angle point 2 of said Tract 55, being marked on the ground by a 2 1/2" aluminum cap on #6 rebar, PLS #26967, found in place; thence leaving said 3-4 line of Tract 38, N 02 DEGREES 58 MINUTES 53 SECONDS E, 1324.86 feet to the Point of Beginning.

EXCEPTING THEREFROM:
Tract 3 of Brush Creek Meadows Filing 3, according to the Final Plat thereof, Town of Eagle, Colorado - Containing 0.774 acres more or less AND Right of way for Sylvan Lake Road on Brush Creek Meadows Filing 3, according to the Final Plat thereof, Town of Eagle, Colorado - Containing 1.889 acres more or less

Containing 657.342 acres more or less more or less.

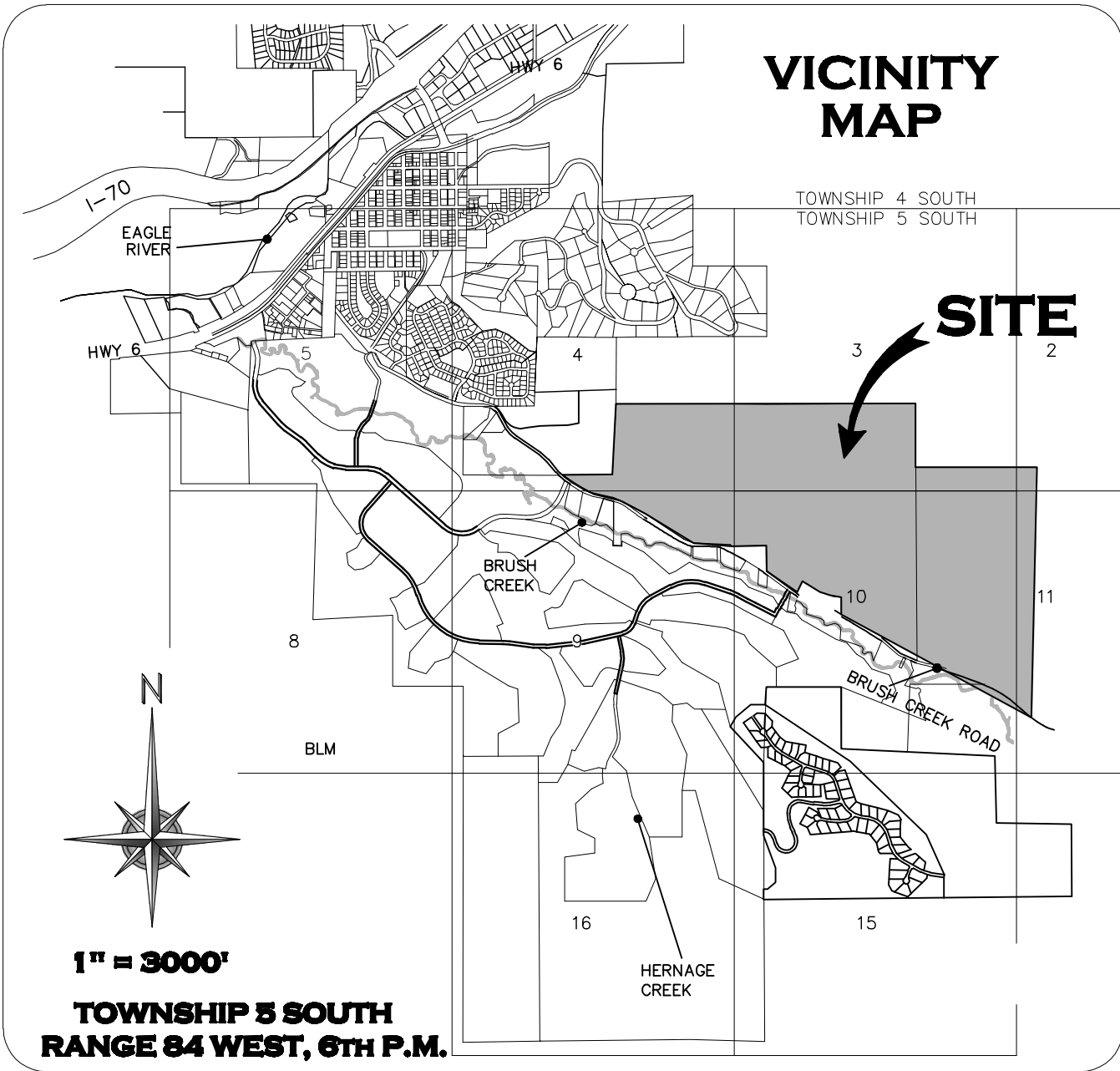
and as shown on the accompanying Plat, has by these presents laid out, platted and subdivided the same into lots and tracts as shown on this Plat and designated the same as Haymeadow Filing 1, a subdivision of the Town of Eagle, County of Colorado; and does hereby make the following dedications and grants:

All streets shown hereon being Public Road Right-of-Way to the full width of their platted right-of-way are hereby dedicated to the Town of Eagle for use by the general public forever as public streets, and for drainage and utility purposes.

All utility easements as shown on this Final Plat are dedicated to the Town of Eagle for use by authorized service providers as perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances thereto including but not limited to electric lines, natural gas pipelines, wastewater lines, water lines, telephone lines, cable service lines, other broadband communication service lines and also for the installation and maintenance of traffic control facilities, street lighting, street trees and grade structures.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of this survey. This document is prepared for the sole purpose of use by the parties stated hereon. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Archibeque Land Consulting, Ltd., its owner(s) and employee(s) will not be liable for more than the cost of this document, and then only to the parties specifically shown hereon. Acceptance and/or use of this document for any purpose constitutes acknowledgment and agreement to all terms stated herein.

FINAL PLAT HAYMEADOW FILING 1 LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4, 9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M. COUNTY OF EAGLE, STATE OF COLORADO SHEET 1 OF 13



PARCEL	AREA	LAND USE	ADDRESS
LOT 1	0.245 ACRES	SINGLE FAMILY	0010 RED PEAK ROAD
LOT 2	0.224 ACRES	SINGLE FAMILY	0022 RED PEAK ROAD
LOT 3	0.220 ACRES	SINGLE FAMILY	0036 RED PEAK ROAD
LOT 4	0.216 ACRES	SINGLE FAMILY	0044 RED PEAK ROAD
LOT 5	0.226 ACRES	SINGLE FAMILY	0044 RED PEAK ROAD
LOT 6	0.228 ACRES	SINGLE FAMILY	0078 RED PEAK ROAD
LOT 7	0.224 ACRES	SINGLE FAMILY	0090 RED PEAK ROAD
LOT 8	0.244 ACRES	SINGLE FAMILY	0098 RED PEAK ROAD
LOT 9	0.385 ACRES	DUPLEX	1883 SYLVAN LAKE ROAD
LOT 10	0.406 ACRES	DUPLEX	1871 SYLVAN LAKE ROAD
LOT 11	0.396 ACRES	DUPLEX	1869 SYLVAN LAKE ROAD
LOT 12	0.402 ACRES	DUPLEX	1845 SYLVAN LAKE ROAD
LOT 13	0.408 ACRES	DUPLEX	1833 SYLVAN LAKE ROAD
TRACT A	0.088 ACRES	COMMON OPEN SPACE	
TRACT B	0.038 ACRES	COMMON OPEN SPACE	
TRACT C	0.049 ACRES	COMMON OPEN SPACE	
TRACT D	0.195 ACRES	COMMON OPEN SPACE/PARKING	
TRACT F	0.146 ACRES	COMMON OPEN SPACE/PARKING	
TRACT H	0.499 ACRES	COMMON ACCESS	
ALLEY-1	0.354 ACRES	COMMON ACCESS	
TRACT RMF-1	4.867 ACRES	FUTURE DEVELOPMENT	0091 MT. HOPE CIRCLE
TRACT RMF-2	1.459 ACRES	FUTURE DEVELOPMENT	0024 SNOWY PEAK ROAD
TRACT RMF-3	1.261 ACRES	FUTURE DEVELOPMENT	0037 SNOWY PEAK ROAD
TRACT RMF-4	1.645 ACRES	FUTURE DEVELOPMENT	0055 RED PEAK ROAD
TRACT X	26.469 ACRES	FUTURE DEVELOPMENT	
TRACT Z	508.131 ACRES	FUTURE DEVELOPMENT	
TRACT E	32.817 ACRES	PARK / SCHOOL	
TRACT G	1.602 ACRES	FIRE STATION	
TRACT OS-1	0.425 ACRES	TOWN OPEN SPACE	
TRACT OS-2	23.239 ACRES	TOWN OPEN SPACE	
TRACT OS-3	35.424 ACRES	TOWN OPEN SPACE	
TRACT R-1	5.246 ACRES	PUBLIC ROAD RIGHT OF WAY	
TRACT R-2	2.725 ACRES	PUBLIC ROAD RIGHT OF WAY	
TRACT R-3	3.060 ACRES	PUBLIC ROAD RIGHT OF WAY	
TRACT R-4	0.530 ACRES	PUBLIC ROAD RIGHT OF WAY	
TRACT R-5	1.223 ACRES	PUBLIC ROAD RIGHT OF WAY	
TRACT R-6	2.016 ACRES	PUBLIC ROAD RIGHT OF WAY	
TOTAL	657.342 ACRES		

SURVEYOR'S CERTIFICATE

I, Theodore J. Archibeque, do hereby certify that I am a Professional Land Surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct, and complete plat of Haymeadow Filing 1, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, staked upon the ground in compliance with 38-51-105 C.R.S., and that such plat meets the requirements of 38-33.3-209 C.R.S., as amended, and all other regulations governing the subdivision of land.

Theodore J. Archibeque, PLS 37902
Professional Land Surveyor
State of Colorado

TITLE CERTIFICATE

Land Title Guarantee Company does hereby certify that it has examined the title to all lands shown on this Plat and that title to such lands is vested in Abrika Properties, LLC., free and clear of all liens, and encumbrances, except as follows:

Executed this ____ day of _____, 20__.

By: _____

PLANNING COMMISSION CERTIFICATE

This plat approved by the Town of Eagle Planning Commission the ____ day of _____, 20__.

Chairman

REVISED 04-17-19 PER TOWN COMMENTS
REVISED 04-04-19 PER TOWN COMMENTS
REVISED 02-19-19 PER TOWN COMMENTS
REVISED 02-07-19 PER TOWN COMMENTS
REVISED 09-21-18 SHEET 1 & 10 FOR TRACT G SIZE

GENERAL NOTES:

1) The purpose of this Final Plat is to (i) Create various Lots, Open Space Tracts, Development Tracts, and Rights-of-Way, as listed in the Land Use Summary as listed hereon, pursuant to Town of Eagle Land Use Regulations and Colorado Revised Statutes concerning the subdivision of Land to be recorded with the Eagle County Clerk and Recorder pursuant to C.R.S. 38-35-109 such that each Lot, Open Space Tract or Right-of-Way may be uniquely described with reference to this Final Plat (ii) create various easements for the purposes described hereon.

2) ASSUMED BASIS OF BEARING: N 89°57'47" E along a portion of the North of subject Property between found U.S.G.L.O. brass cap monuments properly marked.

3) SURVEY DATE: December, 2005

4) Record Easements and Rights-of-Way shown on this Plat were derived from Land Title Guarantee Company ALTA Commitment Order No. V50000, dated September 2018.

5) Approval of this Final Plat shall create Vested Property Rights pursuant to 4.17.010 of the Town of Eagle Land Use Regulations and 24-68-103 C.R.S..

6) Abrika Properties, LLC, hereby dedicates the following easements to the Haymeadow Metro District for various purposes including but not limited to:

a) Metro District Pedestrian and Landscape Easement on, over, above, across and through those areas designated hereon as "Metro District Pedestrian Easement" for the use of the public for pedestrian and non-motorized vehicular traffic as well as the maintenance thereof.

b) Metro District Drainage Easements on, over, under, above, across and through those areas designated hereon as "Metro District Drainage Easement" for the purposes of storm drainage, drainage of water flowing from other lands along with the installation, use, repair, replacement, improvement and maintenance of drainage structures including but not limited to swales, gutters, ditches, pipes, culverts, stormdrains, manholes and inlets, together with a perpetual right of ingress and egress thereto.

7) Abrika Properties, LLC, hereby dedicates various easements to the Town of Eagle for various proposed purposes including but not limited to:

a) Drainage Easements on, over, under, above, across and through those areas designated hereon as "Drainage Easement" for the purposes of storm drainage, drainage of water flowing from other lands along with the installation, use, repair, replacement, improvement and maintenance of drainage structures including but not limited to swales, gutters, ditches, pipes, culverts, stormdrains, manholes and inlets, together with a perpetual right of ingress and egress thereto.

b) Waterline Easements on, over, under, above, across and through those areas designated hereon as "Waterline Easement" for the purposes of acquisition, treatment and transmission of domestic potable water and/or irrigation water, the installation, use, repair, replacement, improvement and maintenance of waterline structures including but not limited to pipelines, valves, hydrants and pumps, together with a perpetual right of ingress and egress thereto.

c) Sewer Easements on, over, under, above, across and through those areas designated hereon as "Sewer Easement" for the purposes of disposal and transmission of domestic sewage, the installation, use, repair, replacement, improvement and maintenance of sanitary sewer structures including but not limited to manholes, pipes and all related structures, together with a perpetual right of ingress and egress thereto.

d) Pedestrian Easement on, over, above, across and through those areas designated hereon as "Pedestrian Easement" for the use of the public for pedestrian and non-motorized vehicular traffic.

e) Temporary Access Easement on, over, under, above, across and through those areas designated hereon as "Temporary Access Easement" together with a non-perpetual right of ingress and egress thereto. The Town of Eagle shall have no responsibility to construct, repair, replace, or maintain such "Temporary Access Easement" improvements, including snow removal and said Temporary Access Easement shall be quashed when additional road(s) which provide access are completed.

8) Property is subject to the following non-plottable easement agreements: Terms, conditions, provisions, burdens, obligations and easements as set forth and granted in bicycle and pedestrian trail extension agreement recorded October 21, 2015 under Reception No. 20150051 and terms, conditions, provisions, burdens, obligations and easements as set forth and granted in temporary construction easement deed recorded October 30, 2015 under Reception No. 201520760.

CERTIFICATE OF TAXES PAID

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this Plat are paid in full.

Dated this ____ day of _____, A.D. 20__.

Treasurer of Eagle County, Colorado

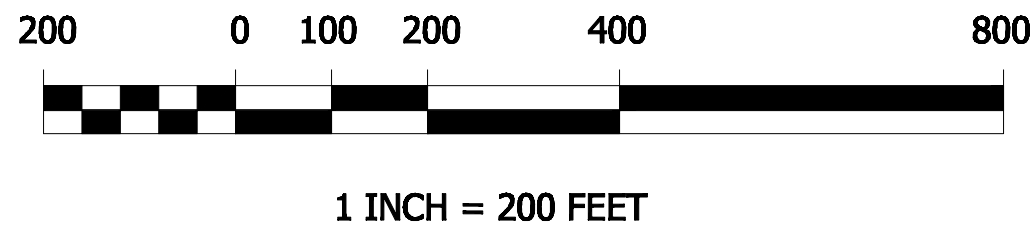
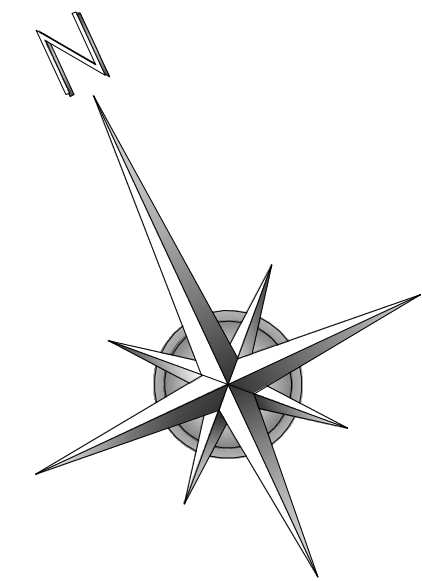
EAGLE COUNTY CLERK AND RECORDER CERTIFICATE

This plat was filed for record in the office of the Eagle County Clerk and Recorder at _____ o'clock ____M. on the ____ day of _____, 20__, and is duly recorded at Reception No. _____

EAGLE COUNTY CLERK & RECORDER

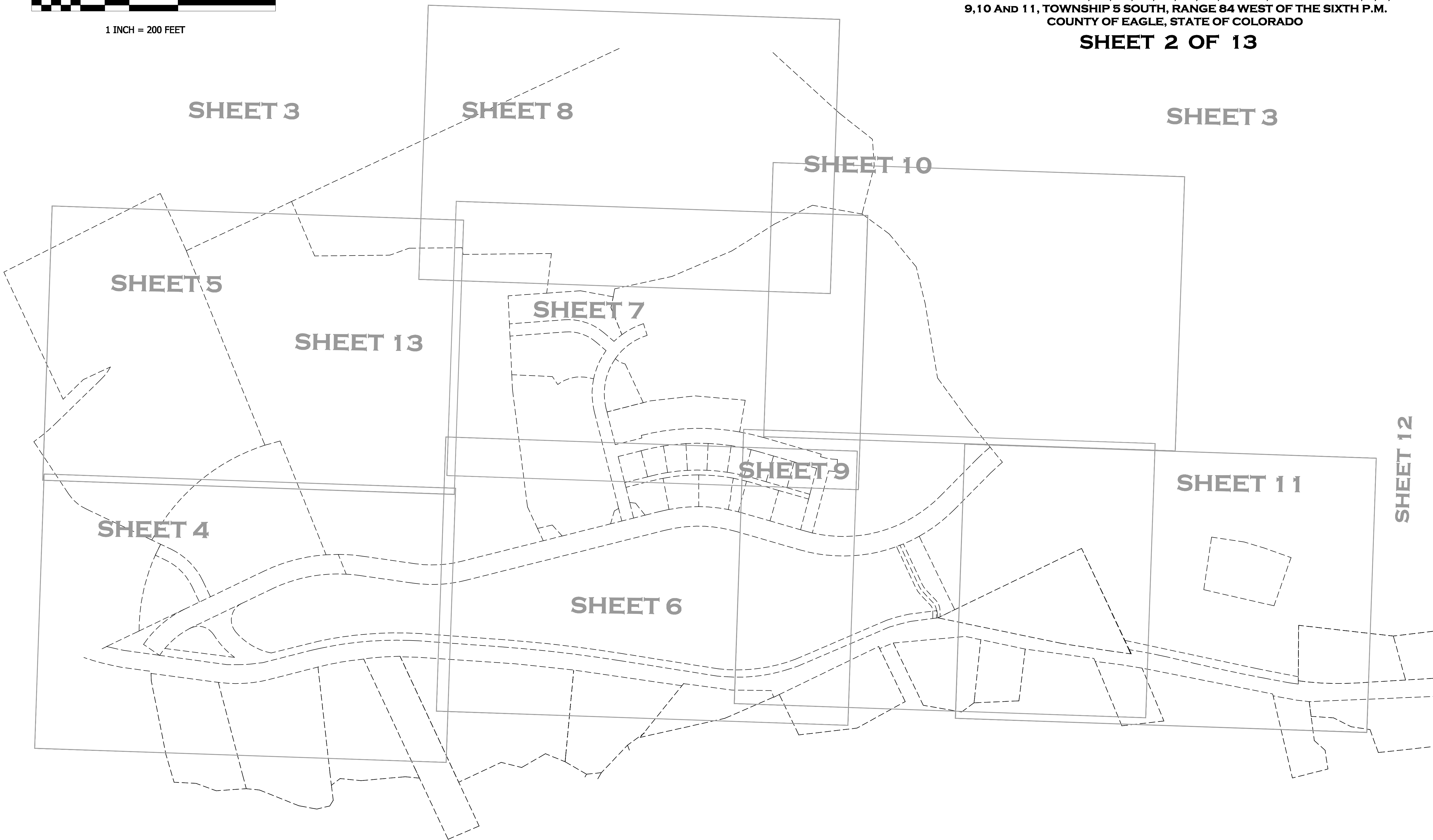
By: _____
Deputy

FINAL PLAT HAYMEADOW FILING 1 LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4, 9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M. COUNTY OF EAGLE, STATE OF COLORADO			
DRAWN BY:	TJA	JOB NUMBER: 05230	DRAWING NAME: 05230_FP1.DWG
SHEET 1 OF 13	DATE: 09-13-18	CHECKED BY: MSS	



KEY MAP

FINAL PLAT
HAYMEADOW FILING 1
LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4,
9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M.
COUNTY OF EAGLE, STATE OF COLORADO
SHEET 2 OF 13



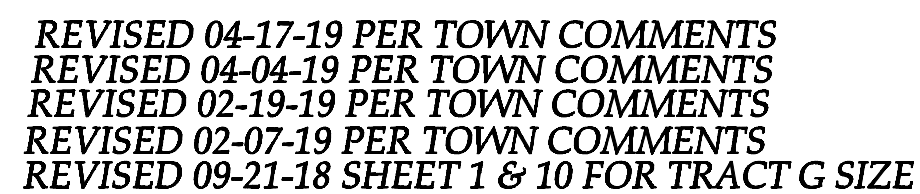
Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

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REVISED 04-17-19 PER TOWN COMMENTS
REVISED 04-04-19 PER TOWN COMMENTS
REVISED 02-19-19 PER TOWN COMMENTS
REVISED 02-07-19 PER TOWN COMMENTS
REVISED 09-21-18 SHEET 1 & 10 FOR TRACT G SIZE

FINAL PLAT HAYMEADOW FILING 1		
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DRAWN BY:	TJA	JOB NUMBER: 05230
		DRAWING NAME: 05230_FP1.DWG
SHEET 2 OF 13	DATE: 09-13-18	CHECKED BY: MSS

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COUNTY OF EAGLE, STATE OF COLORADO
SHEET 3 OF 13



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DRAWN BY:	TJA	JOB NUMBER:
		05230
DRAWING NAME:	05230_FPT.DWG	
SHEET	3	OF 13
DATE:	09-13-18	
CHECKED BY:	MSS	

**LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4,
9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M.
COUNTY OF EAGLE, STATE OF COLORADO**

SEE SHEET 5

**TRACT A
SOLEIL HOMES AT
BRUSH CREEK
0.645 ACRES**

SYLVAN LAKE ROAD
80' PUBLIC RIGHT-OF-WAY

**20' WIDE
UTILITY EASEMENT
RECEPTION No. 927202**

REVISED 04-17-19 PER TOWN COMMENTS
REVISED 04-04-19 PER TOWN COMMENTS
REVISED 02-19-19 PER TOWN COMMENTS
REVISED 02-07-19 PER TOWN COMMENTS
REVISED 09-21-18 SHEET 1 & 10 FOR TRACT G SIZE

DRAWN BY:	<i>TJA</i>	JOB NUMBER:	<i>05230</i>	DRAWING NAME:	<i>05230_FP1.DWG</i>
SHEET	<i>4</i>	OF	<i>13</i>	DATE:	<i>09-13-18</i>
				CHECKED BY:	<i>MSS</i>

FINAL PLAT
HAYMEADOW FILING 1

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COUNTY OF EAGLE, STATE OF COLORADO

SHEET 5 OF 13

SEE SHEET 3

TRACT OS-3
35.424 ac.

TRACT E
32.817 ac.

TRACT E
32.817 ac.

TRACT OS-3
35.424 ac.

TRACT RMF-3
1.261 ac.

TRACT RMF-2
1.459 ac.

TRACT RMF-1
4.867 ac.

**WATERLINE EASEMENT
DETAIL (N.T.S.)**

TRACT E
32.817 ac.

TRACT A
SOLEIL HOMES AT
BRUSH CREEK
0.645 ACRES

SEE SHEET 4

SEE SHEET 7

FINAL PLAT
HAYMEADOW FILING 1

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COUNTY OF EAGLE, STATE OF COLORADO

DRAWN BY:	TJA	JOB NUMBER:	05230	DRAWING NAME:	05230_FP1.DWG
SHEET	5	OF	13	DATE:	09-13-18
				CHECKED BY:	MSS

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REVISED 09-21-18 SHEET 1 & 10 FOR TRACT G SIZE

Archibeque Land Consulting, Ltd

~ Professional Land Surveying & Mapping ~

115 Broadway - P.O. Box 3893 Eagle, Colorado 81631

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50 0 25 50 100 200

1 INCH = 50 FEET

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SEE SHEET 4

SEE SHEET 4

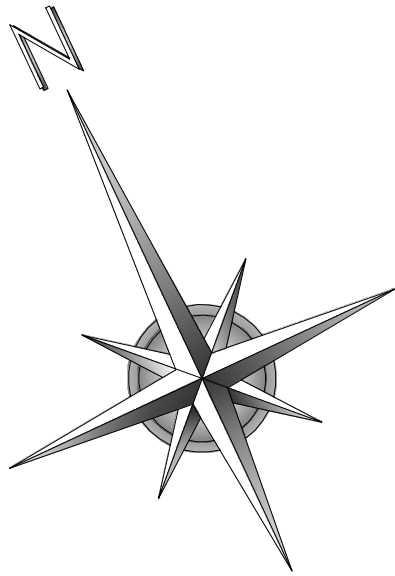
SEE SHEET 9

SEE SHEET 7

CURVE TABLE				
CURVE	RADIUS	LENGTH	TANGENT	CHORD
CV7	900.00	77.46	38.76	4'55"54" N76°38'12"W 77.44
CV8	900.00	92.84	46.46	5'54"38" N71°12'56"W 92.80
CV9	900.00	91.18	45.63	5'48'17" N65°21'29"W 91.14
CV10	900.00	95.20	47.65	6'03'39" N59°25'30"W 95.16
CV11	900.00	82.76	41.41	5'16'08" N5°34'37"W 82.73
CV12	900.00	34.68	17.34	2'12'29" N50°01'19"W 34.68
CV13	954.10	31.67	15.84	1'54'06" N49°57'06"W 31.67
CV14	790.00	71.43	35.74	4'59'31" N53°51'19"W 71.40
CV15	790.00	83.57	41.82	6'03'39" N59°25'30"W 83.53
CV16	790.00	80.04	40.05	5'48'17" N65°21'29"W 80.00
CV17	790.00	81.50	40.78	5'54'38" N71°12'56"W 81.46
CV18	770.00	43.94	21.97	3'16'10" N77°28'04"W 43.93
CV19	770.00	147.20	73.82	10°57'11" N70°21'24"W 146.97
CV20	770.00	142.94	71.67	10°38'09" N59°33'44"W 142.73
CV21	770.00	55.17	27.60	4°06'20" N52°11'29"W 55.16
CV22	770.00	16.41	8.20	1'13'15" N49°31'42"W 16.41
CV27	790.00	68.00	34.02	4'55'54" N76°38'12"W 67.98

TRACT R-2
2.725 ac.

TRACT OS-2
23.239 ac.



1 INCH = 50 FEET

R=5794.58
L=487.53'
Δ=4°49'14"
T=243.91
CH=N58°23'45"W
487.38

R=5764.58
L=485.00'
Δ=4°49'14"
T=242.64
CH=N58°23'45"W
484.86

TRACT R-2
2.725 ac.

BRUSH CREEK ROAD

FINAL PLAT HAYMEADOW FILING 1

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SHEET 6 OF 13

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DRAWN BY:	TJA	JOB NUMBER:	05230	DRAWING NAME:	05230_FPI.DWG
SHEET	6	OF	13	DATE:	09-13-18
				CHECKED BY:	MSS

REVISED 04-17-19 PER TOWN COMMENTS
REVISED 04-04-19 PER TOWN COMMENTS
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SHEET 7 OF 13

SEE SHEET 10

SEE SHEET 7

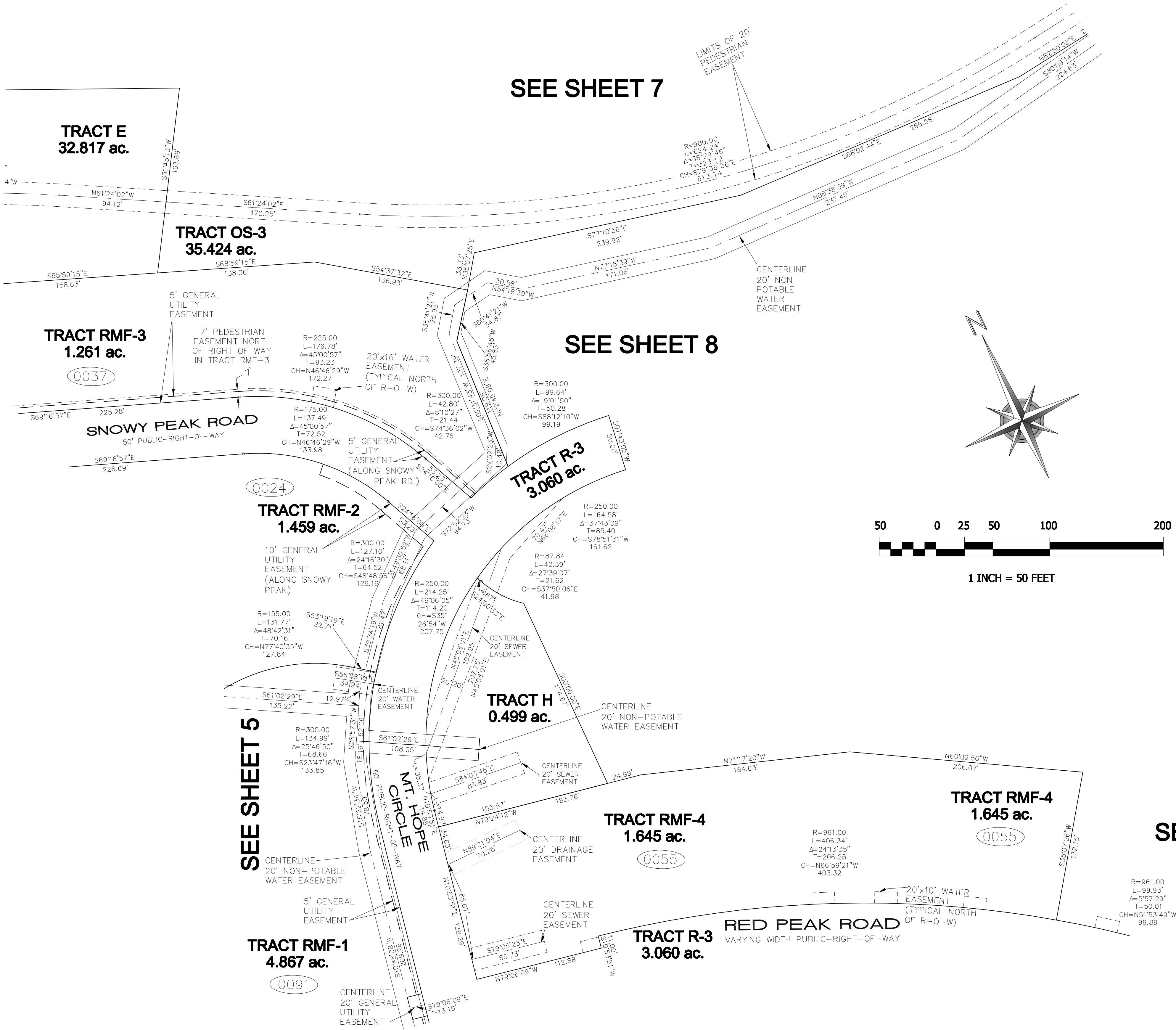
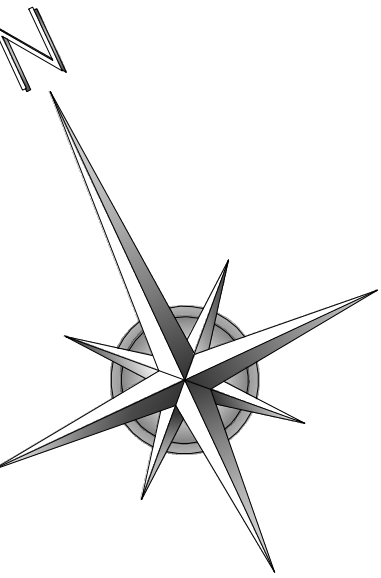
SEE SHEET 8

SEE SHEET 6

TRACT X
26.469 ac.



1 INCH = 50 FEET



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DRAWN BY: TJA	JOB NUMBER: 05230	DRAWING NAME: 05230_FPI.DWG
SHEET 7 OF 13	DATE: 09-13-18	CHECKED BY: MSS

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COUNTY OF EAGLE, STATE OF COLORADO

SHEET 8 OF 13

SEE SHEET 3

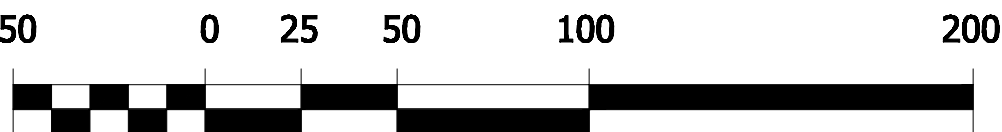
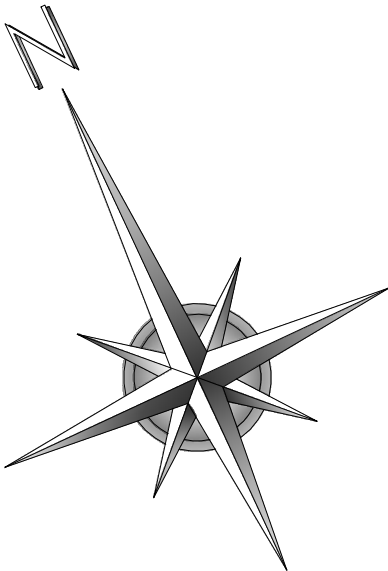
SEE SHEET 10

BLM

N 89°57'47" E

2819.44'

N22°38'32"W
673.48'



1 INCH = 50 FEET

TRACT Z
508.131 ac.

S26°46'01"E
173.59'

S2°10'35"W
109.20'

R=75.00
L=34.59'
Δ=26°22'25"
T=17.57'
CH=84.20 54°W
34.22'

S16°15'16"E
31.77'

TRACT OS-3
35.424 ac.

