



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, October 4, 2022 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Public participation for this meeting will be in person in the City Council Chambers, and the meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer>.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

- 1) City Council meeting called to order by Mayor Dave Frank
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) Youth City Council Applicant Interviews
- 6) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate. Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any “disorderly conduct” which violates state or local law and shall not be permitted.

7) CONSENT AGENDA (5 minutes)

- A) City Council consideration of the minutes of the September 19, 2022, special City Council meeting and the September 20, 2022, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo 4-8*
- B) City Council consideration of applicants Grace Hotsenpiller, Ciana Beller, Maggie Ellen Kusar, Sydney Bell, Khloey Kuehn, Hunter Barton and Caitlin Dovey for appointment to the City of Montrose Youth City Council for the 2022-2023 term. *Staff: Youth City Council Coordinator Briceida Ortega*

Action: Consider making a motion to approve the consent agenda as presented.

8) TAVERN LIQUOR LICENSE TRANSFER APPLICATION (15 minutes)

City Council consideration of an application for the transfer of a Tavern liquor license at 1391 S. Townsend Avenue from BC Montrose LLC, d.b.a. Holiday Inn Express Montrose Bar, to CP Montrose LLC, d.b.a. Holiday Inn Express & Suites Montrose, Colorado, for consumption on the licensed premises. *Staff: Assistant City Attorney Chris Dowsey 9-13*

Action: Accept public comment. Consider making a motion to approve the transfer of a Tavern liquor license at 1391 S. Townsend Avenue from BC Montrose LLC, d.b.a. Holiday Inn Express Montrose Bar, to CP Montrose LLC, d.b.a. Holiday Inn Express & Suites Montrose, Colorado, for consumption on the licensed premises.

9) NEW LODGING AND ENTERTAINMENT LIQUOR LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Lodging and Entertainment liquor license at 1544 Oxbow Drive for Montrose Day Spa & Wellness Center, LLC, d.b.a. Montrose Day Spa, for consumption on the licensed premises. *Staff: City Attorney Ben Morris 14-18*

Action: Hold a hearing. Consider making a motion to approve a new Lodging and Entertainment liquor license at 1544 Oxbow Drive for Montrose Day Spa & Wellness Center, LLC, d.b.a. Montrose Day Spa, for consumption on the licensed premises.

10) ORDINANCE 2597 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2597 on first reading, an Ordinance of the City of Montrose, Colorado, repealing Subsection 6-1-28(L) from the Official Code of the City of Montrose, Colorado, to remove a reference to an unused account. *Staff: Municipal Court Judge Charles Greenacre 19-24*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2597 on first reading as presented.



11) WOODS CROSSING NORTH SUBDIVISION PRELIMINARY PLAT (10 minutes)

City Council consideration of the Woods Crossing North Subdivision Preliminary Plat.
Staff: Planner II William Reis 25-43

Action: Accept public comment. Consider making a motion to approve the Woods Crossing North Subdivision Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

12) RESOLUTION 2022-13 (10 minutes)

City Council consideration of Resolution 2022-13 setting November 15, 2022, as the hearing date for Hilltop North Addition Annexation. *Staff: Planner II William Reis 44-53*

Action: Consider making a motion to adopt Resolution 2022-13 as presented.

13) INTERGOVERNMENTAL AGREEMENT FOR SHARED SERVICES (5 minutes)

City Council consideration of an Intergovernmental Agreement between Montrose County and the City of Montrose for Liquor Licensing Shared Services. *Staff: City Clerk Lisa DelPiccolo 54-58*

Action: Accept public comment. Consider making a motion to approve an Intergovernmental Agreement between Montrose County and the City of Montrose for Liquor Licensing Shared Services as presented.

14) STAFF REPORTS

15) CITY COUNCIL COMMENTS

16) MOTION TO ADJOURN

A special meeting of the Montrose City Council was held on Monday, September 19, 2022, at 12:00 p.m., or immediately following the work session in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Ben Morris, Charles Greenacre, Lisa DelPiccolo

CALL TO ORDER

Mayor Dave Frank called the special meeting to order at 11:04 a.m.

EXECUTIVE SESSION

At 11:05 a.m., a motion was made by Barbara Bynum, seconded by Doug Glaspell, to enter into an executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f), and the following additional details are provided for identification purposes: Municipal Court Judge mid-cycle informal review. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 11:31 a.m.

At 11:31 a.m. a motion was made by Doug Glaspell, seconded by J. David Reed to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, September 20, 2022, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ben Morris, Ann Morgenthauer, Chris Dowsey, Lisa DelPiccolo, Briceida Ortega, Shani Wittenberg, Matthew Magliaro, Blaine Hall, Greg Story

GUESTS: Bud Taylor, Cherie Stock Collins, Melanie Bell, Gunnison Clamp, Grace Hotsenpiller, Ciana Beller, Maggie Ellen Kusar, Sydney Bell, Khloey Kuehn, Hunter Barton

CALL TO ORDER

Mayor Dave Frank called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

CONSTITUTION WEEK PROCLAMATION

Mayor Dave Frank and the City Council proclaimed the week of September 17 through 23, 2022 as Constitution Week in the City of Montrose. Mayor Frank presented the proclamation to Cherie A. Stock Collins with Daughters of the American Revolution.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the September 6, 2022, special City Council meeting and the September 6, 2022, regular City Council meeting.

A motion was made by Barbara Bynum, seconded by J. David Reed, to approve the minutes of the September 6, 2022, special City Council meeting and the September 6, 2022, regular City Council meeting as presented. All voted yes. Motion passed.

SPECIAL EVENTS PERMIT APPLICATION

City Council considered an application for a Special Events Permit for Black Canyon Boys & Girls Club to serve alcohol in conjunction with the closure of the 500 Block of Main Street for the Dinner on Main event on September 24, 2022.

A motion was made by Barbara Bynum, seconded by J. David Reed, to approve a Special Events Permit for Black Canyon Boys & Girls Club to serve alcohol in conjunction with the closure of the 500 Block of Main Street for the Dinner on Main event on September 24, 2022. All voted yes. Motion passed.

YOUTH CITY COUNCIL APPLICANT INTERVIEWS

City Council interviewed applicants Grace Hotsenpiller, Ciana Beller, Maggie Ellen Kusar, Sydney Bell, and Khloey Kuehn for positions on the Montrose Youth City Council for the 2022-2023 term. Applicant Hunter Barton was interviewed upon his arrival later in the meeting.

Mayor Dave Franked and the City Council thanked all the applicants for their willingness to serve on the Youth City Council.

ORDINANCE 2594 – SECOND READING

City Council considered Ordinance 2594 on second reading, an Ordinance of the City of Montrose, Colorado, extending the temporary moratorium to prohibit the establishment of any new or relocation of existing adult gaming arcade uses within the City limits of the City of Montrose; providing that the moratorium shall be in effect for a period which shall terminate at the earliest of the City's adoption of an amendment to Title 4, Chapter 14 Adult Business Regulations, or the expiration of seven hundred thirty (730) days from date of passage of Emergency Ordinance 2560; providing for legislative findings, intent, and purpose; providing repealing clauses; and providing an effective date.

Assistant City Attorney Matthew Magliaro reported that Ordinance 2594 extends a city-wide moratorium on adult gaming arcade uses until September 21, 2023. Mr. Magliaro stated that clean and red line versions of the Ordinance are included in the meeting packet, and no changes were made since first reading on September 6. Mr. Magliaro stated that the passage of HB 22-1412 expands the powers of the Division of Gaming regarding this topic, and staff is requesting additional time to work with the Division of Gaming on the rule making sessions and pursue enforcement avenues.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Ordinance 2594 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2595 – SECOND READING

City Council considered Ordinance 2595 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title 5 Chapter 11 Sections 1, 3, and 8, to reflect recodification of certain sections of the Colorado Revised Statutes. A hearing was held.

Assistant City Attorney Chris Dowsey reported that Ordinance 2595 updates cross references to Colorado Revised Statutes related to pawnbrokers and does not include any substantive changes.

Mr. Dowsey stated that no changes were made to the Ordinance since first reading on September 6.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2595 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2596 – SECOND READING

City Council considered Ordinance 2596 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title 5 Chapter 12 Sections 1, 2, 3, 5, 7, 8, 9, and 10, to reflect recodification of certain sections of the Colorado Revised Statutes. A hearing was held.

City Attorney Ben Morris reported that this item is similar to the previous agenda item. Mr. Morris said that statutes related to alcoholic beverages were recodified by state legislature, and Ordinance 2596 updates cross references in the Municipal Code. Mr. Morris stated that no changes were made to the ordinance since first reading on September 6.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Barbara Bynum, seconded by J. David Reed, to adopt Ordinance 2596 on second reading as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg provided a sales, use, and excise tax report for the month of July 2022. Ms. Wittenberg reported that total sales and use tax collections were up 7.8 percent as compared to July of 2021 with a positive budget variance of 26.2 percent. Year-to-date collections were up 11.5 percent with a positive budget variance of 30.2 percent.

Montrose Public Safety Complex Grand Opening: Police Chief Blaine Hall invited the community to a grand opening ceremony for the Montrose Public Safety Complex beginning at noon on Tuesday, September 27. Chief Hall reported that many state and local officials will be present for the ceremony, and multiple opportunities for public tours of the facility are scheduled during the week. Mayor Dave Frank confirmed that South First Street in front of the Public Safety Complex will remain closed until approximately October 15 and then will open to one-way traffic.

CITY COUNCIL COMMENTS

No comments were provided.

MOTION TO ADJOURN

At 6:33 p.m., a motion was made by Barbara Bynum to adjourn the meeting with no further action taken.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

1

Name CP Montrose LLC	Type of License Tavern (city)	Account Number
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?		Yes ☐ No ☒
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):		
a. Been denied an alcohol beverage license?		☐ ☒
b. Had an alcohol beverage license suspended or revoked?		☐ ☒
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?		☐ ☒
If you answered yes to 8a, b or c, explain in detail on a separate sheet.		
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		☐ ☒
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		☐ ☒
Waiver by local ordinance? ☐ ☒		
Other: _____		
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		☐ ☐
		N/A
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		☐ ☐
		N/A
13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?		N/A ☐ ☐
13 b. Are you a Colorado resident?		N/A ☐ ☐
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		☒ ☐
See attached.		
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?		☐ ☐
☐ Ownership ☐ Lease ☒ Other (Explain in Detail) <u>Management Agreement</u>		
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:		
Landlord Aviation Way LLC	Tenant CP Montrose LLC	Expires 12/31/2027
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.		☐ ☒
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".		
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.		
Last Name None	First Name	Date of Birth
Last Name	First Name	Date of Birth
	FEIN or SSN	Interest/Percentage
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.		
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?		N/A ☐ ☐
Number of additional Optional Premise areas requested. (See license fee chart)		
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.		N/A
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following:		
a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?		N/A ☐ ☐
If "yes" a copy of license must be attached.		

Name CP Montrose LLC	Type of License Tavern (city)	Account Number		
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation N/A				
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		Yes ☐ No ☐		
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		Yes ☐ No ☐		
c. How long has the club been incorporated?				
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		Yes ☐ No ☐		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: N/A				
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)				
22. Campus Liquor Complex applicants answer the following: N/A				
a. Is the applicant an institution of higher education?		Yes ☐ No ☐		
b. Is the applicant a person who contracts with the institution of higher education to provide food services?		Yes ☐ No ☐		
If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				
23. For all on-premises applicants.				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record				
- DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application				
- DR 8000 and fingerprints.				
Last Name of Manager Richter	First Name of Manager Julie			
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		Yes ☒ No ☐		
See Attached.				
25. Related Facility - Campus Liquor Complex applicants answer the following: N/A				
a. Is the related facility located within the boundaries of the Campus Liquor Complex?				
If yes, please provide a map of the geographical location within the Campus Liquor Complex.				
If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.				
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager	First Name of Manager			
26. Tax Information. Yes No				
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?		Yes ☐ No ☒		
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?		Yes ☐ No ☒		
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name Concord Payroll	Home Address, City & State 11410 Commons Oaks Dr, Raleigh NC 27614	DOB N/A	Position Member	%Owned 100%
Name Mark Laport	Home Address, City & State 1404 Barony Lake Way, Raleigh NC 27614	DOB	Position Manager	%Owned 0%
Name Julie Richter	Home Address, City & State 9123S Lowell Rd, Bahama NC 27503	DOB	Position Manager	%Owned 0%
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: ☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				

Name CP Montrose LLC		Type of License Tavern (city)	Account Number	
Oath Of Applicant				
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.				
Authorized Signature <i>Julie Richter</i>		Printed Name and Title Julie Richter		Date 10.23.22
Report and Approval of Local Licensing Authority (City/County)				
Date application filed with local authority August 19, 2022		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) October 4, 2022		
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:				
☒ Fingerprinted ☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants				
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license (Check One)				
☐ Date of inspection or anticipated date _____ ☒ Will conduct inspection upon approval of state licensing authority				
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?				Yes No ☐ ☐
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?				☐ ☐
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.				
☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?				☐ ☐
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.				
Local Licensing Authority for		Telephone Number		☐ Town, City ☐ County
Signature	Print	Title	Date	
Signature	Print	Title	Date	

Attachment to Retail Application

Question 14:

Concord Payroll currently holds the following liquor licenses:

Hyatt House Denver/Lakewood at Belmar, Hotel & Restaurant License 03-06010.

TLO Broomfield Hotel LLC, Tavern License 03-09835

Question 24:

Julie Richter has interest in Concord Payroll, which holds the following liquor licenses:

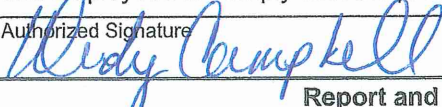
Hyatt House Denver/Lakewood at Belmar, Hotel & Restaurant License 03-06010.

TLO Broomfield Hotel LLC, Tavern License 03-09835

Page 14 of 58

Name <u>Montrose Day Spa + Wellness Center</u>		Type of License <u>Lodgney+Ent</u>		Account Number	
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?					Yes ☐ No ☒
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):					
a. Been denied an alcohol beverage license?					☐ ☒
b. Had an alcohol beverage license suspended or revoked?					☐ ☒
c. Had interest in another entity that had an alcohol beverage license suspended or revoked?					☐ ☒
If you answered yes to 8a, b or c, explain in detail on a separate sheet.					
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.					☐ ☒
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?					☐ ☒
Waiver by local ordinance? ☐ ☐					or
Other: _____					
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					☐ ☒
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					☐ ☒
13. a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?					☐ ☒
b. Are you a Colorado resident?					☒ ☐
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.					☐ ☒
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?					☒ ☐
☐ Ownership ☒ Lease ☐ Other (Explain in Detail) _____					
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:					
Landlord <u>The tower building of Montrose LLC</u>		Tenant <u>Montrose Day Spa + Wellness Center</u>		Expires <u>9/24</u>	
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.					☐ ☒
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".					
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.					
Last Name <u>NONE</u>		First Name		Date of Birth	
Last Name		First Name		Date of Birth	
				FEIN or SSN	
				Interest/Percentage	
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.					
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:					☐ ☒
Has a local ordinance or resolution authorizing optional premises been adopted?					
Number of additional Optional Premise areas requested. (See license fee chart)					☐
18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.					

Name Mantrose Day Spa + Wellness Center LLC	Type of License Lodging + Ent	Account Number		
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? ☐ ☒ If "yes" a copy of license must be attached.				
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation Yes No a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? ☐ ☒ b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? ☐ ☒ c. How long has the club been incorporated? d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? ☐ ☒				
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) ☐ ☒				
22. Campus Liquor Complex applicants answer the following: a. Is the applicant an institution of higher education? ☐ ☒ b. Is the applicant a person who contracts with the institution of higher education to provide food services? ☐ ☒ If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				
23. For all on-premises applicants. a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager Campbell	First Name of Manager Wendy			
24. Does this manager act as the manager of, or have a financial interest in any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No ☐ ☒				
25. Related Facility - Campus Liquor Complex applicants answer the following: ☐ ☐ a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex. b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager	First Name of Manager			
26. Tax Information. Yes No a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ ☒ b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ ☒				
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name Wendy Campbell	Home Address, City & State 58591 Jig Rd Mantrose CO 80465	DOB	Position Owner	%Owned 100
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned

Name Montrose Day Spa + Wellness Center LLC	Type of License Lodging + Ent	Account Number								
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: ☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.										
Oath Of Applicant I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.										
Authorized Signature 	Printed Name and Title Wendy Campbell - owner	Date 8-15-22								
Report and Approval of Local Licensing Authority (City/County)										
Date application filed with local authority August 25, 2022	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) October 4, 2022									
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been: ☒ Fingerprinted ☐ Subject to background investigation, including NCIC/CCIC check for outstanding warrants That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license (Check One) ☐ Date of inspection or anticipated date _____ ☒ Will conduct inspection upon approval of state licensing authority										
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? ☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?		<table border="0"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	Yes	No	☐	☒	☐	☒	☐	☒
Yes	No									
☐	☒									
☐	☒									
☐	☒									
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.										
Local Licensing Authority for		Telephone Number ☐ Town, City ☐ County								
Signature	Print	Title								
Signature	Print	Title								
		Date								



CITY OF MONTROSE

OFFICE OF THE CITY CLERK



Lisa DelPiccolo, MMC, City Clerk

Direct Dial: 970.240.1422

E-mail: ldelpiccolo@ci.montrose.co.us

September 27, 2022

Petitions were circulated in support of a Lodging & Entertainment liquor license for Montrose Day Spa & Wellness Center, LLC, doing business as Montrose Day Spa at 1544 Oxbow Drive.

