



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, June 4, 2024 - 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. The meeting can be [viewed online via livestream](#) and video recordings of the meetings can be viewed on our [YouTube page](#).

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. Schedule time to book this resource, by [emailing the City](#) at least 3 days before the meeting.

- 1) City Council meeting called to order by Mayor J. David Reed
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) 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.

Please refrain from any personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial, or gender-oriented slurs as they may be considered “disorderly conduct” which violates state or local law.

6) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the May 21, 2024, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the May 21, 2024, regular City Council meeting as presented.

7) RESOLUTION 2024-08 (15 minutes)

City Council consideration of Resolution 2024-08, a Resolution of the City Council of the City of Montrose, Colorado, authorizing the filing of a Colorado Department of Early Childhood Employer-Based Child Care Grant application for the purposes of adding child care capacity within the City of Montrose, Colorado. *Staff: Community Development Director Jace Hochwalt*

Action: Accept public comment. Consider making a motion to adopt Resolution 2024-08 as presented.

8) EAGLE RANCH SOUTH SUBDIVISION PRELIMINARY PLAT (10 minutes)

City Council consideration of the Eagle Ranch South Subdivision Preliminary Plat. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to approve the Eagle Ranch South 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.



9) SAN JUAN AVENUE/6530 ROAD SIGNAL DESIGN CONTRACT (10 minutes)

City Council consideration of a professional services contract award to HDR Engineering, Inc. in the amount of \$148,413.72 for design and permitting of the San Juan Avenue/6530 Road Signal Project. *Staff: City Engineer Scott Murphy*

Action: Accept public comment. Consider making a motion to award a professional services contract to HDR Engineering, Inc. in the amount of \$148,413.72 for design and permitting of the San Juan Avenue/6530 Road Signal Project as presented.

10) STAFF REPORTS

11) CITY COUNCIL COMMENTS

12) MOTION TO ADJOURN



MONTROSE CITY COUNCIL

May 21, 2024

A regular meeting of the Montrose City Council was held on Tuesday, May 21, 2024, 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

J. David Reed, Dave Frank, Judy Ann Files, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthaller, Chris Dowsey, Greg Story, Scott Murphy, William Reis, Shani Wittenberg, Greg Stunder, Sharon Dunning

GUESTS

Flint Ogle, Judith Brown, Richard Brown, Lance Michaels, Lori Michaels, Jim Bowen, Ron Smith, John Brown, Linda Krebs, Jeffrey Krebs, Tony Hoague, Clay Goldberg, Donna Hebein, Sherman Hebein, Casey Bollinger, Cindi Olinghouse, Jeff Olinghouse, Karen Jenkins, Beth Perkovich, Mike Perkovich, Lynda Bailey, Steve Bailey, Randi Cooley, Frank Cooley, Jill Barton, Geri Wold, Richard Wojciechowski, Paul Burr

CALL TO ORDER

Mayor J. David Reed 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.

CALL FOR PUBLIC COMMENT

Richard Brown, Jim Bowen, Ron Smith, and John Brown spoke regarding the adoption of a non-sanctuary city declaration and requested a revote on the issue or a vote by the citizens.

Ron Smith spoke against city partnerships with private businesses.

Jeffrey Krebs questioned whether the community has adequate resources for an influx of immigrants.

Tony Hogue stated that the Citizens Climate Lobby is developing a climate action plan and is looking for partners. Mr. Hogue requested an opportunity to speak with City Council in the future.

Lori Michaels said that Altrusa Park is not being watered which is requiring the Altrusa organization to manually water its garden. Ms. Michaels asked if there is a plan for irrigation of the park.

Clay Goldberg expressed concern about concrete replacement on bike paths. Mr. Goldberg also commented that immigrants who here with asylum status are not illegal.

A person who declined to provide a name stated that public comment wording on the agenda violated the First Amendment.

Sherman Hebein, Casey Bollinger, and Jeff Olinghouse spoke in support of a non-sanctuary city declaration.

Karen Jenkins spoke against dedicating resources to people who are not here legally and in favor of ensuring that anyone here illegally does not vote.

APPROVAL OF MINUTES

City Council considered the minutes of the May 7, 2024, regular City Council meeting.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the minutes of the May 7, 2024, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2663 – SECOND READING

City Council considered Ordinance 2663 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Blowers Addition.

Planner II William Reis reported that the 12.94 acre parcel is located within the Urban Growth Boundary and city water and sewer service areas. The proposed zoning designation is R-L, Rural Living District, with a minimum lot size of one acre.

Mr. Reis reviewed the zoning of the surrounding area and the intent of the R-L zoning designation.

Mr. Reis recommended approval of the annexation stating that the proposal is consistent with public health, safety, and welfare, city annexation policies, and the Comprehensive Plan. Mr. Reis also recommended approval of the R-L zoning designation with a minimum lot size of one acre.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adopt Ordinance 2663 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2664 – SECOND READING

City Council considered Ordinance 2664 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Blowers Addition as a "R-L," Rural Living District.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Ed Ulibarri, to adopt Ordinance 2664 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2662 – SECOND READING

City Council considered Ordinance 2662 on second reading, an Ordinance of the City of Montrose, Colorado, granting and authorizing the conveyance of an interest in City-owned real estate pursuant to Section 1-9-2 of the Official Code of the City of Montrose.

City Engineer Scott Murphy reported that the recently completed Woodgate realignment project included the future addition of a roundabout at E. Oak Grove Road. The realignment project included an estimated footprint for the roundabout, and property acquisitions were completed. Mr. Murphy said that during the design of the roundabout, it was determined that an additional 509 square feet is needed on one corner. Mr. Murphy stated that Ordinance 2662 vacates parcels that are no longer needed for the roundabout and the following agenda item adopts the amended plat. The closing is scheduled for May 29.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adopt Ordinance 2662 on second reading as presented. All voted yes. Motion passed.

RDMJK WOODGATE DIVISION OF PROPERTY, AMENDMENT NO. 1 PLAT

City Council considered the RDMJK Woodgate Division of Property, An Official Act of the City of Montrose, Amendment No. 1 plat to dedicate right of way and associated easements needed for the upcoming roundabout project at the intersection of Woodgate and East Oak Grove Roads.

Public comment was accepted.

John Brown questioned whether the work done on the intersection took into consideration the future plan for the roundabout. Mr. Murphy reviewed the history of the property acquisition for the Woodgate Road realignment project.

A motion was made by Dave Frank, seconded by Ed Ulibarri, to approve the RDMJK Woodgate Division of Property, An Official Act of the City of Montrose, Amendment No. 1 plat as presented. All voted yes. Motion passed.

SPRUCE POINT UTILITY SERVICE AGREEMENT

City Council considered a utility service agreement with Chipeta Water District and Spruce Point Development Company, LLC to provide City of Montrose water service to currently undeveloped portions of the Spruce Point Subdivision.

City Engineer Scott Murphy reported that the Cobble Creek neighborhood was developed within the Chipeta Water Service Area, and Spruce Point remained on the Chipeta Water system. Mr. Murphy said that continued growth on the Chipeta Water system and future development of elderly care facilities necessitated additional fire protection. Mr. Murphy said the City has waterlines and infrastructure in the vicinity and has the ability to serve with available water resources. Mr. Murphy said the agreement also sets terms for watering landscaping and common areas.

Flint Ogle, principle of Spruce Point Development Company, LLC confirmed that City water will not be used for common areas. Mr. Ogle said the development will consist of patio homes with lawns maintained by the HOA with shares of Uncompahgre Valley water.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to enter into a utility service agreement with Chipeta Water District and Spruce Point Development Company, LLC 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 March 2024. Ms. Wittenberg reported that total sales and use tax collections were up 1.8 percent as compared to March of 2023 with a positive budget variance of 3.4 percent. Year-to-date collections were up 5.2 percent with a positive budget variance of 6.2 percent.