LIMITS OF 20'
PEDESTRIAN
EASEMENT

R=200.00
L=97.30'
Δ=11°08'57"
T=46.58 22°E
CH=84.24
97.14'

CENTERLINE
20' NON
POTABLE
WATER
EASEMENT

S88°25'46"E
139.67'

S55°01'36"E
206.18'

S88°45'23"E
137.77'

SEE SHEET 8

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SEE SHEET 7

LIMITS OF 20'
PEDESTRIAN
EASEMENT

R=980.00
L=624.24'
Δ=36°29'46"
T=323.112'
CH=579.38 56°E
613.74'

REVISED 04-17-19 PER TOWN COMMENTS
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REVISED 02-19-19 PER TOWN COMMENTS
REVISED 02-07-19 PER TOWN COMMENTS
REVISED 09-21-18 SHEET 1 & 10 FOR TRACT G SIZE

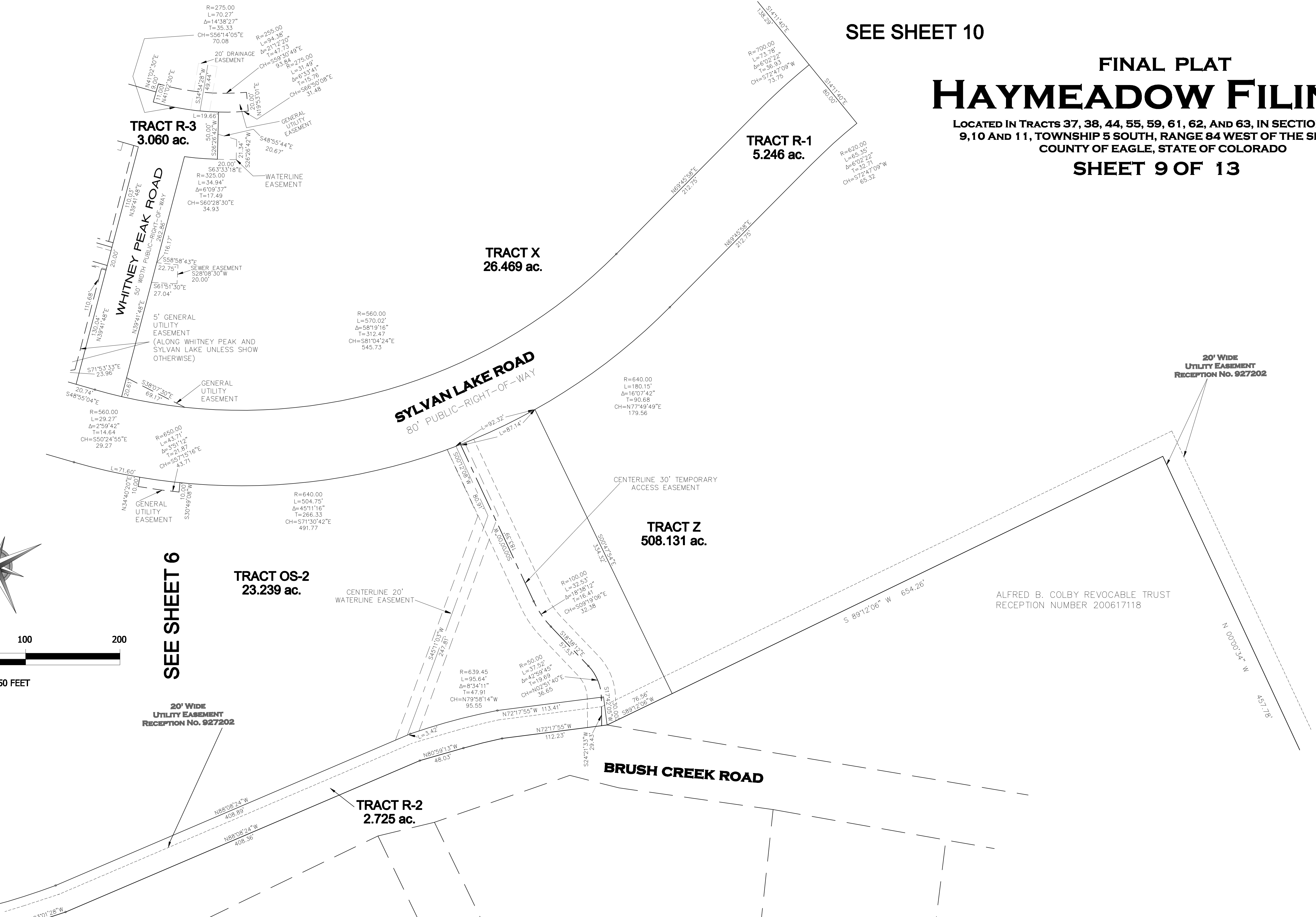
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FINAL PLAT HAYMEADOW FILING 1		
LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4, 9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M. COUNTY OF EAGLE, STATE OF COLORADO		
DRAWN BY:	TJA	JOB NUMBER: 05230
SHEET 8 OF 13	DATE: 09-13-18	DRAWING NAME: 05230_FP1.DWG
		CHECKED BY: MSS

SEE SHEET 10

FINAL PLAT
HAYMEADOW FILING 1
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COUNTY OF EAGLE, STATE OF COLORADO
SHEET 9 OF 13

SEE SHEET 11



SEE SHEET 6

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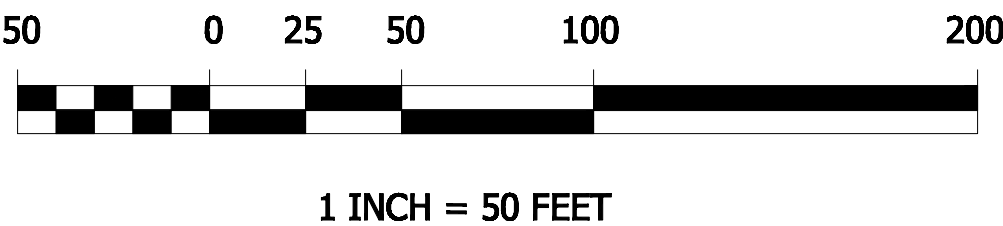
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TRACT OS-3
35.424 ac.

SEE SHEET 8

TRACT X
26.469 ac.



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SHEET 10 OF 13

SEE SHEET 3

SEE SHEET 3

TRACT Z
508.131 ac.

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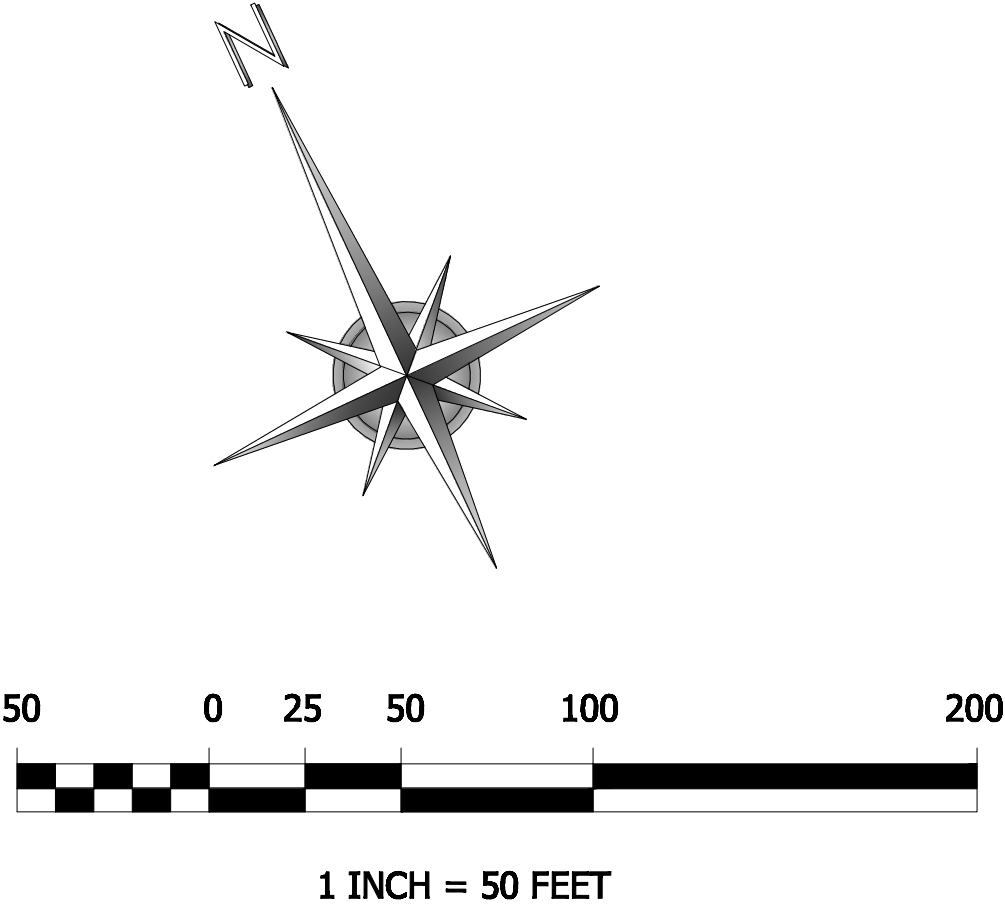
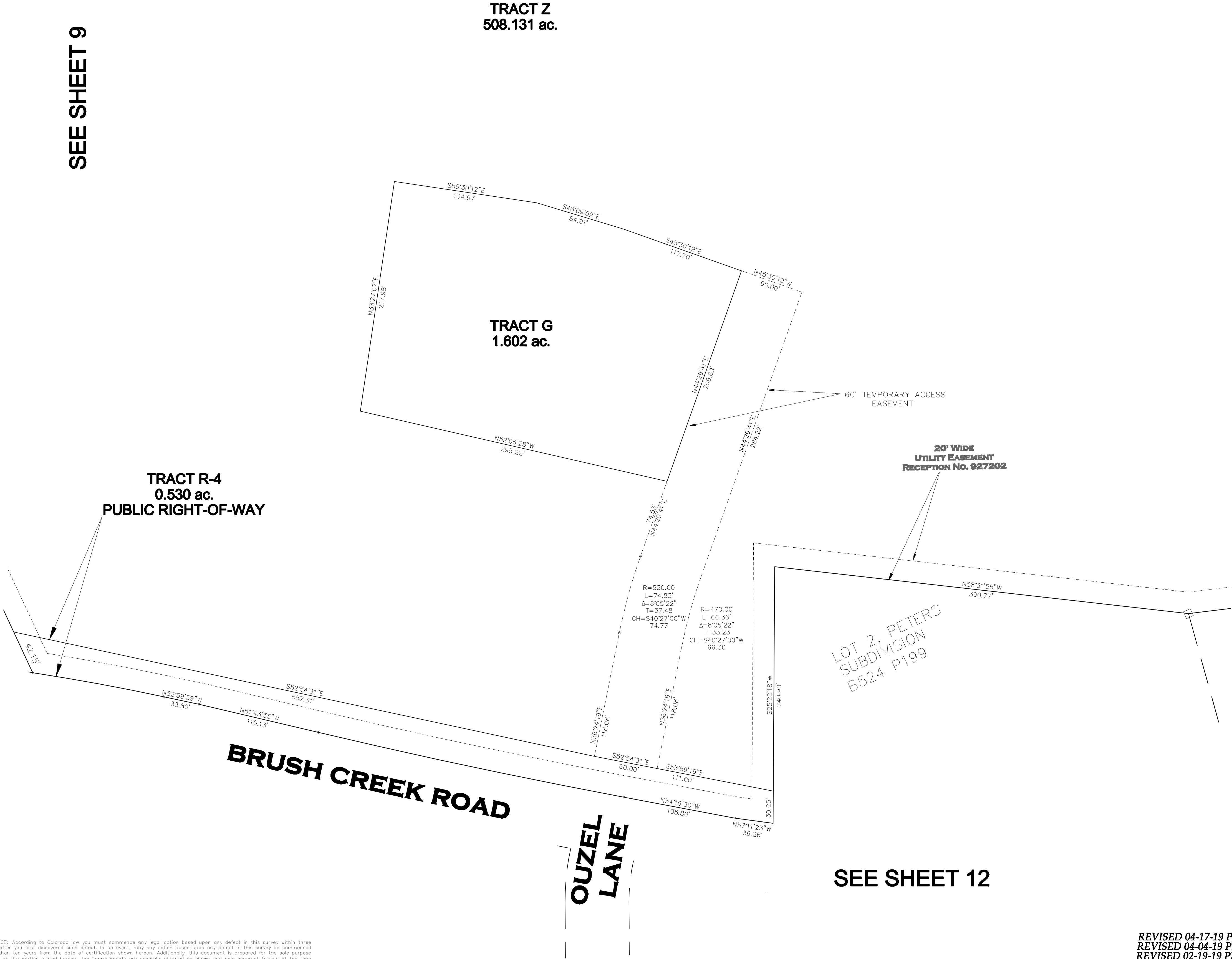
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SHEET 11 OF 13

SEE SHEET 9

SEE SHEET 3

SEE SHEET 12



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SEE SHEET 12

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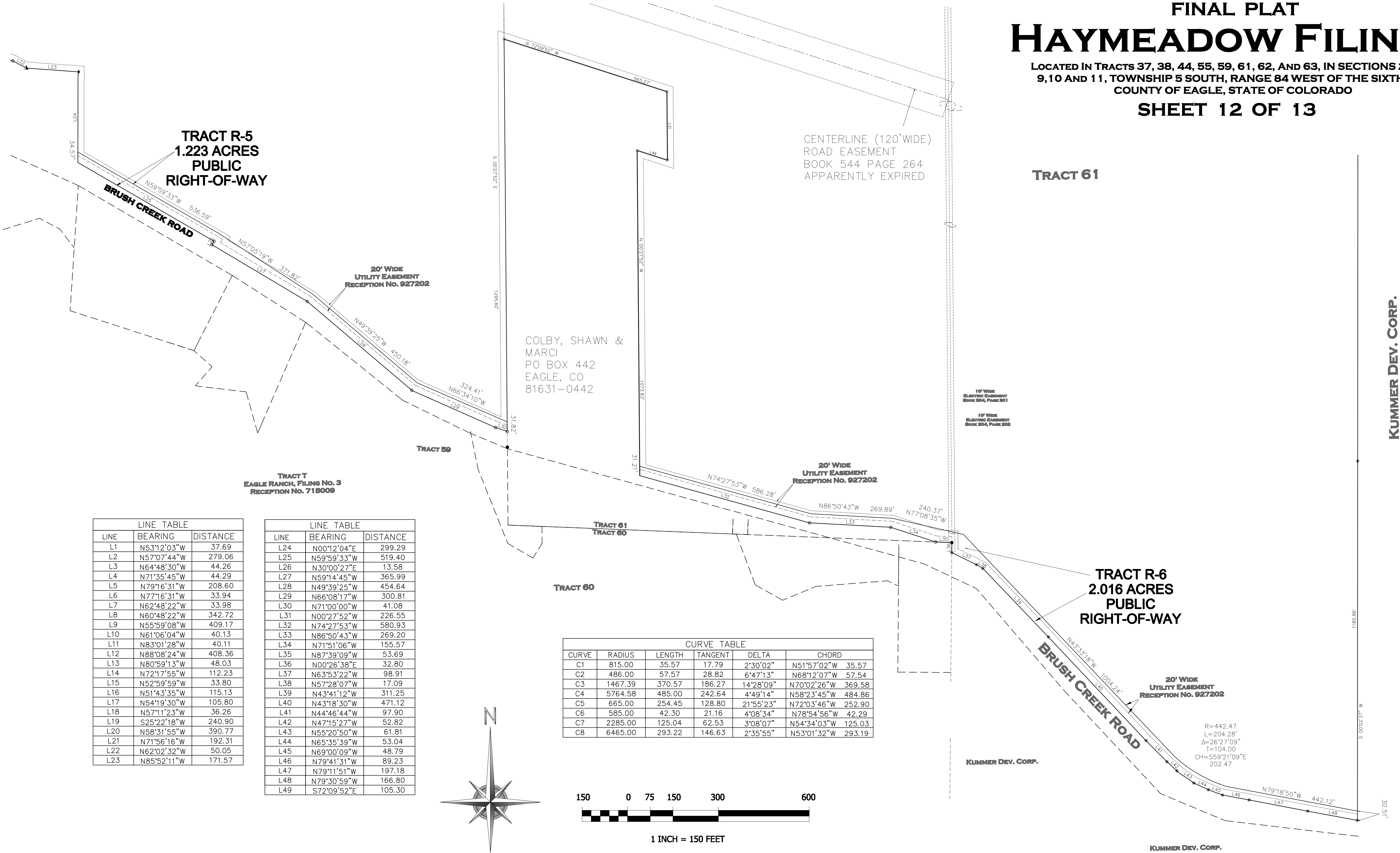
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SHEET 11 OF 13	DATE: 09-13-18	CHECKED BY: MSS

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SHEET 12 OF 13



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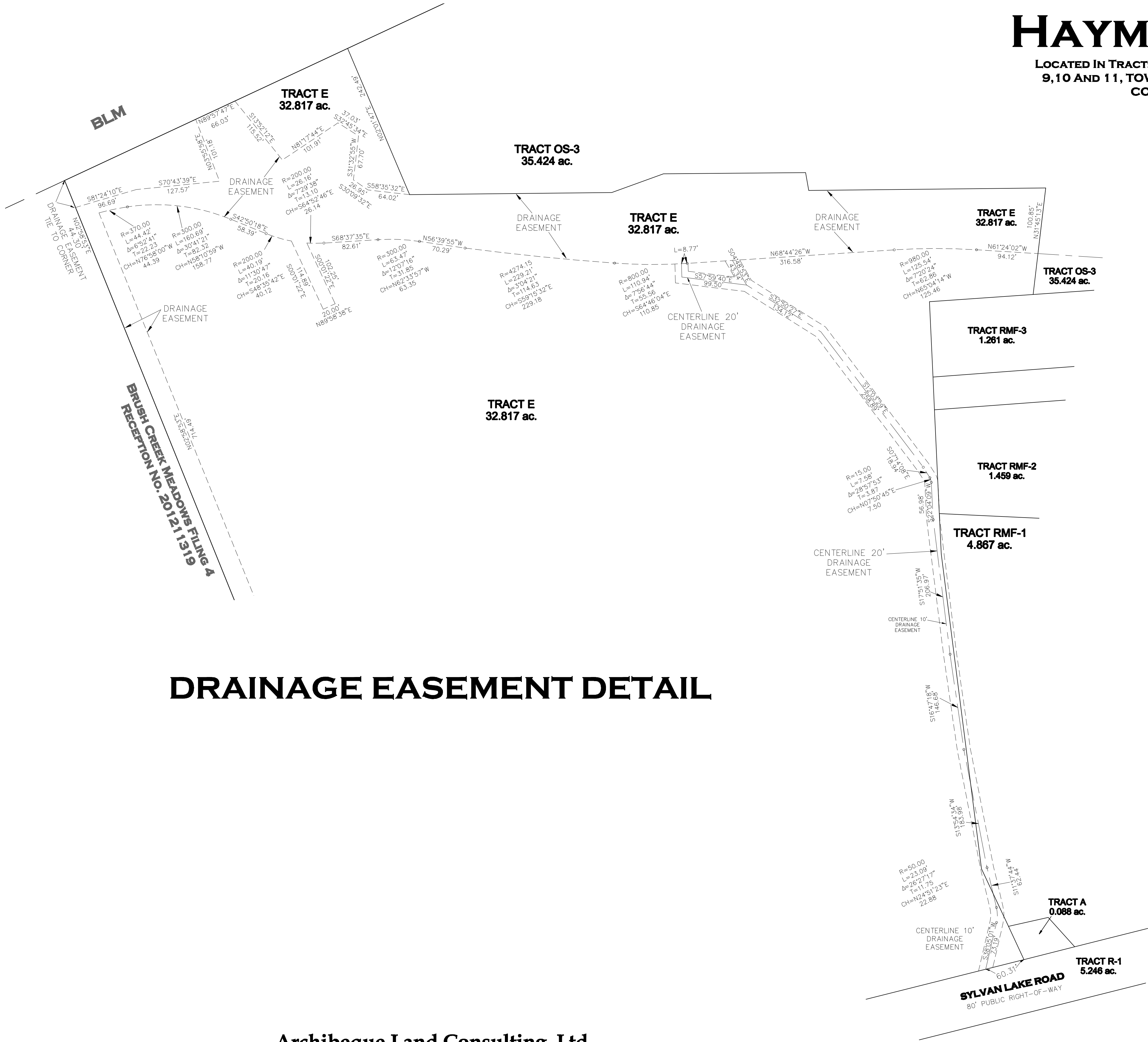
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SHEET 13 OF 13



DRAINAGE EASEMENT DETAIL

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EXHIBIT C:
Subdivision
Improvement
Agreement
(attached)

SUBDIVISION IMPROVEMENT AGREEMENT
(Haymeadow Filing 1)

THIS SUBDIVISION IMPROVEMENT AGREEMENT (the "Agreement") is entered into and made effective as of the _____ day of _____, 2019 (the "Effective Date"), by and between the TOWN OF EAGLE, COLORADO, a Colorado municipal corporation with an address of P.O. Box 609, Eagle, Colorado 81631 (the "Town"), and ABRIKA PROPERTIES, a Florida limited liability company with an address of 8250 Southwest 27th Avenue, Ocala, Florida 34476 ("Developer") (each a "Party" and collectively the "Parties").

WHEREAS, Developer owns the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, on March 25, 2014, the Town approved an Annexation and Development Agreement (the "ADA") for the Property, which ADA was amended on February 27, 2018 and March 12, 2019, and the ADA as amended controls the future development of the Property;

WHEREAS, Developer has submitted an application for approval of a Final Plat (the "Final Plat") for a residential subdivision within a portion of Haymeadow Neighborhood A-1 titled Haymeadow Filing 1 (the "Subdivision"); and

WHEREAS, the Parties agree that the matters hereinafter set forth are reasonable conditions and requirements to be imposed by the Town upon Developer in relation to the Subdivision.

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

1. Purpose. This Agreement is intended to set forth the parties' understanding and agreement as to the subdivision of the Property, including without limitation the nature of the Development, the construction of the required public improvements to serve the Property, and the responsibilities of Developer for various costs, fees and charges.

2. Rights Reserved. It is not the intention of the Parties to diminish or limit the Town's legislative, quasi-judicial, or other powers or to impose on the Town any duty, beyond its ordinances and regulations as they may from time to time exist, nor to impose any special obligation on the Town to approve or accept any future applications, plans, drawings, security documents, improvements, and conveyances, except as otherwise set forth in this Agreement. The Parties expressly agree they will fully perform this Agreement to the extent it is consistent with law.

3. Public Improvements.

a. *General*. Developer shall construct at its own expense all the public improvements required for the Subdivision subject to this Agreement, the Final Plat and all Town ordinances,

codes and regulations. The required public improvements (the "Public Improvements"), their estimated costs (the "Estimated Costs") and the deadlines for completion are set forth in **Exhibit B**, attached hereto and incorporated herein by this reference.

b. *Ownership, Maintenance, Replacement, and Enforcement Table.* The Parties acknowledge the Ownership, Maintenance, Replacement, and Enforcement Table attached as Exhibit K to the ADA must be updated with the Final Plat, and the updated Table, attached hereto as **Exhibit C** and incorporated herein by this reference, is hereby approved by the Parties. The Parties further recognize that a definitive written agreement regarding the various responsibilities referenced on Exhibit C is beneficial; therefore, the Town's final acceptance of the Public Improvements is conditioned upon the Town and the Haymeadow Metropolitan District entering into a mutually-acceptable agreement in this regard.

c. *Designs and Surveys.* Prior to the construction of any Public Improvements within the Subdivision, final construction plans for the Public Improvements shall be submitted to and approved by the Town Engineer. Developer shall provide all necessary engineering designs, surveys, field surveys, and "as built" drawings for the Public Improvements, including locations of all utility service lines. No certificate of occupancy for any building or structure in the Development shall be issued until the required "as built" drawings have been submitted to the Town. Developer shall submit both hard copy and electronic files of the "as built" drawings.

d. *Inspections.* At Developer's expense, the Town may make reasonable engineering observations, require third party inspections, and testing during construction of the required Public Improvements in such reasonable intervals and upon reasonable notice, as the Town Engineer may request. Observation, acquiescence in or approval by any inspector shall not constitute the approval by the Town of any portion of such Public Improvements.

e. *Construction Operations Plan.* Prior to commencing construction, Developer shall obtain Town Engineer approval of a construction operations plan (the "Operations Plan"). The Operations Plan shall include without limitation provisions for construction access, proposed temporary interior haul roads, hours of operation for construction, noise mitigation, dust control, signage, construction water, and reclamation standards for all surface areas disturbed by construction.

4. Completion of Public Improvements; Acceptance; Conveyance; Warranty. The provisions of Section 11 of the ADA are hereby incorporated in this Agreement by this reference.

5. Developer's Obligations.

a. *Nuisances.* Developer shall prevent the existence of any nuisances by way of its construction activities, as nuisances are defined by the Code. If the Town determines that a nuisance exists, Developer shall be subject to the provisions of the Code regarding the abatement of nuisances and the cost assessed therefor. If the nuisance is not abated to the satisfaction of the Town, the Town may, upon 30 days' written notice, draw upon the Performance Guarantee to pay the cost of abating the nuisance, including any expenses and penalties incurred under the

Code. The Town may exercise this right in addition to, or in lieu of, other available remedies. The decision to draw on the Performance Guarantee shall be within the sole discretion of the Town.

b. *Applicable Law.* Developer shall comply in all material respects with all applicable laws, including without limitation all current and future federal, state, and local statutes, regulations, ordinances, and rules relating to: the emission, discharge, release or threatened release of a Hazardous Material into the air, surface water, groundwater, or land; the manufacturing, processing, use, generation, treatment, storage, disposal, transportation, handling, removal, remediation, or investigation of a Hazardous Material; and the protection of human health, safety, or the indoor or outdoor environmental, all applicable environmental statutes of the State of Colorado; and all other federal, state, or local statutes, laws, ordinances, resolutions, codes, rules, regulations, orders, or decrees regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste, substance, or material, as now or at any time hereafter in effect.

c. *Costs.* Pursuant to the Code § 4.03.080(C)(2), Developer shall pay to the Town the following: the actual cost to the Town for consulting engineering, surveying, base map updating, consultant planning services, publication costs, and legal services rendered in connection with the Subdivision approval and inspections of the Public Improvements, including the reasonable value of a salaried employee's time.

d. *Weed Management.* Developer shall undertake weed management to reclaim the upland open space populated with weeds, including Tract E, concurrently with construction of the Public Improvements. The Town acknowledges that the following documents have been submitted by Developer in this regard: the Ecological Restoration Plan for Tract E dated 4/1/19; and the Integrated Weed Management Plan dated 4/1/19.

e. *Mail Delivery.* The Town acknowledges that Developer has performed its obligations under Section 21 of the ADA with respect to meeting with representatives of the United States Postal Service concerning the possibility of obtaining home delivery within the Subdivision, a postal annex to serve the Subdivision, and the provision of cluster mail boxes within the Subdivision. At this time, no agreement has been reached with the United States Postal Service and therefore no mail facilities are required within the Subdivision.

f. *Design Guidelines.* Developer shall submit to the Town for approval proposed design guidelines establishing architectural and building material standards, landscape design, urban design, site design standards and a design review process for the Subdivision (the "Design Guidelines"). The Town shall not issue a building permit or development permit for the Subdivision until the Design Guidelines have been approved by the Town.

g. *Workforce Housing.* Pursuant to Code § 4.04.110, the Local Employee Residency Program (the "LERP") requires that at least 10% of each new residential housing development must be affordable to lower and moderate-income households. The Parties agree that Developer has submitted a LERP Plan that is in compliance with all Town Code requirements and is acceptable to the Town.

6. Dedications.

a. *Final Plat.* Developer has dedicated all applicable tracts, rights of way, and other parcels of real property to the Town as provided on the Final Plat.

b. *Water Rights.* Developer has dedicated sufficient water rights to the Town to serve the Subdivision.

c. *Fire Station Parcel.* Within 30 days after recording of the Final Plat, Developer shall transfer to the Greater Eagle Fire Protection District, by general warranty deed, the 1.6 acre parcel shown on the Final Plat as Tract G, subject to the terms and conditions of Section 14.3 of the ADA.

7. Fees.

a. *Water Plant Investment Fees.* Developer has paid \$3,000,000 for water plant investment fees with a credit of \$4,200 applied per unit in the Subdivision.

b. *Sewer Investment Fees.* All plant investment fees for treated water service and wastewater collection and treatment service shall be assessed as provided in the Code.

c. *Street Improvement Fee.* In accordance with Code § 4.13.220, Developer shall pay to the Town the sum of \$18,286, calculated at \$1,016 per unit.

d. *Fire Protection Impact Fees.* Developer shall pay to the Town a Fire Protection Impact Fee to be calculated based upon proposed development within the Subdivision upon the date the Greater Eagle Fire Protection District is issued a building permit for construction of the new fire station on Tract G shown on the Final Plat.

e. *Recapture Fees.* Developer acknowledges that under the Recapture Agreement entered into between the Town and West Eagle Ranch, LLC, wherein Developer is required to pay to the Town a prorated share of the cost incurred by West Eagle Ranch, LLC for improvements known as the Sylvan Lake Road extension and U.S. Highway 6 access improvements, as well as certain wastewater improvements. The Recapture Fees owed by the Developer to the Town are calculated to be \$1,051.12 per unit for a total of \$18,920.16.

f. *Waiver of Right to Challenge Fees.* Developer acknowledges that the fees described in this Section are reasonable and necessary to mitigate the off-site impacts generated by the Subdivision. Developer waives any right it may have to challenge or contest such fees in any court on the basis that such impact fees are not reasonably related in the impacts of Subdivision.

8. Performance Guarantee. The provisions of Section 12 of the ADA are hereby incorporated in this Agreement by this reference.

9. Indemnification. Developer hereby expressly agrees to indemnify and hold the Town harmless from and against all claims, costs and liability of every kind and nature, for injury or damage received or sustained by any person or entity, excluding Town officers, agents or employees, in connection with, or on account of the performance of work within the Development and elsewhere by Developer, or its agents, contractors or employees pursuant to this Agreement, except to the extent any such claims, costs or liability arises from the negligent or intentional act or omission of the Town or any Town officers, agents or employees.

10. Insurance.

a. *Policies.* Developer and every contractor hired by Developer to perform work under this Agreement shall procure and maintain at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands and other obligations assumed by such contractor. The required coverages set forth below shall be procured and maintained with forms and insurers acceptable to the Town.

i. Workers' compensation insurance as required by law.

ii. General Liability insurance with minimum combined single limits of \$1,000,000 each occurrence and \$2,000,000 aggregate, applicable to all premises and operations and including coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual, and employee acts), blanket contractual independent contractors, products, and completed operations.

b. *Form.* The policies shall be endorsed to include the Town and the Town's officers and employees as additional insureds. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage. Every policy shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, or carried by or provided through any insurance pool of the Town, shall be excess and not contributory insurance to that provided by Developer. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations. Developer shall be solely responsible for deductible losses under any policy required above.

c. *Certificate.* Upon request by the Town, Developer shall provide the Town with a certificate of insurance as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect. The certificate shall identify this Agreement and shall provide that the coverages afforded under the policy shall not be canceled, terminated or materially changed until at least 30 days' prior written notice has been provided to the Town.

11. Vested Rights. The Final Plat shall constitute a "Site Specific Development Plan" under the Code and C.R.S. § 24-68-101, *et seq.* The vested rights shall continue until June 7, 2034. After

expiration of the Term, the vested rights shall be deemed terminated and of no further force or effect. These vested rights shall not preclude the application of Town regulations of general applicability, including without limitation the application of local improvement districts, building, fire, plumbing, engineering, electrical, and mechanical codes, or the application of regional, state, or federal regulations, as all of the foregoing exist on the Effective Date or may be enacted or amended after the Effective Date.

12. Adequate Public Facilities.

a. *Determination of Adequacy.* In accordance with Section 6 of the ADA, the Town determines that the conditions described in Section 6.1 of the ADA have been met or will be met concurrently with the impacts generated by the Subdivision and that the Subdivision does not deviate from the approved PUD Development Plan, PUD Guide or the ADA in a manner that materially increases the impacts on the Public Facilities. Therefore, the Town finds and determines that Adequate Public Facilities exist to provide necessary services for the Subdivision when the Public Improvements are completed.

b. *Prior Determination Affirmed.* The Town further reaffirms its positive Determination of Adequacy subject to the conditions set forth in Section 6 of the ADA.

13. Breach.

a. *Notice.* Unless necessary to protect the immediate health, safety and welfare of the Town, or to protect the interest of the Town with regard to the Performance Guarantee, the Town shall provide Developer 30 days' written notice of its intent to take any action under this Section, during which Developer may cure the breach and prevent further action by the Town.

b. *Remedies.* If Developer breaches any provision of this Agreement, the Town may take such action as permitted or authorized by law or this Agreement as the Town deems necessary to protect the public health, safety and welfare. The remedies include without limitation: the refusal to issue any building permit or certificate of occupancy; the revocation of any building permit previously issued under which construction directly related to such building permit has not commenced; or demand that the security given for the completion of the Public Improvements be paid or honored; or any other remedy available at law or in equity. The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted for work negligently or defectively performed.