A summary of the petitions is as follows:

- 73 Signatures were submitted
- 39 Signatures were determined to be insufficient
 - 33 outside of city limits
 - 4 provided insufficient addresses
 - 1 provided an insufficient address and failed to provide the age of the signer
 - 1 failed to provide an age of the signer and did not indicate support or opposition
- 34 Signatures were determined to be valid and in support of the license.

Comments received in support of the license being issued:

- Wahoo!
- Yes! (3)

Respectfully,

Lisa DelPiccolo, MMC
City Clerk

ORDINANCE NO. 2597

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING SUBSECTION 6-1-28 (L) FROM THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO, TO REMOVE A REFERENCE TO AN UNUSED ACCOUNT

WHEREAS, § 6-1-28 of the Official Code of the City of Montrose addresses the issue of graffiti and the remediation thereof; and

WHEREAS, part of the City's graffiti remediation regime originally contemplated use of an account, intended for accumulation of monies from persons convicted of violating the City's ordinances prohibiting graffiti; and

WHEREAS, the actual amount of money directly assessed as penalties from graffiti-related cases in the Municipal Court has been small; and

WHEREAS, the City Council has determined that any monies collected from graffiti-related cases should be accumulated in a revenue account of the General Fund instead of a special graffiti-related account.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

Section 1: Section 6-1-28 (L) (Anti-Graffiti Account) of the Code is amended to read as follows:

(L) Repealed by Ordinance no.2597, 10/18/2022.

Section 2:

The Anti-Graffiti Account, no. 100-2227-455000, shall be closed. All monies within said Account shall be transferred to the General Fund as reimbursement for prior graffiti remediation.

Section 3:

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4:

This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any

manner affect the scope, meaning or extent of the provisions of any article or section thereof. In the case of a conflict between any provision or provisions of this Ordinance, and those of prior Ordinances, where such conflicts cannot be resolved by reasonable legal interpretive methods or doctrines, the provisions of this Ordinance shall control.

Section 5:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose (hereinafter sometimes called the “Code”), and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 6:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

Section 7:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

Section 8:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 9:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 10:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 4th day of October, 2022, at the hour of 6:00 p.m. at the Elks’ Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 4th day of October, 2022.

ATTEST:

Lisa DelPiccolo, City Clerk

David Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 18th day of October,
2022.

ATTEST:

Lisa DelPiccolo, City Clerk

David Frank, Mayor

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING SUBSECTION 6-1-28 (L) FROM THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO, TO REMOVE A REFERENCE TO AN UNUSED ACCOUNT

WHEREAS, § 6-1-28 of the Official Code of the City of Montrose addresses the issue of graffiti and the remediation thereof; and

WHEREAS, part of the City's graffiti remediation regime originally contemplated use of an account, intended for accumulation of monies from persons convicted of violating the City's ordinances prohibiting graffiti; and

WHEREAS, the actual amount of money directly assessed as penalties from graffiti-related cases in the Municipal Court has been small; and

WHEREAS, the City Council has determined that any monies collected from graffiti-related cases should be accumulated in a revenue account of the General Fund instead of a special graffiti-related account.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

Section 1: Section 6-1-28 (L) (Anti-Graffiti Account) of the Code is amended to read as follows:

(L) ~~**Anti-Graffiti Account:** The City Council hereby creates a restricted Anti-Graffiti Account in the General Fund. Penalties assessed against violators of this Ordinance shall be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The Council shall direct the expenditures of monies in the fund. Such expenditures shall be limited to the payment of the cost of graffiti removal, the payment, at the discretion of the City Manager, of rewards for information leading to the conviction of violation of the Ordinance, the costs of administering the Ordinance, and such other public purposes as may be approved by the Council by resolution. Repealed by Ordinance no. 2597 _____, 10/18—/2022.~~

Section 2:

The Anti-Graffiti Account, no. 100-2227-455000, shall be closed. All monies within said Account shall be transferred to the General Fund as reimbursement for prior graffiti remediation.

Section 3:

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or

unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4:

This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. In the case of a conflict between any provision or provisions of this Ordinance, and those of prior Ordinances, where such conflicts cannot be resolved by reasonable legal interpretive methods or doctrines, the provisions of this Ordinance shall control.

Section 5:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose (hereinafter sometimes called the “Code”), and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 6:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

Section 7:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

Section 8:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 9:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 10:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2022.

ATTEST:

Lisa DelPiccolo, City Clerk

David Frank, Mayor

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Tuesday, the _____ day of _____, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this _____ day of _____, 2022.

ATTEST:

Lisa DelPiccolo, City Clerk

David Frank, Mayor



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: October 4, 2022
RE: Woods Crossing North Subdivision Preliminary Plat

ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Excerpt from City of Montrose Municipal Code

Public notice requirements have been fulfilled in accordance with Section 4-4-31(D) of the City of Montrose Municipal Code.

City Council Consideration:

City Council is considering approval of the Woods Crossing North Subdivision Preliminary Plat. City Council will consider all of the information in this memo in making a decision.

Application Background:

The Woods Crossing Preliminary Plat will subdivide a 160.71 acre parcel into a residential subdivision. The property is bordered on south by Sunnyside Road, on the north by Miami Road, on the west by 6720 Road, and on the east by agricultural fields and single-family homes. The majority of the parcel (134+ acres) is zoned “R-3” Medium Density District, with two “B-4” Neighborhood Shopping District sections with the condition that multifamily residential uses are not allowed in these two areas. The residential lots proposed on this preliminary plat all fall within the “R-3” Medium Density District. This preliminary plat proposes 287 single-family residential lots, a 5.42 acre dedicated public park, 11.17 acres of other open space, associated rights-of-way, and a 76.32 acre outlot for future development.

Applicant: Matt Miles, Leadership Circle, LLC



Staff Analysis:

1. Subdivision Application Details & Review Standards:

The City of Montrose Municipal Code outlines the process and standards for Subdivision applications. The preliminary plat and proposed improvements shall comply with all requirements of the subdivision regulations and other applicable City design and construction specifications and standards. The Planning Commission should consider whether the project meets the standards outlined within Section 4-7-5 (A) (2) and summarized below: (See Exhibit B)

- The proposal shall be consistent with the Master Plan, City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed considering the following at a minimum:
 - a. Conformance with the master plan and zoning regulations;
 - b. Relationship of development to topography, soils, drainage, flooding, potential hazard areas and other physical characteristics;
 - c. Availability of water, means of sewage collection and treatment, storm water drainage, access and other utilities and services;
 - d. Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - e. Adjacent streets and traffic flow, including pedestrian access;
 - f. Availability of fire, police and other emergency services protection;
 - g. Impacts on area schools.

2. The Comprehensive Plan Future Land Use Map designates the area as Residential Mixed Density Medium. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed. This district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes.

3. Zoning Regulations:

- Municipal Code, Section 4-4-7(A) Intent: The “R-3” Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. This district provides for other uses which are compatible with such uses.
- The proposed uses are a use-by-right in these zoning districts. The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are zoned “R-1” Very Low Density District, “R-1A” Large Estate District, “R-2” Low Density District, “R-3A” Medium High Density District, and agricultural (outside City limits).



4. The Woods Crossing North Preliminary Plat does not appear to be adverse to the public health, safety and welfare and is in compliance with the City's Subdivision Regulations.

Planning Commission Action:

The Planning Commission made a recommendation to City Council to approve the Woods Crossing North Preliminary Plat at the September 14, 2022 meeting with the following standard condition: "The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied." The vote was unanimous.

City Council Options for Preliminary Plat:

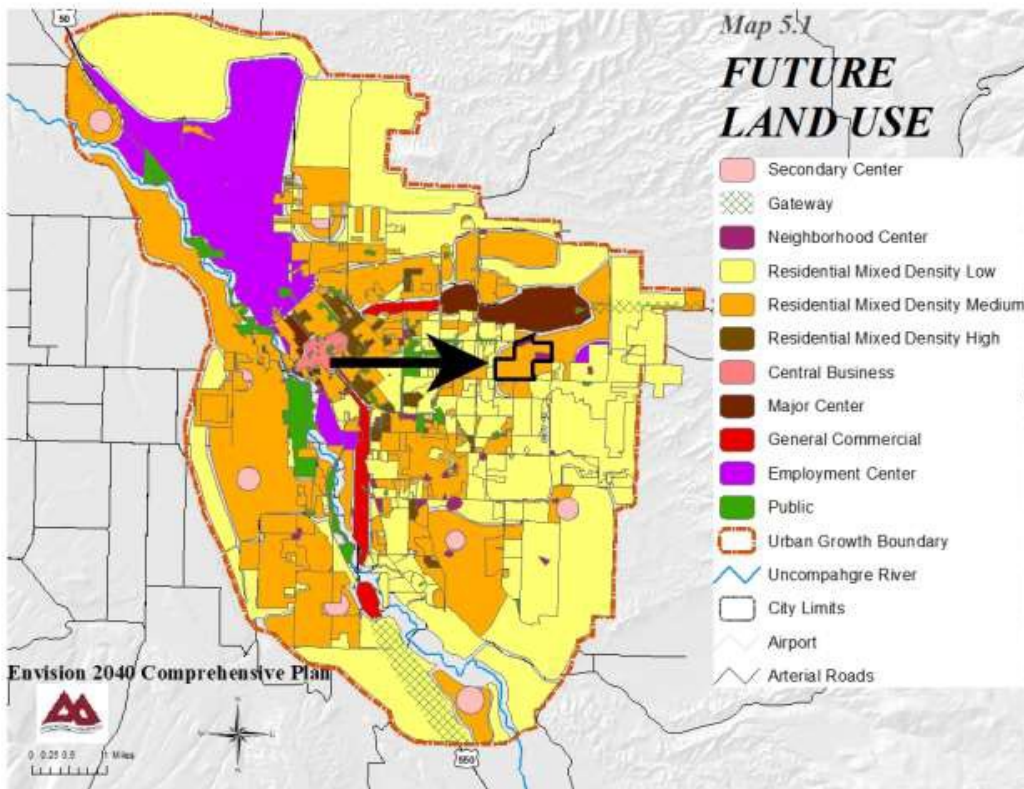
1. Accept the Planning Commission recommendation and approve the Woods Crossing North Subdivision Preliminary Plat with the following standard condition:
 - "The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied."
2. Disapprove the preliminary plat if Council finds the requirements of the subdivision regulations have not been met.



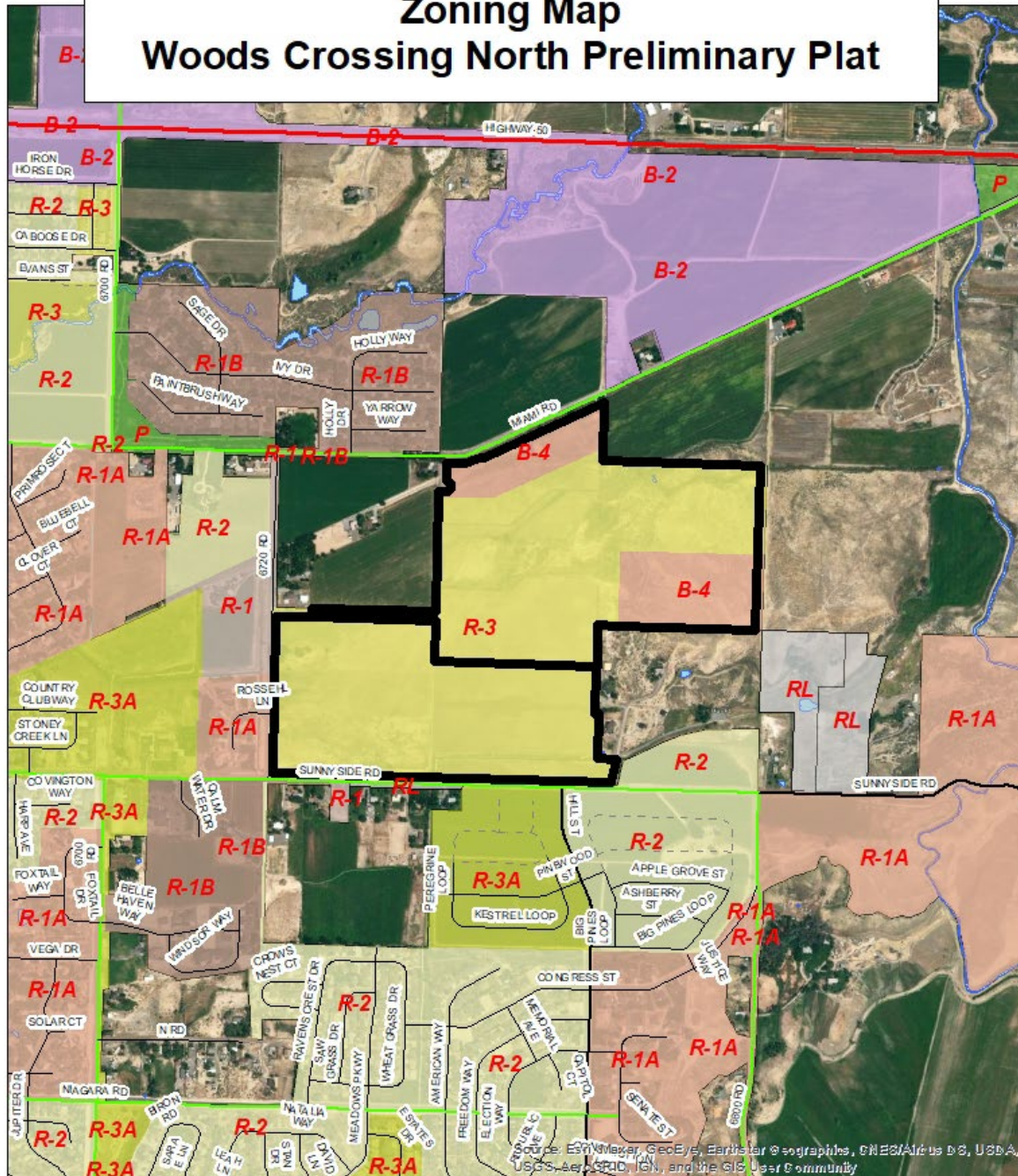
Vicinity Map



Comprehensive Plan Future Land Use Map



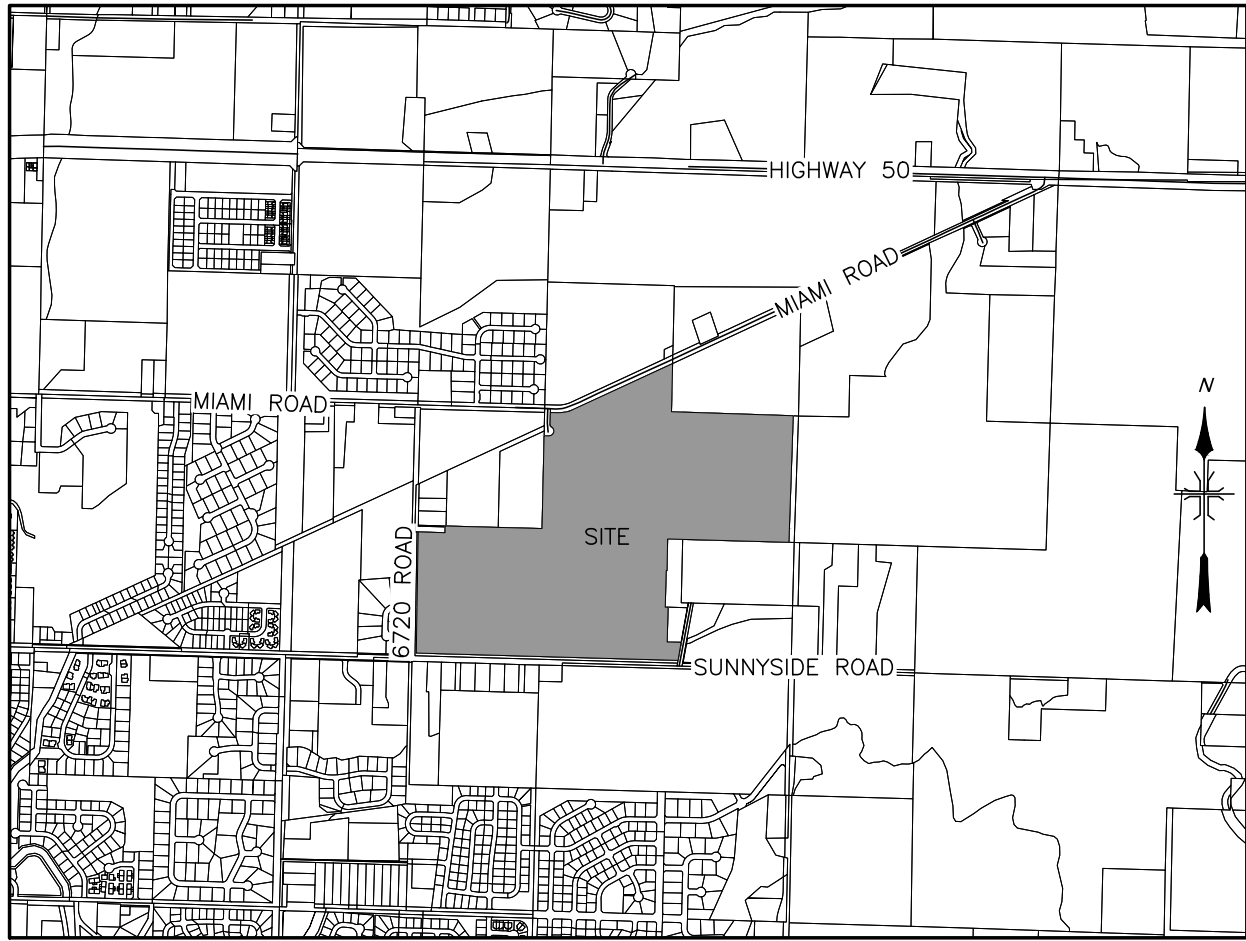
Zoning Map Woods Crossing North Preliminary Plat



WOODS CROSSING NORTH

PRELIMINARY PLAT

SITUATED IN SECTION 25, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that the undersigned being the Owner(s) of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

TRACT 1:

A tract of land situated in Section 25, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. Being better described as beginning at the SE 1/16 corner of said Section 25 thence along the East line of the SW1/4 SE1/4 S0125°41'W 330.08 feet;
Thence leaving said East line N88°20'07"W 1317.99 feet to a point on the West line of said SW1/4 SE1/4;
Thence along said West line N01°20'19"E 330.15 feet to the CS1/16 corner of said Section 25;
Thence along the North line of the SE1/4 SW1/4 N88°20'24"W 980.18 feet;
Thence leaving said North line N01°18'41"E 70.00 feet to a point on the South line of the R.H. Minor Subdivision Reception No. 520161;
Thence along said South line of the R.H. Minor Subdivision S88°20'24"E 980.22 feet;
Thence along the East line of said R.H. Minor Subdivision N01°20'35"E 967.10 feet to a point on the 6750 Road Right of Way;
Thence the following four (4) courses along said Right of Way S88°39'25"E 50.00 feet;
Thence 134.93 feet along the arc of a curve to the left with a radius of 50.00, an interior angle of 154°37'23" and a chord of N14°01'53"E 97.56 feet;
Thence 22.56 feet along the arc of a curve to the right with a radius of 20.00 feet, an interior angle of 64°37'23" and a chord of N30°58'07"W 21.38 feet;
Thence N01°20'35"E 118.82 feet to a point on the Miami Road Right of Way;
Thence the following two (2) courses along said Right of Way S88°21'38"E 55.33 feet;
Thence 209.85 feet along the arc of a curve to the left with a radius of 456.00 feet, an interior angle of 26°22'05" and a chord of N78°27'20"E 208.01 feet;
Thence N65°16'17"E 11.89 feet to the North line of the NW1/4 SE1/4;
Thence along said North line S88°21'42"E 34.36 feet;
Thence leaving said North line N65°15'56"E 1065.68 feet to a point on the East line of the SW1/4 NE1/4;
Thence leaving said Right of Way along the said East line S01°19'00"W 473.39 feet;
Thence along the North line of the NE1/4 SE1/4 S88°21'42"E 1264.52 feet;
Thence running 56 feet west of and parallel to the East line of the NE1/4 SE1/4 S01°30'38"W 1319.67 feet to a point on the South line of said NE1/4 SE1/4;
Thence along the South line of the NE1/4 SE1/4 N88°24'07"W 1262.71 feet to the Point of Beginning.