First Quarter Budget Review

Finance Director Shani Wittenberg reported that a complete First Quarter Budget Review is included in the meeting packet. Ms. Wittenberg stated that everything is very positive, and several capital projects are underway.

CITY COUNCIL COMMENTS

City Councilor Ed Ulibarri relayed a comment he received regarding the Baldrige Park disc golf course. City Manager Bill Bell said that a new map for the disc golf course is in production and will be available at the Visitor Center. Deputy City Manager Ann Morgenthaler reported that new signage was also installed recently.

ADJOURNMENT

At 7:02 p.m., a motion was made by Judy Ann Files, seconded by Ed Ulibarri, to adjourn the meeting with no further action taken.

ATTEST:

J. David Reed, Mayor

Lisa DelPiccolo, City Clerk



TO: City Council

FROM: Jace Hochwalt, Community Development Director

DATE: June 4, 2024

SUBJECT: Seeking Approval to Apply for a Colorado State Employer-Based Child Care Facility Grant

INTRODUCTION

City of Montrose staff is seeking approval from City Council to apply for a grant through the Colorado Department of Early Childhood specific to an Employer-Based Child Care Facility grant. The purpose of this grant request is to remodel and furnish an existing property located at 703 S. 9th Street in order to provide a long-term child care option for Montrose employees.

BACKGROUND

In 2022, the Colorado legislature passed Senate Bill 22-213, which expanded the employer-based child care facility grant program to assist with the cost of creating an on-site or near-site childcare facility for eligible non-profit, for-profit or government entities. The grant program, through the Colorado Department of Early Childhood, responds to the long-established need for more affordable, convenient, and quality child care. In addition, it is a program that provides employers and employees alike with benefits by helping improve recruitment and retention, decreasing employee turnover increase employee productivity by reducing absenteeism, among many other benefits.

The City of Montrose recently completed a survey for City staff, as well as other governmental and quasi-governmental agencies including Montrose County School District, Montrose County, Montrose Recreation District, Montrose County Fire District, Montrose Regional Health, 7th Judicial District of the State of Colorado, Montrose Library, and Western Colorado Regional Dispatch Center. The survey received nearly 300 responses, with the consensus being that additional child care options are needed in Montrose. The survey results reflected that 33 families want to enroll their infant or toddler in child care, but are currently unable to do so because of availability or cost. Furthermore, 69 survey respondents indicated they were considering having a newborn in the next two years.

In addition to the survey, the Montrose County Childcare Needs Assessment was completed by Root Policy in late 2021, which reflected a shortage of childcare spaces, noting that Montrose County is classified as a “childcare desert”. With this data in mind, as well as the grant opportunity for employer-based child care, City staff have been searching for facilities in the Montrose area that have the ability to be retrofitted into a child care facility. The property at 703 S. 9th street came up as an option, which is currently a City-owned facility that would not have to be acquired. After completing a thorough site inspection of the property on May 24, 2024, which comprises a 4,200 square foot building and ample outdoor space (which is required for childcare licensing), it was determined that the property would be a great fit for a possible child care facility. As mentioned, the facility is owned by the City of Montrose and currently leased to the Montrose County School District. After conversations with the School District, they would be willing to

vacate the property should the City move forward with a construction project to retrofit the building to a child care facility.

Per the grant guidelines, the maximum funding request is \$800,000, and there is a 25% match that would be required. Funding can be used for construction, renovation, remodel, retrofit and/or furnishing of a child care facility. In addition, if a grant of up to \$250,000 is awarded, the City of Montrose must attest that it will maintain the childcare facility for a minimum of three years. If a grant greater than \$250,000 is awarded, the City of Montrose must attest that it will maintain the child care facility for a minimum of five years. If the child care facility is not maintained as a fully operational and staffed child care facility for the minimum amount of time, the City of Montrose will be required to repay a proportionate amount of the grant.

The grant application is due on June 14, 2024, and City staff is finalizing a budget now, which will include costs for remodeling the facility and bringing it up to child care licensing standards, as well as furnishings for the facility. While the budget is not finalized at this time, the facility is in good repair, and only minor items of deferred maintenance were noticed at the time of the inspection.

FINANCIAL CONSIDERATIONS

The maximum grant request is \$800,000 and there is a 25% match required. Staff is in the process of developing a budget for what the renovation costs will be, as well as getting cost estimates for furnishings. It is unlikely that the final grant request will be for the full \$800,000 given the good repair of the building, but the request to City Council would be to authorize staff to apply for up to \$800,000 in the case that cost estimates do come in near that amount.

RECOMMENDATION

City Staff recommends approval by City Council to authorize the submission of a grant through the Colorado Department of Early Childhood specific to an Employer Based Child Care Facility Grant. The requested grant amount of up to \$800,000 will be utilized to retrofit and furnish the property located at 703 S. 9th street in Montrose, Colorado.

RESOLUTION NO. 2024-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE FILING OF AN EMPLOYER BASED CHILD CARE FACILITY GRANT PROGRAM APPLICATION FOR PURPOSES OF FUNDING THE CONSTRUCTION, RENOVATION, REMODELING, RETROFITTING AND/OR FURNISHING OF A CHILD CARE FACILITY WITHIN THE CITY OF MONTROSE, COLORADO

WHEREAS, the City of Montrose, Colorado, desires to apply for grant funding for the purpose of constructing, renovating, remodeling, retrofitting and/or furnishing a child care facility at 703 S. 9th Street for the City of Montrose; and

WHEREAS, the City of Montrose is committed to providing licensed child care services to its employees; and

WHEREAS, the City of Montrose requests an Employer Based Child Care Facility Grant, established by the Colorado Department of Early Childhood, in an amount up to \$800,000 to fund constructing, renovating, remodeling, retrofitting and/or furnishing a child care facility at 703 S. 9th Street; and

WHEREAS, the City of Montrose would commit a 25% match of the grant request in an amount up to \$200,000; and

WHEREAS, if a grant of up to \$250,000 is awarded, the City of Montrose must attest that it will maintain the childcare facility for a minimum of three years and if a grant greater than \$250,000 is awarded, the City of Montrose must attest that it will maintain the child care facility for a minimum of five years. If the child care facility is not maintained as a fully operational and staffed child care facility for the minimum amount of time, the City of Montrose will be required to repay a proportionate amount of the grant.

NOW THEREFORE, be it resolved by the City Council of the City of Montrose, Colorado as follows:

Section 1. The City Council of the City of Montrose directs the City Manager, and City Staff, to act in connection with the Employer Based Child Care Facility Grant application and to provide such additional information as may be required by the Colorado Department of Early Childhood.

RESOLVED AND ADOPTED this 4th day of June 2024, by the City Council of the City of Montrose.

CITY OF MONTROSE, COLORADO

J. David Reed, Mayor

ATTEST

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: June 4, 2024
RE: Eagle Ranch South Subdivision Preliminary Plat
ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Eagle Ranch South Subdivision Preliminary Plat
- Exhibit C: Excerpt from City of Montrose Municipal Code

City Council Consideration:

City Council is considering approval of the Eagle Ranch South Subdivision Preliminary Plat. City Council will consider all of the information in this memo in making a decision.

Applicant: Sharon Hrubes and Al Hrubes

Application Background:

The Eagle Ranch South Subdivision Preliminary Plat is a proposed subdivision located on Outlot 2 of the Cook-Hrubes Exemption for Boundary Line Adjustment and Lot 30 of the Eagle Ranch Planned Development Filing No. 1 Amendment 3. This is located north of Oak Grove Road and Adjacent to Cook Drive and Eagle Ranch Lane. Due to the applicant's proposed road layout, Eagle Ranch Lane would need to be renamed to Cook Drive in order to comply with Emergency Services and 911 Operations guidelines. The subdivision proposes 6 single-family residential lots, as well as an outlot for future development. The property is zoned "R-2" Low Density District, and a small portion of the proposed outlot is zoned "R-3A" Medium High Density District.