14. Miscellaneous.

a. *Assignment.* This Agreement shall not be assigned by Developer in whole or in part without the prior written authorization of the Town.

b. *Governing Law and Venue.* The laws of the State of Colorado shall govern this Agreement, and the exclusive venue for any legal proceeding arising out of this Agreement shall be Eagle County, Colorado.

c. *No Third-Party Beneficiaries.* There are no intended third-party beneficiaries to this Agreement.

d. *Modification.* This Agreement may only be modified upon written agreement of the Parties.

e. *Severability.* If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

f. *Governmental Immunity.* Nothing herein shall be construed as a waiver of any protections or immunities of the Town or its employees, officials or attorneys may have under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended.

g. *No Joint Venture.* Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

h. *Notice.* Notices under this Agreement shall be sufficiently given if sent by regular U.S. mail, postage prepaid, to the address on the first page of this Agreement. Any notice to Developer will also be delivered by email to Brandon@abrika.com.

i. *Integration.* This Agreement, together with all exhibits attached hereto, constitute the entire understanding and agreement of the Parties, integrates all the terms and conditions mentioned herein or incidental thereto, and supersedes all negotiations or previous arrangements between the Parties with respect to any and all of the subject matter hereof.

j. *Recordation.* This Agreement shall be recorded in the real estate records of the Eagle County Clerk and Recorder.

k. *Subject to Annual Appropriation.* Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk

ABRIKA PROPERTIES

STATE OF COLORADO)
)ss.
COUNTY OF EAGLE)

Subscribed and sworn to before me this ____ day of _____, 2019, by
_____ as _____ of Abrika Properties.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires:

Haymeadow Filing 1 Parcel Legal Description

A parcel of land located in Tracts 37, 38, 44, 55, 59, 61, 62 and 63 in Sections 2, 3, 4, 9, 10 and 11, Township 5 South, Range 84 West of the 6th Principal Meridian; said parcel of land is more particularly described as follows, assume all curves as non-tangent, to wit:

Beginning at angle point 2 of said Tract 38, being marked on the ground by a 2 1/2" USGLO brass cap on 1" iron pipe, found in place; thence along the 2-1 line of said Tract 38, N 89 DEGREES 57 MINUTES 47 SECONDS E, 2819.44 feet to angle point 1 of said Tract 38, also being angle point 2 of said Tract 37, being marked on the ground by a 1 1/2" aluminum cap on # 5 rebar, LS #4551, found in place, S 10 DEGREES 32 MINUTES 06 SECONDS W, 13.67 feet from the record location; thence along the 2-1 line of said Tract 37, N 89 DEGREES 58 MINUTES 44 SECONDS E, 2779.22 feet to angle point one of said Tract 37, being marked on the ground by a 2 1/2" USGLO brass cap on 1" iron pipe, found in place; thence along the 1-6 line of said Tract 37, S 00 DEGREES 14 MINUTES 15 SECONDS E, 1346.39 feet to angle point 6 of said Tract 37, also being angle point 2 of said Tract 62 and angle point 1 of said Tract 59, being marked on the ground by a 2 1/2" USGLO brass cap on 1" iron pipe, found in place; thence along the 2-1 line of said Tract 62, S 89 DEGREES 57 MINUTES 23 SECONDS E, 2838.60 feet; thence leaving said 2-1 line of Tract 62, S 00 DEGREES 02 MINUTES 37 SECONDS W, 4743.42 feet to a point on the northerly right-of-way fence line of Brush Creek Road; thence along said northerly right-of-way fence line of Brush Creek Road the following twelve (12) courses:

- 1) N 79 DEGREES 30 MINUTES 59 SECONDS W, 166.80 feet,
- 2) N 79 DEGREES 11 MINUTES 51 SECONDS W, 197.18 feet,
- 3) N 79 DEGREES 41 MINUTES 31 SECONDS W, 89.23 feet,
- 4) N 69 DEGREES 00 MINUTES 09 SECONDS W, 48.79 feet,
- 5) N 65 DEGREES 35 MINUTES 39 SECONDS W, 53.04 feet,
- 6) N 55 DEGREES 20 MINUTES 50 SECONDS W, 61.81 feet,
- 7) N 47 DEGREES 15 MINUTES 27 SECONDS W, 52.82 feet,
- 8) N 44 DEGREES 46 MINUTES 44 SECONDS W, 97.90 feet,
- 9) N 43 DEGREES 18 MINUTES 30 SECONDS W, 471.12 feet,
- 10) N 43 DEGREES 41 MINUTES 12 SECONDS W, 311.25 feet,
- 11) N 57 DEGREES 28 MINUTES 07 SECONDS W, 17.09 feet,
- 12) N 63 DEGREES 53 MINUTES 22 SECONDS W, 98.91 feet to a point on the 4-5 line of said Tract 63; thence leaving said northerly right-of-way fence line of Brush Creek Road, along said 4-5 line of Tract 63, N 00 DEGREES 26 MINUTES 38 SECONDS E, 32.80 feet to angle point 4 of said Tract 63, also being a point on the 3-4 line of said Tract 61, being marked on the ground by a 3 1/2" aluminum cap on #6 rebar, PLS #23508, found in place; thence along said 3-4 line of Tract 61, N 87 DEGREES 39 MINUTES 09 SECONDS W, 53.69 feet to a point on said Northerly right-of-way fence line of Brush Creek Road; thence leaving said 3-4 line of Tract 61, along said northerly right-of-way fence line of Brush Creek Road, the following three (3) courses:

- 1) N 71 DEGREES 51 MINUTES 06 SECONDS W, 155.57 feet,
- 2) N 86 DEGREES 50 MINUTES 43 SECONDS W, 269.20 feet,
- 3) N 74 DEGREES 27 MINUTES 53 SECONDS W, 580.93 feet to a point on the boundary of the Norman Property described in Book 232 at Page 462 and Book 271 at Page 437; thence leaving said northerly right-of-way fence line of Brush Creek Road, along said boundary line of the Norman Property the following five (5) courses:

- 1) N 00 DEGREES 27 MINUTES 52 SECONDS W, 1073.83 feet,
- 2) S 72 DEGREES 09 MINUTES 52 SECONDS E, 105.30 feet,
- 3) N 00 DEGREES 27 MINUTES 52 SECONDS W, 226.55 feet,
- 4) N 72 DEGREES 09 MINUTES 52 SECONDS W, 565.27 feet,
- 5) S 00 DEGREES 27 MINUTES 52 SECONDS E, 1295.60 feet to said northerly right-of-way fence line of Brush Creek Road; thence along the northerly right-of-way fence line of Brush Creek Road the following four (4) courses:

- 1) N 71 DEGREES 00 MINUTES 00 SECONDS W, 41.08 feet,
- 2) N 66 DEGREES 08 MINUTES 17 SECONDS W, 300.81 feet,
- 3) N 49 DEGREES 39 MINUTES 25 SECONDS W, 454.64 feet,

4) N59 DEGREES 14 MINUTES 45 SECONDS W, 365.99 feet to a point on the northerly right-of-way boundary line of Brush Creek Road, Parcel C as recorded in Book 470, Page 687; thence along said northerly right-of-way boundary line of Brush Creek Road, Parcel C the following two (2) courses:

1) N 30 DEGREES 00 MINUTES 27 SECONDS E, 13.58 feet,
2) N 59 DEGREES 59 MINUTES 33 SECONDS W, 519.40 feet to a point on the boundary line of Peters Subdivision as recorded in Book 524, Page 199; thence leaving said right-of-way of Brush Creek Road, along said boundary of Peters Subdivision the following six (6) courses:

1) N 00 DEGREES 12 MINUTES 04 SECONDS E, 299.29 feet,
2) N 85 DEGREES 52 MINUTES 11 SECONDS W, 171.57 feet,
3) N 62 DEGREES 02 MINUTES 32 SECONDS W, 50.05 feet,
4) N 71 DEGREES 56 MINUTES 16 SECONDS W, 192.31 feet,
5) N 58 DEGREES 31 MINUTES 55 SECONDS W, 390.77 feet,
6) S 25 DEGREES 22 MINUTES 18 SECONDS W, 240.90 feet to a point on the northerly right-of-way boundary of Brush Creek Road, Parcel B, as recorded in Book 470, Page 687; thence along leaving said Peters Subdivision, along said northerly right-of-way boundary of Brush Creek Road, Parcel B the following six (6) courses:

1) N 57 DEGREES 11 MINUTES 23 SECONDS W, 36.26 feet,
2) N 54 DEGREES 19 MINUTES 30 SECONDS W, 105.80 feet,
3) 293.22 feet along a curve to the right with a radius of 6465.00 feet, the chord of which bears N 53 DEGREES 01 MINUTES 32 SECONDS W, 293.19 feet, 4) N 51 DEGREES 43 MINUTES 35 SECONDS W, 115.13 feet,

5) N 52 DEGREES 59 MINUTES 59 SECONDS W, 33.80 feet,
6) 125.04 feet along a curve to the left with a radius of 2285.00 feet, the chord of which bears N 54 DEGREES 34 MINUTES 03 SECONDS W, 125.03 feet to a point on the 2-3 line of said Tract 37, also being a point on the 1-6 line of Tract 58; thence leaving said northerly right-of-way boundary of Brush Creek Road, along said 2-3 line of Tract 37, N 00 DEGREES 00 MINUTES 34 SECONDS W, 457.78 feet to Corner 1 of said Tract 58, being marked on the ground by a 2 1/2" aluminum cap on #6 rebar, PLS #26967, found in place; thence leaving said 2-3 line of Tract 37, along the 1-2 line of said Tract 58, S 89 DEGREES 12 MINUTES 06 SECONDS W, 654.26 feet to the northerly right-of-way boundary of Brush Creek Road, Parcel A, as recorded in Book 470 at Page 687; thence along said northerly right-of-way boundary of Brush Creek Road, Parcel A the following twenty (20) courses:

1) N 72 DEGREES 17 MINUTES 55 SECONDS W, 112.23 feet,
2) 42.30 feet along a curve to the left with a radius of 585.00 feet the chord of which bears N 78 DEGREES 54 MINUTES 56 SECONDS W, 42.29 feet,
3) N 80 DEGREES 59 MINUTES 13 SECONDS W, 48.03 feet,
4) N 88 DEGREES 08 MINUTES 24 SECONDS W, 408.36 feet,
5) N 83 DEGREES 01 MINUTES 28 SECONDS W, 40.11 feet,
6) 254.45 feet along a curve to the right with a radius of 665.00 feet, the chord of which bears N 72 DEGREES 03 MINUTES 46 SECONDS W, 252.90 feet,
7) N 61 DEGREES 06 MINUTES 04 SECONDS W, 40.13 feet,
8) N 55 DEGREES 59 MINUTES 08 SECONDS W, 409.17 feet,
9) 485.00 feet along a curve to the left with a radius of 5764.58 feet, the chord of which bears N 58 DEGREES 23 MINUTES 45 SECONDS W, 484.86 feet,
10) N 60 DEGREES 48 MINUTES 22 SECONDS W, 342.72 feet,
11) N 62 DEGREES 48 MINUTES 22 SECONDS W, 33.98 feet,
12) 370.57 feet along a curve to the left with a radius of 1467.39 feet, the chord of which bears N 70 DEGREES 02 MINUTES 26 SECONDS W, 369.58 feet,
13) N 77 DEGREES 16 MINUTES 31 SECONDS W, 33.94 feet,
14) N 79 DEGREES 16 MINUTES 31 SECONDS W, 208.60 feet,
15) N 71 DEGREES 35 MINUTES 45 SECONDS W, 44.29 feet,
16) 57.57 feet along a curve to the right with a radius of 486.00 feet, the chord of which bears N 68 DEGREES 12 MINUTES 07 SECONDS W, 57.54 feet,
17) N 64 DEGREES 48 MINUTES 30 SECONDS W, 44.26 feet,

18) N 57 DEGREES 07 MINUTES 44 SECONDS W, 426.57 feet,
19) N 53 DEGREES 12 MINUTES 03 SECONDS W, 37.69 feet,
20) 35.57 feet along a curve to the right with a radius of 815.00 feet, the chord of which bears N 51 DEGREES 57 MINUTES 02 SECONDS W, 35.57 feet to a point on the 7-8 line of said Tract 44, also being a point on the 3-4 line of said Tract 38; thence leaving said northerly right-of-way boundary of Brush Creek Road, Parcel A, along said 7-8 line of Tract 44, N 89 DEGREES 23 MINUTES 49 SECONDS E, 913.11 feet to angle point 7 of said Tract 44, also being angle point 2 of said Tract 55, being marked on the ground by a 2 1/2" aluminum cap on #6 rebar, PLS #26967, found in place; thence leaving said 3-4 line of Tract 38, N 02 DEGREES 58 MINUTES 53 SECONDS E, 1324.86 feet to the Point of Beginning.
EXCEPTING THEREFROM:
Tract B of Brush Creek Meadows Filing 3, according to the Final Plat thereof, Town of Eagle, Colorado - Containing 0.774 acres more or less
AND Right of way for Sylvan Lake Road on Brush Creek Meadows Filing 3, according to the Final Plat thereof, Town of Eagle, Colorado - Containing 1.889 acres more or less

Containing 657.342 acres more or less more or less.



Item #	Description	Unit	Quantity	Unit Price	Total
	MISCELLANEOUS				
1	Clearing and Grubbing	LS	1	\$ 25,000.00	\$ 25,000.00
2	Revegetation	LS	1	\$ 110,000.00	\$ 110,000.00
	TOTAL MISCELLANEOUS				\$ 135,000.00
	ROADWAYS AND GRADING				
	SYLVAN LAKE ROAD AND ROUNDABOUT AND BRUSH CREEK ROAD				
3	Topsoil Remove and Stockpile (14.25")	CY	9,446	\$ 3.50	\$ 33,061.00
4	Topsoil Replace (6")	CY	3,977	\$ 7.00	\$ 27,839.00
5	Excavation	CY	700	\$ 5.00	\$ 3,500.00
6	Embankment	CY	5,038	\$ 5.25	\$ 26,449.50
7	Subgrade Preparation Roads	SY	17,328	\$ 2.10	\$ 36,388.80
8	Asphalt (4")	TN	2,133	\$ 100.00	\$ 213,300.00
9	Base course (8" Class 6)	TN	3,870	\$ 35.00	\$ 135,450.00
10	Base Course (18" Class 2)	TN	9,658	\$ 32.75	\$ 316,299.50
11	Concrete Curb and Gutter (6" Vertical)	LF	1,710	\$ 17.50	\$ 29,925.00
12	Concrete Curb and Gutter (1.5' x 6" Vertical)	LF	233	\$ 30.00	\$ 6,990.00
13	Concrete Curb and Gutter (3" Mountable)	LF	285	\$ 27.25	\$ 7,766.25
14	Concrete Crosswalks (95 LF)	EA	5	\$ 2,525.00	\$ 12,625.00
15	Concrete Crosswalks Splitter Island Ped Cut (23 LF)	EA	2	\$ 1,050.00	\$ 2,100.00
16	Concrete Apron at Roundabout	SY	12	\$ 430.00	\$ 5,160.00
17	Concrete Cross Pans (6' Wide)	EA	2	\$ 6,900.00	\$ 13,800.00
18	6" Concrete at Roundabout	SF	9735	\$ 10.10	\$ 98,323.50
19	Roundabout Flatwork	SY	192	\$ 117.00	\$ 22,464.00
20	Path - Asphalt (3")	TN	701	\$ 101.00	\$ 70,801.00
21	Path - Base Course (8" Class 6)	TN	1164	\$ 38.00	\$ 44,232.00
22	Path - Subgrade Preparation	SY	3,115	\$ 2.15	\$ 6,697.25
23	Install Block Wall	LF	192	\$ 160.00	\$ 30,720.00
24	Detectable Warning Pads	EA	8	\$ 490.00	\$ 3,920.00
25	Bollard Lights	EA	13	\$ 3,425.00	\$ 44,525.00
26	Standard Signs	EA	17	\$ 500.00	\$ 8,500.00
27	Tapco Crosswalk Sign	EA	4	\$ 4,200.00	\$ 16,800.00
28	Relocate Existing Signs	LS	1	\$ 335.00	\$ 335.00
29	Delineator Posts	EA	22	\$ 30.00	\$ 660.00
30	Road Striping (4" Solid White)	LF	4,620	\$ 0.34	\$ 1,570.80
31	Road Striping (4" Solid Yellow)	LF	5,360	\$ 0.67	\$ 3,591.20
32	Striping (Bike Symbol)	EA	10	\$ 54.00	\$ 540.00
33	Streetlight - P1	EA	1	\$ 18,450.00	\$ 18,450.00
34	Streetlight - P1-2B	EA	2	\$ 13,500.00	\$ 27,000.00
35	20-Foot Ranch Gate	EA	2	\$ 1,050.00	\$ 2,100.00
	TOTAL SYLVAN LAKE ROAD AND ROUNDABOUT AND BRUSH CREEK ROAD				\$ 1,271,883.80
	LOCAL ROADS				
36	Topsoil Remove and Stockpile (8")	CY	4,297	\$ 3.50	\$ 15,039.50
37	Topsoil Replace (6")	CY	2,865	\$ 7.00	\$ 20,055.00
38	Excavation	CY	8,175	\$ 4.00	\$ 32,700.00
39	Embankment	CY	1,902	\$ 5.25	\$ 9,985.50
40	Subgrade Preparation Roads	SY	12,776	\$ 2.10	\$ 26,829.60
41	Asphalt (4")	TN	1,786	\$ 100.00	\$ 178,600.00
42	Base course (6" Class 6)	TN	2,000	\$ 35.00	\$ 70,000.00
43	Base Course (18" Class 2)	TN	5,129	\$ 32.75	\$ 167,974.75
44	6" Class 6 Base course Temp. Turnaround (2)	TN	223	\$ 35.00	\$ 7,805.00
45	Concrete Curb and Gutter (6" Vertical)	LF	4,175	\$ 18.75	\$ 78,281.25
46	Concrete Curb and Gutter (6" Vertical) - Spill	LF	156	\$ 23.25	\$ 3,627.00
47	Concrete Pan (3')	LF	1,305	\$ 31.00	\$ 40,455.00
48	Concrete ADA Ramp	EA	30	\$ 550.00	\$ 16,500.00
49	Subgrade Preparation Sidewalks	SY	2500	\$ 3.50	\$ 8,750.00
50	Concrete Sidewalk (5' Wide)	LF	2,884	\$ 27.50	\$ 79,310.00
51	Concrete Sidewalk (7' Wide)	LF	260	\$ 37.75	\$ 9,815.00
52	Sidewalk Base Course	TN	298	\$ 40.00	\$ 11,920.00
53	Concrete Cross Pans (6' Wide)	EA	15	\$ 4,300.00	\$ 64,500.00
54	Detectable Warning Pads	EA	32	\$ 490.00	\$ 15,680.00
55	Path - Subgrade Preparation	SY	337	\$ 3.50	\$ 1,179.50
56	Path - Asphalt (3")	TN	75	\$ 101.00	\$ 7,575.00
57	Path - Base course (6" Class 6)	TN	475	\$ 38.00	\$ 18,050.00

Item #	Description	Unit	Quantity	Unit Price	Total
58	Standard Sign	EA	18	\$ 500.00	\$ 9,000.00
59	4" Solid White Striping	LF	423	\$ 0.34	\$ 143.82
60	Thermoplastic Striping - (10' W x 1.5'H w. 2' Gaps)	LF	23	\$ 95.00	\$ 2,185.00
61	Concrete Crosswalks Detail	LF	52	\$ 1,050.00	\$ 54,600.00
62	Streetlight	EA	5	\$ 9,650.00	\$ 48,250.00
	TOTAL LOCAL ROADS				\$ 998,810.92
	WEST CUTOFF DITCH				
63	Topsoil Remove and Stockpile (8")	CY	466	\$ 3.50	\$ 1,631.00
64	Topsoil Replace (6")	CY	311	\$ 7.00	\$ 2,177.00
65	Excavation	CY	680	\$ 5.00	\$ 3,400.00
66	Embankment	CY	37	\$ 5.25	\$ 194.25
	TOTAL WEST CUTOFF DITCH				\$ 7,402.25
	WEST TRAIL CONNECT				
67	Topsoil Remove and Stockpile (8")	CY	175	\$ 3.50	\$ 612.50
68	Topsoil Replace (6")	CY	117	\$ 7.00	\$ 819.00
69	Excavation	CY	983	\$ 5.00	\$ 4,915.00
70	Embankment	CY	36	\$ 5.25	\$ 189.00
	TOTAL WEST TRAIL CONNECT				\$ 6,535.50
	EMERGENCY ACCESS ROAD				
71	Clearing/Grub remove unsuiteable soil, haul to on-site waste site	SF	34,022	\$ 0.30	\$ 10,206.60
72	Topsoil Remove and Stockpile (12")	CY	1809	\$ 3.50	\$ 6,331.50
73	Topsoil Replace (6")	CY	905	\$ 7.00	\$ 6,335.00
74	Excavation	CY	926	\$ 5.00	\$ 4,630.00
75	Embankment	CY	22	\$ 5.25	\$ 115.50
76	Subgrade Preparation Roads	SY	3633	\$ 2.10	\$ 7,629.30
77	Base Course (18" Class 2)	TN	1164	\$ 32.75	\$ 38,121.00
78	Base course (8" Class 6)	TN	472	\$ 38.00	\$ 17,936.00
79	Base course (6" Class 6)	TN	646	\$ 35.00	\$ 22,610.00
	TOTAL EMERGENCY ACCESS ROAD				\$ 113,914.90
	POOL/RINK PATH AND DEBRIS CATCHMENT				
80	Topsoil place (6")	CY	4,920	\$ 7.00	\$ 34,440.00
81	Excavation	CY	32,254	\$ 2.60	\$ 83,860.40
82	Embankment	CY	6,235	\$ 4.50	\$ 28,057.50
83	Haul Excess Structural to Stockpile	CY	26,019	\$ 2.35	\$ 61,144.65
84	Path - Subgrade Preparation	SY	4,000	\$ 2.25	\$ 9,000.00
85	Path - Asphalt (3")	TN	600	\$ 101.00	\$ 60,600.00
86	Path - Asphalt (4")	TN	59	\$ 100.00	\$ 5,900.00
87	Path - Base course (8" Class 6)	TN	1164	\$ 38.00	\$ 44,232.00
88	Remove and Replace 6" Class 6	TN	15	\$ 12.00	\$ 180.00
89	Signs	EA	1	\$ 500.00	\$ 500.00
	TOTAL POOL/RINK PATH AND DEBRIS CATCHMENT				\$ 327,914.55
	TOTAL ROADWAYS				\$ 2,726,461.92
	DRAINAGE				
90	18" Diameter HDPE	LF	1,648	\$ 54.00	\$ 88,992.00
91	18" CMP FES	EA	11	\$ 475.00	\$ 5,225.00
92	24" Diameter HDPE	LF	426	\$ 71.50	\$ 30,459.00
93	24" CMP FES	EA	10	\$ 658.00	\$ 6,580.00
94	36" Diameter HDPE	LF	4	\$ 122.00	\$ 488.00
95	36" CMP FES	EA	5	\$ 1,250.00	\$ 6,250.00
96	RCP 18"	LF	2538	\$ 65.00	\$ 164,970.00
97	RCP 18" FES	EA	1	\$ 1,260.00	\$ 1,260.00
98	RCP 24"	LF	827	\$ 85.00	\$ 70,295.00
99	RCP 24" FES	EA	6	\$ 1,615.00	\$ 9,690.00
100	RCP 36"	LF	234	\$ 155.00	\$ 36,270.00
101	RCP 36" FES	EA	5	\$ 2,593.00	\$ 12,965.00
102	2'x2' Area Inlet	EA	4	\$ 2,585.00	\$ 10,340.00
103	3'x3' Area Inlet (type C)	EA	16	\$ 3,765.00	\$ 60,240.00
104	2'x3' Curb Inlet	EA	42	\$ 3,305.00	\$ 138,810.00
105	2'x3' Valley Grate	EA	1	\$ 3,010.00	\$ 3,010.00
106	Encase in concrete at water crossings	EA	2	\$ 725.00	\$ 1,450.00
107	4' Diameter Standard Manhole	EA	3	\$ 3,450.00	\$ 10,350.00
108	5' Diameter Standard Manhole	EA	1	\$ 4,500.00	\$ 4,500.00
109	24" FES w. headwall/gate	EA	1	\$ 4,750.00	\$ 4,750.00
110	Debris Flow Outlet Structure	EA	1	\$ 11,250.00	\$ 11,250.00
111	RipRap Outlet D/C9.05	EA	7	\$ 4,150.00	\$ 29,050.00
112	Pond 1A - All inclusive	EA	1	\$ 28,000.00	\$ 28,000.00
113	Pond 1B - All inclusive	EA	1	\$ 26,000.00	\$ 26,000.00

Item #	Description	Unit	Quantity	Unit Price	Total
114	Pond 1D - All inclusive	EA	1	\$ 21,500.00	\$ 21,500.00
115	Road Cut	EA	2	\$ 5,550.00	\$ 11,100.00
116	Turf Reinforcement Mat (TRM)	SY	406	\$ 5.50	\$ 2,233.00
	TOTAL DRAINAGE				\$ 796,027.00
	SEDIMENT AND EROSION CONTROL				
117	Erosion Log Inlet Protection	EA	5	\$ 120.00	\$ 600.00
118	Beaver Dam Curb Inlet Protection	EA	4	\$ 175.00	\$ 700.00
119	Silt Fence &/or Straw Wattle (5800 LF)	LF	9300	\$ 1.85	\$ 17,205.00
120	Ditch Straw Wattle	EA	2	\$ 150.00	\$ 300.00
121	Stabilized Construction Entrance (A/9.09)	EA	4	\$ 2,350.00	\$ 9,400.00
122	Temp Sediment Trap Riser	EA	3	\$ 375.00	\$ 1,125.00
123	Temp Stone Outlet E/C9.09	EA	6	\$ 565.00	\$ 3,390.00
124	Landlok 450 TRM or Approved Equal	LF	964	\$ 14.00	\$ 13,496.00
125	Stormwater System Clean Up	EA	1	\$ 7,250.00	\$ 7,250.00
	TOTAL SEDIMENT AND EROSION CONTROL				\$ 53,466.00
	WATER				
126	Connect to Existing 12" DIP Main	EA	2	\$ 3,250.00	\$ 6,500.00
127	12" DIP	LF	5015	\$ 94.00	\$ 471,410.00
128	Fire Hydrant Assembly	EA	11	\$ 6,100.00	\$ 67,100.00
129	8" Gate Valves	EA	4	\$ 2,015.00	\$ 8,060.00
130	12" Gate Valves	EA	27	\$ 3,260.00	\$ 88,020.00
131	stop (55 EA)	LF	2,066	\$ 40.00	\$ 82,640.00
132	Air Release Valve	EA	4	\$ 6,400.00	\$ 25,600.00
133	Install Horizontal Thurst Block	EA	13	\$ 235.00	\$ 3,055.00
134	Temp. Blowoff Valve & Stub	EA	8	\$ 900.00	\$ 7,200.00
135	Insulate Water Main	EA	1	\$ 385.00	\$ 385.00
136	Replace (1' Deep)	CY	150	\$ 25.00	\$ 3,750.00
137	Trench)	CY	440	\$ 4.00	\$ 1,760.00
138	Import Select Trench Backfill (Cost/100 LF of Trench)	CY	440	\$ 16.00	\$ 7,040.00
139	Dewatering	DAY	20	\$ 1,500.00	\$ 30,000.00
	TOTAL WATER				\$ 802,520.00
	SEWER				
140	Connect to Exisiting	EA	1	\$ 4,500.00	\$ 4,500.00
141	8" PVC SDR35	LF	1,909	\$ 57.00	\$ 108,813.00
142	12" PVC SDR35	LF	2,691	\$ 69.00	\$ 185,679.00
143	18" PVC SDR36	LF	83	\$ 120.00	\$ 9,960.00
144	6" PVC SDR35 Service (3 EA)	LF	198	\$ 38.00	\$ 7,524.00
145	4" PVC SDR35 Service (25 EA)	LF	398	\$ 36.00	\$ 14,328.00
146	5 Diameter Standard Manhole	EA	3	\$ 7,850.00	\$ 23,550.00
147	4' Diameter Standard Manhole	EA	25	\$ 5,285.00	\$ 132,125.00
148	Trench)	CY	210	\$ 4.00	\$ 840.00
149	Import Select Trench Backfill (Cost/100 LF of Trench)	CY	210	\$ 16.00	\$ 3,360.00
150	Dewatering	DAY	20	\$ 1,500.00	\$ 30,000.00
	TOTAL SEWER				\$ 520,679.00
	GRAND TOTAL				\$ 5,034,153.92

This takeoff does not include engineering, landscaping, tap fees, materials testing, Surveying, Construction Admin., Permit Fees, Town Fees, irrigation, off-site utility upgrades, or other off-site improvements. The actual cost may vary significantly based upon final design, hauling and disposal of excess materials, amount of unsuitable material encountered, the cost and availability of labor, equipment, material and market conditions.

Improvements schedule:
All subdivision improvements shall be completed prior to October 31, 2020.

Haymeadow Landscaping Filing 1 Budget					
Item	Description	Unit	Quantity	Unit Price	Total
	LANDSCAPING				
AA	Autum Blaze Maple	EA	11	\$1,000.00	\$11,000.00
AB	Sensation Box Elder Maple	EA	12	\$1,000.00	\$12,000.00
BO	Water Birch	EA	28	\$520.00	\$14,560.00
PC	Canada Red Chokecherry	EA	3	\$1,000.00	\$3,000.00
SB	Beaked Willow	EA	66	\$520.00	\$34,320.00
SG	Geyer Willow	EA	169	\$190.00	\$32,110.00
SL	Pacific Willow	EA	49	\$870.00	\$42,630.00
SM2	Yellow Mountain Willow	EA	111	\$190.00	\$21,090.00
SM	Yellow Mountain Willow	EA	49	\$210.00	\$10,290.00
TF	Glenleven Linden	EA	10	\$1,000.00	\$10,000.00
CC	Blue Mist Shrub	EA	13	\$36.00	\$468.00
CF	Fernbush	EA	10	\$36.00	\$360.00
RG	Sumac	EA	75	\$36.00	\$2,700.00
VA	Cranberrybush	EA	5	\$36.00	\$180.00
	TOTAL LANDSCAPING				\$194,708.00

	A	B	C	D	E
1					
2	B.C.W.	Estimated Overall irrigation at 25-30 Psi			
3		(Not Including Roundabout or School Parcel)			
4					
5	SYMBOL	MANUFACTURER/MODEL	QTY	PSI	RADIUS
6					
7		Rain Bird 1806SAMPRS w/Hunter MP Corner Nozzle	30	25-30	11'
8		Rain Bird 1806SAMPRS w/Hunter MP1000 Nozzle	1	25-30	11'
9		Rain Bird 1806SAMPRS w/Hunter MP1000 Nozzle	619	25-30	11'
10		Rain Bird 1806SAMPRS w/Hunter MP1000 Nozzle	1	25-30	11'
11		Rain Bird 1806SAMPRS w/Hunter MP2000 Nozzle	22	25-30	16'
12		Rain Bird 1806SAMPRS w/Hunter MP2000 Nozzle	337	25-30	16'
13		Rain Bird 1806SAMPRS w/Hunter MP2000 Nozzle	21	25-30	16'
14		Rain Bird 1806SAMPRS w/Hunter MP3000 Nozzle	41	25-30	25'
15		Rain Bird 1806SAMPRS w/Hunter MP3000 Nozzle	5	25-30	25'
16		Rain Bird 1806SAMPRS w/Hunter MP800SR Nozzle	1012	25-30	7'
17		Rain Bird 1806SAMPRS w/Hunter MP815 Nozzle	3	25-30	12'
18		Total Number of Heads:	2092		
19		Estimated Cost Per Head with Nozzle \$22.00 Ea. -	\$46,024		
20		Estimated Cost for Fittings Per Head \$2.76 Ea. -	\$5,774		
21		Total:	\$51,798		
22					
23	SYMBOL	MANUFACTURER/MODEL	QTY	PSI	RADIUS
24					
25		Rain Bird 5006-PL-PC, FC-SAM	16	25-30	31'
26		Rain Bird 5006-PL-PC, FC-SAM	163	25-30	34'
27		Rain Bird 5006-PL-PC, FC-SAM	341	25-30	37'
28		Total Number of Heads:	520		
29		Estimated Cost Per Head \$19.42 Ea. -	\$10,098		
30		Estimated Cost for Fittings Per Head \$17.70 Ea. -	\$9,203		
31		Total:	\$19,301		
32					
33	SYMBOL	MANUFACTURER/MODEL	QTY		
34					
35		Rain Bird PESB Remote Control Valves	78		
36			1"-	\$103.64	
37		Based on an Estimated Avg Cost of \$128.46 X 78 = \$10,019.88	1-1/2"-	\$125.36	
38			2"-	\$156.39	
39			3"-	\$407.27	
40					
41			\$10,020		
42		Estimated Fittings Cost:	\$562		
43		Total:	\$10,582		
44					
45		Manual Shut Off Valve	1		
46		Manual Drain Valves	3		
47					
48		Irrigation Lateral Line: PVC Class 200 SDR 21 - 1"	29763.03	\$0.18 Ft	
49		Irrigation Lateral Line: PVC Class 200 SDR 21 - 1 1/4"	4901.05	\$0.33 Ft	
50		Irrigation Lateral Line: PVC Class 200 SDR 21 - 1 1/2"	1941.05	\$0.37 Ft	

	A	B	C	D	E
51		Irrigation Lateral Line: PVC Class 200 SDR 21 - 2"	2355.34	\$0.55 Ft	
52		Irrigation Lateral Line: PVC Class 200 SDR 21 - 3"	78.31	\$1.25 Ft	
53		Estimated Cost:	\$9,086		
54		Estimated Fittings Cost:	\$363		
55		Total:	\$9,449		
56					
57		Irrigation Mainline: PVC Schedule 40	9010.68		
58			2"-	\$0.79 Ft	
59		Based on an Estimated Avg Cost of \$1.53 Ft. X 9010 Ft. = \$13,785	3"-	\$1.67 Ft	
60			4"-	\$2.13 Ft	
61		Total:	\$13,785		
62		Estimated Fittings Cost:	\$551		
63			\$14,336		
64					
65		Pipe Sleeve: PVC Schedule 40	453.96		
66		Based on an Estimated Avg Cost of \$2.77 Ft. X 454 Ft. = \$1,257.58	\$1,258		
67					
68		Central Control: Rain Bird ESP-LXD Two Wire Decoder System	1		
69		Estimated Cost -	\$8,000		
70					
71		Central Control: Rain Bird Station Decoders	78		
72		Estimated Cost -	\$11,700		
73					
74					
75		Control Wire: Rain Bird Maxi-Wire	9400		
76		Based on an Estimated Avg Cost of \$0.41 Ft. X 9400 Ft. = \$3,854	\$3,854		
77					
78					
79					
80		Estimated Components Total:	\$129,727		
81		Estimated Typical Installation Cost:	\$194,590		
82			\$324,317		
83					
84					
85					
86		Irrigation Mainline: 8" Engineer Specified Piping for Raw Water System	1711		
87		Irrigation Mainline: 4" Engineer Specified Piping for Raw Water System	76.12		

EXHIBIT D:
Ecological
Restoration Plan
([LINK](#))

EXHIBIT E:
Wetland
Enhancement Plan
([LINK](#))

EXHIBIT F:
Weed
Management Plan
([LINK](#))

EXHIBIT G:
Ownership and
Maintenance Table
(attached)

Haymeadow Ownership and Maintenance Table

ITEM	LAND OWNERSHIP	MAINTENANCE/REPLACEMENT ENFORCEMENT
<i>Open Space/Wildlife Corridor</i>		
Upland Open Space*	Town	Town
BLM and Upper Ranch Boundary Fence	Town	Metropolitan District
Brush Creek Agricultural Areas & Wildlife Corridor*	Town	Metropolitan District
Willow Tree Corridors*	Town	Metropolitan District
Weed and Pest Control- Open Space	N/A	Metropolitan District
<i>Parks</i>		
Trailhead Park (not including Buildings)*	Town	Metropolitan District
Pavilion Buildings at Trailhead Parks	Town	Town
Metro District Building at Trailhead Park	Metropolitan District	Metropolitan District
Neighborhood "A1" Greenspace and "Neighborhood Park"*	Metropolitan District	Metropolitan District
Specific Improvements within Neighborhood "A1" Greenspace and "Neighborhood Park"	Metropolitan District	Metropolitan District
Weed and Pest Control - Parks	N/A	Metropolitan District
<i>Trails</i>		
Paved Recreation Paths	N/A	Metropolitan District
Soft Crusher Fines Paths	N/A	Metropolitan District
Pedestrian Lighting of Trails	N/A	Metropolitan District
Dirt Trails on Upland Open Space and Combined School/Town Recreation Site	Town	Town
Dirt Trails in Willow Tree Corridors, Trailhead Park, Wetlands, and all other parks and public spaces	Town	Town
Willow Trailhead*	Town Open Space	Metropolitan District
Road Gulch Trailhead*	Town Open Space	Metropolitan District
<i>Right of Ways/Alleys/Parking</i>		
Roads, Curbs and Gutter in Public Right-of-Ways	Town	Town
Landscaping in Public Rights-of-Way	Town	Metropolitan District
Street Lights in Public Rights-of-Way	Town	Town
Sidewalk/Paths in Public Rights-of-Way	Town	Metropolitan District
Alleys	Metropolitan District	Metropolitan District
Parallel On-Street Parking within Public Rights-of-Way	Town	Metropolitan District Enforcement by the Metro District

**Please refer to Haymeadow Ownership & Maintenance Diagram on page 4*

ITEM	LAND OWNERSHIP	MAINTENANCE/REPLACEMENT ENFORCEMENT
<i>Right of Ways/Alleys/Parking (cont)</i>		
Perpendicular Parking within Public Rights-of-Way	Town	Metropolitan District Enforcement by the Metro District
Parking Lot Lights	Individual HOA's	Individual HOA's
<i>Storm Drainage</i>		
Public Drainage Facilities within Public Rights-of-Way and Open Space	Town	Town
Private Drainage Facilities	Metropolitan District	Metropolitan District
<i>Utilities</i>		
Shallow Utilities	Each entity is responsible for their own utility	Each entity is responsible for their own utility
Deep Utilities	Town	Town
<i>Non Potable System</i>		
Irrigation Ditches and Ponds/Piping	N/A	Metropolitan District
Water Features	N/A	Metropolitan District
<i>Fire Station/Combined School-Town Recreation Site</i>		
Fire Station*	Fire District	Fire District
Combined School-Town Recreation Site (prior to being developed)*	Town	Metropolitan District
Combined School-Town Recreation Site (when developed)*	Town, School District	Town, School District West Eagle County Metropolitan Recreation District
<i>Other</i>		
Mail Cluster Boxes	N/A	Metropolitan District

**Please refer to Haymeadow Ownership & Maintenance Diagram on page 4*

Definitions:

Public Drainage Facilities: Includes curbs, gutters, roadside ditches, grates, inlets, culverts and detention ponds.