Containing 94.39 acres more or less as described.

TRACT 2:

A tract of land situated in Section 25, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. Being better described as beginning at a point in which the SE1/16 of said Section 25 bears N02°42'36"E 330.15 feet;
Thence along the West line of Lot 1 of the Tom English Minor Subdivision S01°48'24"W 379.43 feet;
Thence along the South line of said subdivision S88°25'27"E 30.00 feet;
Thence along the West line of Lot A Replat Nicolas Minor Subdivision S01°39'17"W 363.30 feet;
Thence along the South line of said Lot A Nicolas Minor S88°41'01"E 148.64 feet to a point on the 6775 Road Right of Way;
Thence along said Right of Way S10°21'47"W 194.42 feet to a point on the Sunnyside Road North Right of Way per Reception No. 886015;
Thence the following two (2) courses along said Right of Way N88°26'37"W 1453.64 feet;
Thence N88°23'21"W 1284.02 feet to a point on the 6720 Road Right of Way;
Thence along said 6720 Road East Right of Way N01°17'09"E 1265.70 feet;
Thence along the North line of the SE1/4 SW1/4 S88°20'24"E 1285.18 feet;
Thence along the East line of the SE1/4 SW1/4 S01°20'19"W 330.15 feet;
Thence S88°26'07"E 1310.60 feet to the Point of Beginning.

Containing 66.32 acres more or less as described.

Have by these presents laid out, platted and subdivided into lots, as shown on this plat, under the name and style of WOODS CROSSING NORTH and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Hill Street, Douglas Fir Lane, Douglas Fir Street, Conifer Lane, Conifer Street, Pine Tree Drive, Claim Jumper Avenue, Olive Branch Avenue, Lodgepole Street, Lodgepole Lane, and Forest Way.

Park Tract B is hereby dedicated, granted and conveyed to the City of Montrose for the use of the public for recreation purposes as authorized by the City.

The easements shown on this plat are dedicated, granted, and conveyed to the City of Montrose, Colorado for public utility purposes including but not limited to water, sewer, electrical, telephone, gas, communication and CATV lines, public irrigation and drainage easements specifically labeled for dedication, together with a perpetual right of ingress and egress for installation, maintenance and replacement of such facilities. The dedication of easements as herein provided shall not include those easements exclusively utilized for irrigation improvements, if any, or otherwise subject to a previously recorded conveyance.

Executed this _____ day of _____, 20____.

STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Certificate of Dedication and Ownership was acknowledged before me on this ____ day of _____, 20____, by
Miami Road Properties, LLC.

Witness my hand and official seal.

My commission expires _____

Miami Road Properties, LLC

Notary

SURVEYOR'S CERTIFICATE

I, Frederick Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I certify that I have made the survey represented by this plat and that this plat accurately represents said survey, and conforms to all applicable requirements of the City Subdivision Regulations and applicable law. I further certify that all monuments shown hereon actually exist and their positions are as shown.

C.R.S. Section 38–51–106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title commitment issued by Fidelity National Title Insurance Company, dated June 30, 2020, bearing policy number 696–F0676042–397–DGO.

PRELIMINARY

Frederick Ballard, P.L.S.
Registration No. 37690

Date: _____

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet.

BASIS OF BEARINGS:

The bearing between the found rebar and cap PLS 12180 at the SE Corner of NE1/4 SE1/4 Section 25, Township 49 North, Range 9 West and the found rebar and cap at the SW corner of said NE1/4 SE1/4 said Section, bears N88°24'07"W (Colorado South Modified State Plane Coordinates)

ENGINEER'S CERTIFICATE

I, David Schieldt, a Registered Engineer in the State of Colorado, do hereby certify that the sanitary sewer system, water distribution system and the storm drainage system shown on the accompanying plans of this Subdivision are properly designed, meet City of Montrose specifications, and are adequate to properly serve the Subdivision shown hereon. I further certify that the sanitary sewer system, water distribution system, storm drainage system, streets, parks, and other improvements are designed and constructed in accordance with applicable City specifications and regulations.

David W. Schieldt, P.E.
Registration No. 47195
Date: _____

APPROVAL OF PRELIMINARY PLAT

City Engineer _____ Date _____
Scott Murphy, P.E.

City Attorney _____ Date _____
Ben Morris

City Planning _____ Date _____
Commission Chair David Fisher

City Mayor _____ Date _____
Dave Frank

ATTORNEY'S CERTIFICATE

I, _____, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have examined the title of all land herein platted and described in the above Certificate of Ownership and Dedication, and that title to such land is in the Owners and Dedicators; and that the title to all dedicated property therein described, is free and clear of all liens and encumbrances, except _____

Attorney
Registration No. _____
Date: _____

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, _____, City Engineer, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Montrose, have been constructed, inspected and approved in this Subdivision in accordance with applicable City ordinances, regulations and specifications, and a Letter of Substantial Completion has been issued, as required by the City's Municipal Code.

City Engineer
Registration No. _____
Date: _____

APPROVAL OF CITY MANAGER

Approved this _____ day of _____, 20____, by _____, City Manager
of the City of Montrose.

City Manager

APPROVAL OF CITY ATTORNEY

Approved for recording this _____ day of _____, 20____, by _____, City Attorney
of the City of Montrose.

City Attorney

APPROVAL OF CITY COUNCIL

Approved this _____ day of _____, 20____, by _____, Mayor
of the City of Montrose; all conveyances of interests in real property made on this plat are hereby accepted by the City.

Mayor

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of
_____, on the _____ day of _____, 20____ under Reception No. _____

Clerk and Recorder
Montrose County, Colorado

Deputy

NOTICE: According to Colorado Law (13–80–105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

FIELD BOOK: 889				DRAWING: RDD/DCC		DATE: 09/08/2022		SHEET: 1 of 6		FILE: 21123V_PLAT_PRE		JOB NO.: 21123		TYPE: PRELIMINARY PLAT	
DMC										DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 249-2231 • (970) 249-2242 FAX www.del-mont.com • service@del-mont.com					
CLIENT: MIAMI ROAD PROPERTIES, LLC										1521 OXBOW DR., SUITE 210 MONTROSE, CO 81401 970-249-3398					
ADDRESS & PHONE:										TITLE: WOODS CROSSING NORTH					

WOODS CROSSING NORTH

PRELIMINARY PLAT

SITUATED IN SECTION 25, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

1. Local Improvement District

All lots platted hereon shall be subject to an assessment for the costs to construct improvements to that portion of Sunnyside Road, 6720 Road and Miami Road that abuts the Subdivision, said improvements including curb, gutter, sidewalk, drainage, base and pavement, and other related improvements. The Montrose City Clerk is hereby appointed as the Attorney-in-fact of each of the owners of the Woods Crossing subdivision for the purposes of executing improvement district petitions on their behalf, voting on their behalf in any election to approve any financial obligations for such improvement districts and for all other purposes related to the formation of such districts and construction of such improvements. These obligations shall run with the land and be binding upon all successors in interest to the said lots.

2. Drainage Easements

- A. All Open Space Tracts contain drainage swales, sheet flow areas and/or improvements that are to be maintained by an Owner's Association. The Open Space Tracts shown hereon are entirely encumbered by drainage easements and shall be owned and maintained by an owners' association, or in the absence of an owners' association lawfully formed for such purposes, by the owners of all lots benefited by the easement, jointly and severally in a manner that preserves the grade as originally established and so as to not impede the free flow of water in any way, including but not limited to the construction of fencing and other improvements, or the planting or encroachment of trees and shrubs and other impeding vegetation. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any pipelines, ditches or improvements as located within said easements, unless otherwise located within a dedicated easement to the City. Upon failure to properly maintain the drainage easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owners, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

- B. The Tract A & Tract D drainage infiltration ponds are to be maintained by an owners' association lawfully formed for such purposes. The encumbered infiltration ponds receive drainage from the Woods Crossing North and the neighboring Woods Crossing Developments.

3. Privately Owned Open Space, Parks, and other Improvements

All open space tracts, now existing or hereafter conveyed, shall be owned and maintained by an owners' association, or in the absence of an owners' association lawfully formed for such purposes, by the owners of all lots final platted in Woods Crossing North jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements, nor shall the City be responsible for future dedications of such properties. Upon failure to properly maintain such properties and/or improvements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed, and assess the costs thereof to such owner(s), or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

A. Conveyance of Private Open Space and Tracts to Owners' Association

By executing this Plat, the owner(s) whose signature(s) appear hereon, joined by the Lienholder(s), if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Woods Crossing North Homeowners Association, a Colorado nonprofit corporation, Tract A, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H, Tract I, Tract J, Tract K, Tract L, Tract M & Tract N as shown and designated on this Plat.

B. Drainage

All Open Space Tracts contain drainage swales, sheet flow areas and/or improvements that are to be maintained by an Owner's Association, except for Tract B, which is dedicate to the City. Dedicated City drainage easements as shown on this plat contain storm drain piping and structures that are to be maintained by the City.

C. Pedestrian Facilities

Open space Tracts E, F, G, H, I, J, M & O will contain improved pedestrian facilities for the use of the public and to be maintained by the HOA.

D. Certificate of Good Standing

The owner(s) whose signature(s) appear on the Certificate of Dedication and Ownership on this Plat have provided the City a current, valid, Certificate of Good Standing bearing Confirmation No. 14092376, from the Colorado Secretary of State, as proof of the above-named HOA or Owners' Association entity's: i) compliance with all applicable requirements of the Colorado Secretary of State, and ii) good standing with the Colorado Secretary of State.

E. Declaration of Covenants Recorded

The Declaration of Covenants, Conditions, and Restrictions for Woods Crossing North Homeowners Association, applicable to the development platted hereon, and made binding to the entity named above, was recorded under Reception No. _____ on the _____ day of, 202____ in the office of the Montrose County Clerk and Recorder.

4. Money in lieu of School Land Dedication

All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to § 4-7-7(G)(7) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-1J School District.

5. COPS Fee

The preannexation agreement for this development subjects it to a City Operations and Police Service Fee to be paid for each dwelling unit at the time of final plat, in the amount of \$891.30 per dwelling unit based on the maximum dwelling units allowed on each lot. In the event a building permit is issued for any residential units prior to filing of this plat, the fee shall be collected on each unit with the building permit and a correlating credit applied to the fees due on subsequent subdivision or planned unit development final plat. The amount of the fee may be adjusted for inflation from time to time.

No residential units may be placed on Tract A, Tract B, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H, Tract I, Tract J, Tract L, Tract M or Tract N.

6. Zoning

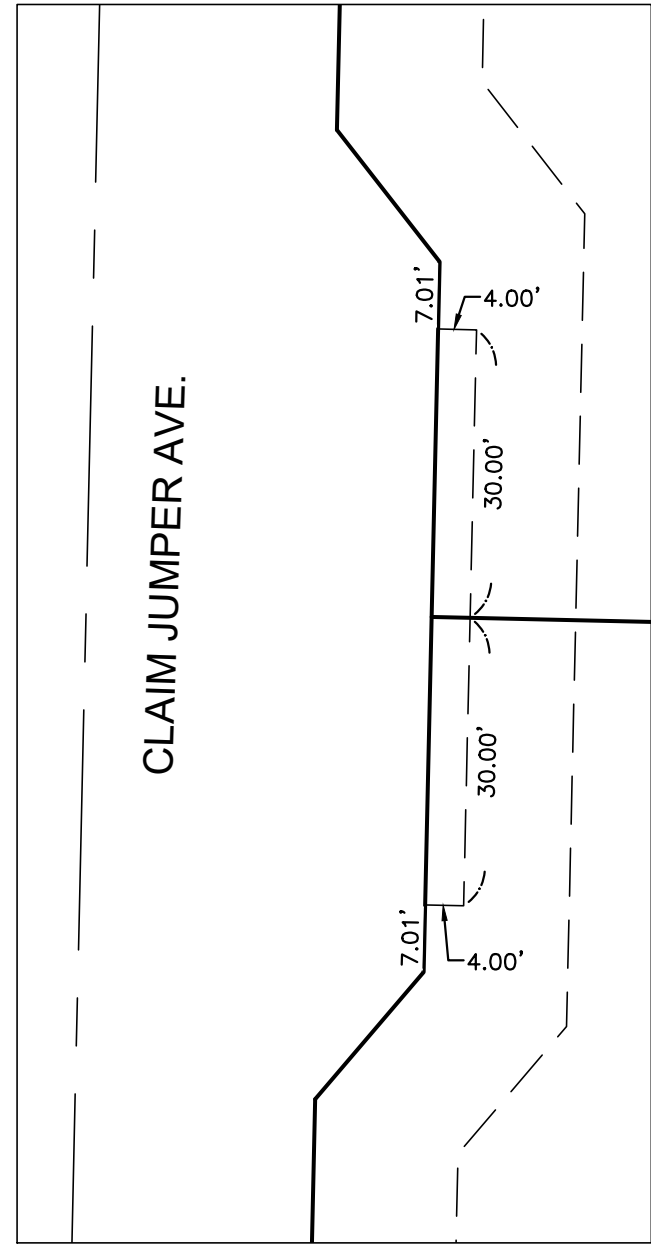
The zoning of this property is "R-3" and "B-4", as shown on the City's Official Zoning Map, and as defined and described by the City of Montrose Municipal Code at the time of approval and recordation of this plat, and is subject to change. All proposed residential development in the Woods Crossing North Preliminary Plat is within the R3 zoning portion of the property.

7. Final Plat Conditional Approval

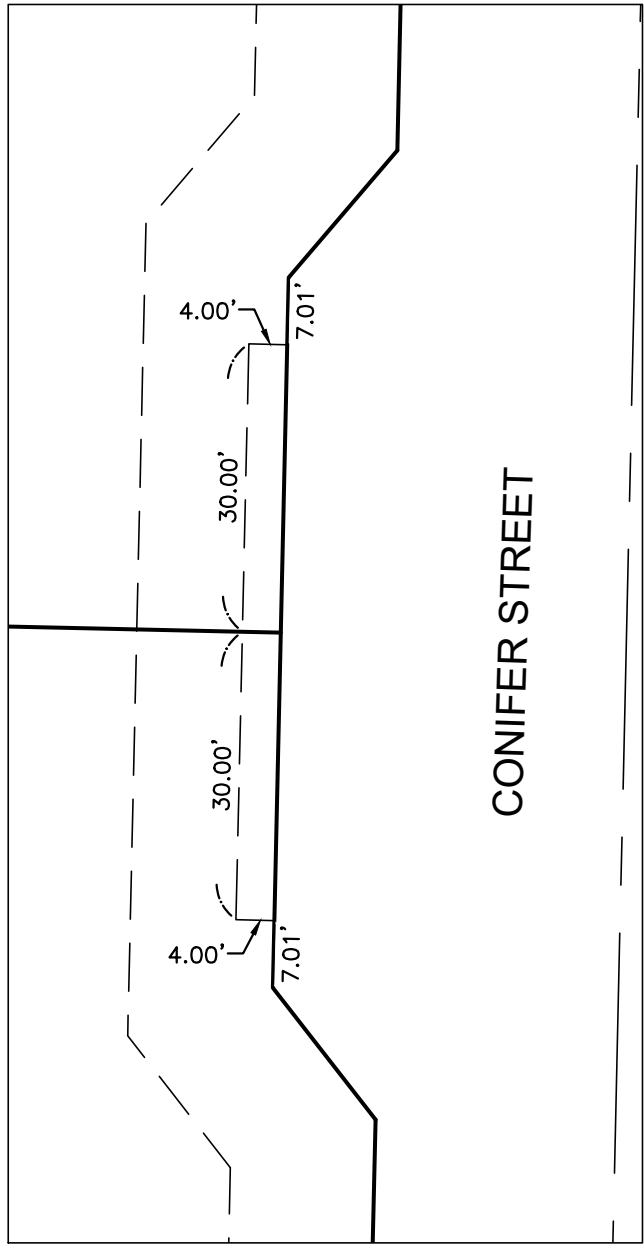
The approval of the Woods Crossing North Subdivision Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.