The Planning Commission voted to approve the Eagle Ranch South Subdivision Preliminary Plat during the May 22, 2024 meeting. A Final Plat will also be required within five (5) years of approval of this Preliminary Plat (City of Montrose Municipal Code, Section 11-4-8(A)(3)).

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 11-5 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 Low.

- *Residential Mixed Density Low. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes.) This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.*

3. Zoning Regulations:

- Municipal Code, Section 11-7-5(A)(4) Intent: The "R-2" Low Density District is intended to provide for development of single-family residences, along with certain other compatible land uses.
- The proposed use is a use-by-right in this zoning district. The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are zoned "R-2" Low Density District and "R-3A" Medium High Density District, and areas outside of City limits.

4. The Eagle Ranch South Subdivision 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.

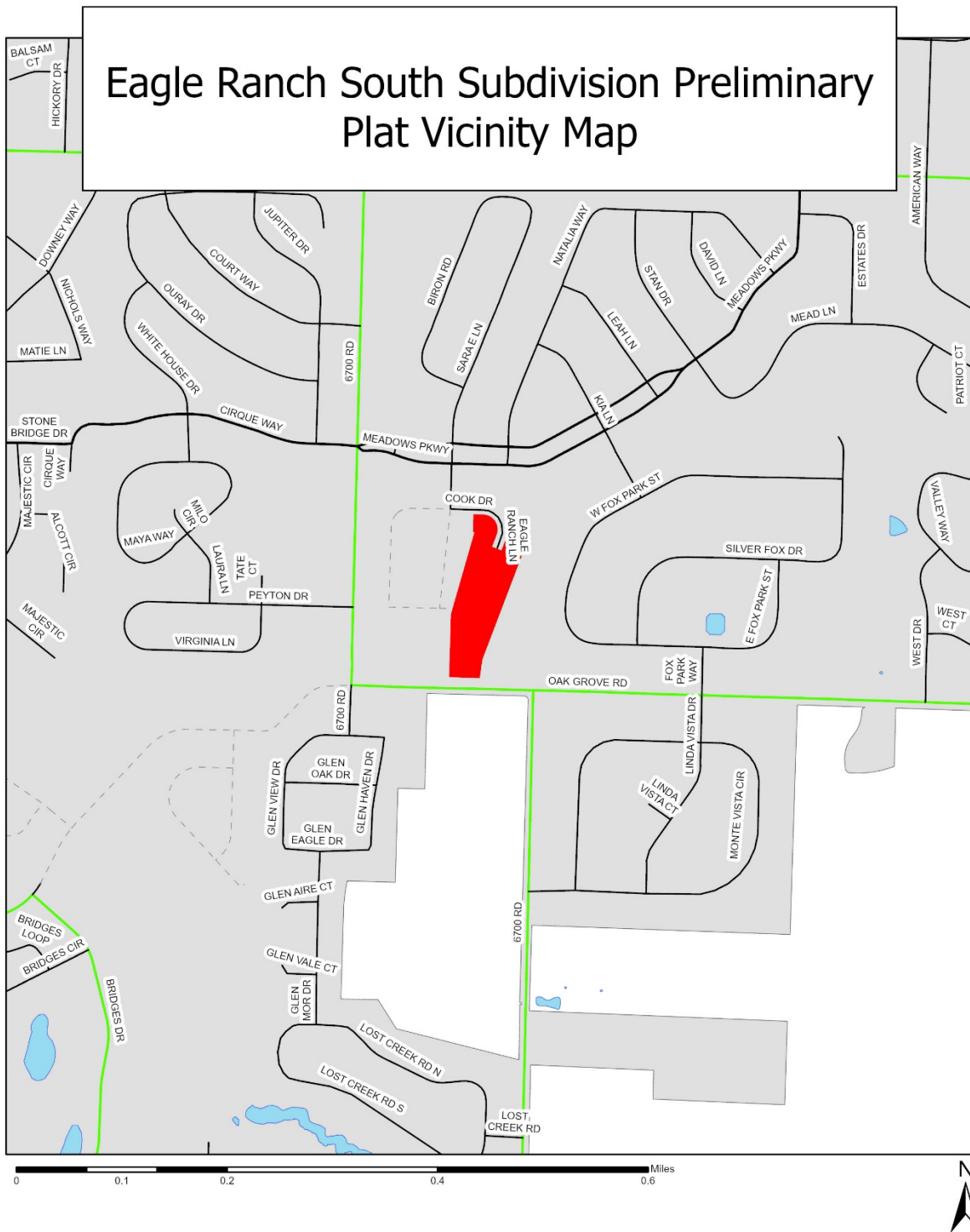
Planning Commission Recommendation:

The Planning Commission recommended approval of the Eagle Ranch South Subdivision Preliminary Plat at the May 22, 2024 meeting. It was a unanimous vote. "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."

City Council Options:

1. Accept the Planning Commission recommendation and approve the Eagle Ranch South Subdivision Preliminary Plat with the following 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. Approve the preliminary plat subject to conditions necessary to implement the provisions of Chapter 11-5 – Subdivision Regulations.
3. Disapprove the plat if Council finds the requirements of these regulations have not been met.