Private Drainage Facilities: Includes curbs, gutters, roadside ditches, grates, inlets, culverts and detention ponds. Culverts for private driveways are the responsibility of the owner of the driveway.

Shallow Utilities: Includes Electric Power, Natural Gas, and Telecommunication Lines.

Deep Utilities: Includes Water Main Systems and Sanitary Sewer Main Systems.

EXHIBIT H:
Landscape Guidelines for
Streetscapes
(attached)

HAYMEADOW LANDSCAPE GUIDELINES FOR STREETSCAPES

April 18, 2019

Introduction:

This document is intended to be utilized as the Streetscape Design Guidelines for the initial phases of development of the Haymeadow PUD that will include the following roadways: Sylvan Lake Road from the Brush Creek Road Roundabout to the intersection of Ouzel Lane, Ouzel Lane to Brush Creek Road and all interior roadways within Neighborhoods A1 and A2.

Prior to any subdivision approval that extends Sylvan Lake Road beyond the Ouzel Lane intersection and/or includes roadways within Neighborhoods B, C or D this document must be amended to address those additional areas and such amendment approved by the Town of Eagle.

The intent of this document is to provide a guideline for the Town of Eagle review of streetscape landscape plans that will be submitted as a part of any subdivision or development plan applications.

PURPOSE STATEMENT: This section is intended to ensure that new landscaping and the retention of identified existing vegetation are integral parts of the Haymeadow development. The area of designed landscaping shall be established along all streets within the public right-of-way, and in areas adjacent to natural open space - blending into these natural areas. Landscaping shall conserve water, and provide an environmental and aesthetic character consistent with the overall Haymeadow development. It is also the intent of these guidelines to provide flexible requirements that encourage and allow for creativity in landscape design.

TREE CITY USA: The Town of Eagle has been certified as a Tree City USA. These guidelines may be amended at the Town of Eagle request to incorporate Tree City USA requirements.

A) GENERAL REQUIREMENTS: This section establishes minimum standards for landscaping. A landscape area shall be established along all streets within the public right-of-way.

- 1) **Landscape Plan:** A landscape plan, at a standard and legible scale, shall be submitted to the Town of Eagle with the any subdivision application that creates any road right-of-way, which shall meet the plan standards outlined in the Town of Eagle Municipal Code as amended from time to time.
- 2) **Minimum Plant Specifications:** All plant materials installed shall meet the following minimum size requirements:
 - a) **Deciduous Trees:** minimum caliper of 3 inches.
 - (i) In certain instances, native species along the streetscape would be more appropriate. These native species may be installed at a smaller caliper of 2" or containers of 15 gal.
 - b) **Evergreen Trees:** minimum of 6' Height Balled and Burlapped
 - c) **Ornamental Trees:** minimum caliper of 2 inches.
 - d) **Shrubs:** minimum of five gallons.
- 3) **Landscape Materials:**

- a) Low-water, drought-tolerant, adaptive plants shall be used for all new landscaping in recognition to the Town of Eagle commitment to water wise landscapes.
 - b) Materials shall be suitable for local soil conditions and climate.
- 4) Plant Layout:
 - a) Location, arrangement and species shall conform to or complement any existing or proposed adjacent landscaping or retained natural features.
 - b) Landscaping plans shall be coordinated with the placement of utilities to avoid conflicts with above- and below-ground utilities and overhead light fixtures.
 - c) Special consideration shall be given to the management of drainage and snow removal. Snow removed from private parking areas and walkways shall not be stored within the road right of way.
 - d) Clumping or grouping of plantings permitted in areas described in section B.
- 5) Sight Triangle:
 - a) To maintain visibility of moving vehicles at intersected roads, No walls, buildings, trees, shrubs, or other obstructions to view in excess of 24 inches in height shall be placed on any corner lot within a triangular area formed by the curb lines and a line connecting them at points 30 feet from the intersection of the edge of pavement. Plantings in this area should be selected for natural growth patterns that would not require maintenance to meet this requirement. The town's engineer will review and approve any proposed sight distance triangle landscape improvements and may, at town's engineer discretion, send plans out for review to the town traffic engineer.
- 6) Irrigation:
 - a) Landscaping improvements shall include a suitable method for irrigation. Underground drip irrigation systems are encouraged for all shrub and groundcover areas.
 - b) Irrigation system operation shall be in compliance with the Brush Creek Watershed Management Plan and the Town of Eagle water use restrictions.
- 7) Maintenance:
 - a) Landscaped areas shall be maintained in a safe, clean, and attractive condition at all times. Landscape maintenance shall be subject to all terms and conditions of any Haymeadow Maintenance Agreement that will be adopted between the Haymeadow Metropolitan District and the Town of Eagle. Such maintenance shall include, but is not limited to, the following:
 - (i) Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscape.
 - (ii) All plant material shall be maintained in a healthy and growing condition, and shall be replaced with plant material of similar variety (size to comply with the minimum sizes required by these guidelines) if diseased, damaged, destroyed, or removed, within 30 days of installation, or as soon as seasonal conditions allow.
 - (iii) Proper pruning. Pruning shall be maintained in a manner to ensure that vehicles, including maintenance vehicles, may operate unencumbered and with adequate sight conditions.

- (iv) Watering on a regular basis as appropriate and in accordance with the Town of Eagle water use restrictions.
 - (v) Maintenance of landscape lighting in working order.
 - (vi) Maintenance of irrigation systems in working order.
 - b) Failure to maintain landscaping that is required at the time of approval of any plan or permit shall be a violation of these guidelines and in accordance with any executed maintenance agreement, and following appropriate notification by the Town of Eagle, the Town of Eagle may institute pruning and/or maintenance as appropriate. The Maintenance and Operations agreement executed between the Town of Eagle and the Haymeadow Metropolitan District will detail and determine the specific maintenance responsibility for streetscape landscape areas.
 - c) The maintenance of landscaping in the public and private right-of-way and at the storm drain ponds shall be the responsibility of the Haymeadow Metropolitan District.
- 8) Lighting:
- a) All lighting to conform to Town of Eagle lighting standards or as approved by the Town of Eagle.
- 9) Signage:
- a) All signage to conform to Town of Eagle signage standards or as a comprehensive sign plan approved by the Town of Eagle.
- 10) Beyond the minimum requirements of this section, the following additional landscaping is encouraged to further enhance development projects:
- a) Special landscape treatments at street intersections.
 - b) Additional trees, beyond minimum Code requirements, to provide additional shade for parking areas, pedestrian walkways, and public gathering spaces.
- B) SPECIFIC STREETSCAPE LANDSCAPE REQUIREMENTS:** Various types of roads and streets require distinct design and landscape treatments. Types of roads and corresponding design requirements listed below:
- 1) Interior Streetscape Character
- (i) Definition: Interior streets include all public roads, excluding alleys, within the neighborhoods.
 - (ii) Landscape area shall include area from pavement edge, road shoulder or back of curb and gutter to R.O.W. line.
 - (iii) Character of streetscape shall conform to adjacent use.
 - (a) As example, the intersection of Red Peak Road and Whitney Peak Road is adjacent to a park. Landscaping along the roads in this location would use similar plant species and massing as the park. Tree locations would be adjusted to preserve and create view corridors.
 - (b) Streetscapes along residential lots and parcels shall include street trees planted in tree lawns. Street tree spacing to be adjusted for driveway locations and utility locations.

(iv) Planting Design Intent:

- (a) Trees: street trees are to be spaced evenly at a maximum of 50'-0" on center, as much as practical given adjustments for driveways, intersections and utility locations.
 - (1) Trees shall be selected to provide shade.
 - (2) Location and arrangement shall provide for pedestrian and vehicular access.
- (b) Shrubs and Perennials: species shall be suitable for local soil conditions and climate.
- (c) Acceptable Groundcovers:
 - (1) Drought tolerant Turfgrass
 - (2) Rock and wood mulch in selected areas where maintenance is not desirable like the roundabout and in shrub and perennial beds.
 - (3) Selective drought tolerant groundcovers
 - (4) Specific groundcovers to be noted on the drawings
- (d) Entries and nodes may be emphasized and planted with ornamental trees, shrubs and perennials.

2) Arterial Roads

- a) Definition: Arterial roads are medium capacity roads that connect low capacity/interior streets. This includes Sylvan Lake Road and Ouzel Lane. Along a single arterial road multiple characters (both formalized and informal) may be present as adjacent conditions vary. Arterial roads with a formalized streetscape character will typically be leading or adjacent to residential or commercial developments. Arterial roads with an informal streetscape character will typically be leading or adjacent to open space, parks or schools.
- b) Formalized Streetscape Character along Sylvan Lake Road and Ouzel Lane with Curb and Gutter:
 - (i) Description: An example of this condition is found on the north side of Sylvan Lake Road fronting Haymeadow Neighborhood A1 and A2. Road edge in this location to be defined by curb and gutter. The landscape character of these areas follow a regular pattern with a more formal aesthetic.
 - (ii) Landscape area shall include area from pavement edge, road shoulder or back of curb and gutter to R.O.W. line.
 - (iii) Planting Design Intent:
 - (a) Trees: street trees are to be spaced evenly at a maximum of 50'-0" on center as much as practical given adjustments for driveways, intersections and utility locations.
 - (b) Shrubs and Perennials: species shall be suitable for local soil conditions and climate.
 - (c) Acceptable Groundcovers:
 - (1) Drought Tolerant Turfgrass
 - (2) Agricultural or Native Seed
 - (d) Entries to formal neighborhoods and nodes may be emphasized and planted with ornamental trees, shrubs and perennials.
- c) Informal Streetscape Character along Sylvan Lake Road or Ouzel Lane without Curb and Gutter
 - (i) Two conditions occur along this stretch of road: one where there is a hard surface recreation trail within the right-of-way and one where there is not a trail within the right-of-way.

- (a) The trail within the right-of-way is found along the north side of Sylvan Lake Road east of the Brush Creek Road roundabout. A less formal character of landscaping, which blends with the existing landscape typology of the site is appropriate for this area. The organizational layout of plant species along these sections of the arterial road function to improve the user experience and aesthetics.
 - (b) The south side of Sylvan Lake Road does not have a trail within the right-of-way and is adjacent to natural open space and/or park areas. Tree, shrub, and perennial species and massing shall reflect the ecology of adjacent open space, or the design of adjacent park lands as best possible.
- (ii) Landscape area shall include area from pavement edge, road shoulder or back of curb and gutter to R.O.W. line.
- (iii) Planting Design Intent:
 - (a) The design intent for the road section where there is a trail within the right-of-way or adjacent easement is to provide seasonal interest and safety to a pedestrian or cyclist along the recreational path. A meandering walk/bike path alignment allows for varying sizes of plant groupings on either side the path. This provides the user with a repetition of landscaping along either side of the path to create a comfortable sense of enclosure. To achieve this character and sense of space, there shall be a minimum of 10 individual trees and/or shrubs per 100 linear feet as averaged over the overall road length of this character section.
 - (b) The design intent for the road section where there is no trail within the right-of-way is to blend into the open space or park areas to eliminate the appearance of a right-of-way edge. There is no minimum quantity standard for tree and shrub materials in this character area. Groundcover to also match existing adjacent ecology, typically native seed.
- 3) Roundabout Landscape Character
 - a) Roundabout landscape shall be designed to include groundcover or mulch that provides for ease of maintenance and shrub plantings will be limited to species that will not create sight distance issues for vehicles and pedestrians at mature growth height.
- 4) Amendment Procedure

This document is intended to be dynamic and may be amended from time to time as updates and changes in landscape design styles or roadway character may be desired. The Haymeadow Metropolitan District will be responsible for the maintenance and enforcement of this document and may initiate amendments at any time. Any amendments to this document must be approved by the Town of Eagle and may be proposed and approved with any Final plat application or through the process identified in the Town of Eagle Land Use Regulations for a Major Development Permit. .
- 5) Enforcement

This document may be enforced by the Town of Eagle.

C) SUGGESTED PLANT LIST

Suggested plant list provides recommended species. Additions or substitutions are subject to Town review and approval.

Refer to local nurseries for information regarding perennials and annuals that will tolerate the short mountain growing season.

Drought Tolerant Turfgrass, and seed mix blends subject to Town review and approval.

BOTANICAL NAME	COMMON NAME	NOTES
Deciduous Shade Trees		
Aesculus glabra	Ohio Buckeye	
Acer freemanii `Autumn Blaze`	Autumn Blaze Maple	
Acer negundo	Box Elder Maple	N
Acer negundo `Sensation`	Sensation Box Elder Maple	N, L, X
Acer spp.	Silver Maple Hybrids	
Acer platanoides	Norway Maple	
Celtis occidentalis	Western Hackberry	L, M, X
Gleditsia triacanthos	Honeylocust	X
Populus acuminata	Lanceleaf Cottonwood	N
Populus balsamifera	Balsam Poplar	N
Tilia x flavescens `Glenleven`	Glenleven Linden	
Sorbus scopulina	Mountain Ash	N, M
Ornamental Trees		
Acer glabrum	Rocky Mountain Maple	N
Acer ginalla	Ginnala Maple	L, M
Acer ginalla `Compacta`	Dwarf Ginnala Maple	L, M
Acer ginalla `Flame`	Flame Ginnala Maple	M
Alnus tenuifolia	Thinleaf Alder	N
Amelanchier alnifolia	Saskatoon Serviceberry	N, L
Amelanchier canadensis	Shadblow Serviceberry	N, L, M
Amelanchier x grandiflora	`Autumn Brilliance` Serviceberry	L

<i>Betula occidentalis</i>	Rocky Mountain Birch	N
<i>Betula</i> spp.	Birch	
<i>Crataegus ambigua</i>	Russian Hawthorn (thornless variety only)	L, M, X
<i>Crataegus crus-galli</i> 'Inermis'	Thornless Cockspur	M, X
<i>Crataegus erythropoda</i>	Cerro Hawthorn	N
<i>Crataegus</i> spp.	Hawthorn	L
<i>Crataegus succulenta</i>	Western Hawthorn	N, L
<i>Malus</i> 'Dolgo'	Dolgo Crabapple	M
<i>Malus</i> 'Radiant'	Radiant Crabapple	M
<i>Malus</i> 'Spring Snow'	Spring Snow Crabapple	M
<i>Malus</i> spp.	Flowering Crabapple	
<i>Populus tremuloides</i>	Quaking Aspen	N
<i>Prunus x cistena</i>	Purple Leaf Plum	M
<i>Prunus maackii</i>	Amur Chokecherry	
<i>Prunus padus</i>	Mayday Tree	
<i>Prunus pensylvanica</i>	Pin Cherry	N, L
<i>Prunus virginiana</i>	Chokecherry	N, L
<i>Prunus virginiana</i> 'Canada Red'	Canada Red Chokecherry	L
<i>Salix amygdaloides</i>	Peach Leaf Willow	N
<i>Salix bebbiana</i>	Beaked Willow	
<i>Salix geyeriana</i>	Geyer Willow	
<i>Salix lucida</i>	Pacific Willow	
<i>Salix monticola</i>	Yellow Mountain Willow	N
<i>Syringa reticulata</i>	Japanese Tree Lilac	L, M
Evergreen: Pine, Spruce, Fir		
<i>Abies concolor</i>	White Fir	N
<i>Abies lasiocarpa</i>	Subalpine Fir	N
<i>Picea pungens</i>	Colorado Blue Spruce	N
<i>Picea engelmannii</i>	Engelmann's Spruce	N

<i>Pinus aristata</i>	Bristlecone Pine	N, L, X
<i>Pinus contorta latifolia</i>	Lodgepole Pine	N, L
<i>Pinus edulis</i>	Pinyon Pine	N, L, X
<i>Pinus flexilis</i>	Limber Pine	N, L
<i>Pinus ponderosa</i>	Ponderosa Pine	N, L, X
<i>Pinus strobiformis</i>	Southwestern White Pine	N, L
<i>Pseudotsuga menziesii</i>	Colorado Douglas Fir	N

Upright Junipers

<i>Juniperus communis</i>	Common Juniper	N, L
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper	N, L, X
<i>Juniperus monosperma</i>	One Seed Juniper	N, L

Spreading Junipers

<i>Juniperus horizontalis</i> 'Blue Ring'	Blue Ring Creeping Juniper	L, M
<i>Juniperus horizontalis</i> 'Prince of Wales'	Prince of Wales Creeping Juniper	L, M
<i>Juniperus sabina</i> 'Arcadia'	Arcadia Savin Juniper	L, M
<i>Juniperus sabina</i> 'Broadmoor'	Broadmoor Savin Juniper	L, M
<i>Juniperus sabina</i> 'Scandia'	Scandia Savin Juniper	L, M
<i>Juniperus sabina tamariscifolia</i>	Tamarix (Tam) Juniper	L
<i>Juniperus scopulorum</i> 'Table Top'	Table Top Rocky Mountain Juniper	L

Broadleaf Evergreens

<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	N, L
<i>Cercocarpus ledifolius</i>	Curl-Leaf Mountain Mahogany	N, L
<i>Cercocarpus montanus</i>	Alderleaf Mountain Mahogany	N, L
<i>Mahonia repens</i>	Creeping Oregon Grape	N, L
<i>Yucca glauca</i>	Soapweed Yucca	N, L

Shrubs

<i>Acer ginnala</i>	Amur Maple	L, M
<i>Acer glabrum</i>	Rocky Mountain Maple	N, L
<i>Amelanchier alnifolia</i>	Saskatoon Serviceberry	N, L

<i>Artemisia filifolia</i>	Sand Sagebrush	N, L
<i>Artemisia tridentate</i>	Mountain Big Sage	N, L, X
<i>Artemisia</i> spp.	Sage	L
<i>Atriplex canescens</i>	Chamiso	N, L, X
<i>Betula glandulosa</i>	Bog Birch	N
<i>Chamaebatiaria latifolia</i>	Fernbush	X
<i>Caryopteris</i> X <i>Clandonensis</i> `Blue Mist`	Blue Mist Shrub	X
<i>Chrysothamnus nauseosus</i>	Yellow Twig Rabbit Brush	N, L, X
<i>Cornus alba</i>	‘Argenteomarginata’ Variegated Dogwood	N
<i>Cornus sericea</i>	Red Osier Dogwood	N
<i>Cornus stolonifera</i>	Redtwig Dogwood	
<i>Cotoneaster acutifolia</i>	Peking Cotoneaster	L, M
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster	L
<i>Eunoymus alatus</i>	Burning Bush	M
<i>Holodiscus dumosus</i>	Mountain Spray	N, L, X
<i>Lonicera involucrate</i>	Twinberry Honeysuckle	N
<i>Lonicera tatarica</i>	‘Arnold’s Red’ Arnold’s Red Honeysuckle	L
<i>Lonicera x xylostoides</i>	‘Emerald Mound’ Honeysuckle	L
<i>Philadelphus coronarius</i>	Sweet Mockorange	L
<i>Potentilla</i> ‘fruticosa’ sp.	Cinquefoil	N, L, X
<i>Purshia tridentate</i>	Antelope Bitterbrush	N, L
<i>Prunus besseyi</i>	Western Sand Cherry	N, L
<i>Prunus besseyi</i> ‘Pawnee Buttes’	Creeping Western Sand Cherry	L
<i>Prunus cistena</i>	Purpleleaf Sand Cherry	L, M
<i>Prunus virginiana</i>	Chokecherry	N, L
<i>Physocarpus opulifolius</i>	Common Ninebark	N, L
<i>Quercus gambelii</i>	Gambel Oak	N, L, X
<i>Rhamnus smithii</i>	Smith Buckthorn	N, L
<i>Rhus glabra</i>	Smooth Sumac	N, L

<i>Rhus trilobata</i>	Three Leaf Sumac	N, L
<i>Ribes americanum</i>	American Black Currant	N
<i>Ribes alpinum</i>	Alpine Currant	L, M
<i>Ribes aureum</i>	Golden Currant	N, L
<i>Ribes cereum</i>	Wax Currant	N, L
<i>Ribes hirtellum</i> 'Pixwell'	Pixwell Gooseberry	L
<i>Ribes inerme</i>	Whitestem Gooseberry	N
<i>Ribes leptanthum</i>	Trumpet Gooseberry	N
<i>Rosa glauca</i>	Red-Leaved Rose	
<i>Rosa</i> spp.	Rose species	L, M
<i>Rosa woodsii</i>	Western Wild Rose	N, L, X
<i>Rubus deliciosus</i>	Rocky Mountain Raspberry	N, X
<i>Rubus ideaus</i>	Wild Red Raspberry	N
<i>Rhus aromatica</i> 'Gro-Low'	Gro-Low Fragrant Sumac	
<i>Salix caprea</i>	Pussy Willow	
<i>Salix irrorata</i>	Bluestem Willow	N
<i>Salix purpurea nana</i>	Dwarf Arctic Willow	N
<i>Sambucus canadensis</i>	Golden Elder	M
<i>Sambucus pubens</i>	Northern Redberried Elder	N
<i>Shepherdia argentea</i>	Silver Buffaloberry	N
<i>Spiraea japonica</i> 'Goldflame'	Goldflame Spirea	
<i>Spiraea</i> spp.	Spirea species	
<i>Spiraea japonica</i> 'Limemound'	Limemound Spirea	
<i>Spiraea nipponica</i> 'Snowmound'	Snowmound Spirea	
<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea	M
<i>Symphoricarpos albus</i>	Common Snowberry	N, L, X
<i>Symphoricarpos oreophilus</i>	Mountain Snowberry	N, L
<i>Syringa</i> spp.	Lilacs	L, X
<i>Syringa vulgaris</i>	Common Lilac	L, M, X

Viburnum trilobum	American Cranberrybush	M
Viburnum spp.	Viburnums	X

Notes

N - Species native to Colorado

L - Low water use plants (after establishment)

M – Mountains

X - Xeriscape

EXHIBIT I:
Agency Referral Comments –
dated December 7, 2018
(attached)



To: Abrika Properties, LLC – Brandon Cohen and Scott Schlosser
Alpine Engineering – Gary Brooks
Pyman and Associates – Rick Pylman

From: Community Development Department - Morgan Landers, AICP, Town Planner
Public Works Department – Byron McGinnis, Jerad Parker, Vern Brock, Deron Dirckson
Open Space Department – John Staight

Date: December 7, 2018

Re: Haymeadow Subdivision Filing 1 – Staff and Referral Agency Comments – First Review

Attachments: Attachment A: Colorado Geologic Survey
Attachment B: Eagle County Assessor’s Office
Attachment C: Starbuck Surveyors

The Town of Eagle distributed the Haymeadow Filing 1 Final Plat application to referral agencies and third-party consultants with a deadline for comment of November 16, 2018. As of that date, the town received comments from the Colorado Geologic Survey, Eagle County Assessor, and Starbuck Surveyors (the town’s third-party surveyor):

The town is still waiting for comments from the following entities:

Eagle County School District
Eagle County Sheriff Department (street names) Town of Eagle
Attorney

Comments received to date have been included as an attachment to this memo. Pending comments will be forwarded to the applicant team upon receipt.

All comments are for the purpose of complying with Chapters 4.12 and 4.13 of the Town’s Land Use and Development Code or to provide for the future ease of use of the document by town staff and members of the public. Please note there may be overlapping/duplicate comments between the various town departments and referral agencies. Staff appreciates the applicant’s thorough response in addressing all comments. If a comment is a duplicate, please indicate where the applicant has addressed the comment previously with a reference to page number or comment number.

COMMUNITY DEVELOPMENT DEPARTMENT

Morgan Landers, AICP, Town Planner

DRAFT Final Plat Document:

1. General Comments
 - a. Include an overview sheet that includes the lots and tracts cleanly. This can either be a separate sheet or can be included in sheet 2 if it can be done in a way that is easy to read. Alternatively, each sheet could include an inset with the overview map for easy navigating.
 - b. Include a land use summary table on sheets 3-10 for lots and tracts on each sheet. In areas where there is available space, a land use designation adjacent to tract label is acceptable as done on sheet 10 for Tract R-3.
 - c. Regarding the land dedications, warrantee deeds will need to be executed for each land dedication prior to the recording of the final plat. The town's attorney will provide templates for the town dedications. For the Fire District dedication, the applicants should work with the fire district to obtain any template documents if available.
 - d. The plat document needs to include the full extent of the Haymeadow property including corresponding easements and dedications created or vacated as part of this plat. More specifically, the road easement north of the Colby property, Tract R-5 along Brush Creek, and the electric easement running through Tract Z.
 - e. Include the full Brush Creek Road ROW on the plat sheets but indicate "not included in this subdivision"
 - f. The preliminary plan included the full Sylvan Lake Rd ROW through Ouzel Lane to Brush Creek. Staff acknowledges that the plat is for a smaller scope than the original preliminary plan, however, this may need to still be included. Primary concerns include providing site access to the Fire District parcel which as shown in this plat is a land-locked parcel.
 - g. Are there any floodplain locations within the property? If so, please indicate. If not, please include a note to that effect.
 - h. Town code requires signatures of utility providers on the plat. Town staff is consulting with the town attorney to review if this is still a requirement. Will advise as a follow up.
 - i. Per the soils report for the Haymeadow Subdivision, the town will require site-specific soils reports for each building permit in order to verify basement depths where planned. This is standard practice for the town, so no additional information or plat notes are required at this time.
 - j. Staff may request a separate "clean" address map for the subdivision. Staff is reviewing the code to confirm the requirement and will advise accordingly.
 - k. The town has not received confirmation from the Eagle County Sheriff Department that the road names are acceptable. Staff will work to receive these comments ahead of final plat approval.
2. Sheet 1 of 1
 - a. Include names and addresses of owners, applicants, designers, engineers, and surveyors as applicable.
 - b. Please match the land use category in the land use summary table to reflect the dedication language terminology in the Certification of Dedication and Ownership "Public Road Right-of-Way" (bottom left corner of the sheet).
 - c. The land use summary table should include addresses for the single family and duplex lots and shown on the corresponding sheet in the plat document.
3. Sheet 2 of 10
 - a. The eastern boundary of OS-3 is different on the plat than on the Access and Infrastructure Plans. Staff would like to see the Final Plat document match the more straightforward orientation of the Access and Infrastructure Plans.
4. Sheet 3 of 10
 - a. Does this plat intend to vacate Tract A of the Brush Creek Meadows Filing 3? If so, that needs to be indicated on this sheet and Sheet 4.
5. Sheet 4 of 10
 - a. The approved PUD Trails Plan shows the alignment of the pool and ice rink path to be further south into the multifamily parcel and also have a section that proceeds south to the new Sylvan Lake Rd trail. Staff would like to discuss this path alignment further with the applicant. If this alignment remains, the easement size will need to be consistent with the 20 ft shown for the remainder of the pathway system.
6. Sheet 5 of 10
 - a. Change lot area from acres to square feet and identify which lots are single-family and which are duplex lots in a summary table (see comment 1.b above). For tracts, acreage can remain for larger tracts, however, square footage is preferred for anything less than an acre.
 - b. Applicant should evaluate the impact of Tract C on developability of Lot 13. Setbacks will be measured from property line of the Tract C boundary. This parcel is assumed to be an alley loaded duplex property. Please clarify to staff if this assumption is incorrect.

- c. Lots should include building setbacks. If the application of this requirement leads to a cluttered and illegible document, an inset can be enough to show standard setbacks. Please note the 50ft building setback requirement for lots that front Sylvan Lake Rd.
 - d. Is it the intent of the project to have perimeter easements for drainage and utilities for each individual lot? Staff has noted Tracts D and E for drainage and wants to ensure that other easements are accounted for.
 - e. Add additional arrows to identify which CV calcs pertain to which line sections on Lots 9-13. As it appears now, it is difficult to determine which lines pertain to which component of the map.
 - f. Each lot should be designated an address indicated on this sheet in the plat.
- 7. Sheet 6 of 10
 - a. The Drainage Easement Note does not need to include the Water Easement language as the water line does not extend to this point of the subdivision.
 - b. As noted in comment 5.a above, staff would like to discuss the alignment and termination of the pedestrian easement and path connection at Whitney Peak Rd.
- 8. Sheet 7 of 10
 - a. No comments
 - b. Please include the Haymaker Trail Easement on the plat with appropriate document references.
- 9. Sheet 8 of 10
 - a. Tract R-1 should extend to the property boundary at the Colby property in general alignment with Brush Creek Rd rather than terminating at a right angle.
 - b. "Not included in this subdivision" should be added under the property information for the Colby property.
 - c. The delineation of Tract X in the subdivision seems unnecessary. Is there a specific purpose for identifying this tract separately rather than including it in Tract Z?
 - d. Town staff will defer to the Greater Eagle Fire Protection District as to the sufficiency of the Temporary Access Easement size and alignment.
- 10. Sheet 9 of 10
 - a. No comments
- 11. Sheet 10 of 10
 - a. Staff will defer to the Greater Eagle Fire Protection District to confirm the location and size of Tract G. Section 14.3 of the Annexation and Development Agreement identifies the size of the required tract to be 1.6 acres, which this final plat is in compliance with. As mentioned in comment 1.f above, the parcel will need to be provided pedestrian/vehicular access as well as access to utilities. Discussion with the Fire District and review of the ADA is required to determine the timing of those items.
 - b. Include "Not included in this subdivision" under the Peters property ownership information.

Access and Infrastructure Plans:

- 1. School Land Dedication
 - a. Dedication of Tract E satisfies this requirement, per Section 15 of the ADA, upon dedication, no further school land dedication requirement or cash-in-lieu will be required for developments within the Haymeadow Subdivision. Staff has reviewed the size of Tract E for compliance with the ADA and has found that the size is compliant with the agreement as presented.
 - b. Referral comments are pending from the Eagle County School District. There are many encroachments of utilities into the school/rec parcel that need to be reviewed by the school district in terms of the commitment and impact to future development there.
- 2. Streets, Alleys, and Parking
 - a. As per the PUD Guide, any on-street parking spaces shall be constructed as guest or park parking and may not be counted toward fulfilling residential parking requirements. Due to the location of the proposed on-street parking, staff would like to discuss with the applicant how the guest parking should be allocated and if the applicant's intent is to allocate any of those spaces toward the Multi-Family parking requirements for future development permit applications.
- 3. Sidewalks and Bikeways
 - a. As noted above, staff would like to further review the alignment of the path along the boundary between the school/rec parcel and phase I of Haymeadow.
 - b. Staff would like to review interim and future plans for the soft and hard surface pathways around the roundabout to ensure full consideration has been made and that all parties agree to future alignments as well. See additional public works and open space comments.
- 4. Fire Department Review
 - a. Comments pending from the Greater Eagle Fire Protection District.

5. Postal Service
 - a. The town is attempting to set up a meeting with the Eagle Postmaster to discuss service for this development.
6. Municipal and Park Land Dedication
 - a. Dedication of Tract E and other open space areas within the development satisfy this requirement for the PUD. No additional land dedication or cash-in-lieu will be required for developments within the Haymeadow Subdivision.
7. Ownership and Maintenance Table
 - a. For the Metro District Building at Trailhead Park, the revised chart has not identified an ownership entity. Please clarify.
8. Impact Fees
 - a. Payment of impact fees per the Annexation and Development Agreement will be required prior to recording the Final Plat. Initial review of the fees appears correct, pending any changes to the fee schedule in 2019. Street Improvements Fees are not projected to increase in 2019.
 - b. The applicant is correct, the Emergency Service Impact Fee no longer exists.
 - c. Staff would like to work with Haymeadow to develop a tracking spreadsheet for the tracking of credits for the Plant Investment Fee (PIF) Prepayment amount to each lot and new development. This will need to be developed prior to final plat approval.
9. Landscape and Lighting
 - a. Town staff has not reviewed the landscape plan proposed for the development due to pending submittal of landscape standards.
 - b. Please provide clear vision areas and site distances on all landscape plans for review.
 - c. The PUD guide defers to the town code for all signage within the development unless a separate master sign plan is proposed and approved by the Town of Eagle. Is a comprehensive sign plan being developed for the property? If so, what is the timing of anticipated submittal? No signs other than traffic control signage is being approved as part of the subdivision application.
 - d. Staff is reviewing background information regarding the removal of the fence along the BLM boundary and will coordinate with the BLM to confirm initial assumptions remain consistent.
 - e. Lighting – please see comments from Public Works on the Street Lights. Town staff is not currently supportive of the installation of the bollards along the school/rec parcel as lighting needs along that stretch of property may change due to the future use of the property. Staff recommends removal of those fixtures until development of the school/rec parcel commences.
 - f. Are alley lights planned for the development? None are shown on the drawings; however, these can be common in developments of this type.
10. Gravel Pit Locations
 - a. The soils report identifies Gravel Pit 1 in a location that is not permitted in the PUD Guide. Gravel Pit is only allowed via a Special Use Permit in Neighborhood D. The soils report does indicate a Gravel Pit 2 on the map that is within Neighborhood D.

Additional Items Prior to Final Plat Approval:

1. The town will begin working with the applicants to develop a Subdivision Improvements Agreement that addresses all obligations and public improvements related to the Annexation and Development Agreement and Phase One construction. Some of the items to be addressed will include, but are not limited to:
 - a. Weed Management and Success
 - b. Wetlands Enhancement and Success
 - c. Tract E Reclamation and Success
 - d. Performance Guarantee for public improvements – including preliminary cost estimates
 - e. Impact Fee and Recapture Fee Payments
 - f. Application and Issuance of Building Permits
2. Metro District Service Plan – Town staff has the approved Service Plan for the Metro District, however, has not been able to locate the Inter-District IGA required as a condition of approval of the service plan. Please provide documentation of this.
3. PIF Prepayment Credit Tracking – as noted above.
4. Covenants/Declarations - a noted above.
5. Design Guidelines – Staff has requested landscape design guidelines for the public rights of way to include Sylvan Lake Rd to Ouzel as well as the internal public streets. Please provide a status update on this document. As noted above, not building permit or development permit application will be accepted by the Town until the architectural, landscape, lighting, and other design guidelines are reviewed and approved by the town.

6. Water Rights Plan – Staff has requested the applicant provide some available times and dates for a meeting to discuss the water plan. Please provide these to staff so we can continue to move this piece of the project forward.
7. Construction Operations Plan – as noted in the ADA, this will need to be provided for review and approval prior to Final Plat approval. The construction operations plan shall also include a communications plan that Haymeadow will implement during construction including but not limited to:
 - a. Public communications regarding construction schedules, truck routes, street closures, etc. Particularly to adjacent property owners.
 - b. Contact information for key contacts on the project in the event of incidents or issues.
 - c. Chain of communication between the project team, the town, and the community

PUBLIC WORKS AND ENGINEERING DEPARTMENTS

Bryon McGinnis (Public Works Director), Jerad Parker (Public Works Supervisor), Vern Brock (Senior Engineer), Deron Dirckson (Utility Manager)

CONSTRUCTION DOCUMENTS: HAYMEADOW FILING 1 ACCESS AND INFRASTRUCTURE PLANS DATED SEPTEMBER 2018 (9/14/18)

GENERAL:

- Please provide existing conditions map. This map needs to show locations of existing irrigation ditches, wetlands, grading, utilities, property lines, easements, etc.
- Please provide Demolition Plan.
- Please provide overall map which includes future phases and neighborhoods.
- Keep improvements on Haymeadow property per previous meetings. Do not encumber future school site.
- Property lines need to be shown correctly on the construction drawings so a complete review can be completed. One example is near roundabout.
- Overall Water / Sewer Plan needs to include all other utilities (storm drain system, non-potable, lighting, gas, electric, etc.) Please change the scale from 100-scale to approximately 40-scale.
- Overall utility alignments need to be re-evaluated. It appears crossings can be eliminated and separation issues can be resolved.
- Please provide empty conduits at proposed intersections.