8. Low Municipal Water Pressure

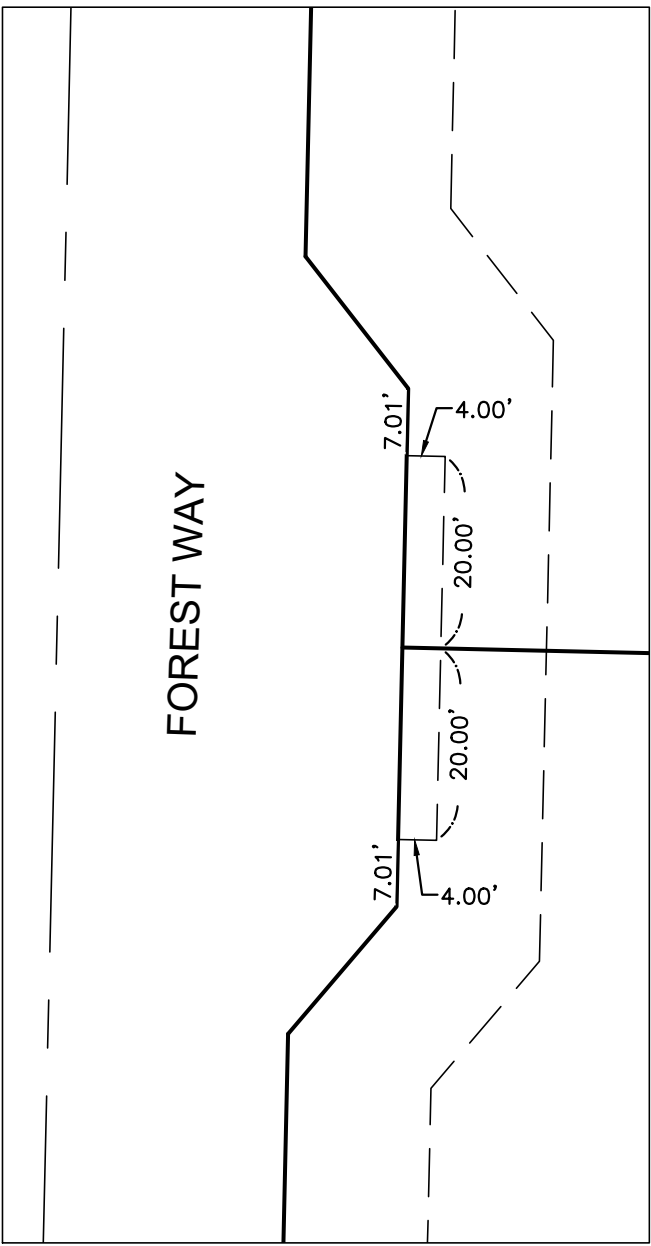
Water pressure within the subdivision is expected to range from 40 to 57 pounds per square inch (PSI) from the eastern to western ends, respectively.



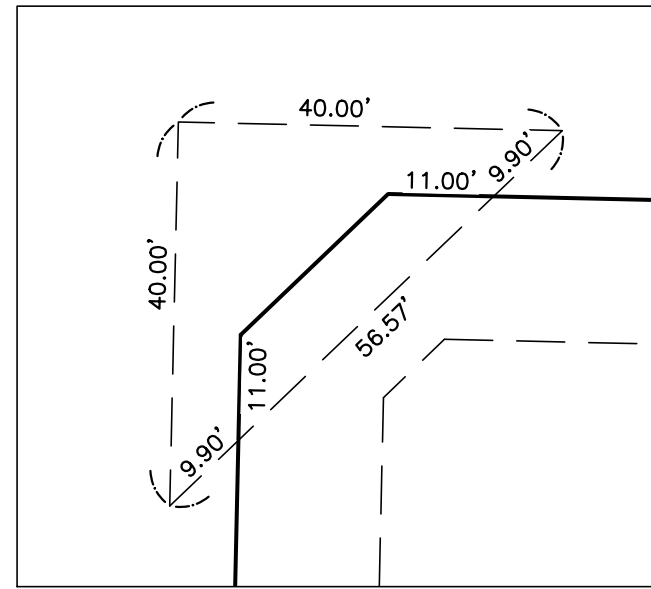
MAILBOX EASEMENT
1" = 20'



MAILBOX EASEMENT
1" = 20'



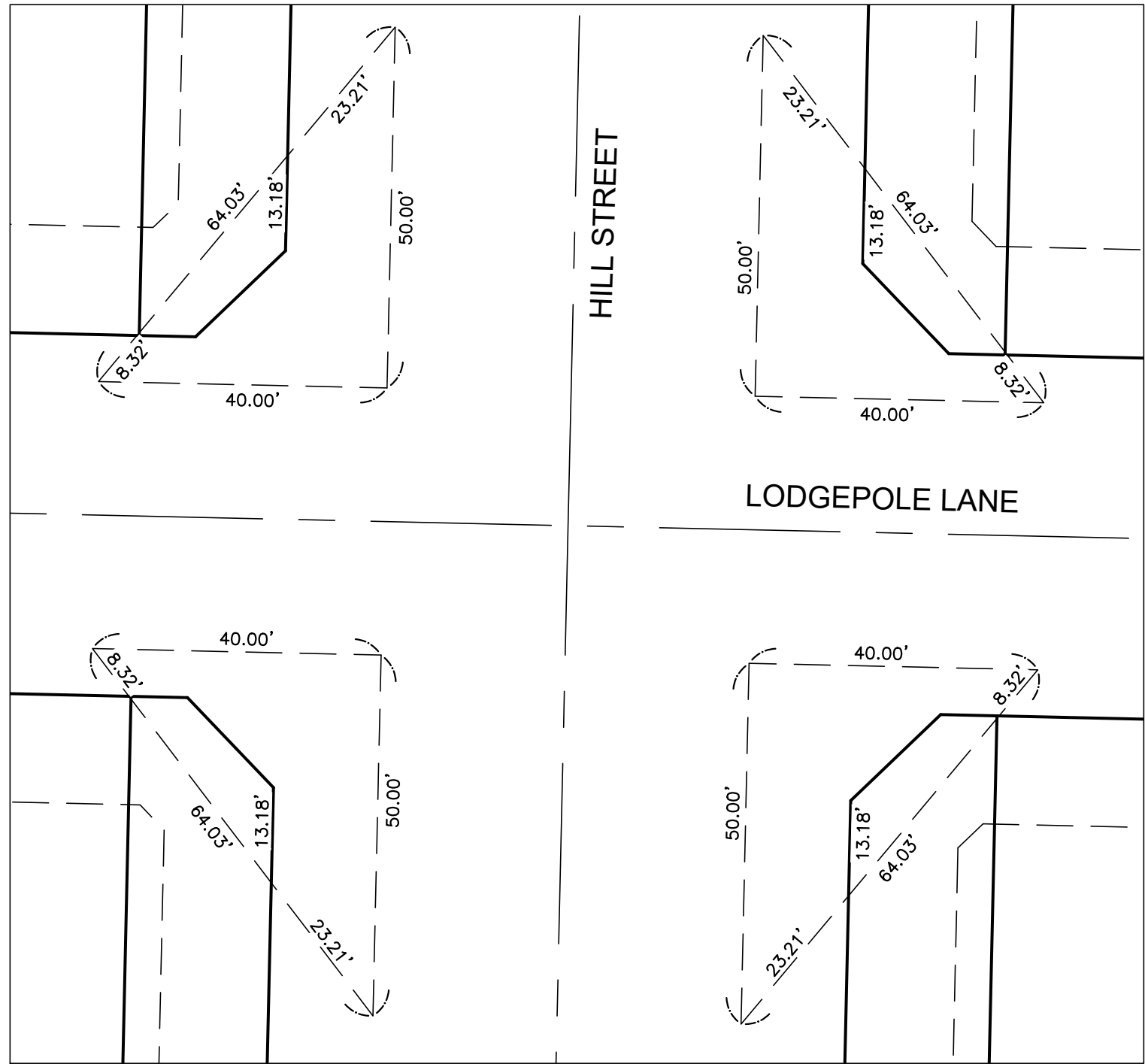
MAILBOX EASEMENT
1" = 20'



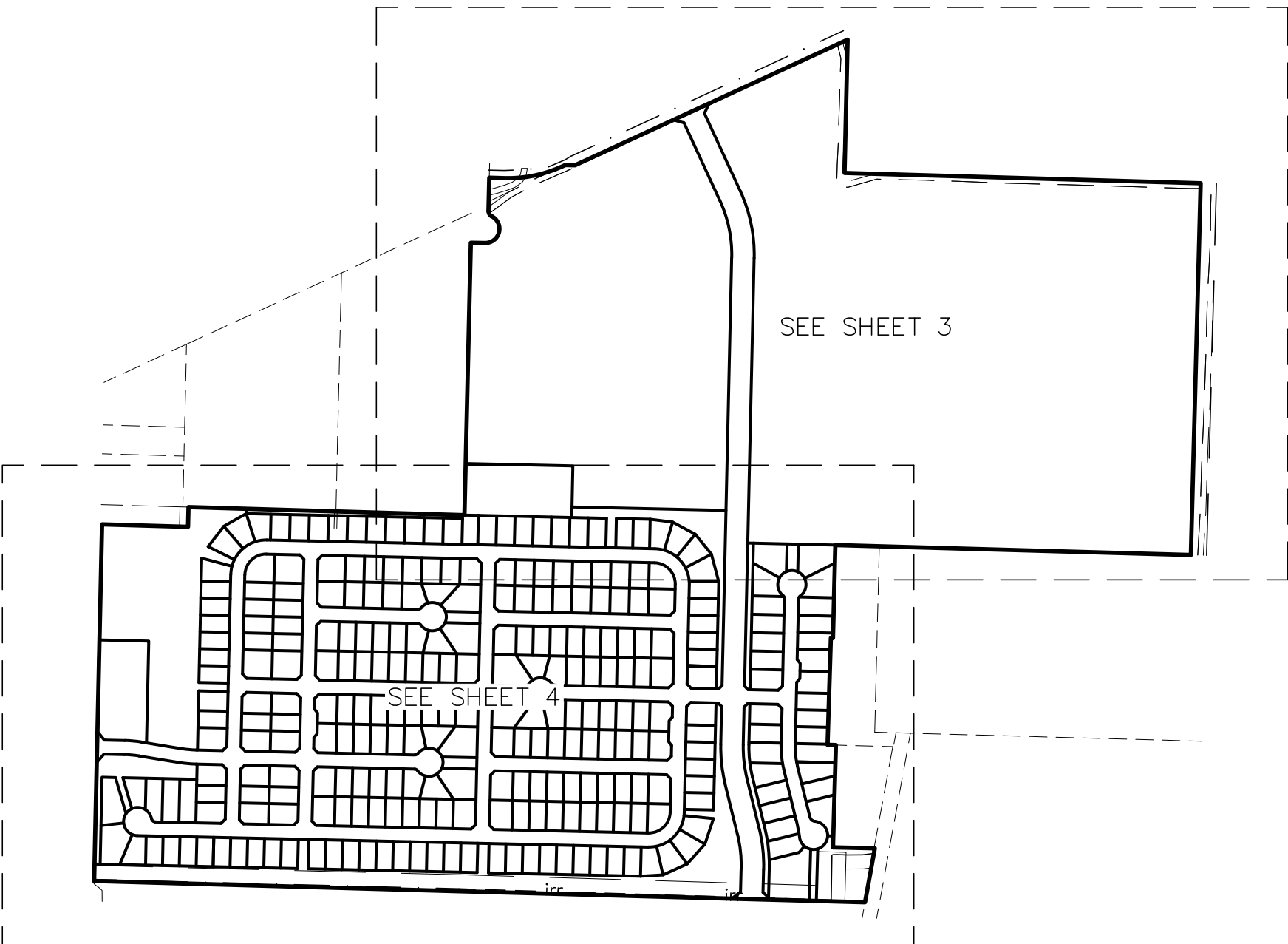
TYPICAL RESIDENTIAL SITE TRIANGLE
UNLESS OTHERWISE NOTED
1" = 20'

AREA SUMMARY

RESIDENTIAL LOTS	=	47.27 ACRES
RIGHTS-OF-WAY	=	20.53 ACRES
OPEN SPACE (TRACTS A, C, D, E F, G, H, I, J, L, M, N & O)	=	11.17 ACRES
PUBLIC PARK (TRACT B)	=	5.42 ACRES
OUTLOTS	=	76.32 ACRES
TOTAL AREA	=	160.71 ACRES



SITE TRIANGLE
1" = 20'



PRELIMINARY

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

FIELD BOOK: 889		DRAWN BY: RDD/DCC		DATE: 09/08/2022	
SHEET: 2 of 6		FILE: 21123V_PLAT_PRE		JOB NO.: 21123	
TITLE: WOODS CROSSING NORTH					
CLIENT: MIAMI ROAD PROPERTIES, LLC					
ADDRESS & PHONE: 1521 OXBOW DR., SUITE 210 MONTROSE, CO 81401 970-249-3398					
TYPE: PRELIMINARY PLAT					

WOODS CROSSING NORTH

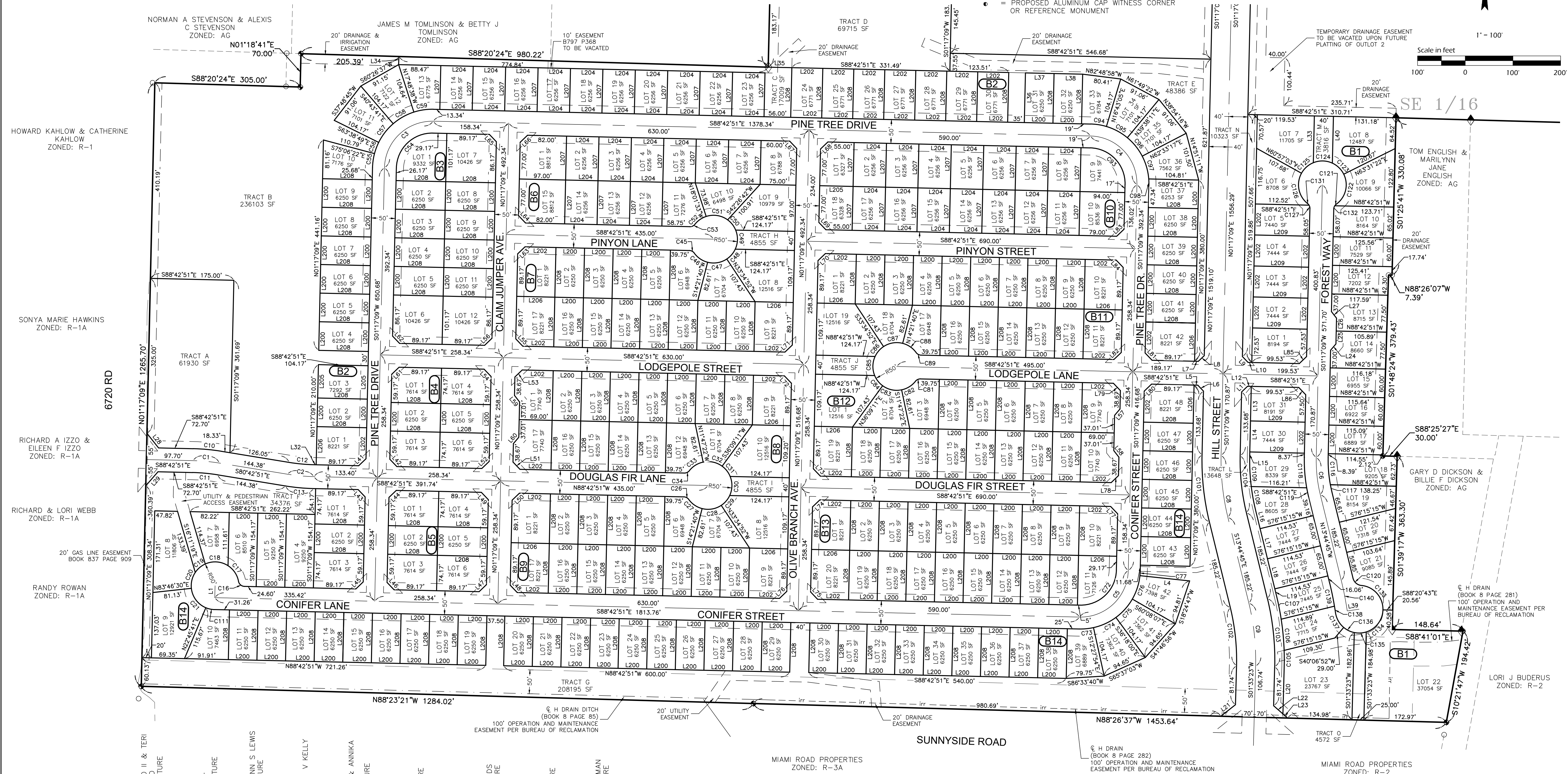
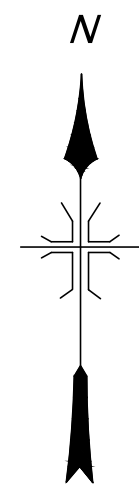
PRELIMINARY PLAT