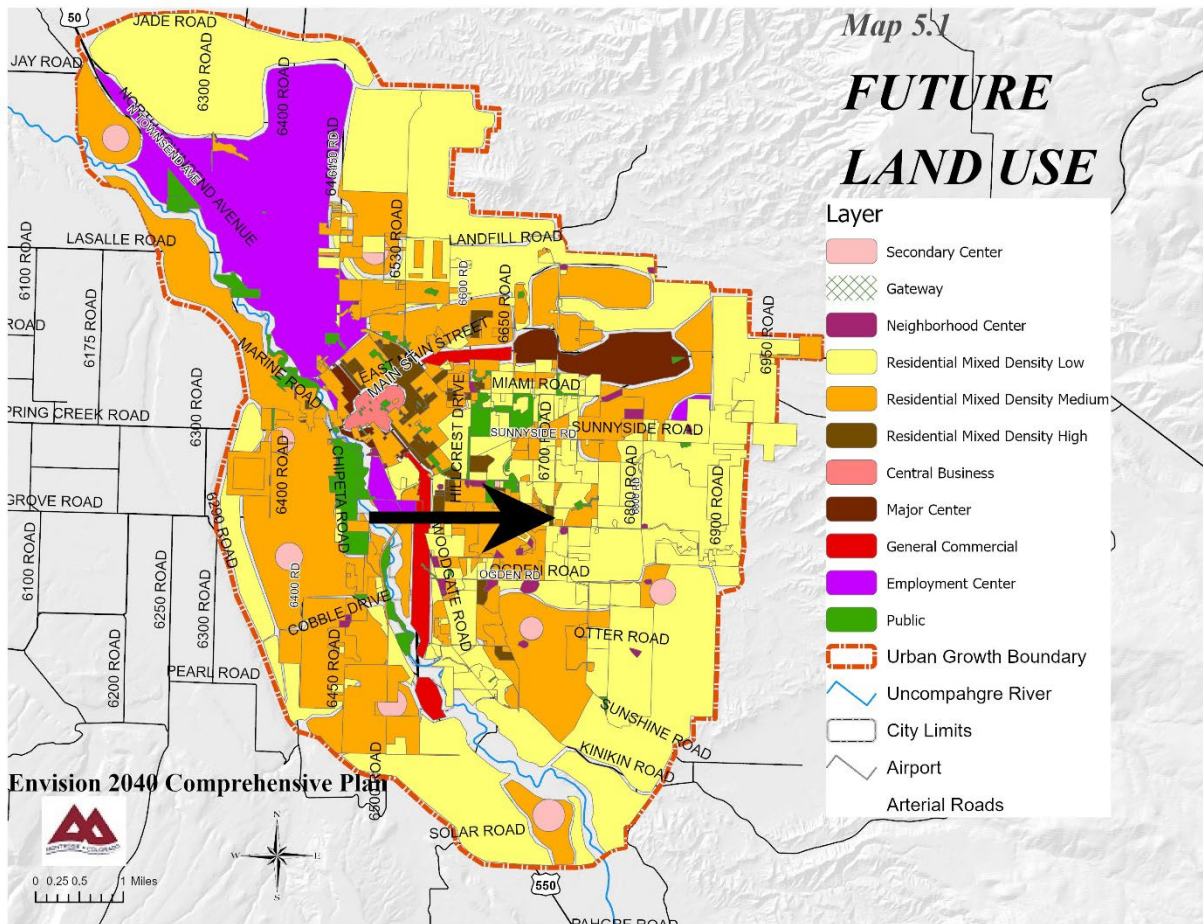
EXHIBIT A: Area Maps

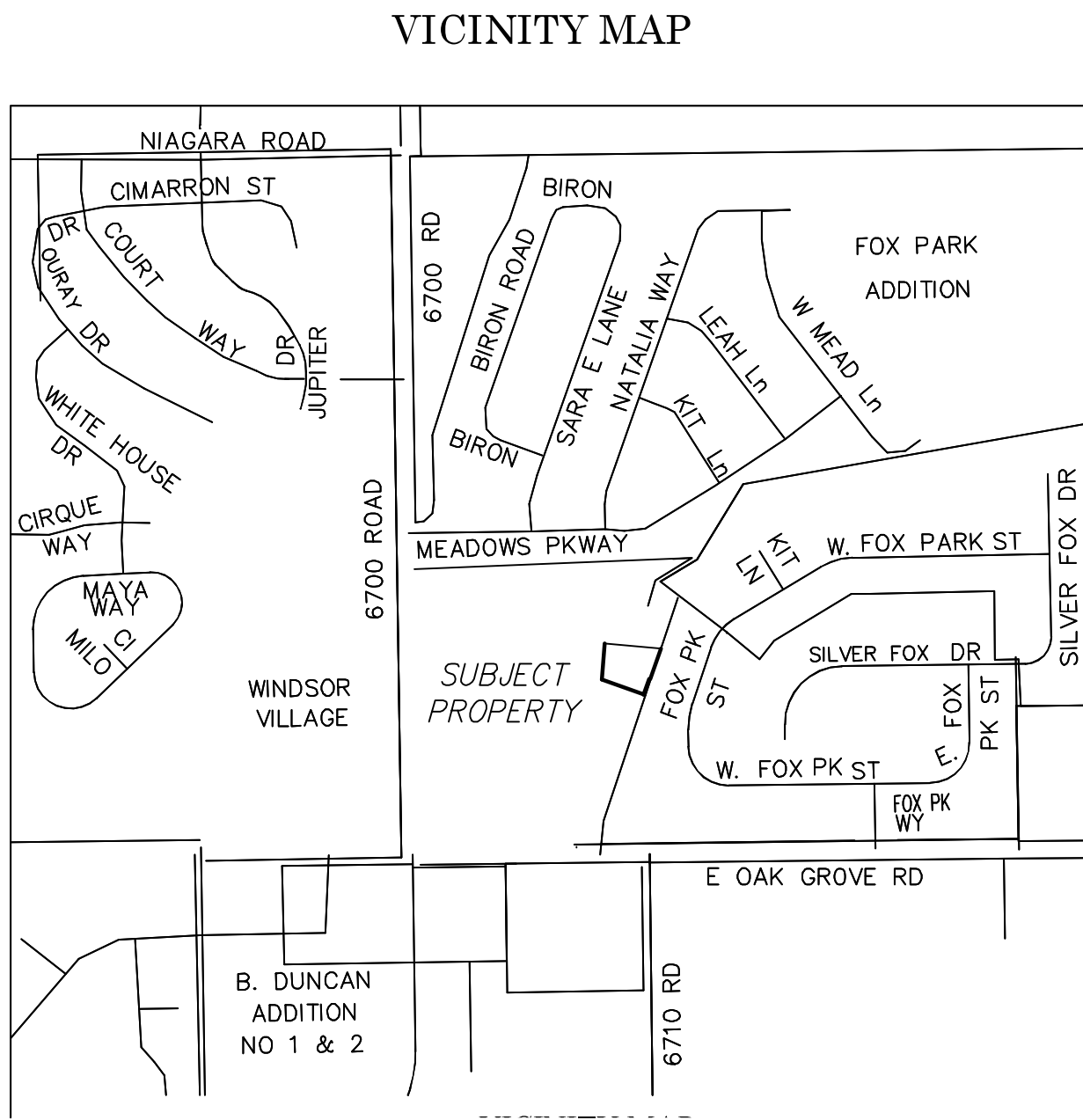


Eagle Ranch South Subdivision Preliminary Plat Zoning Map



Comprehensive Plan Future Land Use Map





SURVEYOR'S CERTIFICATE
I, Steven A. Yelton, 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 policy issued by _____ [insert name of title company], dated _____ [insert date of policy], bearing policy number _____ [insert the title company's file number].

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	20.00'	17.19'	16.67'	S05°02'18"E
C2	48.00'	34.72'	33.97'	N08°55'24"W
C3	48.00'	82.28'	72.57'	S60°53'15"W
C4	48.00'	115.17'	89.46'	S01°16'24"E
C5	20.00'	8.61'	8.55'	N55°07'33"E
C6	20.00'	8.10'	8.04'	S31°11'18"W

Colorado Registered Land Surveyor
Registration No. 33645
Date: _____

RESERVED FOR FUTURE PEYTON DR.
20' UTILITY EASEMENT
RECEPTION NUMBER 753462

JRK LAND COMPANY, LLC
67021 OAK GROVE ROAD

- LEGEND**
- FOUND 2" ALM. MONUMENT PLS 33465
 - SET 2" ALM. MONUMENT PLS 33465
 - POWER POLE
 - WATER VALVE
 - TELEPHONE RISER
 - CABLE TV RISER
 - ELECTRIC TRANSFORMER
 - SEWER MANHOLE
 - OVERHEAD POWER LINE

BASIS OF BEARING:

The Easterly line of the Subdivision is assumed to bear S19°18'26"W and is monumented as shown hereon.
All other bearings are relative thereto.

GENERAL NOTES:

Easements (reception numbers 810502 and 681240) are vacated by this plat.

This survey was performed with the benefit of a title commitment by Fidelity National Title Insurance Company and does not constitute a title search by Steven A. Yelton or Rocky Mountain Surveying, LLC.

NOTICE 13-80-105 C.R.S. as amended:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