SHEET C1.01

- Sheet Index names do not match the actual names on the individual sheets.
- Note 5 Please add Asbuilt information needs to be GPS and submitted to Town in AutoCAD and GIS formats.
- Note 8: H.P. Geotech changed their name to H.P. Kumar.
- Note 9: Add Contractor must submit traffic control plan to Town of Eagle and receive approval prior to any construction.
- Site Map: There are labels for Eagle Valley Land Trust Parcels. Is this correct?
- Site Map: There is illegible text on the map.
- Site Map: please include the entire property on the map. It may be helpful to have a third map which would go along with the Vicinity Map and Site Map.
- Please relocate Typical Grading Abbreviations to the correct page.
- Project Contacts: John Boyd's phone number is 970-328-6549
- Project Contact: spell name Deron Dircksen correctly.

SHEET C1.02

- Please provide notes on the sanitary sewer system, Town of Eagle electric system, non-potable irrigation system, etc. The note should be consistent with the Town of Eagle Public Works Manual which is located on the Town of Eagle website.
- Water System Notes:
 - Add note: "All water mains shall be designed to future pressures. This interim Phase 1 water system will be changed from a current lower pressure to a future high pressure. The maximum pressure expected is ???-psi."
 - Add note: "Pressure Reducing Vault will be fully installed except for the two pressure reducing valves. These valves will be provided to Town of Eagle and will be installed by the contractor during the next phase."
 - Please update all references from District to Town.
 - Note 3: Please remove reference to tank. There is no water tank construction in this phase.
 - Note 5: Valves, fire hydrants, manholes, curb stops, clean outs, locates, and all physical above ground features need to surveyed. Asbuilt information needs to be submitted to Town of Eagle in both AutoCAD and GIS.

- Note 6: “Maximum cover for all water lines shall not exceed 8’ of cover.” Please update the construction documents to reflect this note.
- Note 9: please remove this note. The construction drawings need to design bends appropriately.
- Note 12: There is a reference to mechanical drawings. Please update note.
- Note 13: All existing pipe invert elevations need to be verified now. The Town recommends measuring from ground surface to top of gate valve nut.
- Note 15 is missing.

ROADS:

- Can a sidewalk be designed along Brush Creek Road adjacent to Soleil?
- Provide site distance.
- Profiles’ Vertical scale needs to be updated. Possibly 1/10.
- Show trail in Tract OS-2. Should this trail continue clockwise around the roundabout and connect to the asphalt path at the roundabout. This would eliminate two road crossings for pedestrians.
- Should Storm Drain system outlet located on the southwest corner of the roundabout be extended out of future improvements?
- Do not install boulder wall next to asphalt path.
- Should roundabout cuts be provided for future road connections?
- Roundabout design needs to be reevaluated. Can the grading highpoint be in the center of the roundabout with grading and drainage sheet flow out in all directions? The stormwater entering the roundabout is the concern.
- Roundabout: Speed limit should be 15mph through roundabout.
- Why does pedestrian path located parallel to Sylvan Lake Road meander in and out of the right-of-way? Can it be a typical distance from the SLR?
- Provide specific detail where proposed roads cross existing irrigation ditches. This has been an issue in previous subdivisions.
- Please provide end of road signage plan.
- Should the 15’ wide emergency access road be constructed to the same width as Sylvan Lake Road within the R.O.W.? Then it will be ready for future expansion.
- Access road to storm drain pond needs to be discussed. Access to ponds including to the bottom should be per UDFCD standards.
- Roundabout needs to be concrete instead of asphalt.
- Roundabout concrete curb and gutter needs to separate from roundabout concrete.
- Do not install future entrance unless development is planned. These can be constructed in the future.
- The locations where the streets dead-end for future, extend asphalt 10-feet past curb and gutter.

RECREATION PATH AND DEBRIS FLOW CHANNEL PLAN:

- Please update Debris flow channel per previous meetings. It was discussed to keep the overflow and drainage along property line so that it does not encumber the school site.
- It appears path can be designed with less than 5% grade.
- Access to Debris Flow Channel needs to be designed for heavy equipment turning movements so that asphalt, etc. are not destroyed. An exit also needs to be provided.

STREETS:

- Pedestrian trail section 3-inches of asphalt on 8-inches of roadbase needs to be updated. This needs to be designed for trucks.
- Gravel shoulders need to be 2-feet wide.
- The Typical Road Sections: Public Works would like to discuss with the developer’s team regarding the 50-ft street section. The Town also needs to confirm previous Sylvan Lake Road and Brush Creek Road cross sections.

SIGNAGE:

- Please provide signage plan with all utilities so there are no conflicts.
- The TAPCO rapid flashing signs need to meet Town specifications.
- Change Haymaker Circle and Whitney Peak Road pedestrian crossing striping to gray concrete and then red brick pattern.
- End of road signage needs to be shown at all dead-ends

STORM SEWER:

- Storm drain channel needs to be adjusted per previous meeting. Do not encumber school parcel.
- Overall alignment and separation need to be addressed.
- Overall Storm Plan road hatching needs to be updated.
- Storm drain system at roundabout needs to be discussed.
- Access to storm drain system needs to be discussed.

- Storm Sewer profile vertical scale needs to be exaggerated.
- Why are there two outlets from the debris flow pond? Emergency overflow needs to be designed over pedestrian path and have safe passage.
- Sheet C3.00: Why is there a new storm drain culvert under Brush Creek Road? The proposed culvert underneath Brush Creek Road needs to have road cut design in the construction drawings.

SANITARY SEWER:

- Sanitary sewer manholes cannot exceed 400-feet.
- Scale between Plan and Profile need to be the same.
- Show property lines.
- Please provide sanitary sewer impact study.
- Sanitary sewer main needs to be designed mostly under the main streets.
- “Proposed” sanitary sewer main cannot connect to “future” sanitary sewer main.
- Sheet C4.01: Connect existing Soleil sanitary sewer with proposed sanitary sewer to remove the redundant collection system.
- Sanitary Sewer manhole #2 will be relocated from the proposed roundabout approximately 100-feet east.
- Sheet C4.04. It appears Homestake Drive sanitary sewer can flow to Haymaker Circle. This will allow the sanitary sewer main to be located in a Town street and not between private buildings.
- Sanitary sewer manhole diameters need to be discussed. The Town has concern about 12-inch and 18-inch pipes going into and out of a 4-ft diameter manhole.
- Sheet C4.02: Keep sanitary sewer alignment in Sylvan Lake Road and Haymaker Circle.
- Sanitary sewer main needs appropriate clearance for constructability. A good example is on C4.02 where the proposed sanitary sewer appears to be inches from a proposed storm drain inlet box.
- Do not stub sanitary sewer for future. Please just put a cap on the future sanitary sewer manhole.
- Provide cuts on the sanitary sewer manholes labels.
- Sanitary sewer depth is deep in some locations. It appears it can be shallowed up.

WATER:

- Town of Eagle needs more information on existing conditions to provide feedback on the pedestrian trail and water line alignment near the pool and ice rink.
- Keep minimum separation between water and non-potable irrigation, sanitary sewer, storm sewer, etc.
- No 90-degree bends.
- Water main bend and thrust blocks cannot have shallow utilities above them.
- Sylvan Lake Road future water stub: Change future tee, valves, etc. to two 45-degree bends. Do not set it up for future since it is not in Sylvan Lake Road.
- School Site future water stub: Do not stub water main to school site. This can be either hot-tapped or cut-in when property develops.
- Red Peak Road and Haymaker Circle future water stubs: This will need to be terminated with a fire hydrant. The fire hydrant location will be 45-degreed out of the street alignment.
- Water alignment needs to be cleaned up. For example the intersection of Haymaker Circle and Red Peak Road.
- Please label fire hydrant bury depth. Preferred and standard depth is 7’6” (up to 9’6” is allowable). No extensions.
- Air-vacs are not shown.
- Sheet C5.03: Alignment along northwest corner near pedestrian trail needs to be realigned.
- Sheet C5.04: Show existing conditions which includes pedestrian trails, bike trails, etc.
- Sheet C5.04: Pool and Ice alignment needs to remove bends and make straightforward.
- Sheet C5.04: “Future PRV” needs to be fully built besides the actual PRVs. This also needs to include all bi-pass inside and outside.
- Details: Provide PRV detail.

NON-POTABLE IRRIGATION

- The non-potable irrigation system needs to be designed to Town of Eagle specifications. The Town does not want 90-degree bends, provide tracer wire, warning tape, bedding, carrier sleeves under road, non-potable water color requirements for pipe, irrigation boxes, signage, etc.
- The non-potable irrigation system needs to be metered and usage needs to be provided to the Town of Eagle on a monthly basis.
- Provide physical and legal access to the system.
- Is this being used for construction water?
- Vertical scale needs to be updated.

- Non-potable drain cannot go into side of culvert. However, it can go to ditch or a proposed manhole. What is the pressure at the downstream side? Does it need to be dissipated so there is no erosion?
- The O&M states the irrigation ditches are maintained by the Metropolitan District. Please expand how the irrigation ditches will impact the Willow Corridor and neighboring properties.
- Valve spacing must be less than 500-feet.
- Valve locations must be out of the Town owned roads.
- Service lines should not cross other properties. Keep straight forward

SEDIMENT CONTROL PLAN

- Town wants two construction entrances. One located at the western side and one located at the eastern side. Town is concerned about impacts to the road and pedestrian safety at the intersection of Meadowlark and Sylvan Lake Road. Staff would like to discuss the removal of this other construction entrance.
- Plan is difficult to read. Please provide Plan at around 50 scale so it can be fully reviewed.
- Add note: Contractor responsible to remove sediment control devices after vegetation has been established.
- Legend needs to identify all linetypes.
- Inlet protection, channel protection, etc. needs to be provided everywhere.

LANDSCAPING

- The provided landscape plans do not show the current civil plans. Please update so a full review can be completed.
- The Town of Eagle Five-Year Water Efficiency Planning Strategy encourages Xeriscaping for new developments.
- Any new Town projects, landscaping activities, new developments, etc. should incorporate water efficiency practices.
- PW wants the proposed roundabout to be xeriscape.
- Please do not use willow trees along Sylvan Lake Road pedestrian trail.
- Please provide site distance triangles to landscape plan at all intersections.

LIGHTING PLANS

- Use Town detail.
- Roundabout: Please have street lights on both sides of the crosswalk.
- Roundabout: Locate rapid flasher before the street light at each crosswalk and in the refuge island.
- Roundabout: Have two circuits alternating lights on each circuit with one meter, two photocells, two disconnects.
- Roundabout: Please indicate the power source.
- Roundabout: Provide conduit under roads and to the center of roundabout.
- Sylvan Lake Road and Haymaker Circle: street light needs to be double-headed and on both sides of Haymaker Circle.
- Sylvan Lake Road and Whitney Peak Road: street light needs to be double-headed and on both sides of Haymaker Circle.
- Red Peak Road and Haymaker Circle: street light needs to be located on the same side as stop sign.
- Please indicate ownership on plans.
- Please show photocell, meter, disconnect, etc. locations.
- Provide easements.

DETAILS

- Only provide details that are applicable to the project. For example, storm drain inlet for mountable curb is not used on the project.
- Provide Town of Eagle details. For example, street light.

WARM SPRINGS NON-POTABLE IRRIGATION SYSTEM

- Irrigation water needs to be metered. This will be in a vault with remote, etc.
- Irrigation system needs to be the latest system. Please update the information.
- Is the system designed for non-potable?

HAYMEADOW PUD DEVELOPMENT PLAN APPROVED ORDINANCE NO. 11, SERIES OF 2014 (APPENDIX 3)

- The Ordinance was not provided. Just a map.

FINAL PLAT (APPENDIX 4)

- The Final Plat does not show all of the property. The Vicinity Map is different than the Page 2 Overall Map which does not match the remaining sheets.
- The Town could not review existing or proposed easements since the construction documents do not show easements. Easements need to encompass all existing and proposed utilities (water, sanitary, storm, electric, etc.)
- Acreage is wrong between cover page and following pages. The Town is unable to compare this Final Plat with previous Plats.
- Please provide electrical easement which covers Town street light system.

- Scale is wrong.
- Existing property lines are not shown correctly. One example is Soleil property line near the roundabout improvements.
- Per Eagle County GIS, **Parcel Number** 2109-091-00-022 is not shown on the Final Plat.

HAYMEADOW INTERIM TRAFFIC REPORT (APPENDIX 5):

- Public Works has started to review the Traffic Memorandum dated September 15, 2016 which references previous Traffic Impact Study. Staff has not been able to fully review all information.

WATER SYSTEM REPORT (APPENDIX 6):

- The report is dated April 9, 2018. There has been substantial changes and Mott MacDonald hydraulic memos have addressed the water system. Please update.

HAYMEADOW FILING 1 PAVEMENT SECTION SOILS REPORT (APPENDIX 7):

- Please provide background information in this report.
- Field exploration was completed in October 28, November 1, and December 3 which is not during irrigation. Please provide information during irrigation season.
- Has the loadings been reviewed by the project civil engineer?
- The gravel pit is mentioned but has not been shown anywhere on the construction drawings. Please provide information.
- The Town has a concern about infrastructure installation being difficult in areas of the site due to soft subgrade and shallow groundwater conditions. This needs to be further evaluated by the Town.
- Please address roads and utilities which will cross existing irrigation ditches. The Town has experienced issues previously and this has not been addressed.

HAYMEADOW OWNERSHIP AND MAINTENANCE CHART (APPENDIX 11)

- The Town will request a Final Maintenance Agreement prior to Final Plat recording to address the following:
 - Many of these Items need to be defined expanded and defined better. Please define Trailhead Park (not including Buildings); Pavilion Buildings at Trailhead Park; Specific improvements within Neighborhood "A" Greenspace and "Neighborhood Park"; Paved Recreation Paths; Soft, Crusher Fines Paths Pedestrian Lighting of Trails; Dirt Trails on Upland. . . (are these existing or proposed?); Dirt Trails in Willow . . . (are these existing or proposed?); Roads, Curb and Gutter in Public Right-of-Way; Street Lights in Public Rights-of-Way; Sidewalk/Paths in Public Rights-of-Way; Public Drainage Facilities within Public Rights-of-Way and Open Space; Private Drainage Facilities; Shallow Utilities; Deep Utilities.
 - Define "(prior to being developed)" for both Combined School-Town Recreation Site. Is this development for school or for Haymeadow phase1?
 - Please include Crosswalks @ Roundabouts; Crosswalks @ road crossings; striping @ crosswalks; striping parking areas; bicycle paint on roads; striping in private roads; striping on public roads; cross pan; handicap ramps; signage.
 - Please make Enforcement its own column. There needs to be a separation in Enforcement. For example, Paved Recreation Paths and On-Street Parking.
 - Maintenance needs to be defined as day-to-day maintenance such as snow and ice removal, cleaning, graffiti, etc.
 - Replacement needs to be defined as well. This needs to be expanded to Repair and Replacement. This would be items such as sidewalk trip hazards, cracks, end of life, damage by "Maintenance" operations.
 - Why is there N/A under Land Ownership for Paved Recreation Paths and Soft, Crusher Fines Paths?
 - Under Land Ownership, what is the difference between Town Open Space and Town?
 - Parallel On-Street Parking within Public Rights-of-Ways: This needs to be discussed. Town thought this was owned and enforced by HOA.
 - Fire Station Land Ownership differs from the Final Plat.

DRAINAGE REPORT:

- Debris flow & Drainage Report is still being evaluated.

PEDESTRIAN PATH:

- The pedestrian path crossings @ Haymaker Circle and Whitney Peak Road create a pedestrian blind spot for vehicles. Please realign.
- Please change material from asphalt to concrete.

AGENCY REVIEW COMMENTS:

- The Town of Eagle Public Works agrees with CGS, Eagle County Assessor's office, and Starbucks Surveying comments.

BRUSH CREEK WATERSHED MANAGEMENT PLAN:

- Please confirm the proposed site is in conformance with the Brush Creek Watershed Management Plan.

BORROW PIT LOCATIONS:

- Please provide borrow pit location plan.

OPEN SPACE DEPARTMENT

John Staight, Open Space Coordinator

General Comments

1. Please show the location of the existing Haymaker Trail on all drawings. I don't believe there is a conflict, but we need to make sure that the recreation path and retention ponds provide adequate room for the trail. The alignment of the dirt trail could re-aligned if necessary to accommodate these structures, but I want to make sure that there isn't a topographic constraint, especially near the retention ponds.
2. The town anticipates that it is the responsibility of Haymeadow to construct the soft surface path in OS-2. The alignment of the crusher fine trail through OS-2 is not shown in the drawings. Some of the graphics in the reports say "Trail alignment to be located in the field to protect wetlands." The town would like the alignment of the path to be determined at this stage.
3. It would be extremely helpful to have a graphic with the boundaries of OS-1, OS-2, and especially OS-3 overlain on an aerial.
4. There is some changing in labeling that occurs between the Appendix documents and the labels shown on the drawings. For example, the school/town dedication parcel is referred to as "Tract E" in all the Appendix documents, but referred to as "Tract Y" in the drawings. These references need to be consistent.

Integrated Weed Management Plan

1. It appears that no weed mitigation work is proposed in OS-3. The weeds in OS-3 mapped and mitigated at the same time and in the same manner as those specified in Tract E. If the eastern boundary of OS-3 is where I think it is, there are significant populations of weed in the flat draw to the east of the big hillside, where the Haymaker trail winds through. Any lands that are to going to be dedicated to the Town need to be mapped for weed populations, and those populations need to be treated in accordance with the Integrated Weed Management Plan. The mapping that was done in 2006 by Western Ecological Resources is now 12 years old, and I believe there has been a significant expansion of the weed population since that time. The Open Space Management Plan states the following in Section 4.1.1 Weed Management: "It is recommended that a GIS based Weed Map be prepared for the Haymeadow Open Spaces to facilitate monitoring and to identify targeted areas for weed management activities." This task should be completed in the spring of 2019 for OS-1, OS-2, OS-3 and Tract E so that all areas where weed eradication work needs to be done are identified and treated.
2. There is discussion of weed mitigation around the cabin, but it is my understanding that dedication of lands near the cabin would occur in as part of a future filing. Getting a jump on treating the weed populations in that area now, long before any land in that area is dedicated to the Town, is an excellent idea. What is the applicant's vision for the future of the cabin itself at this time?
3. The weeds in Tract E and OS-1, OS-2, and OS-3 will need to be treated over multiple years. There is a substantial seed bank in the soil (especially in Tract E) due to the presence of these weeds over many years. There needs to be some sort of performance guarantee for the weed mitigation work to be performed over multiple future years to ensure the property deeded to Town becomes reasonably free of weeds. Also, as part of the approval documents, it need to be spelled out that the developer is responsible for the performing the weed mitigation work even after the Town becomes the owner. Ideally, the weeds on the Haymeadow property would have been managed and treated historically in compliance with State law, so that the property would have been free of weeds prior to dedication to the Town.
4. In addition to a performance guarantee, the developer needs to commit to a timeline for eradicating weeds on those lands to be dedicated to the Town as part of Filing 1. No timeline is listed in the Integrated Weed Management Plan, probably as this is meant to be a methodology guidance document rather than an implementation document. Table 3 in the in Appendix 9 does spell out a timeline referencing weed eradication work.

Haymeadow Open Space Ecological Restoration Plan (Appendix 9)

1. This document spells out a good framework (with timing) for both weed eradication work and restorative seeding. This scope of work needs to apply to all lands being dedicated to the Town as part of Filing 1, including lands in OS-3 where weeds

are present. The timing and scope of work needs to be formally committed to by the developer in order to guarantee that the Plan will be implemented in a timely and comprehensive manner.

2. The plan is deficient in regards to success criteria. Success criteria needs to be added so that all parties can agree that the agreed upon restoration work was completed and is a success. This criteria could be in the form of percent cover, species diversity, and/or other metrics.
3. Was the weed spraying work specified for Fall 2018 completed?

Wetlands Enhancement Plan

1. Are there Army Corps 404 wetland impacts occurring on site as a result of the development? If so, are these enhancements serving as formal mitigation for those impacts? If this is the case, the Army Corp process and requirements must be followed.
2. Section 9.9 of the PUD states "This plan will include a schedule of when various wetland areas will be treated as the development of the Property proceeds." I believe the intent of this section was that actual hard dates (month, year) would be spelled out in the Plan, at least for the wetland areas to be dedicated as part of this filing. It needs to also be stated that it is the responsibility of the developer to implement the plan, and follow through with the enhancement actions. It is unclear to me what the Town's recourse is if the developer does not follow through. A form of performance guarantee needs to be implemented.
3. Performance standards need to be added so that all parties can agree that the enhancement project has been successful and work has been completed.

Haymeadow Ownership and Maintenance Table

The Haymeadow Ownership and Maintenance table, there are multiple properties that are to be deeded to the Town as Open Space but are to be maintained and enforced by the HOA. In respect to weeds, what guarantee is there that the Town will not be held liable for weed mitigation if the HOA fails to properly control weed populations? While staff is in favor of the HOA performing weed mitigation duties, this would be a new scenario for the Town as currently all open space parcels within the Town are owned and maintained by the Town. Perhaps Section 9.28.040 – Weeds, accumulation, abatement of the Town Code would cover this situation. It states: ***"B. Abatement by Town.** If any owner, tenant or agent in charge shall fail to cut weeds, as required by this section, within five days after being notified to do so by the Town Clerk, by registered or certified mail, the Board may direct that the weeds be cut by an employee of the Town and charge the cost thereof to such owner, tenant or agent in charge, together with five percent additional for inspection and other incidentals. **Collection costs of abatement by Town.** In the event the weeds on any lot, block or parcel of ground, or along the sidewalk adjoining the same or the alley behind the same, are cut by order of the Board, the whole cost of cutting such weeds, together with five percent for inspection and other incidentals, shall be paid to the Town Clerk within 30 days after mailing by the Town Clerk to the owner of such lot, block or parcel of ground, by registered or certified mail, notice of the assessment of such cost."*

Open Space Management Plan

The management plan is a bit bare bones, but that is O.K. considering that it was developed at this early stage. Typically, open space management plans written by or for local governments range in detail from very general and conceptual, to extremely detailed and regulatory in nature. They are evolving documents that are updated on a 5-year cycle. The lands to be deeded to the Town of Eagle will be managed by the Town of Eagle and its open space management policies, best practices, and input from citizens, as well as in accordance with the uses permitted in the Haymeadow PUD Guide. The Open Space Management Plan as submitted is adequate for this phase. The lands dedicated to the Town will be managed in accordance with Town open space planning documents in the future.

**GEFPD COMMENTS AS SENT TO MORGAN LANDERS, TOWN OF EAGLE ON 1/9/19
AEI RESPONSES ARE IN PURPLE**

Access and Infrastructure Plans:

Is it possible to widen the emergency access gravel road from 15' to 20'? **ROADWAY HAS BEEN
WIDENED TO 20'.**

The District recommends that Knox Box pad locks be used to secure the emergency access road gates.
**THE PLANS REFERENCE A KNOX BOX LOCK BE USED ON BOTH GATES ON THE EMERGENCY ACCESS
ROAD.**

Lots 9-13 are accessed by an alley that appears to be 12ft wide. This does not allow for our aerial
apparatus to be set up in the alley. Is it possible to widen alley to 17' or is the plan for aerial operations
to set off of Sylvan Lake Road and close roadway? **ALLEY TO REMAIN AT 12' WIDE PER FOLLOW-UP
MEETING WITH THE FIRE MARSHALL.**

Hydrants need to be added in two (2) locations. One (1) at the intersection of Haymaker Circle and
Sylvan Lake Road. One (1) at Sylvan Lake Road and Whitney Peak Road. **TWO (2) HYDRANTS ADDED AS
REQUESTED.**

All multifamily residential structures are required to be sprinklered to NFPA 13R standards and have a
monitored fire alarm system to notify of water flow of sprinkler and building general alarms. This is not
be required on buildings having more than four (4) connected living units. **N/A FILING 1.**

Minimum water flow requirements of the water system is 1,500 gpm. **N/A FILING 1.**



Greater Eagle Fire Protection District

PO Box 961 • Eagle, Colorado 81631

Office: 970.328.7244 Fax: 970.328.7280

4/19/2019

TO: Scott Schlosser
Abrika Properties
8250 SW 27th Avenue
Ocala, FL 34476

RE: Alley widths and hydrant locations

Scott,

After reviewing the submitted plans for the first planned portion of neighborhood A1 of the Haymeadow development and in speaking with the developer's representative, the Fire District is comfortable with the width of the alley labeled Tract Alley-1 as planned and submitted. The Fire District has adequate access to the proposed homes located on Lots 1-8 and Lots 9-13 from major roadways. The Fire District also has adequate access to fire hydrants located at major intersections and along roadways of the proposed housing development. The alley does not have to be widened to accommodate responding fire apparatus.

If there are any questions or concerns please contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read "Randel Q. Cohen", is written over a light blue horizontal line.

Randel Q. Cohen
Fire Marshal

COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



Karen Berry
State Geologist

November 15, 2018

Morgan Landers
Town Planner
Town of Eagle
200 Broadway, PO Box 609
Eagle, CO 81631

Location:
S2, 3, 4, 9, 10, 11
T5S, R84W of the 6th PM
39.6365, - 106.7996

**Subject: Haymeadow Subdivision Filing 1 Final Plat
Eagle, CO; CGS Unique No. EA-14-0005**

Dear Ms. Landers:

The Colorado Geological Survey (CGS) has reviewed the Haymeadow Subdivision Filing 1 referral for the town of Eagle (Town). The CGS reviewed this development at an earlier phase and provided comments in an October 23, 2013 letter to Mr. Tom Boni. For the current referral, the CGS reviewed the following documents:

- Haymeadow Filing 1 Access and Infrastructure Plans (Alpine Engineering, 9/14/18; 78 sheets)
- Supplemental Subsoil Study for Site Grading and Pavement Section Design, Proposed Haymeadow Phase A1 Development (H-P/Kumar, 3/21/18)
- Drainage Report for Haymeadow Filing 1 (Alpine Engineering, September, 2018)
- Debris Flow and Flood Review, Proposed Haymeadow Development (HP Geotech, 6/12/13)
- Debris Flow and Flood Mitigation Design Information for the Small Tributary Drainage Basins at the Proposed Phase A1 Development, Haymeadow Development, Brush Creek Road, Eagle, Colorado (HP Geotech 7/11/13)

In our October 2013 letter, the CGS recommended that the Town require the applicant to:

- (1) Develop a debris flow/debris flood mitigation plan prior to Final Plat approval; and
- (2) Conduct site-specific geotechnical/foundation investigations to evaluate collapsible/hydrocompactive soils and evaporite-related sinkhole hazards prior to issuing building permits.

Based on our review, the CGS has the following comments:

Debris flow mitigation:

- HP Geotech's estimates of debris flow volume, depth, and velocity appear to be based on reasonably conservative assumptions relative to anticipated local conditions.
- Alpine Engineering states that they designed the conveyance and "debris pond" storage volume based on HP Geotech's debris volume estimates. While this is reasonable, HP Geotech also recommended that the bicycle path/debris barrier have a minimum depth of 4 feet and a minimum freeboard of 1.5 feet above the estimated stored debris surface throughout. Alpine Engineering should confirm that their design also meets these additional design considerations. If the design does not meet HP Geotech's recommendations everywhere, Alpine should provide a revised design.

- Accumulation of sediment and debris can reduce the effectiveness of debris-flow conveyances and debris basins. Alpine Engineering should provide a document describing recommendations for (1) regular inspection and (2) periodic or post-event maintenance and repair of the debris barrier/channel/pond so that the HOA will be able to budget for and schedule maintenance and repairs as necessary to ensure the barrier continues to function as intended.
- Based on the Storm Plan and Profile (Sheet C3.04), it appears that the “debris pond” is only drained by a drop inlet at the base of the deepest area (Feature L5). Debris basins typically use a screened riser pipe or similar structure at the outlet to ensure that water can still exit the impoundment in the event of a debris flow. The CGS recommends including a similar feature in this design.

Collapsible/hydrocompactive soils and evaporite-related sinkhole hazard:

- HP encountered soft, compressible soils in some drill holes and shallow groundwater in some areas. HP has made reasonable recommendations for pavement and foundation design that should be followed.
- Collapsible/hydrocompactive soils and/or evaporite-related sinkholes should not preclude approval of the proposed development. However, the CGS recommends that the Town require site-specific geotechnical/foundation investigations prior to issuing building permits to ensure that foundations and structures are appropriately designed if these conditions are locally present.

Provided the following conditions are met, the CGS does not object to the proposed development:

- (1) Alpine Engineering provides confirmation that the debris flow conveyance meets HP Geotech’s recommendations for berm height and freeboard throughout or provides a revised design,
- (2) Alpine Engineering provides a document describing recommendations for inspection and maintenance of the debris flow conveyance and pond, and
- (3) Alpine Engineering provides confirmation that the “debris pond” outlet structure is/will be designed to adequately convey water in the event of a debris flow.

Thank you for the opportunity to review and comment on this project. If you have questions, please contact me by phone at 303-384-2632 or e-mail kemccoy@mines.edu.

Sincerely,



Kevin McCoy
Engineering Geologist

From: [Kenneth Sexton](#)
To: [Morgan Landers](#)
Subject: Haymeadow Fil 1 Draft - Assessor's office comments
Date: Thursday, November 8, 2018 5:07:27 PM
Attachments: [Brush Creek Meadows Filing 3 Plat 201211315.pdf](#)
[Draft-Haymeadow Acreages.xlsx](#)
[AssessorCommentsHaymeadowFil1draft.pdf](#)

Hi Morgan,

The following are a list of comments regarding the draft for Haymeadow Filing 1. I will address comments/issues in order of the page number, but also see attached draft with my markups (not all pages in attached draft).

Page 1.

- 1) Vicinity map should be updated to show the site also includes property in Sections 2 & 11.
- 2) The land use summary acreages do not add up. See attached excel sheet showing acreages adding to 603.887
- 3) The land use summary shows Tracts OS-1, OS-2 & OS-3 as Town Open Space. Are those parcels going to be in Town ownership? By deed or dedication? If the intent is to dedicate those open space parcels by virtue of the plat, maybe note and add under General Notes: Tracts OS-1, OS-2 & OS-3 are hereby dedicated to the Town of Eagle. Maybe also add under notes for Tracts R-1 thru R-5 dedicated to Town for clarification.
- 4) The legal description under the Certificate of Dedication and Ownership includes Sylvan Lake Rd. Public ROW, that was dedicated on the Final Plat of Brush Creek Meadows Filing 3, Reception# 201211315 (attached). Need to also except ROW and change total acreage to 657.343 acres (less 1.889 for the ROW).
- 5) As currently platted, Tract R-1 presents some problems as I'll discussed below. Might want to consider adding Town of Eagle as an owner under Certificate of Dedication and Ownership as to owner of (2012) Sylvan Lake Rd ROW, and adding a signature line for the Town as to that ROW parcel. My following comments will assume just Abrika Properties LLC and addressing the current plat draft.

Page 2.

The overall sheet and key map is not accurate. Sheet 6 shows that you should be able to see Lots 1-13 (at bottom) and Tract RMF-3 / Whitney Peak Road (towards top) on the same sheet, but when you go to sheet 6, you only get the Lots. This is the case for all pages in the sheet key map.

Page 3.

- 1) Need a tie in to Tract OS-1
- 2) Noted on sheet that the portion of Sylvan Lake ROW is not in Abrika Properties LLC ownership or title. That portion being platted as Tract R-1 needs to be addressed. Need boundary line showing 2012 ROW boundary.
- 3) I subtracted 1.889 acres for ROW from Tract R-1 to be 8.353 acres. But as Brush Creek Road ROW is no longer contiguous with Tract R-1, Sylvan Lake Rd ROW, consider a new Tract R-6 (????).
- 4) The distance for the boundary line between 2012 Sylvan Lake Rd ROW and Soleil Homes Subdivision is 715.42'. The 913.11 was the distance for Tract C, Brush Creek Meadows Filing 3.
- 5) On right side of page, add direction/distance to the lines above SEE SHEET 5. It does not appear on sheet 5

6) Graphic Scale and Verbal Scales are not correct.

Page 4.

Scale not correct.

Page 5.

- 1) Add distance/direction to line above label Tract R-1 on left side of page. Not labeled on either page 3 or 4.
- 2) Tracts D & Lot 2 do not close when using curve table CV27 & CV14. Review curve table.
- 3) Add distance for alley. I assumed/calculated the alley was 20' but there is no label.
- 4) Add distance/direction for boundary lines of Lots 11, 12 & 13.
- 5) Add tie in distance for Sewer Easement east of Cross Creek Rd
- 6) Correct SEE SHEET 5 TO SEE SHEET 8 on right side of sheet
- 7) Haymaker and Cross Creek are already street names in Eagle County.
- 8) Scale not correct.

Page 6.

- 1) Add distance and curve info for Tract F. Missing information and cannot draw parcel
- 2) Add drainage easement boundary directions/distances
- 3) Scale not correct.

Page 7.

- 1) Drainage easement not labeled with direction/distance
- 2) Scale not correct.

Page 8.

- 1) Add 415.63 distance (see sheet). Difference is 42.15' for Tract R-3 as shown on sheet 10
- 2) Scale not correct.

Page 9.

- 1) Review Tract Z acreage. GIS calculates ~508.131
- 2) Scale incorrect.

Page 10.

- 1) Scale.

The attached are large files. Please let me know you received the email.

--

Kenneth Sexton

Assessment GIS Specialist

kenneth.sexton@eaglecounty.us

(970) 328-8650

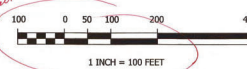
LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4,
9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M.
COUNTY OF EAGLE, STATE OF COLORADO

SHEET 3 OF 10

TRACT Y
32.817 ac.