SITUATED IN SECTION 25, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

- = 15' WIDE UTILITY EASEMENTS ALONG ALL STREETS, LOOPS AND COURTS UNLESS OTHERWISE NOTED
- = FD. REBAR & CAP (P.L.S. 16840)
- ◇ = FD. REBAR & CAP (P.L.S. 7160)
- ◆ = FD. REBAR & CAP (P.L.S. 12180)
- ◆ = FD. REBAR & CAP (P.L.S. 5652)
- ◆ = FD. REBAR & CAP (P.L.S. 16835)
- ◆ = FD. REBAR & CAP (P.L.S. 37690)
- = PROPOSED ALUMINUM CAP
- = PROPOSED ALUMINUM CAP WITNESS CORNER OR REFERENCE MONUMENT

— = SIGHT ZONE TRIANGLES (SEE DETAILS ON SHEET 2)



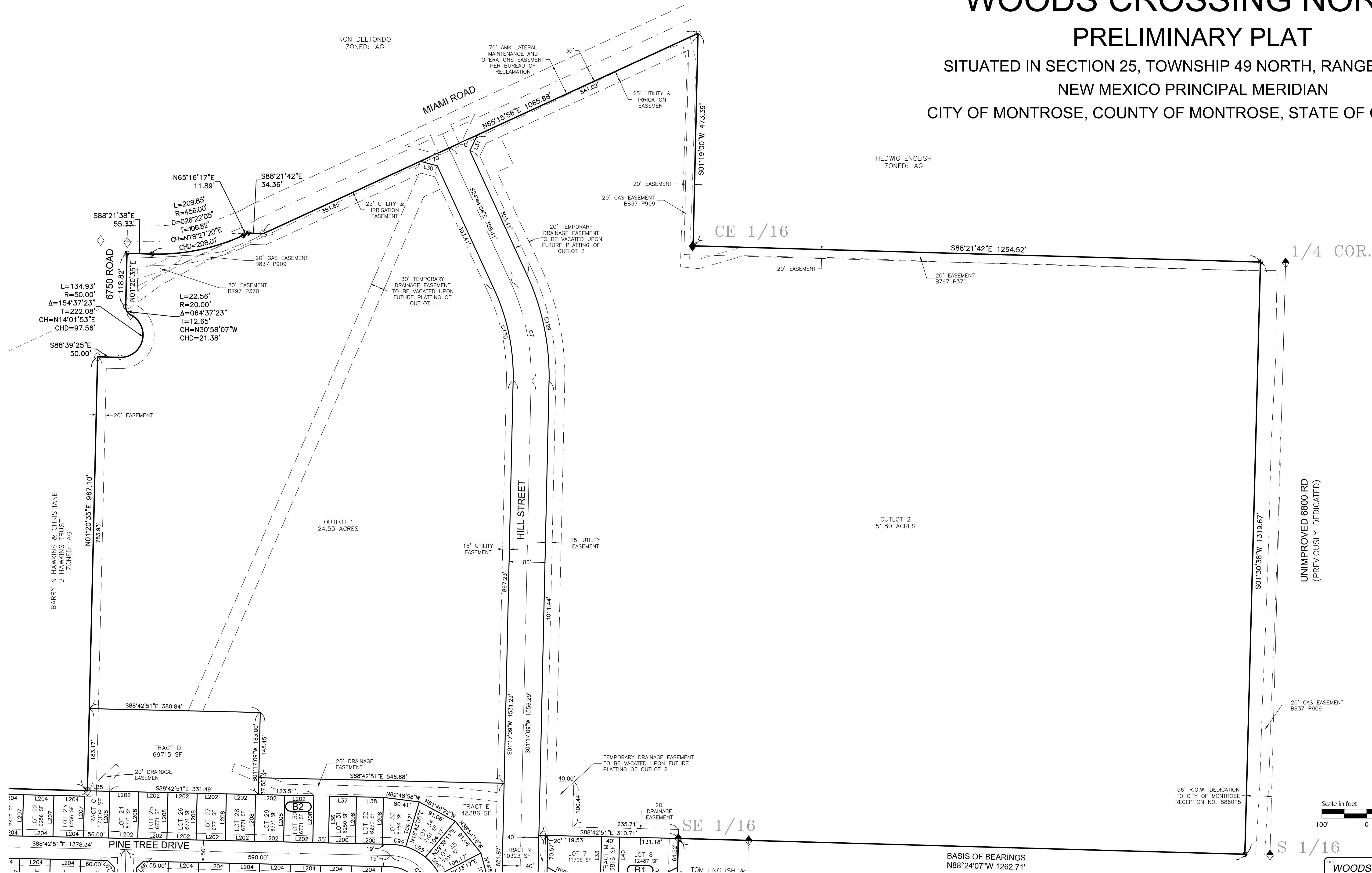
PRELIMINARY

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

FILE: WOODS CROSSING NORTH	
CLIENT: MIAMI ROAD PROPERTIES, LLC	
ADDRESS & PHONE: 1521 OXBOW RD. SUITE 210 MONTROSE, CO 81401 970-249-3398	
FIELD BOOK: 3 of 6	DATE: 09/08/2022
DRAWN BY: RDD/DCC	JOB NO.: 21123V_PLAT_PRE
SHEET: 3 of 6	TYPE: PRELIMINARY PLAT

WOODS CROSSING NORTH
PRELIMINARY PLAT

SITUATED IN SECTION 25, TOWNSHIP 49 NORTH, RANGE 9 WEST,
NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



PRELIMINARY

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 249-2231 • (970) 249-2242 FAX www.del-mont.com • service@del-mont.com	
FIELD BOOK:	DRAWN BY:	DATE:	CLIENT:
	RDD/DCC	09/08/2022	MIAMI ROAD PROPERTIES, LLC
SHEET:	FILE:	JOB NO.:	ADDRESS & PHONE:
4 of 6	21123V_PLAT_PRE	21123	1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398
			TYPE:
			PRELIMINARY PLAT

WOODS CROSSING NORTH

PRELIMINARY PLAT

SITUATED IN SECTION 25, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S01°17'09"W	25.00'
L4	S83°58'13"E	104.96'
L5	N88°42'51"W	7.81'
L6	S43°42'51"E	17.24'
L7	S88°42'51"E	7.81'
L8	N46°17'09"E	17.24'
L9	N43°42'51"W	17.24'
L10	S88°42'51"E	7.81'
L11	S46°17'09"W	17.24'
L12	S88°42'51"E	7.81'
L13	N01°17'09"E	72.50'
L14	N01°17'09"E	65.00'
L15	S01°17'09"W	8.37'
L16	N13°44'45"W	39.16'
L17	N13°44'45"W	65.00'
L18	N13°44'45"W	65.00'
L19	S13°44'45"E	16.06'
L20	N01°33'23"E	98.41'
L21	S51°45'03"W	39.05'
L22	S48°38'17"E	26.03'
L23	S48°38'17"E	13.02'
L24	N40°28'14"E	17.41'
L25	S01°17'09"W	27.01'
L26	S01°17'09"W	27.01'
L27	S37°53'55"E	17.41'
L28	N38°31'11"W	39.05'
L29	S41°05'29"W	39.05'
L30	N74°55'44"W	39.05'
L31	N25°27'36"E	39.05'
L32	N88°42'51"W	4.23'
L33	N01°17'09"E	98.20'
L34	N01°39'36"E	17.07'
L35	S88°54'39"E	49.53'
L36	N01°17'09"E	104.17'
L37	S88°42'51"E	60.00'
L38	S88°42'51"E	60.00'
L39	N81°35'02"E	25.00'
L40	N01°17'09"E	98.20'
L41	N46°17'09"E	21.21'
L42	N43°42'51"W	21.21'
L43	S43°42'51"E	21.21'
L44	S46°17'09"W	21.21'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L45	S46°17'09"W	21.21'
L46	N43°42'51"W	21.21'
L47	S46°17'09"W	21.21'
L48	N43°42'51"W	21.21'
L49	N43°42'51"W	21.21'
L50	S46°17'09"W	21.21'
L51	N43°42'51"W	21.21'
L52	S46°17'09"W	21.21'
L53	S46°17'09"W	21.21'
L54	N43°42'51"W	21.21'
L55	N43°42'51"W	21.21'
L56	S46°17'09"W	21.21'
L57	S40°28'14"W	17.41'
L58	S37°53'55"E	17.41'
L59	S37°53'55"E	17.41'
L60	S40°28'14"W	17.41'
L61	S46°17'09"W	21.21'
L62	N43°42'51"W	21.21'
L63	S46°17'09"W	21.21'
L64	N43°42'51"W	21.21'
L65	N43°42'51"W	21.21'
L66	S46°17'09"W	21.21'
L67	N43°42'51"W	21.21'
L68	S46°17'09"W	21.21'
L69	N43°42'51"W	21.21'
L70	S46°17'09"W	21.21'
L71	S46°17'09"W	21.21'
L72	N43°42'51"W	21.21'
L73	N43°42'51"W	21.21'
L74	S46°17'09"W	21.21'
L75	N43°42'51"W	21.21'
L76	S46°17'09"W	21.21'
L77	N43°42'51"W	21.21'
L78	S46°17'09"W	21.21'
L79	N43°42'51"W	21.21'
L80	N46°17'09"E	21.21'
L81	S43°42'51"E	21.21'
L82	S46°17'09"W	21.21'
L83	S46°17'09"W	21.21'
L84	N43°42'51"W	21.21'
L85	S46°17'09"W	21.21'
L86	N43°42'51"W	21.21'

LINE TABLE	
LINE #	LENGTH
L200	60.00'
L202	65.00'
L204	68.00'
L205	70.00'
L207	92.00'
L208	104.17'
L209	114.53'

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	55.85'	400.00'	008°00'00"	S84°42'51"E	55.81'
C2	55.85'	400.00'	008°00'00"	S84°42'51"E	55.81'
C3	157.08'	100.00'	090°00'00"	S46°17'09"W	141.42'
C4	157.08'	100.00'	090°00'00"	N43°42'51"W	141.42'
C5	157.08'	100.00'	090°00'00"	N46°17'09"E	141.42'
C6	78.83'	300.47'	015°01'55"	S06°13'48"E	78.60'
C7	227.07'	500.00'	026°01'13"	S11°43'27"E	225.12'
C8	131.18'	500.00'	015°01'55"	S06°13'48"E	130.80'
C9	133.54'	500.00'	015°18'08"	S06°05'41"E	133.14'
C10	59.34'	425.00'	008°00'00"	S84°42'51"E	59.29'
C11	52.36'	375.00'	008°00'00"	S84°42'51"E	52.32'
C12	52.36'	375.00'	008°00'00"	S84°42'51"E	52.32'
C13	59.34'	425.00'	008°00'00"	S84°42'51"E	59.29'
C16	17.72'	13.00'	078°05'29"	S49°40'06"E	16.38'
C17	40.51'	50.00'	046°25'29"	S33°50'06"E	39.41'
C18	50.00'	50.00'	057°17'45"	S85°41'42"E	47.94'
C19	27.73'	50.00'	031°46'30"	N49°46'11"E	27.37'
C20	35.00'	50.00'	040°06'25"	N13°49'43"E	34.29'
C21	53.24'	50.00'	061°00'49"	N36°43'54"W	50.76'
C26	12.00'	13.00'	052°54'09"	N62°15'46"W	11.58'
C27	34.76'	50.00'	039°49'38"	N55°43'31"W	34.06'
C28	41.84'	50.00'	047°56'32"	S80°23'24"W	40.63'
C29	27.54'	50.00'	031°33'17"	S40°38'29"W	27.19'
C30	41.15'	50.00'	047°09'23"	S01°17'09"W	40.00'
C31	27.54'	50.00'	031°33'17"	S38°04'11"E	27.19'
C32	41.84'	50.00'	047°56'32"	S77°49'05"E	40.63'
C33	34.76'	50.00'	039°49'38"	N58°17'50"E	34.06'
C34	12.00'	13.00'	052°54'09"	N64°50'05"E	11.58'
C45	12.00'	13.00'	052°54'09"	N62°15'46"W	11.58'
C46	34.76'	50.00'	039°49'38"	N55°43'31"W	34.06'
C47	41.84'	50.00'	047°56'32"	S80°23'24"W	40.63'
C48	27.54'	50.00'	031°33'17"	S40°38'29"W	27.19'
C49	41.15'	50.00'	047°09'23"	S01°17'09"W	40.00'
C50	27.54'	50.00'	031°33'17"	S38°04'11"E	27.19'
C51	47.28'	50.00'	054°10'44"	S80°56'11"E	45.54'
C52	29.31'	50.00'	033°35'26"	N55°10'44"E	28.90'
C53	12.00'	13.00'	052°54'09"	N64°50'05"E	11.58'
C54	117.81'	75.00'	090°00'00"	S46°17'09"W	106.07'
C55	29.69'	125.00'	013°36'29"	N08°05'24"E	29.62'
C56	25.00'	125.00'	011°27'33"	N20°37'25"E	24.96'
C57	50.00'	125.00'	022°55'08"	N37°48'45"E	49.67'
C58	50.00'	125.00'	022°55'06"	N60°43'52"E	49.67'
C59	41.66'	125.00'	019°05'44"	N81°44'17"E	41.47'
C72	117.81'	75.00'	090°00'00"	N46°17'09"E	106.07'
C73	30.00'	125.00'	013°45'04"	N84°24'38"E	29.93'
C74	52.00'	125.00'	023°50'06"	N65°37'03"E	51.63'
C75	52.00'	125.00'	023°50'06"	N41°46'56"E	51.63'
C76	52.00'	125.00'	023°50'06"	N17°56'50"E	51.63'
C77	10.35'	125.00'	004°44'38"	N03°39'28"E	10.35'

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C81	12.00'	13.00'	052°54'09"	S64°50'05"W	11.58'
C82	34.76'	50.00'	039°49'38"	S58°17'50"W	34.06'
C83	41.84'	50.00'	047°56'32"	N77°49'05"W	40.63'
C84	27.54'	50.00'	031°33'17"	N38°04'11"W	27.19'
C85	41.15'	50.00'	047°09'23"	N01°17'09"E	40.00'
C86	27.54'	50.00'	031°33'17"	N40°38'29"E	27.19'
C87	41.84'	50.00'	047°56'32"	N80°23'24"E	40.63'
C88	34.76'	50.00'	039°49'38"	S55°43'31"E	34.06'
C89	12.00'	13.00'	052°54'09"	S62°15'46"E	11.58'
C93	117.81'	75.00'	090°00'00"	N43°42'51"W	106.07'
C94	33.67'	125.00'	015°25'56"	S80°59'53"E	33.57'
C95	50.00'	125.00'	022°55'06"	S61°49'22"E	49.67'
C96	50.00'	125.00'	022°55'06"	S38°54'16"E	49.67'
C97	50.00'	125.00'	022°55'06"	S15°59'10"E	49.67'
C98	12.68'	125.00'	005°48'46"	S01°37'14"E	12.68'
C101	141.67'	540.00'	015°01'55"	N06°13'48"W	141.27'
C102	122.85'	460.00'	015°18'08"	N06°05'41"W	122.49'
C103	144.22'	540.00'	015°18'08"	N06°05'41"W	143.79'
C104	120.68'	460.00'	015°01'55"	N06°13'48"W	120.34'
C105	34.87'	560.00'	003°34'03"	N00°13'39"W	34.86'
C106	65.74'	560.00'	006°43'33"	N05°22'27"W	65.70'
C107	48.96'	560.00'	005°00'32"	N11°14'29"W	48.94'
C108	51.08'	440.00'	006°39'06"	N10°25'12"W	51.05'
C109	64.36'	440.00'	008°22'49"	N02°54'15"W	64.30'
C111	18.74'	50.00'	021°28'32"	S77°58'39"E	18.63'
C116	57.01'	275.47'	011°51'30"	S04°38'41"E	56.91'
C117	15.25'	275.47'	003°10'19"	S12°09'36"E	15.25'
C118	64.55'	325.47'	011°21'47"	N04°23'44"W	64.44'
C119	20.84'	325.47'	003°40'07"	N11°54'42"W	20.84'
C120	24.68'	20.00'	070°42'11"	S49°05'51"E	23.14'
C121	4.67'	13.00'	020°35'40"	S43°53'28"W	4.65'
C122	70.39'	50.00'	080°39'56"	S13°51'20"W	64.72'
C123	33.74'	50.00'	038°39'31"	S45°48'24"E	33.10'
C124	41.15'	50.00'	047°09'23"	S88°42'51"E	40.00'
C125	33.74'	50.00'	038°39'31"	N48°22'42"E	33.10'
C126	70.39'	50.00'	080°39'56"	N11°17'01"W	64.72'
C127	7.33'	13.00'	032°18'29"	N14°52'05"W	7.23'
C129	245.24'	540.00'	026°01'13"	N11°43'27"W	243.13'
C130	208.90'	460.00'	026°01'13"	N11°43'27"W	207.11'
C131	4.67'	13.00'	020°35'40"	N41°19'09"W	4.65'
C132	7.33'	13.00'	032°18'29"	S17°26'24"W	7.23'
C133	75.14'	50.00'	086°06'13"	S41°23'50"E	68.27'
C134	61.75'	50.00'	070°45'38"	S37°02'06"W	57.90'
C135	25.35'	50.00'	029°03'05"	S86°56'27"W	25.08'
C136	25.00'	50.00'	028°38'52"	N64°12'34"W	24.74'
C137	36.19'	50.00'	041°28'10"	N29°09'03"W	35.40'
C138	13.81'	674.53'	001°10'23"	S09°00'09"E	13.81'
C139	48.94'	674.53'	004°09'24"	S11°40'03"E	48.93'
C140	65.07'	699.53'	005°19'48"	S11°04'52"E	65.05'