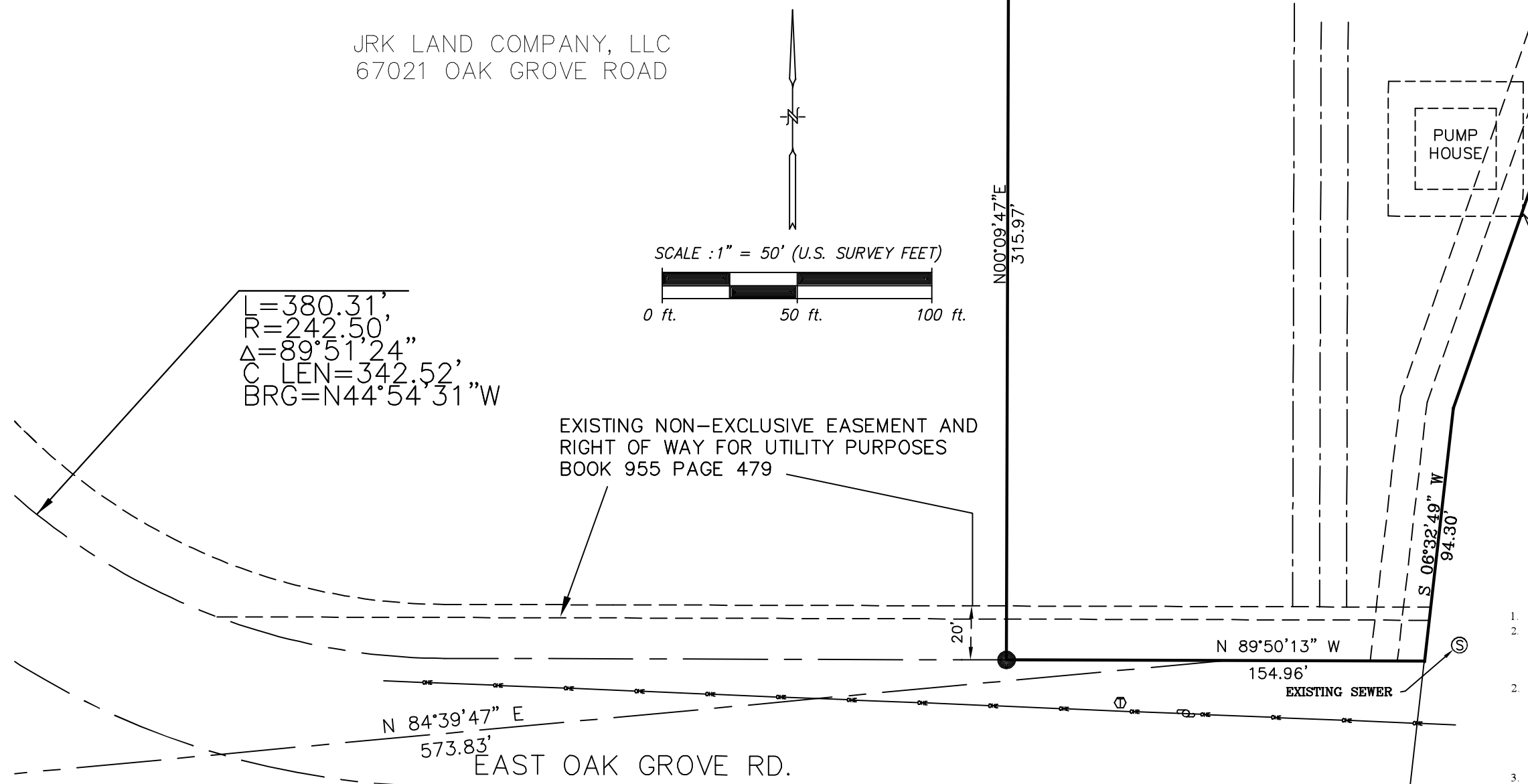
RECORDER'S CERTIFICATE:

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

_____, by _____
County Clerk & Recorder Deputy

TOTAL AREA FOR PROPOSED LOTS:

LOTS 1-6 HAVE A TOTAL AREA OF 1.378 ACRES
OUTLOT "A" HAS AN AREA OF 2.422 ACRES



- PLAT NOTES:**
- 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 § 11-5-90(C)(3) of the Municipal Code. Payments shall be made to the City, to be later delivered to the K-12 School District.
 - Money in lieu of Park Land Dedication
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of park land dedication, at the time of issuance of building permit relative to improvements upon said lot. The payment of money in lieu of park land dedication is subject to § 11-5-90(D)(3) of the Municipal Code.
 - Local Improvement District
All lots planned hereon shall be subject to an assessment for the costs to construct improvements to that portion of Cook Drive that abuts the Subdivision, said improvements including curb, gutter, sidewalks, 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 Eagle Ranch South 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.
 - The drainage easement(s) shown hereon shall be maintained by the owners of the lots encompassed by the easement in a manner that preserves all intended stormwater detention, including pond and outfall infrastructure and does not disrupt the intended flow of water, including but not limited to the placement of fill, 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 on located within said easements. Upon failure to properly maintain the drainage easement(s) shown hereon, or in the need to show 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 any costs, such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.
 - Proposed road dedication(s) on the Eagle Ranch South Preliminary Plat derive from previous proposed road construction. The applicant's repeated representations necessitate changes to the names of previously dedicated streets. Upon approval of this plat, the City of Montrose will administratively change the existing Eagle Ranch Lane to Cook Drive, necessitating address changes for some previously addressed lots.

**EAGLE RANCH SOUTH PRELIMINARY PLAT
SW¼SW¼ SECTION 36, T49N, R9W, NEW MEXICO PRINCIPAL MERIDIAN,
CITY AND COUNTY OF MONTROSE, STATE OF COLORADO**

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL YE BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit: Eagle Ranch South, Lot 30, Eagle Ranch Planned Development Filing 1 Amendment 3 and Outlot 2, Cook-Hrubes Exemption for Boundary Line Adjustment, County of Montrose, State of Colorado, and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Eagle Ranch Lane, as hereon shown.

The easements shown on this plat are dedicated, granted and conveyed to the City of Montrose, Colorado for public utilities, and including but not limited to water, sewer, electrical, telephone, gas and CATV lines, and drainage easements specifically labeled for dedication, together with 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, or otherwise subject to a previously recorded conveyance.

Executed this ____ day of _____, 20____.

By: _____
Sharon D. Hrubes (owner)

STATE OF _____)
COUNTY OF _____) ss.

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

Witness my hand and official seal.
My commission expires _____.

Notary

(SEAL)

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 ad valorem property taxes for the current year.

Attorney Registration No. _____
Date: _____, 20____

ENGINEER'S CERTIFICATE

I, _____, 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.

Engineer Registration No. _____
Date _____, 20____

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, Scott Murphy, 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 or a Preliminary Letter of Infrastructure Completion] has been issued, as required by the City's Municipal Code. [The following landscaping and/or irrigation improvements have been secured with a Subdivision Improvement Agreement:]

Scott Murphy, City Engineer
Registration No. _____
Date: _____

APPROVAL OF DEPUTY CITY MANAGER

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

Deputy City Manager

APPROVAL OF CITY COUNCIL

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

Mayor

APPROVAL OF CITY ATTORNEY

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

City Attorney
Atty. Reg. No. _____

APPROVAL OF PRELIMINARY PLAT

City Engineer Date

City Attorney Date

Chair, Planning Commission Date

Mayor, City Council Date



Professional Land Surveyor #33645
2816 Primrose Ct.
Montrose, CO 81401
Office: 970-901-1189
Email: syelton002@gmail.com

**EAGLE RANCH SOUTH PRELIMINARY PLAT
SW¼SW¼ SECTION 36, T49N, R9W,
NEW MEXICO PRINCIPAL MERIDIAN,
CITY AND COUNTY OF MONTROSE,
STATE OF COLORADO**

EXHIBIT C: Code Excerpts for Subdivisions

Sec. 11-5-1. General provisions.

- (A) This Chapter, as amended from time to time may be cited and referred to as the City's subdivision regulations.
- (B) The purposes of these subdivision regulations are to:
 - (1) Promote and protect public health, safety and welfare;
 - (2) To encourage the harmonious, orderly and progressive development of land;
 - (3) To ensure the development of economically sound and compatible neighborhoods;
 - (4) To require the construction of necessary improvements and utilities;
 - (5) To ensure safe and convenient circulation of vehicular and pedestrian traffic;
 - (6) To ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated;
 - (7) To ensure development is in accordance with the requirements of the City's Comprehensive Plan as such may be amended from time to time; and to ensure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-2. Major subdivisions.

- (A) *New Subdivisions.* A subdivision shall be classified as a major subdivision and governed by this Section when an applicant proposes to create four or more new tracts, lots, or interests; or less than four new tracts, lots or interests if not eligible as a minor subdivision in accordance with Section 11-5-3.
- (B) *Resubdivisions or Major Plat Amendments.* Resubdivisions and major plat amendments are reviewed in the same manner as a major subdivision with the same purposes. A major plat amendment is any plat amendment that does not qualify as a minor plat amendment under Section 11-5-3 (C). To the extent that submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision or major plat amendment does not need to submit the information again and may reference such submittal information in the new application. The City Manager will determine the technical adequacy of previously submitted information.
- (C) *Procedure.* The major subdivision procedure shall consist of three separate phases, sketch plan, preliminary plat and final plat, in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-3. Minor subdivisions.