SEE SHEET 5

Archibeque Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

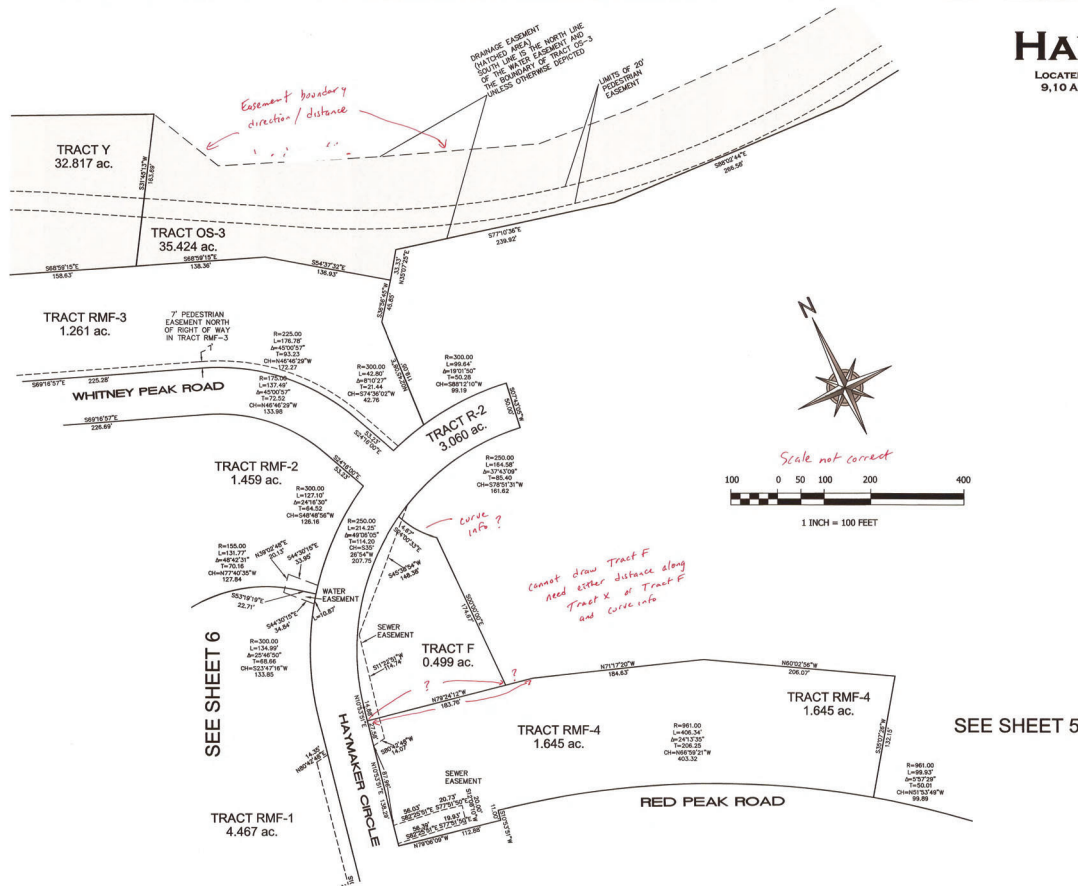


FINAL PLAT HAYMEADOW FILING 1 LOCATED IN TRACTS 37, 38, 44, 45, 49, 61, 62, AND 63, IN SECTIONS 2, 3, 4, 9, 10 AND 11, TOWNSHIP 35 SOUTH, RANGE 84 WEST OF THE SIXTH P.M. COUNTY OF EAGLE, STATE OF COLORADO		
DRAFTER (BY): TJA	JOB NUMBER: 05230	DRAWSHEET NAME: 05230_FPLDWG
SHEET 3 OF 10	DATE: 09-13-18	CHECKED BY: MSS

FINAL PLAT HAYMEADOW FILING 1

LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4, 9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 64 WEST OF THE SIXTH P.M. COUNTY OF EAGLE, STATE OF COLORADO

SHEET 6 OF 10



Archibekue Land Consulting, Ltd
~ Professional Land Surveying & Mapping ~
115 Broadway - P.O. Box 3893 Eagle, Colorado 81631
970.328.6020 Office 970.328.6021 Fax
INFO@PROLANDSURVEY.COM

FINAL PLAT HAYMEADOW FILING 1

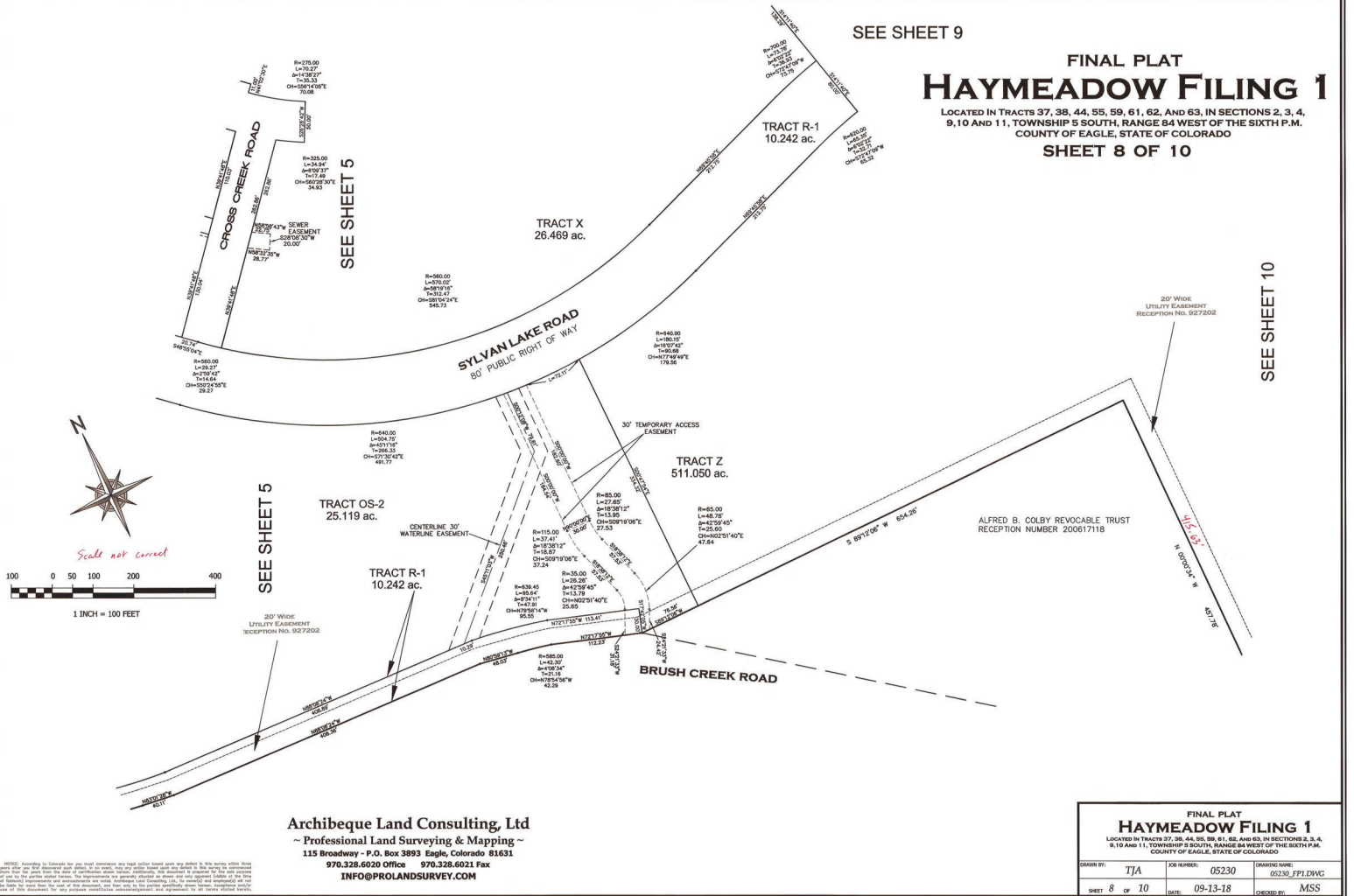
LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4, 9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 64 WEST OF THE SIXTH P.M. COUNTY OF EAGLE, STATE OF COLORADO

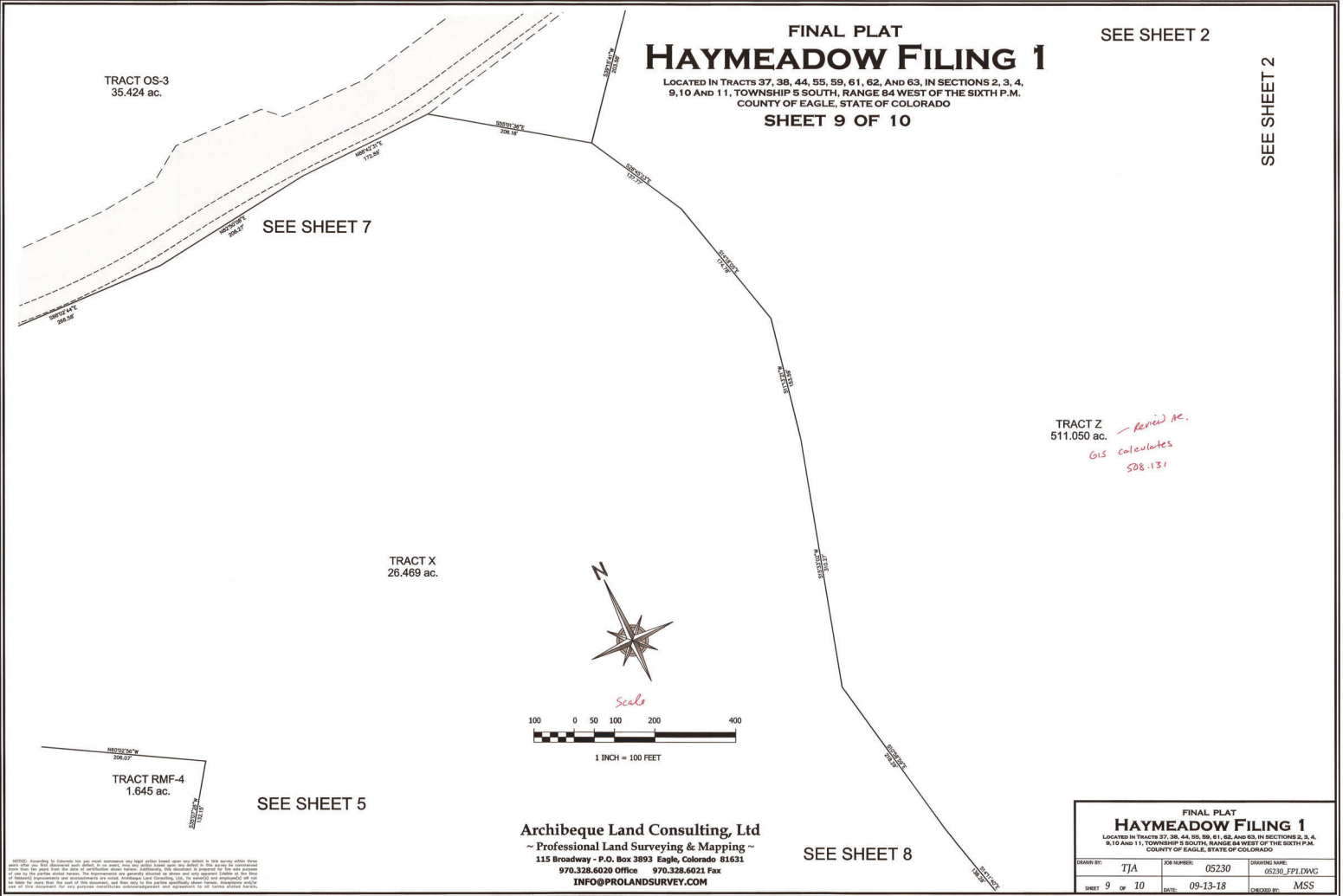
DRAWN BY:	TJA	XII NUMBER:	05230	DRAWING NAME:	05230.FPL.DWG
SHEET	6 OF 10	DATE:	09-13-18	CHECKED BY:	MSS

SEE SHEET 9

FINAL PLAT
HAYMEADOW FILING 1
 LOCATED IN TRACTS 37, 38, 44, 55, 59, 61, 62, AND 63, IN SECTIONS 2, 3, 4,
 9, 10 AND 11, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M.
 COUNTY OF EAGLE, STATE OF COLORADO
SHEET 8 OF 10

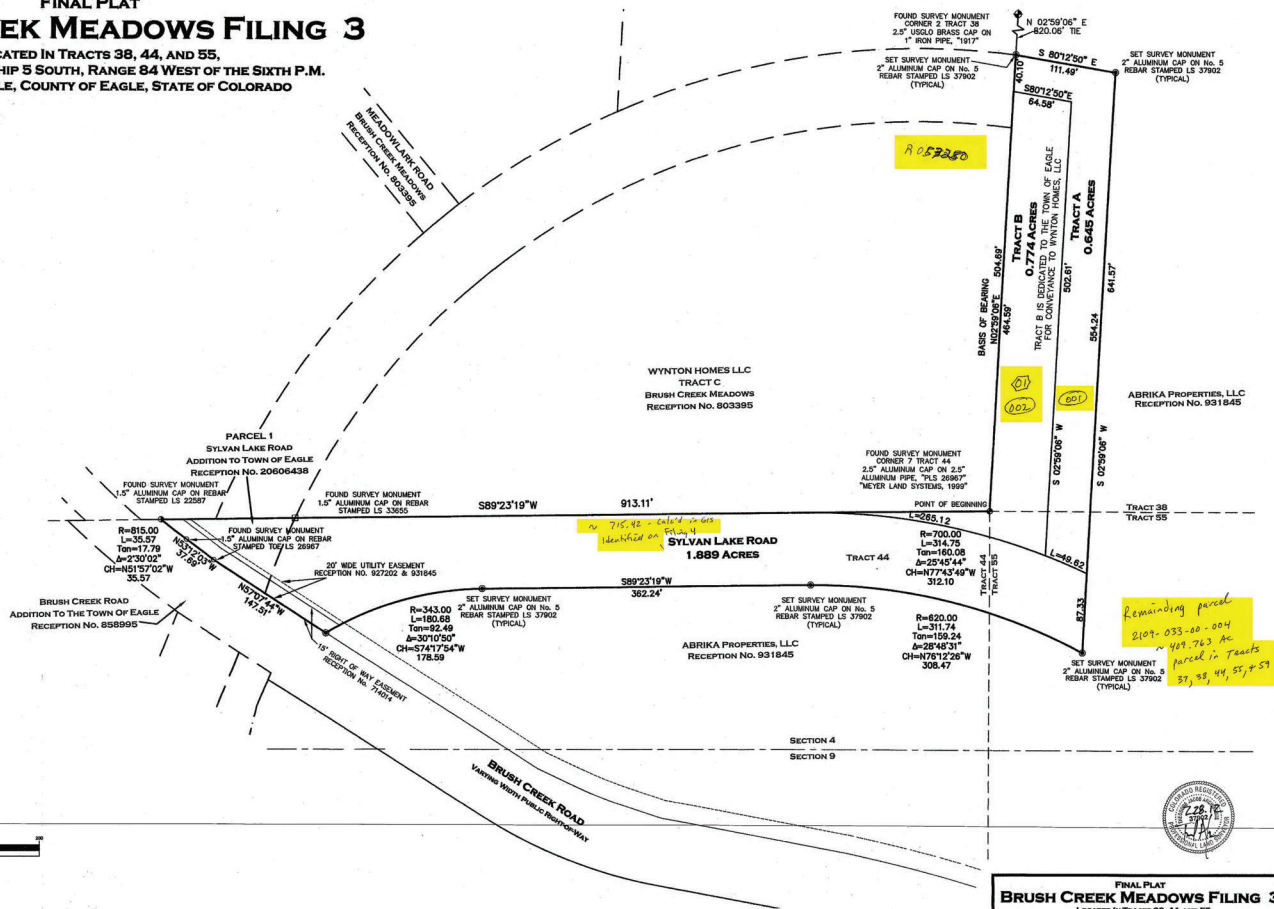
SEE SHEET 10





FINAL PLAT BRUSH CREEK MEADOWS FILING 3

LOCATED IN TRACTS 38, 44, AND 55,
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M.
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO



FINAL PLAT BRUSH CREEK MEADOWS FILING 3

LOCATED IN TRACTS 38, 44, AND 55,
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 84 WEST OF THE SIXTH P.M.
TOWN OF EAGLE, COUNTY OF EAGLE, STATE OF COLORADO

DRAWING BY:	CAP	XREF NUMBER:	05230	DRAWING NAME:	05230_BCM3.dwg		
SHEET	2	OF	2	DATE:	12-29-11	CHECKED BY:	TJA

Revised Per Town Comments 2-28-12 TJA

Parcel/Lots	Acreages
1	0.245
2	0.224
3	0.22
4	0.216
5	0.226
6	0.238
7	0.224
8	0.244
9	0.385
10	0.406
11	0.395
12	0.402
13	0.408
Tract A	0.088
Tract B	0.038
Tract C	0.049
Tract D	0.195
Tract E	0.146
Alley-1	0.354
Tract RMF-1	4.467
Tract RMF-2	1.495
Tract RMF-3	1.261
Tract RMF-4	1.645
Tract X	26.968
Tract Z	511.05
Tract Y	32.817
Tract G	1.601
Tract OS-1	0.267
Tract OS-2	0.279
Tract OS-3	0.263
Tract R-1	10.242
Tract R-2	3.06
Tract R-3	0.53
Tract R-4	1.223
Tract R-5	<u>2.016</u>
	603.887

Starbuck Surveyors

0031 Eagle Park East Drive

PO Box 1584

Eagle, Colorado 81637

Telephone (970) 328-7208

16 November 2018

Town of Eagle
PO Box 609
Eagle, CO 81631

RE: Final Plat - HAYMEADOW FILING 1

Dear Staff:

I have reviewed the Final Plat named above and have the following comments.

SHEET 1

1. There is no mention of Declarations or Protective Covenants in either the Certificate of Dedication and Ownership or the Clerk and Recorder Certificate.
2. In the Certificate of Dedication and Ownership, the Basis of Bearings is called out as between the Town of Eagle street monuments at Broadway and Fifth and Broadway and Second. In Note 2, the Basis of Bearings is called out as between Corner 1 and Corner 2 of Tract 38.
3. In Note 2, Corner 1 of Tract 38 is called out as an U.S.G.L.O brass cap monument. On Sheet 2 it is labelled as something else.
4. In the Certificate of Dedication and Ownership several curves are non-tangential, but are not labelled as such.
5. In the Certificate of Dedication and Ownership, course 4 after leaving the Peters Subdivision boundary should be moved to the next line and justified left.
6. The Land Use Summary does not contain addresses for the lots or appropriate tracts.
7. The Land Use Summary contains several errors:
 - A. Tract F is omitted.
 - B. Lot 11 is listed as 0.395 acres. On Sheet 5 it is shown as 0.396 acres.
 - C. For Tract RMF-1, I calculate 4.867 acres instead of 4.467 acres.
 - D. Tract RMF-2 is listed as 1.495 acres but is shown on Sheet 6, and as I calculate, as 1.459 acres.
 - E. For Tract X, I cannot calculate the area as, on Sheet 6, there is a curve on the boundary between Tract X and Tract F which is not annotated.

Starbuck Surveyors

0031 Eagle Park East Drive

PO Box 1584

Eagle, Colorado 81637

Telephone (970) 328-7208

- F. For Tract Z, I calculate 508.132 acres instead of 511.050 acres.
- G. Tract OS-1 is listed as 0.267 acres but is shown on Sheet 3 as being 0.043 acres. I calculate an area of 0.425 acres.
- H. Tract OS-2 is listed as 0.279 acres but is shown on Sheet 3 as being 25.119 acres. I calculate an area of 23.240 acres.
- I. Tract OS-3 is listed as 0.263 acres but is shown on Sheet 4, and as I calculate, as 35.424 acres.
- J. For Tract R-1, I calculate 9.859 acres instead of 10.242 acres.
- K. All of the listed acreages total 603.887 acres instead of the 659.232 acres shown.
- 8. In the Vicinity Map, it appears that not all of the Site is shaded in.

SHEET 2

- 1. It would be helpful if Tracts 44, 55 and 63 were labelled and if Tract corners were labelled.
- 2. There is no Legend showing what symbols represent what types of corners were found or set.
- 3. On the West side of the property, the annotations follow the legal description on Sheet 1, but the boundary line shown goes around the Exception and is not annotated.
- 4. Monuments should be set on all boundary courses exceeding 1400 feet (38-51-105(c) C.R.S.)
- 5. Along the East boundary of the property three intermediate monuments are shown but are not dimensioned.
- 6. The annotation of 34.57' along the West line of Tract R-4 overlays linework and is difficult to read.
- 7. Several curves are non-tangential and should be labelled as such.

SHEETS 3 THROUGH 10

- 1. The stated and graphic scales should be 1" = 50', not 1" = 100'.
- 2. Boundary monumentation should be shown.

SHEET 3

- 1. The annotation along the North-South line bordering Soleil Homes overlays linework and is difficult to read.
- 2. The curve bordering Soleil Homes lacks annotation.
- 3. The annotation of 913.11' along the border appears to be incorrect. The line scales at 720 feet =/-.

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4. I do not see why the boundary line with a bearing of N57°07'44"W is broken into three segments. The segment annotated 53.59' scales at 80 feet +/-.
5. The curve on the boundary with a chord bearing of S68°12'08"E and distance of 57.53' is shown on Sheet 2 with a bearing of S68°12'07"E and distance of 57.54'.
6. The curve on the line between Tract OS-2 and Tract R-1 with a delta of 15°23'06" is non-tangent at its East end and that should be shown.
7. I calculate the acreage for Tract OS-2 to be 23.240 acres.
8. I calculate the acreage for Tract OS-1 to be 0.425 acres.
9. I calculate the acreage for Tract R-1 to be 9.859 acres.
10. There are no ties to Tract OS-2 which would allow for its definite location.
11. It should be noted that the right of way for Sylvan Lake Road is variable East of the curve with a delta of 33°45'15".

SHEET 4

1. There is no tie to the Northerly terminus of the drainage easement along the easterly boundary of Tract Y.
2. The drainage easement (hatched area) is only partially defined.
3. The 20' pedestrian easement is not defined.
4. The 10' drainage easement scales 20 feet wide.
5. Where are the northerly termini of the 10' drainage easement? They need to be defined.
6. I calculate the acreage for Tract RMF-1 to be 4.867 acres.
7. The annotation on the line between Tract Y and Tract OS-3 of S15°06'28"W overlays linework and is difficult to read.
8. The annotation on the centerline of the waterline easement of N20°31'14"E 40.00' overlays linework and is difficult to read.
9. The annotation along the line between Tract RMF-2 and Tract Y of S22°19'41"W 158.61' overlays linework and is difficult to read.
10. The easterly terminus of the waterline easement on Whitney Peak Road should have a tie.
11. The tie to the northerly terminus of the metro district drainage easement appears to be incorrect. I calculate 17.95 feet.

SHEET 5

1. See Comment 7, Sheet 3.

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2. See Comment 9, Sheet 3, two places on this sheet.
3. See comment 6, Sheet 4.
4. The annotation for the boundary curve with a delta of 21°55'24" is shown on Sheet 2 with a delta of 21°55'23".
5. The annotation for the curve on the line between Tract OS-2 and Tract R-1 with a delta of 27°13'48" overlays linework and is difficult to read.
6. The curve with a delta of 27°55'24" is non-tangential and should be so labelled.
7. In the Curve Table the data for curves CV13, CV14 and CV27 appear to be incorrect.
8. Tracts Y, X and RMF-4 should be labelled.
9. The "See Sheet 5" label should be "See Sheet 8".
10. The easements more or less along the line between Tract Y and Tract RMF-1 should be labelled as to type of easement and width.
11. The annotation along the line between Tract A and Tract Y overlays linework and is difficult to read.
12. It would be helpful if the overall curve data for the curves along Red Peak Road, Alley-1 and Sylvan Lake Road were to be shown.
13. It would be helpful if overall tangent distances for tangents along Red Peak Road, Alley-1 and Sylvan Lake Road were to be shown.
14. The bearing annotation for the line between Tract D and Lot 6 appears to be incorrect.
15. The distance annotation along the southerly line of Lot 8 appears to be incorrect.
16. There is no annotation for the line between Lots 11 and 12.
17. There is no annotation for the line between Lots 12 and 13.
18. There is no tie for the sewer easement where it terminates on the line between Lot 9 and Cross Creek Road.
19. If one starts at Haymaker Circle, the sewer easement does not close on Cross Creek Road.
20. The sewer easement easterly of Cross Creek Road cannot be located. The tie is incorrect.

SHEET 6

1. There is no annotation for the curve between Tracts F and X.
2. It is unclear to what the annotation of S24°00'33"E 4.67' pertains.
3. For Tracts F and X, I cannot calculate the individual areas as there is a curve on the boundary between the Tracts which is not annotated and indeterminate as to location.
4. For Tract RMF-1, see Comment 6, Sheet 4.

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5. See Comment 2, Sheet 4.
6. There should be a tie to the northerly terminus of the sewer easement on the easterly line of Haymaker Circle.
7. There should be a tie to the northerly terminus of the sewer easement on the westerly line of Haymaker Circle.
8. The annotation for the curve with a delta of $45^{\circ}00'57''$ and radius of 175.00' overlays linework and is difficult to read.
9. The label "SEE SHEET 6" should be "SEE SHEET 4".

SHEET 7

1. Tract X should be labelled.
2. The label "SEE SHEET 7" should be "SEE SHEET 9".
3. See Comment 2, Sheet 4.
4. I calculate the acreage for Tract Z to be 508.132 acres.

SHEET 8

1. See Comment 20, Sheet 5.
2. For Tract OS-2, see Comment 7, Sheet 3.
3. For Tract R-1, see Comment 9, Sheet 3.
4. For Tract X, see Comment 1, Sheet 6.
5. For Tract Z, see Comment 4, Sheet 7.
6. The curve on the line between Tracts OS-2 and R-1 with a delta of $8^{\circ}34'11''$ is non-tangential and should be so labelled.
7. The annotation for the temporary access easement of $S24^{\circ}21'33''$ 24.42' overlays linework and is difficult to read.
8. There is no tie for the southerly terminus of the temporary access easement.
9. There is no tie for the northerly terminus of the waterline easement.
10. The waterline easement does not appear to close on Sylvan Lake Road.

SHEET 9

1. The label "SEE SHEET 5" should be "SEE SHEET 6".

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2. For Tract Z, see Comment 4, Sheet 7.
3. The easements in Tract OS-3 are neither labelled nor defined.

SHEET 10

1. The chord distance of 125.02' is shown on Sheet 2 as 125.03'.
2. The easement should be labelled and defined.
3. For Tract Z, see Comment 4, Sheet 7.

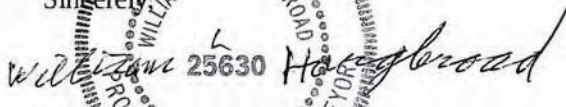
Sincerely,

William L. Hargleroad, P.L.S. 25630



EXHIBIT J:
Public Comment
(attached)

From: [Carrie McCool](#)
To: [Jessica Lake](#)
Cc: [Dawn Koenig](#)
Subject: FW: Oooooops, from Annie again
Date: Friday, April 5, 2019 11:15:32 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Last one....

Carrie McCool

Interim Town Planner

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-9651, Mobile: 303.378.4540, Fax: 970-328-9656

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:



Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: Anne McKibbin <anne.mckibbin@townofeagle.org>
Date: Tuesday, March 26, 2019 at 10:47 AM
To: Carrie McCool <carrie.mccool@townofeagle.org>, Colton Berck <colton.berck@townofeagle.org>
Cc: Andy Jessen <andy.jessen@townofeagle.org>, Brandy Reitter <brandy.reitter@townofeagle.org>, Jenny Rakow <jenny.rakow@townofeagle.org>, Kevin Brubeck <kevin.brubeck@townofeagle.org>, Matt Solomon <matt.solomon@townofeagle.org>, Pappy Kerst <pappy.kerst@townofeagle.org>, Paul Witt <paul.witt@townofeagle.org>, Scott Turnipseed <scott.turnipseed@townofeagle.org>
Subject: FW: Oooooops, from Annie again

A follow-up from Annie Egan for the record for Red Mountain Ranch, Haymeadow, and Hockett Gulch.

I added Colton to list, as this is also sort of getting into bigger picture Community Plan and Code comments.

Anne McKibbin

Mayor

TOWN OF EAGLE

200 Broadway, PO Box 609, Eagle Co 81631

Phone: 970-328-6354, Fax: 970-328-5203

CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:



Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

From: Ann Egan <anniesue@centurytel.net>

Sent: Tuesday, March 26, 2019 10:40 AM

To: Anne McKibbin <anne.mckibbin@townofeagle.org>; Kevin Brubeck <kevin.brubeck@townofeagle.org>; Pappy Kerst <pappy.kerst@townofeagle.org>; Matt Solomon <matt.solomon@townofeagle.org>; Paul Witt <paul.witt@townofeagle.org>; Scott Turnipseed <scott.turnipseed@townofeagle.org>; Andy Jessen <andy.jessen@townofeagle.org>

Cc: All Trustees <alltrustees@townofeagle.org>

Subject: Oooooops, from Annie again

A couple of other things.

I think it would be helpful to figuring out how large our town can manage, if Eagle and Gypsum did a more comprehensive, independent traffic study then just counting the trip numbers.

Idea: see if the developers can get some of the valley's larger businesses (VR, East West, etc) to buy a quantity of the "affordable" units at a slightly reduced price for a lump sum for purchasing all of them at once!

Annie

From: Ann Egan <anniesue@centurytel.net>

Sent: Tuesday, March 26, 2019 9:28 AM

To: 'anne.mckibbin@townofeagle.org' <anne.mckibbin@townofeagle.org>; 'kevin.brubeck@townofeagle.org' <kevin.brubeck@townofeagle.org>; 'pappy.kerst@townofeagle.org' <pappy.kerst@townofeagle.org>; 'matt.solomon@townofeagle.org' <matt.solomon@townofeagle.org>; 'paul.witt@townofeagle.org' <paul.witt@townofeagle.org>; 'scott.turnipseed@townofeagle.org' <scott.turnipseed@townofeagle.org>; 'andy.jessen@townofeagle.org' <andy.jessen@townofeagle.org>

Cc: 'alltrustees' <alltrustees@townofeagle.org>

Subject: Red Mt. Ranch

I want to start out by saying, I am NOT AGAINST DEVELOPMENT. At this point in our towns progress, that would be stupid. What I am about is maintaining QUALITY OF LIFE. Also, as it states in all the home rule information, I too find it important to preserve "Eagle's Character." In doing that, we can also consult the Eagle Area Community Plan (EACP.) in the section on "Vision." The Vision states, "Eagle will continue to be a high quality livable community." That

is why my biggest fear in developments, both approved and not approved, is **traffic**. What this boils down to is the numbers in some of the developments. At RMR (Red Mt. Ranch) the number of 97 units in the first planning area is way too large. At Hockett Gulch, the number of 500 units is way too large. The town board needs to start thinking about the existing towns people and their quality of life, **not** what the developer says, they need to make it work. If you want to maintain **“a high quality, livable community,”** you’ve got to make some tough decisions on the numbers and keep the traffic “livable!”

Traffic: No matter how many roundabouts you put in, no matter how many new bypasses, and interchanges you put in **we cannot expand our roundabouts** to deal with all the ensuing traffic generated from 2,100 more units in Eagle PLUS 400 more units to be built at Buckhorn Valley and 581 units going in at Sienna Lake behind Costco **AND** all the airport traffic. Coming right off of the towns website regarding Hockett Gulch alone, it states, “The site is anticipated to generate a total of 5,190vpd (vehicles per day)!” This is during the week.

Affordable Housing: I acknowledge the fact that the whole valley needs affordable house, **but** Eagle cannot carry the brunt of all that housing because we do not have the roads to warrant that. The Eagle County Housing Needs Assessment prepared in 2018 recognizes a significant housing problem in Eagle County, identifying a need of 2,780 housing units in 2018 and projecting a total of 7,970 housing units needed by 2030. The problem is when “affordable housing is built, the price point for sale (and rentals) **is usually not affordable, really.** The costs to the town for infrastructure and maintaining roads etc will be monumental, too! It is a well-known fact, **residential development does not pay its own way** – the town of Eagle will.

I have talked with many people throughout the community regarding my concerns with the exponential increase in traffic that would result from all the development projects that are in progress and that are before P & Z and the TB. Everyone is very concerned that too much development is going to be approved and that traffic is going to greatly impact the quality of life here in Eagle. I understand there is a new independent traffic study that was just recently brought to the town and has not yet been reviewed. I would request that the P & Z AND especially, the town board, not approve any more development projects until your engineers have had plenty of time to review the recent traffic study.

Please, think about the citizens of Eagle!

Annie Egan

From: [Kirstin Shaw](#)
To: [All Trustees](#); [Dawn Koenig](#)
Subject: Re: Wildlife studies on Haymeadow??
Date: Wednesday, March 20, 2019 1:16:34 PM

Correction, the presenting individual was not Rick Newman but Rick Pylman

Kirstin Shaw
Shaw Property Service LLC
P.O. Box 1147
Eagle, CO 81631
Sent from my iPhone

On Mar 20, 2019, at 10:58 AM, Kirstin Shaw <shaw.kirstin@icloud.com> wrote:

To the Board,
This is a copy of a letter that I sent to the town commissioners this morning regarding Haymeadow and I think it is pertinent information for the board as well.

Thanks,
Kirstin Shaw

Dear Commissioners,

I want to thank you all for your patience and diligence in hearing and answering question from our community members last night. I know the meeting went long but know we all value the information and decisions being made there!

I want to clear up some information presented by Mr Newman regarding the wildlife information from 2014. There was a sighting of resources, namely Craig Westcoat, validating this study. I reached out to Mr Westcoat this morning and he informed me that CPW has not been consulted since 2008. This is a problem as outdated information has been given to the public by Mr. Newman. I also asked if he received opportunity to give suggestion or feedback on the development plans and his response was "not since 2008". Much has changed since then.

PLEASE involve Colorado Parks and Wildlife in these decision!!! Please ASK them to attend critical development planning meetings so they can offer their extensive knowledge and experience. Ignorance is not okay in Colorado. We have an obligation to the animals and ourselves to coexist. Our presence has an impact on these animals who have lived here for hundreds of years and we must protect their rights to not only survive but flourish!

Thank you again for your time and consideration,
Kirstin Shaw
[2189 Brush Creek Rd](#)
(P.O.Box 1147)
[Eagle, CO 81631](#)
[\(717\)575-6704](#)

From: [Kirstin Shaw](#)
To: [All Trustees](#)
Subject: Haymeadow
Date: Thursday, March 21, 2019 9:17:17 PM

To the Board,

I would like to apologize for any trouble I may have caused for Rick Pylman regarding the Haymeadow project and wildlife studies. I received some inaccurate information and it seems he has indeed been in communication with Mr. Wescoatt.

Please know my only motive is to be sure wildlife is protected and all avenues for checks and balances are open.

With sincere apologies,

Kirstin Shaw

2189 Brush Creek Rd
Eagle, CO 81631
Sent from my iPhone

From: [Lauren Bumgarner](#)
To: [All Trustees](#)
Subject: Haymeadow Development
Date: Monday, March 18, 2019 7:42:20 PM

To whom it may concern,

I am writing as a concerned resident of Eagle regarding the Haymeadow development. It is undeniable that Eagle County is in need of affordable and low income housing for our many valued educators and service persons. I have yet to hear how all of the phases of this project would be made to remedy this problem. Additionally, this needed housing should not be at a detriment for existing residents. The approved Haymeadow development cited traffic and wildlife mitigation studies that are over 5 years old. This is concerning as those who live here have all experienced how traffic and the deer and elk migration patterns have changed in just the past two years. I am aware that there is a plan to extend highway 6 to mitigate for traffic, but have also learned that this traffic project will not even begin until the first phase of the development is complete. This is not smart and efficient planning for the existing residents. We all experienced the several hour long traffic jam in January when one of the streets leading back into the larger housing developments of Eagle was closed down. One can make a logical conclusion that when several hundred more cars are added to our streets that we will have more congestion. As our community is largely composed of people commuting for work, this effects our livelihood. With the current state of our roads, if there was a forced evacuation or emergency there would be traffic deadlock and lives would be at stake. I would like to propose that a written road construction plan be proposed by the town and made public so that we have some accountability moving forward. Additionally, I believe a written statement about what is planned for road closures (as are seen on other trails against the open space) and wildlife migratory space throughout the development is necessary so residents have a clear and concise idea of what to expect.