PRELIMINARY

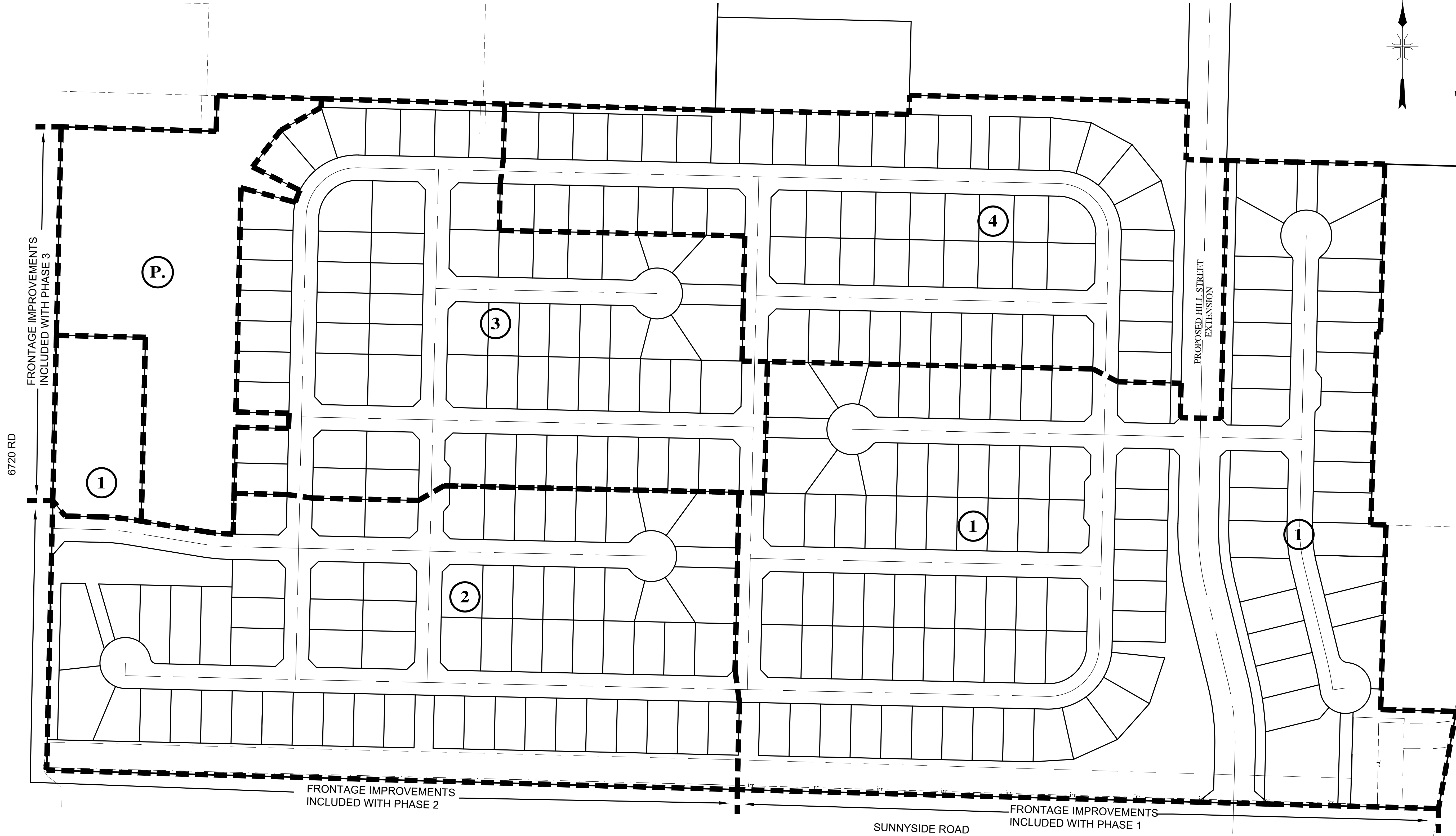
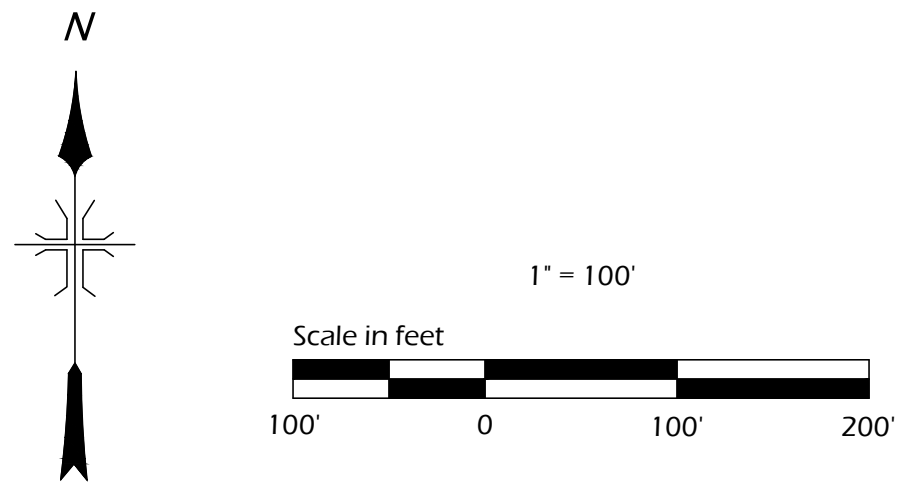
NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 249-2231 • (970) 249-2242 FAX www.del-mont.com • service@del-mont.com	
		FIELD BOOK: _____	
DRAWN BY: RDD/DCC		DATE: 09/08/2022	CLIENT: MIAMI ROAD PROPERTIES, LLC
SHEET: 5 of 6		JOB NO.: 21123V_PLAT_PRE	
FILE: 21123V_PLAT_PRE		TYPE: PRELIMINARY PLAT	ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398

WOODS CROSSING NORTH

PRELIMINARY PLAT

SITUATED IN SECTION 25, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



PHASE SUMMARY

- PHASE 1 = 99 LOTS
- PHASE 2 = 63 LOTS
- PHASE 3 = 66 LOTS
- PHASE 4 = 59 LOTS
- TOTAL = 287 LOTS

P. = PARK

OFFSITE FRONTAGE IMPROVEMENTS S.W. OF 6720/ SUNNYSIDE INTERSECTION INCLUDED WITH PHASE 2

PRELIMINARY

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

FIELD BOOK:				DRAWN BY: RDD/ DCC				DATE: 09/08/2022			
SHEET: 6 OF 6				FILE: 21123V_PLAT_PRE				JOB NO.: 21123			
TITLE: WOODS CROSSING NORTH				CLIENT: MIAMI ROAD PROPERTIES, LLC				ADDRESS & PHONE: 1521 OXBOW RD. SUITE 210 MONTROSE, CO 81401 970-249-3398			
				TYPE: PRELIMINARY PLAT							

EXHIBIT B: Code Excerpts for Subdivisions

Sec. 4-7-5. Subdivision procedure.

- (A) The subdivision of land shall be accomplished in accordance with the procedures provided in this Section, except for those instances where different governing procedures are set forth pursuant to Sections 4-7-9 through 4-7-11, Informal Review and Sketch Plan. The City Council shall set all application fees related to land use action per resolution.
- (1) Prior to submittal of the subdivision application, the subdivider shall make a reasonable effort to consult informally with property owners of record adjoining or within 100 feet of the proposed subdivision, and the City. No fee shall be required for such review or discussions of any plans or data concerning the proposed subdivision, prior to sketch plan review. The City shall not be bound by virtue of any discussions during the informal review stage.
 - (2) The proposal shall be consistent with the Master Plan, City subdivision and Zoning Regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum.
 - (a) Conformance with the Master Plan and Zoning Regulations;
 - (b) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (c) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (d) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (e) Adjacent streets and traffic flow, including pedestrian access;
 - (f) Availability of fire, police and other emergency services protection;
 - (g) Impacts on area schools.
 - (3) A subdivider who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing his present plans for its eventual development.
 - (4) Following informal review when applicable, and in all cases except when not required by other provisions of this Chapter, the applicant shall file copies of the sketch plan application and sketch map, along with all required supporting plans, with the City. The submittal of such application, map and supporting plans shall comply with City's application and fee requirements.

Filing of a sketch plan shall not be required in cases where a subdivision, which does not qualify as a minor or amended subdivision, primarily due to a lack of installed on or off-site public improvements. In no case shall the sketch plan requirement be waived under this provision for subdivision proposals containing more than three divisions of real property, or where any part of the subdivision has been subdivided without a sketch plan under any part of this Official Code of the City of Montrose, Colorado, within the three years prior to the date of submission.
 - (5) The sketch plan review shall commence only upon submittal of a completed sketch map, a completed sketch plan application form, which form shall be provided by the City, and all required supplemental information as set forth below, as well as any additional materials determined by City staff to be necessary for processing of the application.
- (a) Sketch Map. The sketch map shall include the following:
- (i) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to major and minor arterial and



- collector roads or highways.
- (ii) A detailed map showing property boundaries of the subdivision, north arrow and date. The scale of the map shall not be less than one inch equals 200 feet. The map shall include the name of the subdivision, name of the county, township, range, Section and quarter Section. The map shall further indicate zoning and land use of all lands within 300 feet of any property boundary owned by or under option to the subdivider. A title box shall be located in the lower right corner of the map. In the case of large subdivisions requiring more than one sheet at such a scale, an index map showing the total area on a single sheet shall also be submitted.
 - (iii) A conceptual drawing of the lot and street layout indicating the approximate area and number of individual lots and access to the property.
 - (iv) Significant natural and manmade features on the site, such as streams, lakes, natural drainage ways and wetlands; vegetation types including locations of wood areas; wildlife habitats; scenic corridors; visual impacts; solar access; existing buildings; utility lines and easements; irrigation ditches; bridges and similar physical features; existing development on adjacent property; and footprints of existing buildings.
 - (v) Total acreage of the tract.
 - (vi) Existing and proposed zoning district boundary lines. General land use divisions, including residential types, commercial, industrial, parks, open space and community facilities, including the proposal's relevance to underlying zoning.
 - (vii) Type and layout of all proposed infrastructure, including streets, utilities, water and sewer systems, and impact on existing systems.
 - (viii) Public use areas proposed to be dedicated to the public, the purpose of the dedication, and their relationship to existing public use areas.
 - (ix) Existing and proposed land use patterns, including street system, of both the tract proposed for development and immediately adjacent land.
 - (x) Existing site problems or peculiarities, such as areas of poor drainage, existing floodplain, geological hazards and seepage water.
 - (xi) Existing and proposed stormwater discharge facilities pertaining to the property.
- (b) Sketch Plan Application. The sketch plan application shall include, but not be limited to, the following information pertaining to the proposed subdivision (this information may be provided in a narrative format):
- (i) Estimated total number of gallons per day of water system requirements, source of water to supply subdivision requirements, and proposed dedication of water rights in accordance with existing City ordinances.
 - (ii) Estimated total number of gallons per day of sewage to be treated and means for sewage disposal.
 - (iii) Availability of electrical power, natural gas, CATV, telephone and other utilities necessary or proposed to serve the subdivision.
 - (iv) Access to the property, off-street parking, school bus stop area, and mail box location.
 - (v) Total number of proposed dwelling units.
 - (vi) Demonstrated compatibility with natural features.
 - (vii) Identification of all activities of the subdivision which shall require approval by permitting agencies at the local, state and federal level, and a description of the approval so required.
 - (viii) Names and addresses of all property owners of record adjoining or within 100 feet of the proposed subdivision.
 - (ix) Summary of issues or concerns resulting from informal review with neighboring property owners, if applicable.
- (c) Sketch Plan Supplemental Documents. The sketch plan application shall also include the following



supplemental documentation:

Disclosure of ownership, with supporting documentation from a title insurance company or, if acceptable to the City, an attorney licensed in the State of Colorado, which shall set forth a legal description of the property and title ownership of the property.

- (6) Upon complete submittal of all required information, City staff shall provide initial review of the sketch plan within 45 days. Upon completion of initial review of the plan and submission by the applicant of any supplemental materials or necessary revisions as requested by City staff, the sketch plan application shall be placed on an upcoming Planning Commission agenda for which space is available and for which all notice requirements can be met.
- (7) Advance notice of the sketch plan review by the City Planning Commission shall be provided by publication, with a location map of the property to be subdivided. Fifteen-day advance written notice shall also be provided, by hand delivery or deposit into the U.S. mail, to all property owners of record adjoining or within 100 feet of the proposed subdivision. The City shall provide such notice. The review and discussion of the Sketch Plan by the Planning Commission shall be informal and non-binding in nature, and shall serve as a means to provide guidance to the subdivider.

(B) Preliminary Plat.

- (1) An application for preliminary plat shall be submitted to the City and shall comply with applicable City submittal requirements.
- (2) The City may distribute copies of the preliminary plat and supporting plans or data as appropriate to the County Land Use Department, the school district, the natural gas, CATV, electrical power and telephone companies, the Fire Protection District, the Colorado Department of Transportation, the Federal Aviation Administration, the Uncompahgre Valley Water User's Association, applicable City departments and employees, and other entities as appropriate.
- (3) The preliminary plat and proposed improvements shall comply with all requirements of these subdivision regulations and other applicable City design and construction specifications and standards. The plat shall be drawn to a scale of not less than one inch equals 100 feet. (See Chapter 4-4 of these Zoning Regulations.)
- (4) The preliminary plat shall contain, at a minimum, the following:
 - (a) The name of the subdivision and the name, address and phone number of the subdivider, and his representatives, if applicable. Such information shall be contained in a title box located on the lower right corner of the plat.
 - (b) A certificate by the engineer or surveyor preparing the plat attesting to the accuracy of the plat. Such information shall be contained in a title box located on the lower right corner of the plat and shall be signed and stamped by the licensed professional engineer or registered surveyor, and shall indicate the scale used and direction of true north.
 - (c) A certificate by a licensed professional engineer that the water, stormwater, sewer systems, and all other improvements are properly engineered and designed in compliance with applicable requirements of the City and state.
 - (d) A certificate of ownership of the subject property.
 - (e) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to significant roads or highways. The location map shall be provided both on the preliminary plat and separately on letter size paper.
 - (f) Certification on forms approved by the City to document approval of the plat; and the form of the certificates proposed to be used to comply with the requirements imposed for the final plat as found



- in Subsection (C) of this Section.
- (g) Two-foot elevation contours and the boundaries of the base flood (100-year flood) and floodway and base flood elevation data, as defined and specified in the City's floodplain management regulations.
 - (h) The then-current zoning designations of the subdivision and of adjacent properties.
 - (i) The names of the owners of record of adjacent properties, and the property lines of adjacent properties as space will allow.
 - (j) The location and ownership interest of existing and proposed watercourses including lakes, swamps, ditches and floodprone areas (the inclusion of such watercourses within the jurisdictional authority of local, state or federal regulatory agencies shall also be noted); the location of existing and proposed streets, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and stormwater drainage facilities both on the proposed subdivision and adjacent properties as practical.
 - (k) The layout of all lots showing the building lines, dimensions and lot areas and footprints of existing buildings, if any. The plat shall include at least two references to City GPS coordinates.
 - (l) The layout and location of all parks and open space.
 - (m) The location of all land to be reserved or dedicated for public use.
- (5) The following shall be submitted accompanying the preliminary plat together with plans and specifications prepared by a licensed professional engineer consistent with City standards and specifications, for all required or proposed improvements. All plans and specifications shall be signed and stamped by a licensed professional engineer.
- (a) Plans for the proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations, and the connection points to the existing system.
 - (b) Plans for the water system and fire protection system showing locations, pipe size, valves, fire hydrants and connection points to the existing system.
 - (c) Plans for the storm drainage system showing location, pipe sizes, grades and discharge points, including off-site improvements. Such plans shall comply with any applicable City stormwater drainage requirements.
 - (d) Plans for any improvements specifically affecting watercourses within the jurisdictional authority of local, state or federal regulatory agencies, noting the required permits therefor.
 - (e) Plans for proposed streets, sidewalks, recreation paths, showing grade and cross Section, trails and walkways and streetlight and street names.
 - (f) A soil or geological report prepared and certified by a professional geologist or soil scientist.
 - (g) Plans for piping ditches, or improvements to waterways.
 - (h) Plans for parks and recreation facilities.
 - (i) A traffic impact study for all developments when estimated vehicle trips per day will exceed 250 and plans for recommended traffic mitigation measures. The study shall provide, but not be limited to, traffic capacity for existing road infrastructure, proper analyses of transportation linkages in conformance with transportation plan, cumulative traffic impact of development at build-out, and proposed infrastructure design to account for such considerations. The scope of the impact study may be broadened to include other nearby subdivisions and developments, allowing for cooperative participation and cost sharing.
- (6) If the applicant intends to develop the project in phases, a phasing plan will be required to be submitted to and approved by the City. The phasing plan must include the numbers of lots in each phase, the infrastructure planned for completion with each phase that is necessary to allow the phase to be properly integrated into City services as determined by the City Engineer, the amenities to be constructed with each phase, and all other information pertinent to the completion of the development.