- (A) *New Subdivisions.* A parcel of land is eligible for subdivision through the minor subdivision process if it meets all of the following criteria:
 - (1) The subdivision results in no more than three tracts, lots or interests. See Subsection (B)(3) below for common interest community subdivisions.
 - (2) All lots or tracts are adjacent to a dedicated and accepted public street.

-
- (3) The improvements required by these regulations are:
- (a) Already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.
 - (b) In commercial zoning districts only, the improvements required by these regulations shall be required only for lots with no existing building on the lot, and such improvements may be deferred until construction of a building on said lot. A Certificate of Occupancy shall not be issued until the improvements required by these regulations for said lot are installed, inspected, and approved by the City. The plans for such improvements shall be reviewed and approved by the City prior to commencement of construction. The plat shall specify what improvements are so required, and may include additional easements, plat notes or restrictions as appropriate to implement these provisions.
- (4) Each proposed lot, or tract, will meet requirements of Chapter 7, Zoning, without the necessity for any variance and no variance from the minimum lot width, depth, or size required by provisions of Chapter 7, Zoning, has been granted within the three previous years.
- (5) No part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of submission of the minor subdivision plat.
- (6) No material changes to prior plat notes, restrictions or easements are proposed.
- (B) *Common Interest Community Subdivisions.* A common interest community subdivision may be processed as a minor subdivision if all of the following criteria are met:
- (1) Meets all applicable conditions of any recorded plat governing the original land subdivision.
 - (2) Complies with the required City platting conditions in Subsection (A) above.
 - (3) Complies with the requirements of C.R.S. § 38-33.3-101 et. seq. (sublots and common interest community units are not lots for purposes of compliance with this Section).
 - (4) Is consistent with the representations made by the property owner and/or applicant for subdivision approval which created the lot or tract proposed to be further subdivided as a common interest community subdivision.
 - (5) Results in a change of ownership or marketing regime consistent with the basis upon which creation of the lot, tract or parcel being proposed for common interest community subdivision was based.
 - (6) Is consistent with the City's Comprehensive Plan.
 - (7) Advances the public health, safety and welfare of the residents of the City.
- (C) *Minor Plat Amendments.* Previously approved subdivision plats may be amended through the minor subdivision process if they meet the following criteria:
- (1) The plat, as amended, reduces the number of lots within the subdivision, i.e., a lot consolidation; or the nature of the amendment is de minimis, e.g., a boundary line adjustment, lot line correction, duplex conversion, easement adjustment, or similar minor plat modification.
 - (2) All lots or tracts are adjacent to a dedicated public street.
 - (3) The lots are part of a subdivision plat which has been approved and/or accepted by the City and recorded in the Montrose County Records.
 - (4) The improvements required by these regulations are already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.
 - (5) Each lot will meet requirements of the applicable City zoning regulations without the necessity for any variance and no variance has been granted within the three previous years. No material changes to prior plat notes, restrictions or easements are proposed.

-
- (D) *Procedure.* Submittals of sketch plans and preliminary plats are not required for minor subdivisions. The minor subdivision application shall conform to all applicable final plat requirements. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual. The final plat for a minor subdivision shall contain certification on forms approved by the City to document approval of the plat.
- (1) The City Manager may either approve, disapprove or conditionally approve the final plat subject to compliance with any minimum design standards; to dedication of additional right-of-way, easements, open space or park land; or to installation of additional improvements.
 - (2) Upon approval by the City land use staff, the plat of the minor subdivision shall be submitted in final form on one reproducible Mylar, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
- (E) *Limitation of Eligibility.* Any subdivision not qualifying as a minor subdivision is a major subdivision. For the purpose of interpreting the requirements of this Section, any proposed minor subdivision which is clearly intended to evade the major subdivision regulations or would result in a de facto major subdivision through the combination of previous contiguous and/or consecutive minor subdivisions is not eligible for minor subdivision. A minor subdivision shall only be used one time on a previously unsubdivided parcel of land.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-4. Sketch plan.

- (A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.
- (B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.
- (C) *Review Criteria.* A sketch plan shall comply with the following review criteria:
- (1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum.
 - (a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (d) Adjacent streets and traffic flow, including pedestrian access; and
 - (e) Availability of fire, police and other emergency services protection.
 - (2) An applicant who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-5. Preliminary plat.

- (A) *Purpose.* The purpose of the preliminary plat is to provide the City with an overall master plan for the proposed subdivision. The preliminary plat is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. It includes the layout of the subdivision and final engineering design, with all bearings, distances and survey monumentation.
 - (B) *Review Procedure.* The preliminary plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
 - (C) *Review and Approval Criteria.* A preliminary plat shall comply with the following review and approval criteria:
 - (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
 - (D) *Notice to Proceed.* 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.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-6. Final plat.

- (A) *Purpose.* The purpose of the final plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the City. The final plat shall correspond in every significant respect with the preliminary plat as previously approved. A complete review is conducted of the final subdivision design, with all bearings and distances, survey monumentation, and certificates of approval included on a document suitable for recordation.

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- (B) *Review Procedure.* The final plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A final plat shall comply with the following review and approval criteria:
- (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The final plat is generally consistent with the preliminary plat, as applicable.
- (D) *Additional Provisions.*
- (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 Section.
 - (2) 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 accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.
 - (3) 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.

- (4) 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 11-5-12 on forms approved by the City.
 - (b) As-built plans, supporting documentation, certificates 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. All as-built plans, supporting documentation, certificates 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 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 atypical 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.
- (5) 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.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-7. Administrative review hearing.

- (A) Upon City Council final action concerning either preliminary plat or final plat, the subdivider may request, in writing and submitted to the City within 30 days of said final action, with appropriate fees paid as set forth in Section 3-1 of the City of Montrose Regulations Manual, an administrative review hearing before the City Council.
- (B) The administrative review hearing shall be limited to review of:
- (1) Denial of the plat;
 - (2) Minimum standards and/or conditions imposed as a requirement of approval of the plat.
- (C) The hearing shall be conducted on record, and the Council shall prepare and submit to the subdivider a written summary of its findings and decision in the matter.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-8. Issuance of building permits.

- (A) Until any required 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:
- (1) All public and necessary on- and off-site improvements have been completed;

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- (2) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
 - (3) A final plat has been approved and recorded.
- (B) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.
- (C) The two-calendar year Construction Warranty shall begin to run from the date of said Preliminary Letter of Infrastructure Completion.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-9. Land dedication.