Sent from my iPhone

From: [Anne McKibbin](#)
To: [Morgan Landers](#)
Cc: [Andy Jessen](#); [Brandy Reitter](#); [Jenny Rakow](#); [Kevin Brubeck](#); [Matt Solomon](#); [Pappy Kerst](#); [Paul Witt](#); [Scott Turnipseed](#)
Subject: FW: Can Vail-area elk herds ever recover? Wildlife managers talk decline | VailDaily.com
Date: Tuesday, March 12, 2019 5:15:39 PM

For the record... Note this is in re: Haymeadow and Red Mtn Ranch, not Hockett Gulch.

Anne McKibbin
Mayor
TOWN OF EAGLE
200 Broadway, PO Box 609, Eagle Co 81631
Phone: 970-328-6354, Fax: 970-328-5203
CLICK BELOW FOR TOWN WEBSITE, NEWS, EVENTS OR TO PROVIDE FEEDBACK:

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-200.1, et seq.

-----Original Message-----

From: Jan R. Townsend <vailskr@aol.com>
Sent: Tuesday, March 12, 2019 4:43 PM
To: All Trustees <alltrustees@townofeagle.org>
Subject: Can Vail-area elk herds ever recover? Wildlife managers talk decline | VailDaily.com

Please enter into public record for Haymeadow and Red Mountain Ranch.

Thank you.

Jan Rosenthal Townsend
0531 Green Mountain Drive
Eagle, Co 81631

>
>
> <https://www.vaildaily.com/news/can-vail-area-elk-herds-ever-recover-wildlife-managers-talk-decline/>
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Can Vail-area elk herds ever recover? Wildlife managers talk decline

News | March 7, 2019



[Scott Miller](#)

smiller@vaildaily.com



Much of the decline in area elk populations has come in the past 20 years or so.
Rick Spitzer | Special to the Daily |

By the numbers 3,500: [Elk counted from Vail Pass to Wolcott](#) in 2002 1,200: Animals spotted in the same area in 2016 10: Cow elk rifle season hunting licenses issued in the Vail area in 2018 100 percent: Increase in trail use around Vail since 2009.

VAIL — Hunting is meant to control elk herds. Less hunting is supposed to help herds grow. So far, that isn't happening.

During a Wednesday evening wildlife forum in Vail, the area's current and former wildlife managers talked about the decline in local elk herds, and what might be done about it.

Devin Duval is the Vail-area wildlife manager for Colorado Parks and Wildlife. In a phone conversation the day after the forum, Duval said the elk population decline has come in an area essentially in the Eagle River and Roaring Fork River drainages.

Bill Andree, the recently-retired Colorado Parks and Wildlife manager for the Vail area, said that decline has been steep. In a phone conversation after the forum, Andree said it used to be that nearly 1,000 hunting licenses per year were issued for the game management units around Vail and the Eagle River Valley. That doesn't mean that many animals were taken — "it wasn't even 30 percent," Andree said.

Cutting back on hunting licenses

As the herds declined, fewer hunting licenses were issued. For the 2018 season, only 10 licenses were issued for cow elk in the local management units for all rifle hunting seasons. Another 10 were issued for muzzle-loader seasons.

Hunters are also prohibited from holding multiple licenses.

Andree noted that no either-sex or cow licenses were issued for the late-summer archery season.

As of yet, those hunting license cutbacks haven't had much effect on herd sizes. Less hunting of cow elk, in theory, should produce more calves.

"When you cut licenses, you ought to see an increase," Andree said. "It's not happening."

Andree, who served nearly 40 years as the wildlife manager for the Vail area, said what might help herds recover is public policy.

"It's a public decision," Andree said. "If the public decides wildlife is a priority, elected officials will have to start making tough decisions and saying 'no.'"

"Decisions made by the U.S. Forest Service to cut visitation to Maroon Bells and Hanging Lake are examples of saying 'no,'" Andree added.

Public education working

On the other hand, public education seems to be having some effect.

At the inaugural wildlife forum in Vail in 2018, video evidence was presented of more than 200 people in just 10 days violating a seasonal closure on Vail's North Trail.

Vail Environmental Sustainability manager Kristen Bertuglia said a season of education has cut down on the number of closure violations this winter, with only 44 observed violations in just two months.

Following the 2018 forum, Bertuglia said she's seen something of a culture shift.

"You can't just blow off a trail closure," she said.

Still, there's been a dramatic increase in backcountry use in the past decade. Bertuglia noted that trail use in the Vail area has doubled since 2009. There's 30 percent more overnight use in the same period.

"Those numbers are staggering, and there are real issues that come with that," Bertuglia said.

Vail Town Council member Kim Langmaid said working to stabilize or reverse the decline in herds is something that requires action.

"We're at a tipping point right now," Langmaid said. "We need to act immediately."

Langmaid said that action could include education and having "some restraint" in recreation and development.

"The people in this community can get a lot done if they put their minds to it," Langmaid said. "Right now... wildlife really needs our help."

Vail Daily Business Editor Scott Miller can be reached at smiller@vaildaily.com or 970-748-2930.

EXHIBIT K:
Planning and Zoning
Commission Draft Minutes -
March 19, 2019
(attached)



**Planning and Zoning Commission
Meeting Minutes
March 19th, 2019**

PRESENT

Jason Cowles, Chair
Stephen Richards
Charlie Perkins
Jesse Gregg
Matthew Hood
Bill Nutkins

STAFF

Morgan Landers- Town Planner
Colton Berck- Planner I
Dawn Koenig- Admin Technician

ABSENT

Kyle Hoiland
Brent McFall

This meeting was recorded. The following is a condensed version of the proceedings written by Dawn Koenig.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission held in the Eagle Town Hall was called to order by Jason Cowles at 6:30p.m.

INTERIM PLAN FOR TOWN PLANNER

Town Manager Brandy Reitter introduced Carrie McCool with McCool Development Solutions as the Interim Town Planner. Reitter said she will be updating the Commissioners on the transition at a later time.

APPROVAL OF MINUTES

Commissioner Hood made a motion to approve the minutes of the March 5th, 2019 meeting. Commissioner Gregg seconded. Perkins and Nutkins abstained as they were not present at the meeting. All others present voted in favor. The motion passed.

CORRECTION OF MINUTES

There was an error in need of correction in the minutes from the February 5, 2019 meeting of the Planning and Zoning Commission. Commissioner Richards moved to approve the correction. Hood seconded. Commissioner Perkins abstained as he was not present at the meeting. All others voted in favor. The motion passed.

PUBLIC COMMENT

None.

COMPREHENSIVE PLAN AND LAND USE CODE REWRITE UPDATE

Colton Berck presented a status update on the project to the Commission. He noted recent community outreach and online engagement efforts and said that the committee for the Comprehensive Plan is currently working on redefining vision statements for the five theme statements.

QUESTIONS

Greggs asked when the draft of the Comprehensive Plan will be available. Berck said that July 29th is the current target date.

LAND USE FILES

S18-01 Haymeadow Subdivision Filing 1

Commissioner Cowles opened file S18-01, a request to formally plat the entire boundary of the Haymeadow property and address the requirements of the approved Haymeadow Annexation and Development Agreement that are triggered at Final Plat approval.

STAFF REPORT AND PERSENTATIONS

Project Representative Rick Pylman gave a presentation on the file. He gave a summary of the background of the file and vision for the entire project.

He spoke about the traffic and wildlife concerns that were addressed at the PUD approval in 2014.

Project Civil Engineer Gary Brooks with Alpine Engineering presented details on a traffic impact study for the project that was completed in 2013. He noted the various triggers for road improvements the developers are responsible for installing around the development and the timing for the Brush Creek Road extension. Brooks mentioned other road improvements identified in the traffic study and said that it is the Town's responsibility to identify if and when these other improvements are made. He stated that Haymeadow contributes funding to the Town for these improvements through impact fees and a real estate transfer tax applied to every lot sold in the development.

Rick Pylman explained what gets triggered after approval of this file according to the Annexation and Development Agreement. He said that approval of the final plat for the first subdivision does not create or allow any vertical development. Pylman noted that the Annexation and Development Agreement stipulates that the Town needs to approve the architectural and design guidelines before any building permit application is accepted for any of the single family or duplex lots. He noted the infrastructure elements and land dedications that will commence upon approval of this file.

Pylman stated that all irrigation in the Haymeadow development will be provided by a non-potable system and that flood irrigation will continue to be used on the agricultural land.

Pylman concluded by saying that the project has gone through an extensive review process with Town Staff and third-party consultants. He stated that the developers agree with all of the Town Staff recommended conditions of approval.

Carrie McCool, of McCool Development presented an over view of the file including the applicant, location, zoning, current use, and request. She gave an overview of the previous approval for the Haymeadow PUD that was approved by the TBOT on May 25th, 2014.

McCool then gave an overview of Haymeadow Filing 1 noting the platting and dedications that will take place upon approval as well as the major infrastructure and site work.

McCool presented the three standards of approval for a final plat:

1. Technical Standards have been met.
She noted that this project has been sent out for referral to internal as well as external agencies. Many of the items are related to engineering, McCool said. She stated that staff finds that this file has Demonstrated consistency with technical standards (i.e., prepared by a registered surveyor, legal description, street names, addresses, certification blocks)
2. Conformance with the approved preliminary plan.
McCool stated that the applicants are in conformance with the approved preliminary plan. She noted however that there were the following adjustments made that exceed code requirements:
 - The final plat includes the entirety of the property, the preliminary plan didn't include the full annexed property.
 - Specific acreages for all tracts and lots being created by the plat, the preliminary plan only included tract and lot lettering/numbering.
 - Addresses and street names.
 - The preliminary plan included the platting of all of Neighborhood A1, however, Filing 1 only includes a portion of Neighborhood A1 (see Exhibit I), as such, the full extent of Sylvan Lake Rd to Ouzel lane is not being platted at this time.
 - The general shape of the Fire Station Parcel has changed, however, the acreage remains consistent with the requirements of the ADA
 - The preliminary plan didn't include the 30' wide right-of-way dedication along Brush Creek Road as required by the ADA. The final plat includes this.
 - The final plat includes a more extensive land use summary outlining parcel label, area, land use, and address.
3. Compliance with the Annexation and Development Agreement. McCool stated that the proposal is in compliant, however the following adjustments needed to be made and will be addressed with conditions:
 - Wetland Dedication, Restoration and Enhancement – Success Criteria required to benchmark success of enhancement.
 - Raw water irrigation required for MF and common area/parks – must be constructed to serve each phase of the development.
 - Transfer Assessment Covenant Required.
 - Landscape Standards for Streetscapes shall be reviewed and approved.
 - Construction Operations Plan must be reviewed and approved by Public Works.

McCool said that Staff recommends approval of the Haymeadow Subdivision Filing 1, Final Plat with the following conditions:

1. No building permit application or Development Permit application shall be accepted by the Town of Eagle until the Design Guidelines establishing architectural and building material standards, landscape design, urban design, site design standards and a design review process for development within Haymeadow have been reviewed and approved by the town of Eagle as outlined in the Subdivision Improvements Agreement.
2. Protective covenants, homeowners' association (HOA) documents, and articles of incorporation for HOA including the Transfer Assessment Covenant shall be finalized prior to final plat recording.

3. Success Criteria for the Ecological Restoration Plan and Wetland Enhancement Plan shall be approved by the Public Works Director and Open Space Manager prior to execution of the Subdivision Improvements Agreement.
4. A maintenance agreement shall be executed between the Town of Eagle and the Haymeadow Metropolitan District prior to the acceptance of any public improvements as outlined in the Subdivision Improvements Agreement.
5. A Raw Water Irrigation Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.
6. The final Landscape Standards for Streetscapes shall be approved by the Town Planner prior to execution of the Subdivision Improvements Agreement.
7. A Construction Operations Plan shall be submitted for review and approval prior to execution of the Subdivision Improvements Agreement.
8. Final technical comments from Town Planner, Town Engineer, and Town Attorney shall be addressed prior to final plat recording.

Q & A

Commissioner Hood asked about a condition in the ADA regarding the metro district service plan that did not have the date in the materials provided to the Commissioners. Pylman said that metro district service plan is in place and they are up and running and have been holding regular meetings.

Commissioner Cowles asked what the responsibilities are of the metro district. Pylman said that they are working on a Maintenance and Operations Agreement that outlines what the Town is responsible for maintaining and what the metro district is responsible for. He said the details have been reviewed by Town Staff and the document, once completed, will be reviewed and approved by the Town's attorney. Pylman said that the metro district maintains much of the open space areas that will be dedicated to the Town. He said that the Town will be responsible for plowing the streets and taking care of the overall storm drainage system. He said that on-street parking will be maintained and enforced by the metro district.

Cowles asked if the raw water system will have a fee. Pylman gave details on how the system will be maintained and how it is operated.

Commissioner Perkins asked if approval of this file will trigger the establishment of the Haymeadow Design Review Board. Pylman said that it would.

Hood said that one of the conditions of approval in the ADA is for trying to get the Postal Service to offer mail delivery. He asked how this will be addressed. Pylman said that the pressure is still on the Postal Service to provide PO Boxes. They have been communicating with the Postal Service to see if they are open to drop boxes in the development, he said. Pylman said the Postal Service has been difficult to work with, but the developers do have plans to provide drop boxes at the park areas if the Postal Service ever decides they can provide that service.

PUBLIC COMMENT

Cowles opened the hearing to public comment.

Kirstin Shaw of 2189 Brush Creek Road asked if the 10-foot paved path from the development to the pool and ice rink will be subject to seasonal closure. She asked if water flowing into the storm drainage system and ultimately into wetlands will be regulated. She stated that the wetland area is across the road from her house and she is concerned about flooding. Shaw also asked if the widening of Brush Creek Road will encroach into the wetland area.

Celena Olden of 1864 Eagle Ranch Rd. asked if there is a fire evacuation response plan for this area.

She asked if there was any consideration for the wildlife plan to be updated or if there will be updated comments from Colorado Parks and Wildlife. Olden also asked with regard for the traffic study, if there are plans to widen HWY 6 and will properties be condemned as a result.

Tom Olden of 1864 Eagle Ranch Rd. asked if roads are going to be altered in such a way that make logging operations more difficult to occur. He voiced concerns about evacuation plans. Olden stated that since 2014, other development projects have come online or are being proposed. He said he is concerned about the traffic impacts of all of the developments combined. He asked if the impacts of these developments are being considered all together.

Mike Claymon of 116 Soleil Cir. asked if it the Commissioners would consider leaving Brush Creek Road and Sylvan Lake Road as is until the traffic volume increases with subsequent phases of the development.

Rosie Sherwood of 9081 Brush Creek Road asked for a further explanation of what the triggers mean. She asked about the implications of the additional platting boundary. Sherwood also asked if this means that the Town is locking in to the entire PUD at this point. She commented that that the soil content in the Brush Creek Valley is variable and changes with the amount of moisture it is exposed to. She said the irrigation of Haymeadow is affecting the soils and farmers have lost tractors and other equipment to sinkholes last summer. Sherwood suggested that the soils be studied more in depth before additional irrigation is utilized.

Sara Metcalf of 1279 Brush Creek Road voiced concerns about the wildlife corridor, fire evacuation, and other impacts and asked the Commission to consider all of the development impacts all together.

Amy May of 2037 Brush Creek Road asked for clarification on the wetland enhancement for phase one. She asked if the plan is just planting trees and shrubs. She mentioned that she spoke with Commissioner Cowles and he indicated that the Town has no current plans to widen Brush Creek Road. She asked if that information is still accurate.

Mick Daly of 1843 East Haystack Drive and the Eagle Chamber of Commerce said that this is an important project. He said that over the years, this project has taken a lot of Town Staff time. He said the Eagle Chamber once hosted an information forum on this project ahead of the final hearing on the PUD. Daly stated that many of the Commissioners share the frustration he has seeing the efforts go into approve projects and then waiting for projects to happen. He said he gets massively frustrated when projects get approval and then do not end up happening.

Vern Brock from The Town of Eagle Engineering Department said that the Fire Department has reviewed this project and they have not communicated concerns about not being able to respond to emergency situations. Cowles noted that there is a land dedication to the Fire Department included in the development agreement for the intended purpose of building a facility so that they would be able to better serve the surrounding area.

Brock mentioned that the path connecting the development to the pool and ice rink area will be maintained by the Town. He said that the Town is required to preserve the wetland areas and ensure that the areas are not exacerbated or dried up. He said that widening Brush Creek Road will give future planners flexibility and Haymeadow was asked to dedicate land to the Town to provide an opportunity to widen or create a bike path at some point in the future.

Cowles said that the intent is to allow for a pedestrian or bike path along a portion of Brush Creek Road someday.

Hood asked if the 30' was coming out of the Haymeadow land. Gary Brooks said it is and that the land is being dedicated to the Town.

Brooks said that there is an emergency access road in the Haymeadow development that loops into Brush Creek Road.

Brooks said that stormwater is detained and treated to meet the requirements of the Town code before it is released into the wetlands. Cowles mentioned that it would be similar to the ponds near Eagle Ranch on Capital St.

Brooks said part of the enhancement plan is to remove weeds and invasive species as well plant shrubs and trees.

Brooks said that the road and roundabout is going to be designed to handle full size semi-truck and trailer traffic.

Brooks said that there has been a soil report for the entire property and the first phase. He said that all of the sink holes have been identified and they are aware of them. H said there are ways to mitigate them and if found, they will be addressed. McCool mentioned that Colorado Geologic Survey was a referral agency and they did not have any objections to the plans as presented.

McCool said that one of the review criteria for a final plat is that it must be in conformance with the preliminary plan. She said that staff and third-party consultants found that it is in alignment with the preliminary plan. She said that depending on how many lots are developed, that may trigger other infrastructure development or dedications.

Pylman said that the land currently exists under a metes and bounds description. He said that when a property is subdivided, the plat identifies filing numbers, tracts, and lots and blocks. Outside of the first filing, the other undeveloped area will be identified by tract numbers. He said that it is the common way of identifying pieces of land located in a larger development.

In response to the question about seasonal closure of the path connecting the property to the pool and ice rink, McCool said that the Town would defer to Colorado Parks and Wildlife for their recommendations. Cowles said that the path in question is not in an area currently subject to seasonal closure.

Vern Brock addressed the traffic study and the implications for expanding Highway 6. Brock said that the Brush Creek Road extension has been in the works for almost 40 years. With all the traffic implications from all of the development activity, the Town is in the process of conducting a master traffic study, Brock said. He stated he could not say for sure if the Town would acquire any more land. He said the safety issues with some of the intersections along Highway 6 are of greater concern.

Anne Eagan asked when the master traffic study will be done. Brock said that he doesn't know when it will be finished but that it is budgeted for this year. He said the County has contributed funds to the Highway 6 study.

McCool said that Colorado Parks and Wildlife is a referral agency and they have been consulted on this project and have reviewed the final plat. Celena Olden asked if they will offer updated comments since the PUD was approved back in 2014. Olden said conditions have changed for the herds and Elk are experiencing a population decline in the area. Cowles said that the Town could ask them to offer updated comments. Pylman said that CPW was contacted as a referral agency for this file before the Commission tonight and they had no comments.

In response to the question about delaying the construction of the roundabout, Brooks said that the original approval was to build four legs of the roundabout. He said that it has been broken out into two phases. He said that the area contains several pieces of major underground infrastructure that they would prefer to complete at this point. Brooks said the plan was to construct all of the major underground infrastructure and part of the roundabout in such a way that would allow for the second phase to be constructed without much of an impact.

Gregg asked what drove the decision to build the roundabout in two phases. Brooks said that to modify the existing road will be very impactful. He said to realign the road after all of the underground infrastructure is installed will be much less impactful.

Celina Olden asked about the larger evacuation plan for the Town. Cowles said that is a question better asked of the Police and Fire Departments.

Cowles said that Sylvan Lake Road is designed to be 4 lanes through Eagle Ranch. He said it was always intended to be the arterial road for traffic through Eagle Ranch. The on-street parking would be eliminated when 4 lanes are implemented at a time when the town deems appropriate, Cowles said.

Town Public Works Director Bryon McGinnis said that there are bigger discussions about traffic and evacuations that are not tied to any specific development including Haymeadow.

Tom Olden said that these main roads were designed before some of the recent development projects were under consideration and asked if the roads can still handle traffic from these developments.

Cowles said that the Eby Creek Road roundabouts were built to their full potential when they were constructed. He said that they were designed with growth potential from other developments that did not end up moving forward that had similar densities as the developments currently under consideration. Cowles said that the Town is currently looking at how to address traffic volumes and design concerns on Highway 6.

DELIBERATION

Cowles said that he is not sure how the raw water irrigation system is going to work. He asked if there were any mechanisms in place to encourage efficiency so that more water stays in Brush Creek and asked if there will be incentives to conserve water. He said that he believes conservation is an important aspect of managing a raw water irrigation system.

Pylman said that one of the issues with developing non-potable water systems is that it is not necessarily good for conservation. The system will be expensive and providing the water will be costly, he said. They will have modern, current landscape design guidelines and they will be charging for use of the system, Pylman said. The Town will have a lot of control over the water rights, Pylman said. He said the Brush Creek Management Plan is the governing document that dictates minimum water flows and the development will adhere to the Plan.

Hood said that within the scope of the review of the file, it appears to be in conformance with review criteria. We should approve the file, he said.

Nutkins said that he agrees with Hood and stated that this is a technical file and they are meeting all the requirements.

Gregg said that he agrees that this file meets the standards for approval.

Perkins agreed and said that he wanted to thank Town Staff and the applicants for all the work that went into the project to date. He said he is in favor of approval. Perkins said that he is concerned with overall traffic volumes throughout Town.

Richards said that he is in favor of approval and appreciates the public comments. He said that he thinks it would be good to hear from the Fire Department on their plan for dealing with emergencies. He said that he thought the applicant did a good job of addressing all the issues and working with the Town's requirements.

Cowles said that he said that this file is in conformance with the standards of approval. He said he also appreciated the public comments and the input from the community.

Commissioner Hood made a motion to approve S18-01 based on compliance with standards of approval 1 through 3 with the Staff recommended conditions for approval 1-8. Richards seconded. All present voted in favor. The motion passed.

TOWN BOARD OF TRUSTEE UPDATE

Brandy Reitter gave an update on the TBOT hearing on March 12th. The Reserve at Hockett Gulch file was heard by the TBOT and continued to the hearing on April 9th, Reitter said. The TBOT seemed as though they were ok with all the conditions of approval recommended by the Planning Commission, however, there is still an unresolved issue with a request from the applicant team relating to the assessment of Water and Sewer Plant Investment Fees for the project.

ADJOURN

Commissioner Richards made a motion to adjourn and Commissioner Nutkins seconded. All voted in favor. The meeting adjourned at 8:55PM.

Date Jason Cowles – Planning and Zoning Commission Chair

Date Dawn Koenig- Admin Technician



To: Honorable Mayor and Town Board of Trustees

From: Carrie McCool, Interim Town Planner

Date: April 23, 2019

Agenda Items: Red Mountain Ranch Annexation, Planned Unit Development (PUD), Site Specific Development Plan (vesting of property rights) and Subdivision Sketch Plan

REQUEST: Staff is requesting the Town Board of Trustees continue the Annexation, Planned Unit Development (PUD), Site Specific Development Plan and Subdivision Sketch Plan hearing to May 28, 2019.

BACKGROUND: On February 13, 2018, the Board of Trustees passed a resolution finding the Annexation Petition and Plat for Red Mountain Ranch to be in substantial compliance with Section 31-12-107(1) C.R.S. This resolution also set the date for the Public Hearing to determine if the proposed annexation complies with the Colorado Constitution and applicable sections of the Colorado Revised Statutes. The hearings have been continued in order to allow for the land use application process to continue.

ANALYSIS: The Planning and Zoning Commission considered the Red Mountain Ranch PUD, Subdivision Sketch Plan, Site Specific Development Plan (vesting of property rights) and Community Plan Exception Requests on February 19, 2019. The Annexation, PUD, Subdivision Sketch Plan and Site Specific Development Plan applications were noticed and heard at the March 26, 2019 Board of Trustees Public Hearing. The applicant proposed changes to their application at the March 26th public hearing. As such, the Town Board continued the applications to April 23, 2019.

COMMUNITY INPUT: The Annexation Petition and Plat have been noticed per Section 31-12-108, C.R.S. Colorado Revised Statute outlines that when a zoning application accompanies the annexation petition and plat, the required noticing for the zoning process should be followed and those notices shall be completed separate from the annexation notices. Staff has noticed the land use hearings in accordance with the town's municipal code.

BUDGET / STAFF IMPACT: n/a

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED: This request is in alignment with Major Objective 10: Address Essential Planning and Land-Use Challenges. Specifically, the project is being reviewed according to the Town of Eagle Land Use and Development Code as well as the Colorado Revised Statutes.

RECOMMENDED ACTION OR PROPOSED MOTION: A motion to continue the Annexation, PUD, Site Specific Development Plan and Subdivision Sketch Plan Public Hearing for Red Mountain Ranch to May 28, 2019.

ATTACHMENTS: None



To: Mayor and Town Board of Trustees

From: Bill Shrum, Assistant to the Town Manager

Date: April 23, 2019

Agenda Item: Resolution 22-2019 – Economic Vitality Committee

REQUEST: Staff is requesting that the Board of Trustees review Resolution 22-2019, establishing the Economic Vitality Committee and Bylaws.

BACKGROUND:

Economic Vitality and the health of the commercial and employment sector have long been high-level concerns for the Town of Eagle. Economic Development is specifically called out in the Town's Strategic Plan, adopted in 2017. Transparency and Community Engagement are also business values highlighted in the Strategic Plan. Best practices in other communities include the creation and ongoing citizen engagement of a volunteer group like the proposed Economic Vitality Committee. This committee would be a forum to bring the resources and capacity of our community together to advance the economic health of our Town, and to provide vital community engagement and insight to the Town.

ANALYSIS:

Starting in January, 2019 Town staff have been researching high-performing Economic Vitality initiatives in communities throughout Colorado and in notable peer communities in the Western United States. A volunteer citizen group has met with Town staff to review a variety of Economic Vitality tools and give feedback on the tools most appropriate for the Town of Eagle. Research into the implementation and operation of those tools led to a conglomeration of authorities and duties carried out by similar volunteer committees in their respective communities. This research and community feedback led to the need to create an Economic Vitality Committee that would have the following authority and duties.

- Make recommendations to the Board of Trustees regarding economic development programs
- Promote economic vitality and business development in the Town
- Encourage development which provides employment opportunities and provides for a diverse and stable economic base

In conducting regular business, the Economic Vitality Committee will perform the following duties:

- Present a semi-annual written report to the Board of Trustees
- Provide input to the Town Manager regarding provisions of the Town's Code as it pertains to economic development
- Formulate and evaluate new economic development strategies and policies to advance the goals adopted by the Board of Trustees
- Review planned economic proposals and developments in Town upon request of the Town Manager
- Perform any other activities related to economic vitality that could promote a positive economic environment in the Town

BUDGET / STAFF IMPACT:

The Town Manager or a designee would serve as an ex-officio member of the committee.

PROS:

- Improved citizen engagement and insight regarding the economic health of the Town
- Organizational capacity to accomplish economic vitality goals set by the Board
- Empowering the community to understand the role of business and economic health

CONS:

- The committee does not have a budget to directly engage in economic vitality projects

COMMUNITY ENGAGEMENT:

Community stakeholders have helped engage in and advise the entirety of this process.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

The Economic Vitality Committee directly engages the community to advance the Town's Economic Development Goals. Such work directly creates sustainable revenue for the Town, improves the quality of life for its residents, and creates more opportunities for employment in Town. The Committee structure improves community engagement in Town, maintaining ongoing and substantive dialogue.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to **approve** or **deny** adoption of Resolution No. 22, "A Resolution of the Board of Trustees of the Town of Eagle, Colorado Establishing the Economic Vitality Committee."

ATTACHMENTS:

- Town of Eagle Resolution 22-2019 Establishing the Economic Vitality Commission

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 22
(Series of 2019)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO
ESTABLISHING THE ECONOMIC VITALITY COMMITTEE

WHEREAS, on September 26, 2017, the Board of Trustees adopted the Town of Eagle Strategic Plan (the "Strategic Plan") by Resolution No. 22-2019;

WHEREAS, the Strategic Plan sets forth the Town's business values, which are intended to protect and enhance the interests of the residents and businesses in the Town and include providing reliable and cost-effective services, engaging in economic development, applying sound financial management, implementing sound planning and appropriate investments, and practicing transparency and community engagement;

WHEREAS, applying the business values, the Strategic Plan identifies enhancing the financial health of the Town and stimulating economic vitality and development as two major objectives for the future;

WHEREAS, the Board of Trustees has established various committees for the purpose of advising the Board of Trustees concerning matters of importance to the Town;

WHEREAS, the Board of Trustees believes that forming an Economic Vitality Committee will be helpful in determining best practices for achieving the objectives of the Strategic Plan; and

WHEREAS, the Board of Trustees wishes to establish such Economic Vitality Committee and set forth the duties, responsibilities and membership terms of that committee in order to align the Committee's functions with the needs to the Town.

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

Section 1. The Board of Trustees hereby establishes the Town of Eagle Economic Vitality Committee, to be governed and ruled by the Town of Eagle Economic Vitality Committee Bylaws, attached hereto.

Section 2. The following individuals are hereby appointed and shall serve as the initial members of the Economic Vitality Committee, with terms commencing on the date of this Resolution and continuing until December 31, 2021, unless earlier removed:

- (a) Mick Daly
- (b) Clark Gundlack
- (c) Stan Kenzinger
- (d) Rick Beveridge
- (e) Adrian Rowberry

INTRODUCED, READ, PASSED, AND ADOPTED on April 23, 2019.

TOWN OF EAGLE, COLORADO

Kevin Brubeck, Mayor Pro Tem

ATTEST:

Jenny Rakow, Town Clerk

TOWN OF EAGLE ECONOMIC VITALITY COMMITTEE BYLAWS

ARTICLE I. PURPOSE.

The purpose of the Town of Eagle Economic Vitality Committee (the "Committee") is to provide additional expertise to the Board of Trustees and the Town Manager necessary to enhance and facilitate economic development in the Town, and to act as a catalyst between the Town, developers, residents and the business community to expand and improve the Town's economic climate within the context of the Town's commitment to social and environmental objectives.

ARTICLE II. MEMBERS.

A. Number; Term. The Committee shall consist of not more than 5 voting members appointed by the Board of Trustees to 2-year terms. Other non-voting members of the Committee shall consist of a Trustee, the Town Manager and other appropriate Town staff. Voting members of the Committee shall be residents of the Town, own real property or own a business within the Town or employed within the Town limits in order to be eligible for appointment. Voting members may be reappointed by the Board of Trustees but shall serve no more than 3 successive 2-year terms.

B. Application; Appointment. The Town Manager shall establish an application process for prospective Committee members, including public notice. The Town Manager shall then present a list of candidates to the Board of Trustees from qualified applicants. The Board of Trustees may interview some or all of the applicants and may consider recommendations made by current Committee members. The Board of Trustees shall then vote on the appointment of members by written ballot, with such ballots being tallied by the Town Clerk, followed by a motion to appoint the highest vote-getters and a voice vote on that motion. The written ballots shall include the name of the person voting and shall be public records, as required by the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*

C. Removal. Committee members may be removed by a majority vote of the Board of Trustees for neglect of duty, conflict of interest or malfeasance in office, after notice and an opportunity to be heard.

D. Vacancies. Vacancies shall be filled in the same manner as appointments.

ARTICLE III. OFFICERS.

A. Chair. The Committee shall be led by a Chair, who shall be elected by the voting members of the Committee at the Committee's first meeting of each calendar year. The Chair shall be responsible for scheduling and leading the Committee meetings and activities.

B. Other Officers. The Committee shall elect a Secretary at the same time and in the same manner as it elects a Chair. The Committee may elect a Vice-Chair through the same method, who shall assume the duties of the Chair in the Chair's absence.

C. Committee Coordinator. The Committee shall appoint one of its voting members as the Committee Coordinator, who shall act as a liaison between the Committee and the Board

of Trustees and Town Manager. The Chair, Secretary or Vice-Chair may serve concurrently in the role of Committee Coordinator.

ARTICLE IV. AUTHORITY AND DUTIES.

A. Authority. The Committee is authorized to take any of the following actions, consistent with its purpose:

1. Make recommendations to the Board of Trustees regarding economic development programs and priorities which may help strengthen Town and business partnerships and attract new business;
2. Promote economic vitality and business development in the Town; and
3. Encourage development which provides employment opportunities for existing and future residents and provides for a diverse and stable economic base.

B. Duties. In exercising its Authority, the Committee shall perform the following duties:

1. Present a semi-annual written report to the Board of Trustees on the ongoing projects under review by the Committee;
2. Provide input to the Town Manager regarding provisions of the Town's Building Code or Land Use Code which may hinder economic development;
3. Formulate and evaluate new economic development strategies and policies in furtherance of the economic development goals adopted by the Board of Trustees;
4. Review planned economic proposals and proposed developments in the Town, upon request by the Town Manager; and
5. Perform any other activities related to economic vitality that could promote a positive economic environment in the Town or will help with the implementation of the Town's economic and strategic business plan, as assigned by the Board of Trustees or Town Manager.

ARTICLE V. PARTNER ORGANIZATIONS.

To encourage collaboration, the Committee shall have partner organizations whose representatives may also participate in Committee meetings in a non-voting, advisory manner. There shall be no limit to the number of partner organizations invited to attend and participate in the Committee's meetings.

ARTICLE VI. MEETINGS.

A. Public Meetings. All Committee meetings shall be open to the public, and noticed as required by the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* Upcoming agendas shall be posted on the Town's website.

B. Regular Meetings. Regular meetings shall be held monthly at the Eagle Town Hall, unless determined by a majority vote of the Committee as necessary and appropriate to meet at another location. The Chair may cancel any regular meeting when there is no business to be conducted by the Committee.

C. Special Meetings. Special meetings may be called by the Chair or upon written request of 3 members of the Committee filed with the Secretary. The purpose of the meeting shall be stated at the time of the request.

D. Minutes. Action minutes shall be kept for all Committee meetings. Approved minutes shall be posted on the Town's website.

E. Quorum. A majority of the total number of members then holding office shall constitute a quorum of the Committee for purposes of conducting business, and a majority vote of those present shall be necessary to carry any proposition.

ARTICLE VII. EXPENSES.

A. Staff Assistance. The Town Manager will make available to the Committee adequate facilities, staff assistance and discretionary funds to assist with the administrative functions and expenses of the Committee.

B. Budget. Upon request of the Committee, the Board of Trustees may budget a portion of funds for administrative costs associated with the Committee's duties or meetings. The Committee Coordinator shall work with the Town Manager as needed to propose a Committee budget to the Board of Trustees in a similar format as other Town Departments. Use of funds budgeted for the Committee may be reviewed and discussed by the Committee, but no formal action is required by the Committee regarding budgeting or use of such funds.

ARTICLE VIII. AMENDMENTS.

These Bylaws may be amended by resolution of the Board of Trustees in its sole discretion.

ARTICLE IX. SEVERABILITY.