- (7) Upon submittal of all required information, the City staff shall provide initial review of the preliminary plat within 45 days. Upon completion of initial review of the preliminary plat and submission by the applicant of any supplemental materials and revisions necessary to comply with City regulations, the Preliminary Plat Application shall be placed on an upcoming Planning Commission agenda for which space is available and for which all notice requirements can be met. City staff shall make a recommendation to the City Planning Commission to approve the preliminary plat, provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with the provisions of this Chapter, or approve the plat with conditions or modifications.
- (8) Advance notice of the preliminary plat review by the City Planning Commission shall be provided by publication, with location map of the property to be subdivided. The City shall provide such notice at least 15 days in advance of the scheduled meeting.
- (9) Following receipt of a completed Preliminary Plat Application, the applicant shall be required to diligently pursue the application by providing revised plans, plat maps, and other necessary information in a timely fashion. Where the applicant fails to meet this requirement, the City shall, in writing, request the applicant to withdraw the application. If the applicant fails to take any further action on the Preliminary Plat Application for a period of six consecutive months following such request to withdraw, the Preliminary Plat Application shall automatically expire and all applicable fees shall be non-refundable. When a Preliminary Plat Application has expired under this Subsection, in the event the applicant wishes to pursue development of the property the applicant must re-apply and pay any applicable fees.
- (10) Upon review by the City Planning Commission, the commission shall make a recommendation to the City Council to approve the preliminary plat, provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with the provisions of this Chapter, or approve the plat with modifications or conditions. The reasons for such recommendation shall be included in the minutes of the Planning Commission meeting and provided in writing to the applicant upon request.
- (11) Unless the subdivider withdraws the preliminary plat from review, or it expires as set forth herein, the plat shall be submitted to the City Council for final review and action. Advance notice of the preliminary plat review by the City Council shall be provided by posted notice.
- (12) Council may approve the preliminary plat, approve the plat subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if the Council finds that the requirements of these regulations have not been met.
- (13) No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a Mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the Mylar, and supporting documentation as required, the City shall then issue a written notice to proceed.

(C) Final Plat.

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Subsection (C).
- (a) Final plat submittals shall comply with all application and fee requirements. The submittal of final



plats for approval must occur within five years of approval of a related preliminary plat, unless an extension of time is granted by the City Council, or the timing of the submittal is consistent with a phasing plan that has been submitted by the applicant and approved by the City. The applicant may request and the City Council may approve an extension of time for filing the final plat where development of the project in accordance with the preliminary plat has been pursued with due diligence.

(b) Building Permits:

- (i) Until the public improvements are accepted by the City, the City shall not be obliged to issue any building permits within a subdivision, except as provided herein. Provided that all other applicable City codes and regulations have been satisfied, building permits may be issued only to the subdivider for any property with an approved Preliminary Plat. The subdivision must have sufficient access and water to allow for adequate fire protection as determined by the fire protection district. No certificates of occupancy, temporary or otherwise, shall be issued unless and until:
 - (a) All public and necessary on- and off-site improvements have been completed;
 - (b) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
 - (c) A final plat has been approved and recorded.
- (ii) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.
- (iii) The two calendar year Construction Warranty shall begin to run from the date of said Preliminary Letter of Infrastructure Completion.

(c) The final plat shall contain all plat elements required as a condition of preliminary plat approval and the following, all in forms acceptable to the City:

- (i) The total number of lots and lot numbers or letters.
- (ii) Sufficient data to determine easily and reproduce on the ground the location of all monuments, and the bearing and length of every street line, boundary line, block line, lot line and building line whether curved or straight, including the radius, central angle and tangent distance for the centerline of curved streets. Other curved lines shall show arc or chord distance and radius. All dimensions shall be to the nearest 1/100 of a foot and all angles to the nearest second. The plat shall include at least two references to City GPS coordinates.
- (iii) A certificate by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and state law.
- (iv) A certificate of dedication for streets, easements and other property dedicated for public use, properly executed and notarized.
- (v) A certificate by a licensed professional engineer that the sanitary sewer, water distribution and storm drainage systems, streets and other improvements are properly engineered, designed and constructed in compliance with all applicable requirements of the City and the state.
- (vi) Separate Certificate of Approval of the plat by the City Attorney.
- (vii) A certificate of an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the City will be free and clear of all liens and encumbrances affecting marketability.
- (viii) A certificate by the City Engineer specifying which improvements have been completed and listing those that require security prior to final plat approval.
- (ix) A certificate by the City Clerk as to receipt of any security for the completion of improvements.
- (x) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable, said information to be included within a title box located on the lower right corner of the plat.



- (xi) The name of the registered surveyor preparing the plat, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
 - (xii) A certificate of recording to be executed by the County Clerk and Recorder.
 - (xiii) The scale used, direction of true north, and basis of bearing.
 - (xiv) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to significant roads or highways. The location map shall be provided both on the final plat and separately on letter size paper.
 - (xv) The location and ownership interest of all watercourses including lakes, swamps, ditches and floodprone areas; the location and names of streets, sidewalks, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and stormwater drainage facilities.
 - (xvi) The layout of all lots showing the building lines, dimensions and lot areas.
 - (xvii) The layout and location of all parks, trails, recreation paths and open space.
 - (xviii) The location of all land to be reserved or dedicated for public or other uses and the boundaries of the base flood (100-year flood) and floodway and base flood elevation data, as defined and specified in the City's floodplain management regulations.
 - (xix) Plat notes and restrictions as appropriate to implement compliance with this Chapter, conditions of approval as necessary or desirable to implement the City's Master Plan.
 - (xx) Plat notes, easements and restrictions as appropriate to implement required FAA aviation regulations.
- (2) The final plat shall be accompanied by a computation showing closure of the tract boundary to one foot in 5,000 feet or better. The final plat and accompanying plans shall be drawn to a scale of not less than one inch equals 100 feet. If discrepancies are believed to exist, the City may have the plat checked by an independent registered surveyor at the subdivider's expense.
 - (3) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or the appropriate security under Subsection (C)(5) of this Section, prior to approval by the City Council.
 - (4) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:
 - (a) The applicant has submitted a phasing plan that has been approved by the City.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.
 - (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.
 - (d) In instances where the dedication of land for public purposes within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to dedicate said lands upon approval of that final plat. This may include, but not be limited to, the dedication and development of land for parks, trails, open space, rights-of-way and easements.
 - (5) The final plat shall be accompanied by security for the completion of any uncompleted improvements in accordance with Section 4-7-8 of these regulations.
 - (6) Accompanying the final plat shall be two copies of the as-built plans or record drawings for sanitary sewers, storm sewers or drainage systems and the water and fire systems showing grades, pipe sizes, pipe types, outlets, connection points and other information which the City Engineer may require



along with as-built plans for all other utility systems. As-built plans and data shall also be provided in a digital format compatible with City computer systems, and in accordance with City specifications. As-built plans for any improvements not completed at the time the final plat is submitted shall be submitted prior to inspection or approval of the improvements and release of any security. All as-built plans and data shall be signed and stamped by a licensed professional engineer.

- (7) Upon complete submittal of all required information, City staff shall, within 30 days, provide initial review of the final plat. Upon completion of an initial review of the final plat and submission by the applicant of any supplemental materials or necessary revisions as requested by City staff, the application shall be placed on an upcoming City Council agenda for which space is available. No final plat shall be placed on a City Council agenda unless and until all necessary materials have been submitted, reviewed and determined by City staff to meet all applicable City codes and regulations.
- (8) City Council may approve the final plat, approve it subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if it finds that the requirements of these regulations have not been met.
- (9) No final plat shall be approved by the City Council until:
 - (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 4-7-8 of these regulations on forms approved by the City.
 - (b) Two hard copies of as-built plans and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. As-built plans for any improvements not completed at the time the final plat is submitted, and secured in accordance with the provisions of Section 4-7-8, shall be submitted prior to inspection or approval of the improvements and release of any security. All as-built plans and data for completed utility improvements shall be signed and stamped by a licensed professional engineer.
 - (c) The final plat has been submitted in final form on two reproducible Mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (10) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.

(Code 2012, § 4-7-5; Ord. No. 2062 , 6-2-2005; Ord. No. 2092 , 11-17-2005; Ord. No. 2173 , 11-15-2007; Ord. No. 2229 , 11-5-2009)



RESOLUTION NO. 2022-13

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **HILLTOP NORTH ADDITION**, as described on **Exhibit A** hereto, is in substantial compliance with the requirements of C.R.S. § 31-12-107(1), as amended.
2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104, 105, or such parts thereof as may be required to establish eligibility for annexation under the terms of C.R.S. Part 1, Article 12, Title 31. The hearing shall be held on the 15th day of November, 2022, in the Montrose City Council Chambers at the Elks Civic Building at 6:00 P.M.

ADOPTED by the City Council of the City of Montrose, Colorado, this 4th day of October, 2022.

CITY OF MONTROSE, COLORADO

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

A parcel of land as recorded under Reception Number 944794 in the Office of the Montrose County Clerk and Recorder, situated in the Northwest quarter of the Southwest quarter of Section 23, Township 49 North, Range 9 West of the New Mexico Principal Meridian, being more particularly described as follows:

Beginning at the west quarter corner of said Section 23, whence the southwest corner of said Section 23 bears South 01°20'01" West with all bearings herein relative thereto;

thence South 88°17'09" East, a distance of 1319.30 feet;

thence South 01°25'31" West, a distance of 330.58 feet;

thence North 88°17'55" West, a distance 1318.77 feet;

thence North 01°20'01" East, a distance of 330.87 feet to the Point of Beginning.

Said parcel containing 436,231 square feet or 10.01 acres more or less.

Also known by street and number as 540 6600 Road, Montrose, Colorado 81401.



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: October 4, 2022
RE: ANX22-0063 Hilltop North Addition
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Zoning Code Excerpt

City Council Consideration:

City Council is considering setting a hearing date for the proposed Hilltop North Addition annexation application. A Resolution establishing the date, time, and place must be approved by City Council in accordance with the Annexation provisions of the Colorado Constitution and Colorado Revised Statutes. The hearing must not be held less than 30 days nor more than 60 days after the effective date of this resolution setting the hearing. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

September 19:	Council Work Session Overview
October 4:	Council Resolution to set a hearing date
October 12:	Planning Commission zoning hearing
November 15:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
December 6:	2nd reading of annexation and zoning ordinances

Application Background:

The Hilltop North Addition is a proposed annexation approximately 10.01 acres in size. The parcel is located east of 6600 Road, addressed as 540 6600 Road. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and the Tri-County Water Service Area.



Annexation of this property will allow for future multifamily residential development. An Annexation Agreement will be required.

Proposed Zoning: “R-4” High Density District

Applicant: Hilltop Health Services Corporation

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 4-4-29(B), Zoning of Additions. “The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 4-4-31 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. *The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare* (emphasis added).”
 - b. Municipal Code, Section 4-4-7(A) Intent: The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variable densities. This allows variety in the types of residences.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “R-4” High Density District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Hilltop North Addition as Residential Mixed Density Medium. This district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.
5. The property is located within Growth Area 2. According to the Comprehensive Plan, Growth Area 2 has some level of, or moderate proximity to, existing infrastructure.
6. The “R-4” zoning does not appear to be adverse to the public health, safety and welfare.

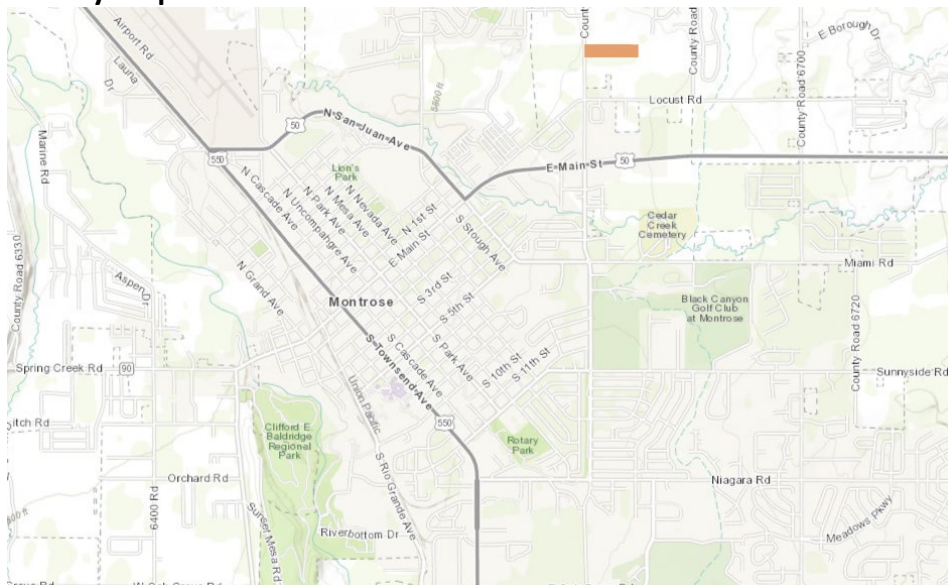
Staff Recommendation:

Staff recommends approval of the Resolution to set a hearing date.