- (A) All property and easements dedicated to the City on any plat shall become property of the City upon execution of the plat, free and clear of all mortgages, liens and encumbrances.
- (1) Prior to the recordation of the final plat, the subdivider shall provide written evidence to the City Attorney that the title to lands underlying the improvements is free and clear from all liens and encumbrances, except those items or encumbrances that may be approved in writing by the City Attorney.
 - (2) All dedicated improvements shall be subject to the two calendar year construction warranty, as provided above.
- (B) *Parks, Open Space and Trails.*
- (1) For all new residential developments requiring subdivision, the owner shall pay money in lieu of park land dedication as determined by the City to be necessary or required, to defray the cost of and provide parks and open space as calculated below.
 - (2) Those developments that dedicate adequate quantities and qualities of park land acceptable to the City, in the City's sole discretion, shall not be required to pay the money in lieu of park land dedication. Only park land dedicated to the City of Montrose, and approved by the City, in the City's sole discretion, that meets the City's parks, trails, and open space plan, or the City's Comprehensive Plan, the minimum design standards as set forth herein, and that is improved to meet the City's park standards and specifications, shall qualify to relieve the subdivider of payment of money in lieu of park land dedication.
 - (3) When in-lieu payments are permitted, the following standards apply:
 - (a) Lot or Unit x 0.0175 (acres park land per lot or unit) x \$90,000.00 (value per developed park land acre, based upon \$25,000.00 per acre undeveloped land value plus \$65,000.00 park land development cost) = \$1,575.00 per lot or unit.
 - (b) Monies collected in lieu of park land dedication shall be collected at time of issuance of building permit, and placed into a City park development fund to be earmarked for future acquisition or development of parks, opens space, or trails. No security as set forth in Section 11-5-12 shall be required.
 - (4) Monies paid in lieu of park land dedication pursuant to this Section are to enable the City to provide parks in the proper locations, and of the proper sizes to serve the citizens of the City.
 - (5) Private open space or recreation areas shall not be a substitute for the dedication of park land, or money in lieu of park land dedication.
 - (6) All non-public common areas, parks and open spaces shall be held in private ownership and maintained in perpetuity, with appropriate platted restrictions on use and covenants for ownership and

maintenance in accordance to the provisions of Section 11-5-11 (B). All non-public common areas shall be located, constructed and installed in compliance with plans as reviewed and approved.

- (7) For the purposes of these provisions, developed park land shall require prior submittal and approval of a park plan by the City, which plan shall address the City's park standards and specifications.
- (8) When authorized by the City, the required dedication of developed park land may be partially or wholly substituted by alternative dedication and/or preservation of open space areas such as riparian habitat, wetlands habitat, wildlife habitat and view corridors as approved by the City.
- (9) Parks that are sized, developed, and located to meet the needs of the City and constructed in accordance with City standards and specifications may be dedicated to the City, and if so dedicated, shall be available for use by the public.
- (10) Consistent with the City's Comprehensive Plan, subdividers shall dedicate to the City developed park land based upon a formula of seven acres of developed and usable park land per density of 1,000 residents, calculated at build-out of the proposed subdivision. For the purpose of this calculation, it shall be assumed that each residential unit shall house two and one-half residents.
- (11) Sidewalks and recreation trails shall be integrated with existing and planned sidewalks and recreation trails in accordance with the City's parks, trails and open space plan or Comprehensive Plan. The owner of each project shall dedicate the appropriate easements and/or rights-of-way consistent with said plans.
- (12) Unless otherwise authorized, all sidewalk and recreation trails shall be available for use by the public and shall be dedicated to the City.
- (13) Natural watercourses may be developed and preserved consistent with City floodplain management regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the City's Comprehensive Plan for such watercourses whenever feasible. Parks, open space and trails shall be situated within floodplains instead of developed lots when reasonable to do so.

(C) *School Land Dedication.*

- (1) The subdivider shall dedicate to the City land for development of school based upon the below formula of 17.83 acres of vacant land per density of 1,000 units or lots, calculated at build-out of the proposed subdivision. This is based upon an average of 0.64 students per residential unit.
- (2) All of the dedicated land shall be of a singular parcel, shall meet the minimum size requirements for the intended use, and shall be suitable for construction of school facilities. The RE-1J School district shall review the subdivider's request to dedicate land or pay cash-in-lieu of land dedication, and shall provide its recommendation to the City land use staff accordingly.

Elementary school	15 acres
Middle school	30 acres
High school	55 acres

- (3) For those subdivisions where the dedication of school land is not practicable, such as subdivisions involving small land area, or where the area of the land is not suitable or sufficient for the purposed construction of school facilities, the City shall require a money-in-lieu-of payment equal to the value of the property otherwise developed and dedicated in accordance with these provisions. The value of the property shall be based upon Montrose County Land Values, as adjusted from time to time, and calculated in Table 5.1 as follows:

Table 5.1
School Land Cash-In-Lieu Calculation

School	Student/Lot	Acres/Student	Dollars/Acre	In-Lieu Fees
Elementary	.29	.033	\$25,000.00	\$243.00
Middle	.154	.067	\$25,000.00	\$258.00
High	.192	.037	\$25,000.00	\$178.00
TOTAL				\$679.00

- (4) Monies collected in lieu of school land dedication shall be collected at time of issuance of building permit (or Certificate of Occupancy for those buildings commenced prior to final plat approval) and placed into a school land fund to be disbursed to the RE-1J school district on a quarterly basis. No security as set forth in Section 11-5-12 shall be required.
- (5) When possible, the requirement for money in lieu of dedication shall be noted as a plat note on the final plat of the subdivision, or within the recorded declaration of covenants for residential development not requiring subdivision, such as mobile home parks.
- (6) The following shall be exempted from school land dedication requirements or payment-in-lieu-of fees:
 - (a) Skilled nursing facilities as defined in the Section 11-15-11 of this Title;
 - (b) City-approved subdivisions that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling may be classified as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988;
 - (c) Residential zoning uses that do not accommodate permanent residential housing. Said developments shall be required to record a covenant running with the land, prohibiting permanent residential housing therein, in a form acceptable to the City, if a waiver of the fee in lieu of school land dedication is requested.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-10. Required improvements.

- (A) All subdivisions shall be provided, at the expense of the subdivider, and subject to applicable zoning criteria, with the following public improvements as required to serve the subdivision and to mitigate its impacts.
 - (1) Street improvements:
 - (a) Paved streets;
 - (b) Paved alleys, if required by the City;
 - (c) Street signs;
 - (d) Street lights; and
 - (e) On- and off-site traffic mitigation improvements.
 - (2) Curbs, gutters, sidewalks and accessibility ramps.
 - (3) Blocks and lots.
 - (4) Parks, open space and recreation trails.
 - (5) Public utilities.
 - (a) A water system including fire hydrants and fire mains;
 - (b) A sanitary sewer system;
 - (c) A stormwater system; and

-
- (d) Other public utilities, including if available, gas, electricity, telephone, and CATV.
 - (6) Piped drainage facilities and waterways.
 - (7) Survey monuments.
 - (8) Berms, screening and buffers, if applicable.
 - (9) Off-street parking, mailbox location areas and bus stops, if applicable.
 - (B) Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All public improvements shall be subject to applicable City minimum design standards, regulations and specifications.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-11. Private improvements.

- (A) The subdivider may provide, at his expense, certain private improvements, as specifically referenced below, to serve the subdivision and to mitigate its impacts, and in accordance with duly adopted City standards, if applicable, to include:
 - (1) Recreational facilities, parks, open space and trails;
 - (2) Piped drainage facilities and waterways;
 - (3) Mail box location areas;
 - (4) Berms, screening and buffers; and
 - (5) Other private improvements required as a condition of approval.
- (B) Such improvements shall be privately-owned and/or -maintained, and the plat shall contain appropriate restrictions and/or covenants governing use, ownership and maintenance in perpetuity enforceable by the City, providing for recovery of the City's costs by liens or assessment against the property in the subdivision. Such improvements shall be completed or secured similar to public improvements prior to final plat approval.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-12. Warranty and acceptance of improvements.

- (A) If the subdivider wishes to have the final plat approved prior to the installation, inspection and approval of all required improvements, the subdivider must provide security incorporated into a subdivision improvement agreement to guarantee the completion of all improvements within two calendar years after approval of the final plat in accordance with this Section.
 - (1) Said security shall be in the form of:
 - (a) A subdivision lien agreement placing an adequate lien upon the lots of the subdivision, with an escrow account with the City into which the subdivider shall pay, prior to the sale of any lot within the subdivision, an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the subdivision improvements necessary to serve that lot; or
 - (b) A cash escrow deposited with the City or a clear irrevocable letter of credit in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the subdivision improvements necessary to serve that lot.