If any part, section, subsection, sentence, clause or phrase of these Bylaws is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

ARTICLE X. DISSOLUTION.

The Committee may be dissolved by resolution of the Board of Trustees in its sole discretion.



To: Mayor and Town Board of Trustees

From: Joey Staufer, Police Chief

Date: April 23, 2019

Agenda Item:

Resolution 23-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Cooperative Intergovernmental Agreement For Use Of The 800 Mhz System In The Eagle River Valley, Joey Staufer, Chief of Police

REQUEST:

Request to approve Resolution 23-2019 Approving a Cooperative Intergovernmental Agreement for Use of the 800 MHz System in the Eagle River Valley.

BACKGROUND: Eagle County installed and has been maintaining the 800 MHz radio system. The County continues to offer non-exclusive access of the radio system to other organizations (including governments, emergency service responders, and certain other special districts) for intra jurisdiction and inter jurisdiction communications.

Those wishing to access the radio system originally entered into an agreement for SmartZone Trunking Radio Services in 2000. The Town of Eagle was a party to this IGA and remains a party to the IGA. The most recent update to the IGA occurred in 2010.

In brief summary, the IGA provides conditions for radio services and continued use of an Executive Committee, to assess and govern permitting access to the radio system with the establishment of terms and conditions governing participating organizations use and access. Additional organizations may be granted access to the radio system when the Executive Committee determines that such access will be of benefit to the citizens and visitors of Eagle County.

The Executive Committee establishes a budget for each year, based on a formula which balances the airtime and number of radios an agency has using the radio system. An annual subscriber fee schedule (based on the number of radio units each organization has) is also established. Note- each agency using the 800 MHz system must designate one member to this Executive Committee.

The language of the IGA has been updated to maintain consistency with current design.

ANALYSIS:

As of April 17, 2019, all user agencies (except for one fire district) wishing to have access to the 800 MHz radio system have agreed to the proposed updated IGA as to content and form. As a committee member, I support the IGA. The IGA was also reviewed by our Town Attorney.

COMMUNITY INPUT: Propose to open the consideration for public comment during motion considerations.

BUDGET / STAFF IMPACT: Three-year budget impacts based on the airtime, number of radios and maintenance fee formula are as follows for the Town of Eagle Police Department:

- Paid 2017 for 2018 access \$23,917.88
- Paid 2018 for 2017 access \$25,781.36
- Paid 2019 for 2018 access \$24,989.96 (fees lower due to short staffing in 2018)

Current changes to the IGA do not resort to significant modifications to the formula or any proposed change to the maintenance fee schedule. However, 2019 radio airtime will increase, due to staffing of the 2018 vacant patrol positions.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: Major Objective No. 6: Invest in Public Safety to Respond to Evolving Community Needs

RECOMMENDED ACTION OR PROPOSED MOTION: Motion to approve Resolution 23-2019 A Resolution Of The Board Of Trustees Of The Town Of Eagle, Colorado Approving A Cooperative Intergovernmental Agreement For Use Of The 800 Mhz System In The Eagle River Valley

ATTACHMENTS:

1. Reso 23 800 MHZ SYSTEM IN THE EAGLE RIVER VALLEY
2. FINAL Cooperative Intergovernmental Agreement for use of the 800 MHZ System
3. Agreement

RESOLUTION NO. 23
(Series of 2019)

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO APPROVING A COOPERATIVE INTERGOVERNMENTAL AGREEMENT FOR USE OF THE 800 MHZ SYSTEM IN THE EAGLE RIVER VALLEY

Whereas, the User Agencies previously entered into a series of individual Agreements for Use of Eagle County's 800 MHz Wide Area Smartzone Trunked Radio 2010 with Eagle County, governing the use of the 800 MHz radio system (the "Previous Agreement"); and

Whereas, the User Agencies wish to supersede the Previous Agreement with the current Intergovernmental Agreement ("IGA") or ("Agreement") to provide for continuing access to the System (defined below) by User Agencies and to reallocate the decision-making responsibilities of the User Agencies for the System; and

Whereas, the Parties desire to establish terms and conditions to govern the use of and access to the System and to provide for its operation, maintenance, and repair.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. The Cooperative Intergovernmental Agreement For Use Of The 800 Mhz System In The Eagle River Valley , attached hereto as Exhibit "A" and incorporated herein by this reference is hereby approved.

Section 2. The Mayor of the Town of Eagle is hereby authorized and directed to execute the Cooperative Intergovernmental Agreement For Use Of The 800 Mhz System In The Eagle River Valley attached hereto as Exhibit "A" on behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado held on April 23, 2019.

TOWN OF EAGLE, COLORADO

By: _____
Kevin Brubeck, Mayor Pro Tem

ATTEST:

Jenny Rakow, Town Clerk

COOPERATIVE INTERGOVERNMENTAL AGREEMENT FOR USE OF THE 800 MHz SYSTEM IN THE EAGLE RIVER VALLEY

THIS AGREEMENT is made this ____ of _____, 2019 by and among the County of Eagle, Colorado (“Eagle County”); Eagle County Health Service District d/b/a Eagle County Paramedic Services; Eagle County School District; Eagle River Fire Protection District; Eagle River Water and Sanitation District; Greater Eagle Fire Protection District; Gypsum Fire Protection District; Town of Avon, Colorado; Town of Eagle, Colorado; Town of Gypsum, Colorado; Town of Vail, Colorado; each a “User Agency,” or a “Party,” and collectively, the “User Agencies” or the “Parties.”

Recitals

Whereas, the User Agencies previously entered into a series of individual Agreements for Use of Eagle County’s 800 MHz Wide Area Smartzone Trunked Radio 2010 with Eagle County, governing the use of the 800 MHz radio system (the “Previous Agreement”); and

Whereas, the User Agencies wish to supersede the Previous Agreement with the current Intergovernmental Agreement (“IGA”) or (“Agreement”) to provide for continuing access to the System (defined below) by User Agencies and to reallocate the decision-making responsibilities of the User Agencies for the System; and

Whereas, the Parties desire to establish terms and conditions to govern the use of and access to the System and to provide for its operation, maintenance, and repair.

NOW THEREFORE, the User Agencies agree as follows:

1. The System.

The “System” is a radio communications system comprised of sites, infrastructure, and other assets that allow the User Agencies and other users to communicate throughout the state. A user of the System who is not a User Agency is referred to as “System Users”.

- a. Only organizations that conduct operations as, or are directly affiliated with, public service organizations may be a User Agency or System User.

2. Executive Committee.

- a. The Executive Committee shall be comprised of up to **13** voting members and at least one advisory, non-voting member, as follows:
 - i. Each User Agency shall designate one (1) representative as a voting member of the Executive Committee for a two-year term, or as necessary. Where possible, each User Agency shall submit the name of its designated representative to the employee designated by Eagle

County to manage the day-to-day operations related to the System by January 31st of the applicable year.

- ii. The Executive Committee may also elect up to two additional at-large voting members on a yearly basis. At large members must be from a User Agency, Cooperating Agency (as defined in Section 5 below), or a System User, provided that no User Agency shall have more than two representatives.
- iii. No voting member of the Executive Committee shall be an Eagle County employee paid with 800 MHz funds, as contemplated by Section 6(c), below.
- iv. One advisory, non-voting member shall represent the Vail Communications Center or its successor agency, if applicable.
- v. The Executive Committee may admit additional advisory, non-voting members as necessary or desirable. Advisory, non-voting members may be from a User Agency, Cooperating Agency, or a System User.

b. The Executive Committee shall:

- i. Make decisions based on the best interests of the users and operation of the System as a whole.
- ii. Adopt bylaws governing the Executive Committee's decision-making processes.
- iii. Adopt policies and procedures governing the execution of any of the functions of the Executive Committee.
- iv. Adopt rules and regulations as necessary for the use of the System and associated equipment, in accordance with all applicable local, state, and federal rules, regulations, and policies and in accordance with policies or operating procedures set forth by the Consolidated Communications Network of Colorado, Inc. ("CCNC").
- v. Provide for training for the use of the System.
- vi. Grant access to the System by Cooperating Agencies when access will be for the benefit of the citizens and visitors of Eagle County.
- vii. Agree upon a budget for each year, which must include a fee formula that considers both number of radio units and amount of airtime usage, for the use of the 800 MHz funds to present to the County Finance Department no later than June 1 of each year for approval by the Board during its yearly budgeting process. A proposed fee formula for 2019 is attached as Exhibit B.
- viii. Decide on how the funds under the charge of the Executive Committee shall be spent, as long as such spending is anticipated by the budget adopted by the Board.

- ix. Refer any contracts necessary for the System to the Board of County Commissioners for signature.
- x. Coordinate with all User Agencies and Cooperating Agencies regarding necessary appropriations to cover unforeseen expenses.
- xi. Appoint steering committees as desired or necessary.
- xii. Conduct other business as necessary to implement the intent of this Agreement.

3. Technical Operations Committee.

- a. The Technical Operations Committee (“Tech Ops Committee”) is an existing committee and is comprised of any representative of User Agencies or other users that have an interest in the operations of the system.
- b. The Tech Ops Committee shall:
 - i. Adopt bylaws governing the Tech Ops Committee’s decision-making processes.
 - ii. Assist in planning for the operation of the System including, without limitation, considering and making recommendations related to talk group names, functions or aliases, or any other programming matters.
 - iii. Meet periodically as needed or at the request of the operations employee, the Chair of the Executive Committee, or the Board of County Commissioners.

4. User Agencies.

- a. User Agencies own their own equipment and retain control over the equipment they own.
- b. Each User Agency shall pay reasonable fees for the use of the System, as determined by the fee schedule adopted by the Executive Committee.
- c. Each User Agency shall adhere to the rules and regulations governing the use of the System, as adopted by the Executive Committee.
- d. Eagle County holds licenses from the FCC for the operation of the System. Each User Agency and any of its employees, representatives, agents, and volunteers shall comply with all terms of the license, all federal, state, and local laws, orders, and regulations, as well as policies and procedures set forth by the Consolidated Communications Network of Colorado, Inc. (“CCNC”) with respect to the use of the System.

5. Cooperating Agencies.

- a. All organizations receiving programming and support from the 800 MHz system not identified as a User Agency shall be a Cooperating Agency. The currently-approved Cooperating Agencies are set forth in Exhibit A.
- b. Cooperating Agencies will charged a fee for use of the 800 MHz System based on the fee schedule adopted by the Executive Committee.

6. **Eagle County.**
 - a. Eagle County will enter into leases to use as sites for the System.
 - b. Eagle County will enter into contracts as necessary for the operation, maintenance, and repair of the System.
 - c. Eagle County will serve as employer for any employees necessary to ensure the continued operation of the System. Any employees will operate under the County's general employment policies. All employees will conduct operations for the best interests of all the users of the System under the rules and regulations adopted by the Executive Committee.
7. **Prior Agreements.** This Agreement supersedes the Previous Agreement.
8. **No multiple fiscal year obligation.** Obligations in this Agreement are contingent upon each of the Parties appropriating, budgeting, and otherwise making funds available in each year for the purposes herein, in accordance with Article 24, title 30 of the Colorado Revised Statutes, the Local Government Budget Law (C.R.S. § 29-1-101 et seq.) and the TABOR Amendment (Colorado Constitution, Article X, Sec. 20).
9. **Term and effective date.** This Agreement shall become effective upon signature of an authorized representative of the governing body of a Party. Except as provided herein, this Agreement shall remain in effect until December 31, 2039, unless sooner terminated by agreement of all the Parties, or pursuant to the terms of Sections 10 or 11, below.
10. **Termination.** Voluntary termination by a Party requires 30 days of advance notice. No refunds are available for fees already paid for a given year. To avoid fees for the subsequent year, notice must be given by no later than June 30. Upon termination of a Party's participation in the Agreement, whether voluntary or due to a breach, the Party at its own expense shall immediately reprogram its radios containing System programming and parameters, and provide documentation of such reprogramming.
11. **Breach.** A failure to pay fees owed for use of the System for over 180 days or violation of the rules or regulations for the use of the System is a material breach under this Agreement. The breaching party must demonstrate an attempt to cure the breach within 30 days of notice of the breach by the Executive Committee or by any Party or the Agreement as to the breaching Party shall terminate.
12. **Enforcement.** Any one or more of the Parties may enforce this Agreement by any legal or equitable means including specific performance, declaratory, and injunctive relief. No other person or entity shall have any right to enforce the provisions of this Agreement.
13. **Employment Status.** Nothing in this Agreement, and no performance under this Agreement, alters or modifies the employment status of officers, agents, or employees of any of the Parties.
14. **Immunity.** Nothing in this Agreement waives, limits, or otherwise modifies the governmental immunity that may be available by law to any of the Parties, their officials, employees, contractors, agents, or any other person acting on behalf of any of the Parties. In particular, immunity pursuant to the Colorado Governmental Immunity Act, Title 24,

Article 10, Part 1 of the Colorado Revised Statutes is not waived. This paragraph shall survive termination of this Agreement.

15. **Authority, Governing Law, and Venue.** This Agreement is promulgated under the laws of the State of Colorado, including C.R.S. § 29-1-201. Each and every term, provision, or condition herein is subject to and shall be construed in accordance with the provisions of Colorado law, the charters of the Parties, if applicable, and the ordinances and regulations enacted pursuant thereto. Venue shall lie in the County of Eagle.
16. **Severability.** All agreements and covenants in this Agreement are severable. If a court of competent jurisdiction holds any of them invalid, this Agreement will be interpreted as if the invalid terms were not included.
17. **Waiver.** No waiver of any breach or default under this Agreement shall be a waiver of any other or subsequent breach or default.
18. **No Third Party Beneficiary.** The Parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of this IGA, and no other person or entity is so intended.
19. **Amendments.** Amendments to this IGA may be made with consent in writing by all the Parties.
20. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same Agreement. Facsimile signatures shall be acceptable and binding on all parties.
21. **Notices.** All notices under this Agreement shall be in writing and shall be delivered by certified mail, by email as long as the recipient acknowledges receipt, or hand delivered to the following:

Eagle County:
Attn: Kevin Kromer
500 Broadway
P.O. Box 850
Eagle, CO 81631
kevin.kromer@eaglecounty.us

With a copy to:
Eagle County Attorney's Office
500 Broadway
P.O. Box 850
Eagle, CO 81631
andrew.owen@eaglecounty.us

Eagle County Health Service District:
Chris Montera
PO Box 990
Edwards, CO 81632
970-926-5750
cmontera@ecparamedics.com

Eagle County School District:
Sandra Mutchler
948 Chambers Avenue
PO Box 740
Eagle, CO 81631
sandra.mutchler@eagleschools.net

Eagle River Fire Protection District:
Karl Bauer
PO Box 2942
Edwards, CO 81632
kbauer@eagleriverfire.org

Eagle River Water and Sanitation District:
John Mccauley
Field Operations Manager
846 Forest Road
Vail, CO 81657
970-477-5452
jmccauley@erwsd.org

Greater Eagle Fire Protection District:
Attn: Doug Cupp
425 East 3rd Street
PO Box 961
Eagle, CO 81631
dcupp@gefpd.org

Gypsum Fire Protection District:
Justin Kirkland, Fire Chief
511 Second Street /PO Box 243
Gypsum, CO 81637
970-524-7101 ext. 15
Justin@gypsumfd.com

Town of Avon, Colorado:

Attn: Greg Daly
100 Mikaela Way
PO Box 975
Avon, CO 81620
gdaly@avon.org

Town of Eagle, Colorado:

Attn: Jenny Rakow, Town Clerk
200 Broadway Street
PO Box 609
Eagle, CO 81631
jenny.rakow@townofeagle.org

Town of Gypsum, Colorado:

Attn: Jeremy Rietmann, Town Manager
PO Box 130
Gypsum, CO 81637
jeremy@townofgypsum.com

With a copy to:

Heath Mosness
heath.mosness@eaglecounty.us

Town of Vail, Colorado

Attn: Dwight Henninger
75 S. Frontage Rd. W.
Vail, CO. 81657
DHenninger@vailgov.com

[Signature pages to follow]

ATTEST:

COUNTY OF EAGLE, STATE OF
COLORADO, BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS

BY: _____
Clerk to the Board of County
Commissioners

Jeanne McQueeney, Chair

DATE: _____

ATTEST:

EAGLE COUNTY HEALTH SERVICE
DISTRICT D/B/A EAGLE COUNTY
PARAMEDIC SERVICES

Jeff Kingston, Board of Directors Secretary

Jeff Babb, Board of Directors President

DATE: _____

ATTEST:

EAGLE COUNTY SCHOOL
DISTRICT

DATE: _____

ATTEST:

DATE: _____

EAGLE RIVER FIRE PROTECTION
DISTRICT

ATTEST:

DATE: _____

EAGLE RIVER WATER AND SEWER
DISTRICT

ATTEST:

DATE: _____

GREATER EAGLE FIRE PROTECTION
DISTRICT

ATTEST:

DATE: _____

GYPSUM FIRE PROTECTION DISTRICT

Justin Kirkland, Fire Chief

ATTEST:

DATE: _____

TOWN OF AVON, COLORADO

ATTEST:

Jenny Rakow, Town Clerk

DATE: _____

TOWN OF EAGLE, COLORADO, BY
AND THROUGH ITS MAYOR

Ann McKibbin, Mayor

ATTEST:

DATE: _____

TOWN OF GYPSUM, COLORADO

ATTEST:

DATE: _____

TOWN OF VAIL, COLORADO

Patty McKenny, Town Manager

Exhibit A

User Agencies	Cooperating Agencies
Eagle County Government	Arrowhead Metro District
Eagle County Health Service District	Bachelor Gulch Metro District
Eagle County School District	Basalt & Rural Fire Protection District
Eagle River Fire Protection District	Beaver Creek Metro District
Eagle River Water & Sanitation District	Cordillera Metro District
Greater Eagle Fire Protection District	Bond McCoy Volunteer Fire
Gypsum Fire Protection District	Vail Valley Medical Center
Town of Avon	
Town of Eagle	
Town of Gypsum	
Town of Vail	

Exhibit B

Radio System Invoicing Formula as of [date of adoption]

The 2019 invoicing system is based on a tiered funding formula for the 800MHz system.

1. Funding for the anticipated radio infrastructure maintenance cost of each upcoming year will be based on the percentage of radio system usage with the system logs for each talkgroup on an annual basis. Annual usage percentages have been averaged for each agency talkgroup and the dispatch talkgroups which will be divided amongst the agencies who are the users of that dispatch talkgroup based upon their percentage of dispatch center use.
2. Subscriber unit (radios) maintenance will be based each year upon the current cost of the depot service contract. For 2019 the cost is \$40 perradio.
3. A contingency fund may be created in later years based upon a capital assessment added to the user agency's fee. Shown as an additional percentage added to the annual fee
4. A Foundation Fee schedule based upon the user agency's inventory (See Table)

☐ 1- 5 units	\$500	☐ 101-125 units=	\$26,000
☐ 6-10 units	\$2,000	☐ 126-150 units=	\$34,000
☐ 11-25 units	\$4,000	☐ 151-175 units=	\$40,000
☐ 26-50 units	\$8,000	☐ 175-200 units=	\$46,000
☐ 51-75 units=	\$14,000	☐ 201+ Units	\$52,000
☐ 76-100 units=	\$20,000		

The user agencies inventory on May 1st will constitute the means for Foundation Fee Calculation. Any agency adding to their inventory during the year will be charged a \$100/year radio fee for the remainder of the current year.

Agencies will not receive a refund for reducing their inventory.

AGREEMENT
FOR USE OF EAGLE COUNTY'S 800 MHz WIDE AREA SMARTZONE TRUNKED
RADIO SERVICES

THIS AGREEMENT ("Agreement") is made and entered into this 17 day of August, 2010, by and between the County of Eagle, State of Colorado, a body corporate and politic, acting by and through its Board of County Commissioners ("County") and Town of Eagle ("User Agency").

RECITALS

WHEREAS, Eagle County has installed and maintained an 800 MHz radio system (the "System") and is offering non-exclusive access of the System to other organizations including governments, emergency service responders, and certain other special districts (all of which, together, shall be referred to herein as "User Agencies" as listed in Exhibit A); and

WHEREAS, User Agency desires to use the 800 MHz System ("System") for intra-jurisdiction and inter-jurisdiction communications; and

WHEREAS, in addition to permitting the User Agency access to the System, User Agency and County desire to establish terms and conditions that will govern the participating organizations use and access to the System; and

WHEREAS, additional organizations may be granted access to the System when the Executive Committee determines that such access will be of benefit to the citizens and visitors of Eagle County. These additional organizations shall be referred to as "Cooperating Agencies" and the currently approved Cooperating Agencies are listed in Exhibit A.

NOW THEREFORE, for and in consideration of the promises set forth herein, the parties agree as follows:

ARTICLE I
DEFINITIONS

1.1 Cooperating Agency: Agencies who do not use the System as their primary radio system but who do use the system to interoperate with User Agencies.

1.2 Executive Committee: A policy advisory group comprised of a representative from each of the User Agencies.

1.3 Steering Groups: Groups who provide technical and/or policy guidance for operation of the System. See Technical Operations and Executive Committee.

1.4 System Manager: An Eagle County employee, assigned by the Eagle County Manager, to provide day to day management of the System.

1.5 Technical Operations Committee: An advisory committee made up of any representative of agencies or entities who have an interest in the operation of the System.

1.6 The System: When the term "the system" is used in this agreement it is referring to the 800Mhz radio infrastructure which includes all radio transmitting and receiving sites and related equipment

1.7 User: Any individual operating radio equipment on the System.

1.8 User Agency: Any agency who is approved to have radio equipment operating on the System and who use it as their primary radio system.

ARTICLE II TERM & TERMINATION

2.1 The initial term of this Agreement shall be the date set forth above through December 31, 2010. This Agreement shall automatically renew for one-year periods running from January 1 through December 31 of each consecutive year, unless this Agreement is otherwise terminated in accordance with this Agreement or unless either party gives the other written notice of its election not to renew no later than June 30 of the expiring term.

2.2 At anytime during the term of this Agreement, any party aggrieved of a material breach of this Agreement may serve on the other party a written notice describing the breach. If an attempt to cure the breach is not pursued within 30 days after the delivery of the notice, this Agreement shall automatically terminate.

2.3 Upon termination of this Agreement, the User Agency shall immediately reprogram all of its radios containing County template programming and SmartZone system parameters from its equipment at its sole expense. Such reprogramming must be performed by Motorola or a service provider approved by the System Manager as defined in Article IV of this Agreement.

2.4 For government entities only; notwithstanding anything to the contrary contained in this Agreement, a government entity shall have no obligations under this Agreement after, nor shall any payments be made towards the System in respect of any period after December 31 of this Agreement's current year without an appropriation therefore by the government entity in accordance with a budget adopted in compliance with all or any of the applicable following laws: Article 25, Title 30 of the Colorado Revised Statutes, the Local Government Budget Law (C.R.S. §29-1-101 et.seq.) and the TABOR Amendment (Colorado Constitution, Article X, Sec. 20).

ARTICLE III THE 800 MHz SYSTEM

3.1 The System is a radio communications system which allows defined multi-jurisdictional User Agencies and Cooperating Agencies to communicate with one another throughout the geographic reach of the system. System communications depend upon antenna/transmitter-receiver sites which the County may lease and/or sublease from other entities. Said aforementioned sites may be subject to leases of real property which may expire or be terminated. In the event of an expiration or termination of a site lease, the System may become limited in its geographic reach in which case the antennas/transmitter-receivers may need to be relocated at the expense of the User Agencies and Eagle County. Furthermore, the System is subject to electromagnetic and meteorological disruption and to electronic and mechanical failure. The County cannot and does not guarantee the operability of the System as a whole or in

any part of its geographic reach; however, the County will use its best efforts to maintain the System.

3.2 The County at the County's discretion will from time to time continue to improve the System. The County will seek input from the Steering Groups regarding any recommended improvements.

3.3 The System shall be used exclusively by organizations that conduct operations as, or directly affiliated with, public safety organizations, including but not limited to police activity, code-enforcement, fire, and emergency & disaster response.

3.4 Any failure, impairment, delay, interruption to the use of the System due to an Act of God or due to any other causes beyond the direct control of the County, shall not constitute a breach of this Agreement and the County shall not be liable for any injuries, damages, or losses of any nature whatsoever resulting, directly or indirectly, from such failure, impairment, delay or interruption.

3.5 By entering into this Agreement, User Agency accepts the System AS IS, as it presently exists subject to the foregoing limitations.

ARTICLE IV THE 800 MHZ SYSTEM STEERING GROUPS

4.1 The County will establish the 800 MHz Executive Committee ("Executive Committee") for the purposes of assisting the County in administration of the System. The Executive Committee will consist of one designated representative from each User Agency. Cooperating Agencies will not be represented on the Executive Committee. Each User Agency shall submit the name of their designated representative to the System Manager, who is identified below in this Agreement, by January 31st of each year. The Executive Committee may elect officers for this committee consisting of a Chair, Vice-Chair and Secretary. The County Finance Director, or his designee, shall serve as an advisor to the Executive Committee. The Executive Committee shall meet at least once per year to ratify the following year's budget recommendation to be made to the Eagle County Board of County Commissioners, and at other times at the request of the Executive Committee Chair, Board of Eagle County Commissioners, or in accordance with such bylaws as it may adopt.

4.2 The Eagle County Board of County Commissioners shall make all final budget decisions related to the Eagle County 800 MHz system. The System Manager will present a proposed budget to the Executive Committee no later than June 15th of each year.

4.3 The Executive Committee shall also be responsible for coordinating with all User Agencies and Cooperating Agencies regarding necessary appropriations to cover unforeseen expenses.

4.4 There will be an 800 MHz Technical Operations Committee ("Tech Ops Committee") for the purposes of assisting the System Manager in planning for the multi-jurisdictional operation of the System. The Tech Ops Committee will consist of representatives from the User Agencies and the Cooperating Agencies. The Tech Ops representatives shall elect positions for this group consisting of a Chair, Vice-Chair and Secretary. The Tech Ops Committee shall meet periodically in accordance with such bylaws as it may adopt, and subject to any request made by

the System Manager, the Executive Committee Chair, or the Board of County Commissioners.

4.5 The Executive Committee and Tech Ops Committee are advisory boards to the Eagle County Board of County Commissioners, and are not independent legal entities.

ARTICLE V RADIO SYSTEM FEES

5.1 The Executive Committee will annually review the operating cost of the system and recommend the system budget to the Board of County Commissioners. User fees will then be determined for the following calendar year based upon the formula approved by the User Agencies in December of 2009, which formula is attached hereto as Exhibit "B" and incorporated herein by this reference.

Recognizing that the costs and revenues from operation of the System must be incorporated into the annual County budget, and the annual budgets of all User Agencies, the Executive Committee will make its budget recommendation to the Eagle County Finance Director and all User Agencies by July 15th of each year, or as soon thereafter as is practicable.

5.2 Invoices will be delivered on or about March 15th of each year with the payment due by April 30th of each year. Invoices not paid by May 15th will be charged interest at a rate of 1.5% monthly (18% A.P.R.). Failure to remit payment within 90 days of the invoice date will be construed as a material breach of this agreement.

ARTICLE VI SYSTEM COORDINATION

6.1 A "System Manager" shall be an Eagle County employee and shall be appointed by the Eagle County Manager.

6.2 The System Manager will take recommendations from the radio system Tech Ops Committee and will supervise and/or coordinate all work performed on the System.

6.3 Each User Agency shall designate a "Radio Coordinator" who will serve as the point of contact between the User Agencies and System Manager. A designation of the Radio Coordinator shall be made by notice in writing to the System Manager, and may be changed at User Agency's discretion by written notice to the System Manager.

6.4 The System Manager is responsible for reviewing and approving template designs for all User Agencies.

6.5 Neither a User Agency nor any employee, representative, agent or volunteer thereof may change talk group names, talk group functions, talk group aliases or any other programming without the recommendation of the Tech Ops Committee and the approval of the System Manager, who shall approve the change unless it will or may disrupt use or management of the System.

- 6.6 Only persons approved by the System Manager will be allowed to program a User Agency's radios and other equipment.

ARTICLE VII

EQUIPMENT

7.1 No equipment may be installed at any remote site, including the master site, by any User Agency without the express written consent of the System Manager. User Agencies, through user fees, support the operation and maintenance of remote site equipment. Remote site equipment includes, but is not limited to: antennas, transmission lines, RF repeaters, microwave and land-based transport and multiplexing equipment, power supplies and backup power generation and storage. Also included are the central zone controller, servers and interface equipment at the master site. The cost of maintenance, repair and regularly scheduled replacement of these components is a part of the system budget. It is possible that lightning, wildfire, wind, flooding or other natural events as well as arson, sabotage or other acts of man may cause significant damage to multiple pieces of equipment at a site, or render the entire site inoperable. Should this occur, and replacement cannot be funded from insurance or the general operating budget, an appropriation and special assessment may be requested by the System Manager and ordered by the Executive Committee.

7.2 User Agency is solely responsible for the compatibility of its equipment with the System, even if that equipment has been approved by the System Manager, whose approvals are not intended to and do not constitute a promise or warranty of compatibility. User Agency acknowledges that the System is proprietary technology, and that equipment by other manufacturers (and some Motorola equipment) may not be compatible. User Agency acknowledges that it has familiarized itself with the technical characteristics of the System and of the types of equipment compatible with it.

7.3 All radio units must be approved by the System Manager before they are used on or programmed for use on the System.

ARTICLE VIII

PROGRAMMING

8.1 Programming requires one radio template for each model of radio and each feature sets in that radio. All patches, permanent or temporary, to conventional (UHF/VHF) radio channels must be approved by the System Manager before they become operational, including patches controlled by Public Safety Electronics Banks, 800 MHz Control/Desktop Stations, Mobile and Portable Radios.

ARTICLE IX

SYSTEM RULES OF USE

9.1 FCC RULES

Eagle County holds licenses from FCC for the operation of the System. User Agency and its employees, representatives, agents and volunteers shall comply with the all terms of the license and all federal, state, local laws, and orders and regulations with respect to the User Agency's

use of the System.

9.2 SCAN

User Agency will use the Radio "SCAN" feature at its own risk. The County is not responsible for loss of radio traffic to the User's radio when using scan and roaming throughout the network.

9.3 DISABLING RADIOS

It is possible for a User Agency's radio to "drag" voice traffic to a radio site, thus causing unnecessary power consumption and system loading. The System Manager reserves the right to disable a radio from one or more sites when the System Manager or Technical Operations Committee determines that a radio is having an adverse impact on the radio system.

9.4 INTERFERENCE

After initial installation, should any interference result from the User Agency's operation of its equipment the County may order corrective measures which may include deactivating the equipment. Use and activities which are or may be causing the interference shall be deactivated as soon as practical but no longer than two (2) days after being notified by the System Manager. The User Agency shall be responsible and shall assume the cost of corrective measures needed to eliminate the interference to the satisfaction of the System Manager.

ARTICLE X SECURITY

10.1 User Agency may not loan, issue or assign any radios on a permanent or temporary basis to any outside person(s) or organization without a written authorization by the System Manager.

10.2 No radio service software ("RSS") modifications can be made to the units or central electronics (CEB) consoles without the written approval of the System Manager. These modifications include the System ID number, control channels, connect tones, call alert parameters, secure parameters, emergency channels, as well as options in future RSS software releases not listed herein. User Agency will be responsible and will assume the cost of the corrective measures needed to eliminate System problems due to any unauthorized radio software modifications.

ARTICLE XI MISCELLANEOUS

11.1 This Agreement shall be governed and construed in accordance with the laws of Colorado. Venue for any action arising out of any dispute pertaining to this Agreement shall be in the State of Colorado District Court in and for Eagle County, Colorado.

11.2 This Agreement, and the rights and obligations created hereby, shall be binding upon and inure to the benefit of County and User Agency. Nothing herein expressed or implied is intended or should be construed to confer or give to any person or entity other than County or User Agency, any right, remedy or claim under or by reason hereof or by reason of any covenant or condition herein contained.

11.3 If any portion of this Agreement is held invalid or unenforceable for any reason by a court of competent jurisdiction, such portion shall be deemed severable and its invalidity or its unenforceability shall not affect the remaining provisions; such remaining provision shall be fully severable and this Agreement shall be construed and enforced as if such invalid provision had never been inserted into this Agreement.

11.4 This Agreement may be amended, modified, changed, or terminated in whole or in part only by written agreement duly authorized and executed by both County and User Agency. This Agreement represents the full and complete understanding of County and User Agency and supersedes any prior agreements, discussions, negotiations, representations or understandings of County and User Agency with respect to the subject matter contained herein.

11.5 The parties hereto agree that neither has made or authorized any agreement with respect to the subject matter of this instrument other than expressly set forth herein, and no oral representation, promise, or consideration different from the terms herein contained shall be binding on either party, or its agents or employees hereto.

11.6 All of the covenants herein contained shall be binding upon and inure to the benefits of the parties hereto, their respective successors and assigns.

COUNTY OF EAGLE, STATE OF COLORADO,
by and through its Board of County Commissioners

ATTEST:

Frank D. Smith
Clerk to the Board



Sara J. Fisher
Sara J. Fisher, Chairman

TOWN OF EAGLE,
by and through its Board of Trustees

ATTEST:

Maureen M. Miller
Clerk to the Board

By:

Ed Woodland
Ed Woodland, Mayor

Exhibit A

User Agencies	Cooperating Agencies
Eagle County Government Eagle County Health Service District Eagle County School District Eagle River Fire Protection District Eagle River Water & Sanitation District Greater Eagle Fire Protection District Gypsum Fire Protection District Rock Creek Fire Department Town of Avon Town of Eagle Town of Minturn Town of Vail Vail Valley Medical Center Western Eagle County Ambulance District	Basalt & Rural Fire Protection District Colorado Department of Transportation Colorado State Patrol Federal Bureau of Investigation United States Forest Service Vail Resorts Cordillera Public Safety Lone Star Security Valagua Metropolitan District

Exhibit B

Radio System Invoicing Formula

We have instituting a tiered funding formula for the Eagle County 800MHz system beginning with the 2010 budget year.

1. Funding for the anticipated radio infrastructure maintenance cost of \$408,235 will be based on the percentage of radio system usage with the system logs for each talkgroup on a weekly basis. Weekly usage percentages have been averaged for each agency talkgroup and the dispatch talkgroups which will be divided amongst the agencies who are the users of that dispatch talkgroup based upon their percentage of dispatch center use.
2. Subscriber unit (radios) maintenance will be based each year upon the current cost of the depot service contract. For 2010 the cost is \$90 per radio.
3. A contingency fund may be created in later years based upon a capital assessment added to the user agency's fee. Shown as an additional percentage added to the annual fee
4. A Foundation Fee schedule based upon the user agency's inventory (See Table)

☐ 1 - 5 units	\$500	☐ 101-125 units =	\$26,000
☐ 6-10 units	\$2,000	☐ 126-150 units =	\$34,000
☐ 11-25 units	\$4,000	☐ 151-175 units =	\$40,000
☐ 26-50 units	\$8,000	☐ 175-200 units =	\$46,000
☐ 51-75 units =	\$14,000	☐ 201+ Units	\$52,000
☐ 76-100 units =	\$20,000		

The user agencies inventory on January 1st will constitute the means for Foundation Fee Calculation. Any agency adding to their inventory during the year will be pro-rated a fee based upon the remaining portion of the year multiplied by the agency's average fee per radio. Agencies will not receive a refund for reducing their inventory.