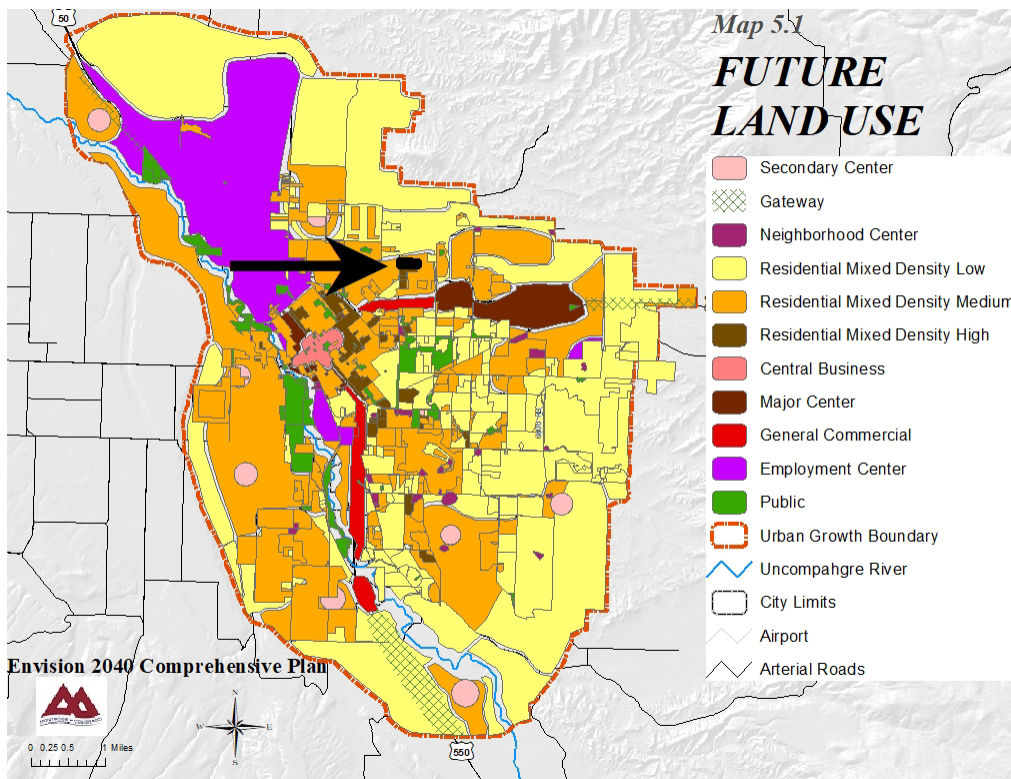


EXHIBIT A: Maps

Vicinity Map

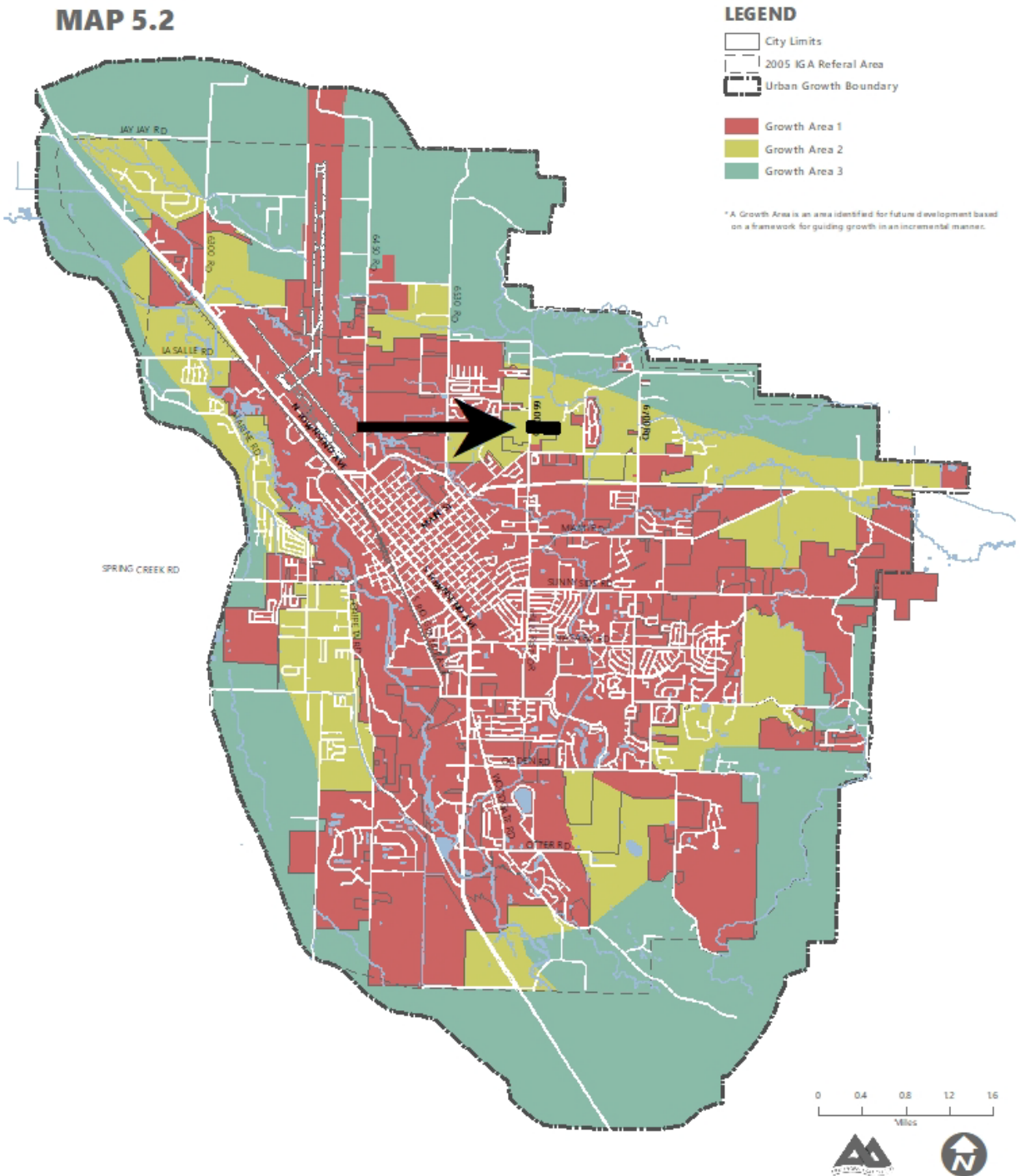


Comprehensive Plan Future Land Use Map



GROWTH AREAS*

MAP 5.2



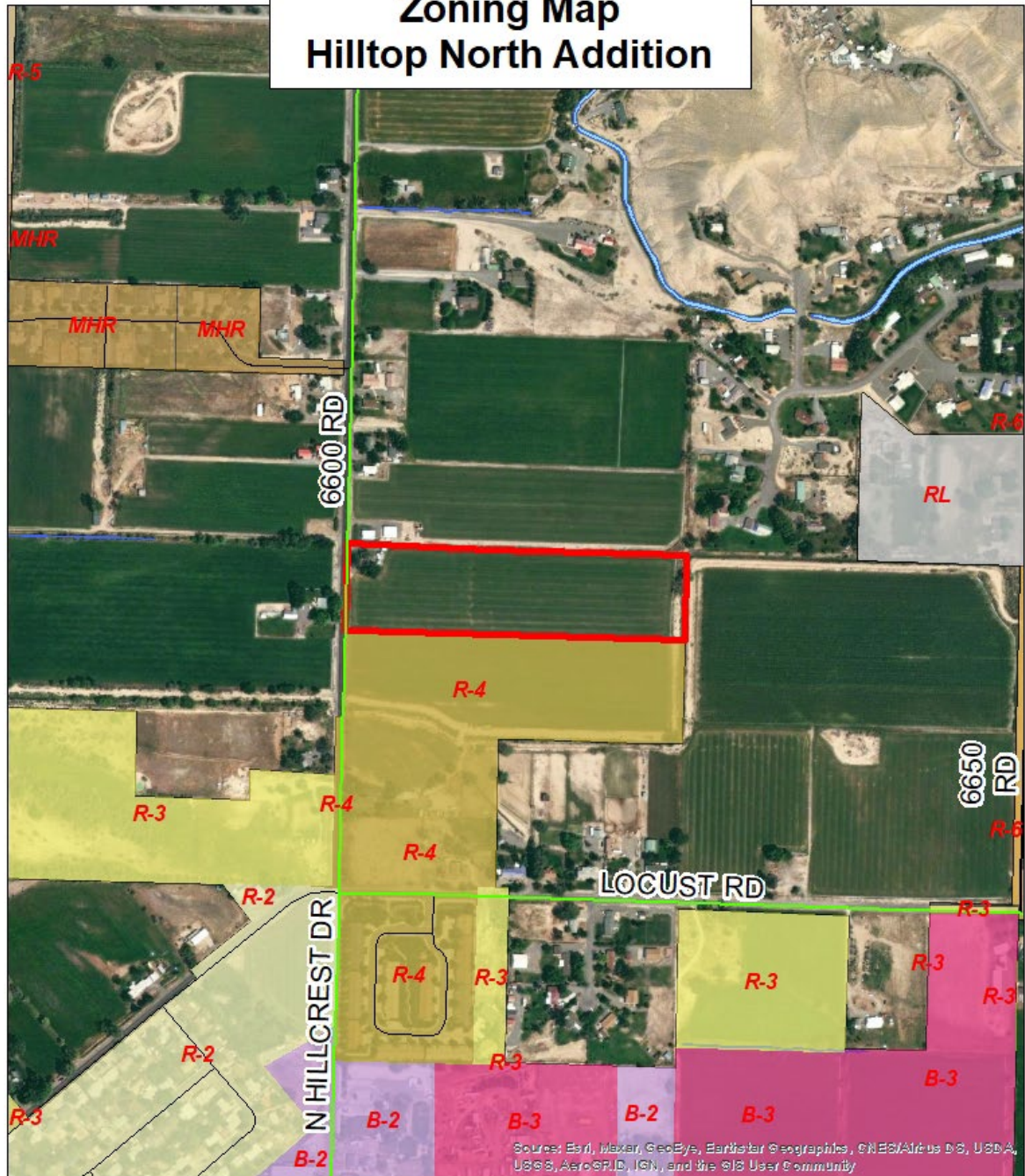
Location Map Hilltop North Addition



0 0.075 0.15 0.3 0.45 Miles



Zoning Map Hilltop North Addition



0 0.075 0.15 0.3 0.45 Miles



HILLTOP ANNEXATION NORTH

Situated in
Northwest quarter of the Southwest quarter of Section 23 T.49N., R.9W. New Mexico Principal Meridian
Montrose County, Colorado

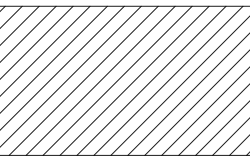


PARCEL DESCRIPTION

A parcel of land as recorded at Reception Number 944794 of the Montrose County Clerk and Recorders, situated in the Northwest quarter of the Southwest quarter of Section 23, Township 49 North, Range 9 West of the New Mexico Principal Meridian, being more particularly described as follows:

Beginning at the west quarter corner of said Section 23, whence the southwest corner of said Section 23 bears South 01°20'01" West with all bearings herein relative thereto;
Thence South 88°17'09" East, a distance of 1319.30 feet;
thence South 01°25'31" West, a distance of 330.58 feet;
thence North 88°17'55" West, a distance of 1318.77 feet;
thence North 01°20'01" East, a distance of 330.87 feet to the Point of Beginning. Said Parcel containing 436,231 square feet or 10.01 acres more or less.

LEGEND



Current City of Montrose boundary



Subject parcel



Calculated position

Boundary contiguous with City of Montrose: 1318.8'
Total Boundary of Hilltop Annexation: 3300.0'

SURVEYOR'S CERTIFICATE

I, Alec Thomas, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this Annexation map of Hilltop Annexation North was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief.



Alec Thomas Registered Land Surveyor PLS 38274

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado, has by its Ordinance No. _____ adopted on this _____ day of _____, 2022, A.D., annexed the property described heron to the City of Montrose.

Mayor, City of Montrose

RECORDER'S CERTIFICATE

This annexation map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at _____ M., on this _____ day of _____, 2022,

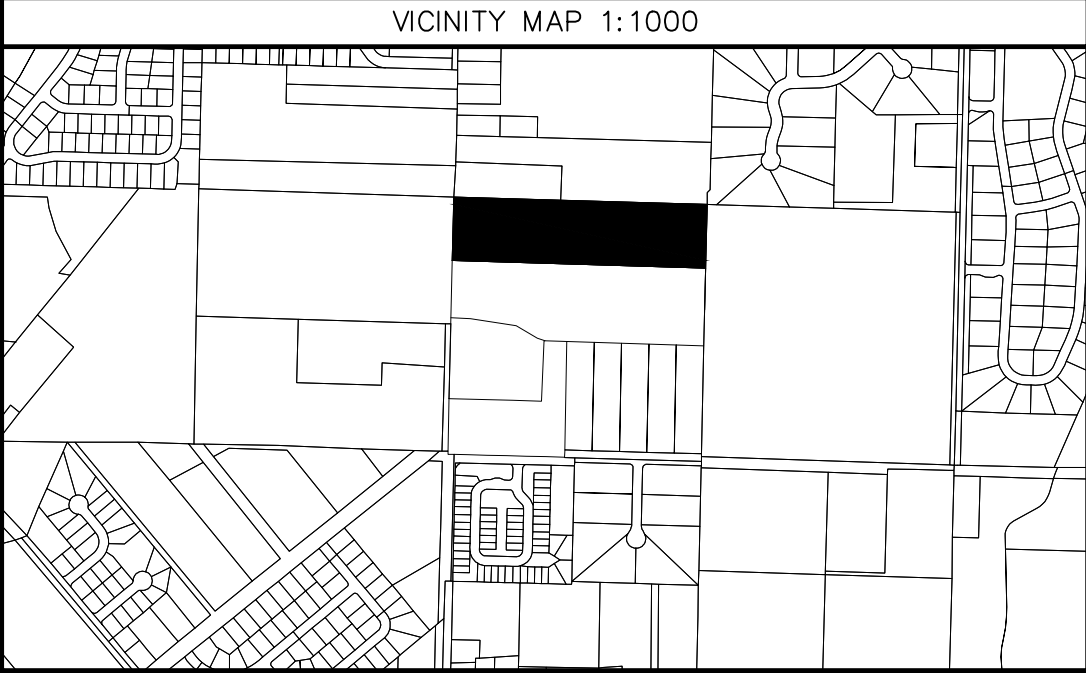
Reception No. _____

Clerk and Recorder

By: _____
Deputy

This annexation does not constitute a title search by the undersigned surveyor or River City Consultants, Inc. and no certification as to title or ownership of any parcels shown hereon is made by either. All information regarding ownership, rights-of-way, easements of record, adjoiners, and other documents that may affect the quality of title to this property is from data discovered on the Montrose County website. Other documents may exist which would affect this property. This document was made for annexation purposes only and does not constitute a Boundary survey.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



RIVER CITY
CONSULTANTS
744 Horizon Court, Suite 110 Phone: 970.241.4722
Grand Junction, CO 81506 Fax: 970.241.8841
www.rccwest.com

HILLTOP ANNEXATION NORTH

Situated in
Northwest quarter of the Southwest quarter of Section 23 T.49N., R.9W. New Mexico
Principal Meridian
Montrose County, Colorado

Sheet 1 of 1 Date: 08/02/2022 Job No. 1845-001
Surveyed: SLG/KW Drawn: AKT Checked: NA
Drawing name: S:\PROJECTS\1845 Hilltop\1025 540 6600 Annexation\Survey\DWG\1845-001 ANNEX.dwg

EXHIBIT B: Zoning Code Excerpt

Sec. 4-4-8. "R-4" High Density District.

- (A) *Intent.* The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variable densities. This allows variety in the types of residences.
- (B) *Uses by Right.*
- (1) Single-family homes, duplexes, and multiple-family residences.
 - (2) Public utility service facilities.
 - (3) Government buildings and facilities.
 - (4) Parks and recreation facilities owned or operated by a homeowner association.
 - (5) Places of worship.
 - (6) Accessory uses.
 - (a) Bed and breakfast operations operated solely by the residents of a residence providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters. The lot shall be at least 6,250 square feet and at least 3,125 square feet per rental bedroom.
 - (7) Short-term rentals.
 - (8) Family child care home.
- (C) *Conditional Uses.*
- (1) Skilled nursing and assisted living facilities.
 - (2) Childcare facilities.
 - (3) Schools.

(Ord. No. 2472 , § 4-4-8, 5-7-2019; Ord. No. 2561 , 10-19-2021)





CITY OF MONTROSE
CITY CLERK

MEMO

DATE: September 28, 2022
TO: City Council
FROM: Lisa DelPiccolo, City Clerk
RE: Intergovernmental Agreement for Liquor Licensing Services

In September of 2021, the City of Montrose entered into an agreement with Montrose County for the City Clerk's Office to process applications for liquor licenses and permits in unincorporated Montrose County. Both parties would like to extend the agreement and have it remain in place until terminated by either party with 60 days advance notice.

The Board of County Commissioners will remain as the liquor licensing authority for these licenses and permits. Under the terms of the agreement, the City retains the application fees. The City Clerk oversees application processes, forwards information to County staff members for review, and presents the applications to the BOCC.

The IGA was approved by the BOCC on September 21.



**INTERGOVERNMENTAL AGREEMENT
MONTROSE COUNTY and CITY OF
MONTROSE
Liquor Licensing Shared Services**

THIS INTERGOVERNMENTAL AGREEMENT (“IGA”) is dated this _____ day of _____, 2022, by and between the County of Montrose, Colorado by and through its Board of County Commissioners (“County”), a political subdivision of the State of Colorado organized and established pursuant to Colorado law, C.R.S. § 30-5-147, and the City of Montrose, a Colorado home rule municipal corporation organized under the laws of the State of Colorado (“City”), the above-named entities may sometimes be collectively referred to herein as the “Parties” and individually as a “Party.”

WHEREAS, Colorado law, C.R.S. § 29-1-203 authorizes local governments to cooperate and contract with one another to provide any function, service or facility; and

WHEREAS, the County desires to obtain the services of the City for the purpose of processing liquor license applications in the unincorporated areas of the County; and

WHEREAS, the City has in its employ personnel and systems qualified to process liquor license applications; and

WHEREAS, the Parties shall implement shared services as specified in this Agreement whereby City agencies shall support the County in exchange for retention of liquor licensing and application fees.

NOW THEREFORE, in consideration of mutual covenants and promises hereinafter set forth, the Parties hereto agree as follows:

ARTICLE I: SPECIFIC TERMS.

1. The City shall provide liquor license processing services to the County upon receipt of an application. The City Clerk shall provide the following services:

- a) accept and review applications and supporting documentation for liquor licenses and permits
- b) work with applicants on application processes, including petitions for new license applications
- c) ensure that premises are posted and legal notices are published in accordance with State statute
- d) prepare summaries of petitions submitted for new license applications
- e) prepare a findings document for new license applications
- f) inspect the premises as required for new license applications
- g) prepare the official file for review by applicable county staff members
- h) maintain the official files according to the State records retention schedule
- i) submit applications to the State for approval and issue State and local licenses with the local license in a format approved by the BOCC.

- j) notify the State of special events permits issued
- k) notify licensees of impending renewals
- l) present applications for licenses, renewals, and permits to the BOCC, and attend BOCC meetings if requested.
- m) notify the BOCC and applicable County staff members of any compliance violations of which the City has actual notice.

ARTICLE II: TERM AND RENEWAL.

- 1) The services to be performed pursuant to this IGA shall begin on the execution date hereof, and be pursued with due diligence IGA until terminated as set forth herein.
- 2) This IGA may be terminated by either Party at any time for any reason upon sixty (60) days written notice by the terminating party.

ARTICLE III: PAYMENT. The County shall allow the City to retain the liquor licensing and application fees for processing each application.

ARTICLE IV: COMMUNICATIONS. The Parties shall designate authorized representatives and all communications related to the performance of duties defined in this IGA shall be conducted solely between the representatives so designated.

ARTICLE V: ASSIGNMENTS.

- 1) No Assignments. Neither Party may assign any of its rights, duties or obligations arising under this IGA without the prior written consent of the other Party.
- 2) Ramifications of Purported Assignment. Any purported assignment of the rights, duties or obligations of either Party without the express written consent of the other Party shall be void.

ARTICLE VI: CHOICE OF LAW. The laws of the State of Colorado (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this IGA, including, without limitation, its interpretation, construction, performance and enforcement.

ARTICLE VII: MUTUAL HOLD HARMLESS. The City and County agree to mutually hold harmless one another, their officers and employees, from and against all liability, claims and demands on account of injury, loss, or damage which arise out of, or are in any manner connected with, this IGA, and which are caused in whole or in part by their acts, omissions, errors, or negligence, or by that of their officers, employees, agents or representatives.

TABOR CLAUSE. The Parties agree that their obligations under this IGA are subject to annual budget appropriations as required by provisions of the Taxpayers' Bill of Rights ("TABOR") contained in Article X, Section 20 of the Colorado Constitution, as amended. The Parties further agree that any failure to fund the obligations set forth herein as a result of TABOR-related monetary constraints shall not give rise to any legal or equitable cause of action whatsoever.

ARTICLE IX: NOTICES.

a) Requirement of a Writing. Permitted Methods of Delivery. Each Party giving or making any notice, request, demand or other communication (each, a “Notice”) pursuant to this IGA shall give the Notice in writing and use one of the following methods of delivery, each of which for purposes of this IGA is a writing: personal delivery, Registered or Certified Mail (in each case, return receipt requested and postage prepaid), nationally recognized overnight courier, (with all fees prepaid), facsimile or e-mail.

b) Addressees and Addresses. Any Party giving a Notice shall address the Notice to the appropriate person at the receiving Party.

County Manager
317 S. 2nd Street
Montrose, CO 81401

City Clerk
433 S. 1st Street
Montrose, CO 81401

c) Effectiveness of a Notice. Except as provided elsewhere in this IGA, a Notice is effective only if the Party giving the Notice has complied with subsections a) and b) and if the Addressee has received the Notice.

ARTICLE X: AMENDMENTS. The Parties may amend this IGA only by a written agreement of the Parties that identifies itself as an amendment to this IGA.

ARTICLE XI: SEVERABILITY. If any provision of this IGA is held invalid, illegal or unenforceable, the Parties shall negotiate in good faith to modify this IGA to fulfill as closely as possible the original intents and purposes of this IGA.

ARTICLE XII: TERMINATION. Either Party may terminate this IGA with advance written notice to the other Party delivered no later than 90 days prior to the termination date.

THIS INTERGOVERNMENTAL AGREEMENT is hereby executed by the Parties hereto on the date(s) set forth below, and shall be effective as set forth in Paragraph “1” herein.

APPROVED this _____ day of _____, 2022.

CITY OF MONTROSE

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

**BOARD OF COUNTY COMMISSIONERS
Montrose County, Colorado**

ATTEST:

Keith Caddy, Chair

, Clerk to the Board