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- (2) Funds in any escrow account shall be returned to the subdivider upon the issuance of either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances.
 - (3) Security shall not be required for money in lieu of payments relative to park land and school land dedications provided in Section 11-5-9 (B) and (C), as such money payments shall be collected upon issuance of building permits relative to subdivided lots or units.
 - (4) Even though a final plat will have been recorded, when a subdivider chooses to secure public and necessary on- and off-site improvements with a subdivision improvement agreement, the subdivider shall agree not to sell, transfer, offer for sale or otherwise convey any portion of the property, including lot, unit or outlot, prior to the issuance of a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances. A sale or other transfer of the entire subdivision will be possible once the purchaser has provided the necessary security.
- (B) The subdivider shall complete all necessary on- and off-site improvements within two calendar years of the approval of the final plat by the Council. In the event that all necessary on- and off-site improvements are not completed, inspected and approved within two calendar years of the date of the approval of the final plat by the Council, no further building permits, occupancy permits, water taps or sewer taps shall be allowed by the City in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all necessary on- and off-site improvements are completed.
- (C) The City Council may authorize extensions of time to complete all improvements beyond the two-year limitation as set forth herein.
- (D) Following the completion of any required improvements and submission of the as-built plans, the City Engineer shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion as provided herein.
- (1) A letter of substantial completion may be issued when only landscaping and irrigation facilities are incomplete and secured as provided in Subsection 11-5-12 (A) of this Section.
 - (a) In the case of subdivisions that have been issued a letter of substantial completion, upon completion of the outstanding improvements and submission of the as-built plans therefor; the City Engineer shall conduct an inspection and shall issue a Preliminary Letter of Infrastructure Completion, if all public and necessary on- and off-site improvements are in accordance with the requirements of these and other applicable codes and regulations and good engineering and construction standards.
 - (2) The subdivider shall warrant the improvements against defects or failures in workmanship or materials for a period of two calendar years from the date of the Preliminary Letter of Infrastructure Completion. During this two-calendar-year construction warranty period, the City will, as applicable, assume the responsibility for snow removal in regard thereto, but the subdivider shall remain responsible for all other maintenance and to correct all defects or failures that appear in any such public improvements during the construction warranty period.
 - (a) The City shall determine what constitutes a defect or failure in its sole discretion, provided that such are not the result of public abuse, misuse or normal wear from use. The City Engineer shall notify the subdivider in writing of such defect or failure, setting forth a list of specific deficiencies. If within 30 days after the City has notified the subdivider of a defect or failure, the subdivider has not started or completed the required repairs, provided construction drawings and a proposed repair schedule for City review and approval, or submitted a written objection to the City's request for repair work, the City is hereby authorized to make the repairs or replacements or to order the work be done by a third party. The City may authorize a temporary repair if necessary due to weather conditions or materials availability. The subdivider shall pay

the cost of any repair work. Any appeal of the City Engineer's repair or replacement requirements shall follow the appeal process pursuant to Chapter 4-1-6 of the City Code.

- (b) At the end of two calendar years from the date of issuance of the Preliminary Letter of Infrastructure Completion, the subdivider shall request, in writing, that the City Engineer perform a final inspection of the improvements to facilitate the completion of the construction warranty.
 - (i) The City Engineer shall conduct an inspection of all public and necessary on- and off-site improvements, and upon final approval, as evidenced by the City's issuance of a Letter of Infrastructure Completion and acceptance, the City shall accept the improvements, and the security held by the City shall be returned to the subdivider.
 - (ii) All public and necessary on- and off-site improvements, including all physical facilities constructed by the subdivider necessary for the extension, maintenance and repair of municipal utility services and other public facilities constructed by the subdivider in public rights-of-way, easements, streets or alleys shall become the property of the City immediately upon the issuance of the Letter of Infrastructure Completion and acceptance by the City Engineer.
 - (iii) Following such conveyance, the City shall be solely responsible for the maintenance of such public improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.
- (c) Any repairs or replacements noted in the final inspection shall be completed prior to the issuance of the Letter of Infrastructure Completion and acceptance.
 - (i) Upon notification, the subdivider shall promptly make all repairs or replacements in accordance with a repair plan prepared by the subdivider and approved by the City, which repair or replacement, in the opinion of the City, arose out of defects or failures and became necessary during the construction warranty period.
 - (ii) The subdivider shall warrant each repaired and/or replaced improvement or any portion or phase thereof for one calendar year following acceptance of such repair and/or replacement.
 - (iii) Inspection of any improvements does not constitute a waiver by the City of any rights or remedies that it may have on account of any defect in or failure of the improvements that are detected. The construction warranty shall continue until the Letter of Infrastructure Completion and acceptance is provided in writing to the subdivider.
- (3) The City shall require a construction warranty backed by financial security prior to issuance of a Preliminary Letter of Infrastructure Completion.
- (4) The subdivider may, at the subdivider's option, provide the City financial security for the two calendar year construction warranty in one or a combination of the following forms only:
 - (a) A cash escrow in the amount of 15 percent of the total construction cost of all public and necessary on- and off-site improvements required by the final plat.
 - (b) A letter or letters of credit on forms acceptable to the City, in the amount of 15 percent of the total construction cost of all public and necessary on- and off-site improvements required by the final plat.
 - (c) It is the responsibility of the subdivider to maintain the necessary amount of security at all times until all public and necessary on- and off-site improvements are completed and accepted by the City.
 - (d) The City shall not be obligated to administer burdensome security arrangements.

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- (5) The security shall be available for the City to use to correct any defects or failures in accordance with City specifications during or after the two-year construction warranty period in the event the subdivider is unable or unwilling to perform any repair or replacement of the improvements in a timely fashion. The use of the proceeds from the security is a remedy that is cumulative in nature and is in addition to any other remedies that the City has at law or in equity.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-13. Minimum design standards.

- (A) *Minimum Standards, Conformity to Preliminary Plat, and Approval Required.* All public improvements shall be constructed in accordance with the minimum standards set forth below or other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the City Engineer.
- (B) *Minimum Standards.*
- (1) *Streets.*
- (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and/or other areas outside the subdivision or any filing thereof being considered, including, but not limited to, curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, or a need to expand or improve existing public improvements to current standards in order to properly serve future residents of the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of developing the subdivision or other property have created a situation where the needed improvements were not previously improved or installed. It shall be presumed that existing streets and sidewalks directly abutting the subdivision must be improved to current City standards in order to properly serve the subdivision.
- (b) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.
- (c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas.
- (d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way of at least 100 feet in diameter, and a paved turn-around with a minimum outside diameter of 80 feet. Cul-de-sacs shall be not less than 100 feet long, and not more than 500 feet long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.
- (i) Cul-de-sacs longer than 300 feet shall require a recreation trail connection at the end that provides connectivity to the nearest City street.
- (e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least 80 feet.

- (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.
- (g) No more than two streets shall intersect at any point. Intersections shall be as near as practicable to 90 degrees. A street shall have a minimum straight distance of 100 feet from the intersection before it may be curved.
- (h) A straight section of 100 feet shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision will have direct access to a dedicated street, subject to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts. In general, shared access drives shall not be used as an extension to a cul-de-sac.
 - (ii) Reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units with contiguous parking area in commercial zoning districts.
- (j) Any two local streets which intersect a common third local or collector street shall have centerlines no closer than 175 feet from one another. Any two local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than 350 feet from one another.
 - (i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.
- (k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of 700 feet.
- (l) Street names must be approved by the City.
- (m) All streets, alleys, sidewalks, recreation paths, parks of two acres or larger, and other public ways or places must be dedicated to the City by the owners of any interest therein except the owners of severed mineral or water interests.
- (n) Streets shall be developed in accordance with the City's Comprehensive Plan roadway cross sections, the City's engineering specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as shown in Table 5.2.

Table 5.2
Minimum Dedicated Rights-Of-Way and Street Widths

Street Classification	Minimum Right-of-Way	Minimum Street Width Urban = Width between Curb Flowlines Rural = Paved Width (asphalt or Concrete)
Major Arterial—Urban	124 feet *	92 feet ***
Major Arterial—Rural	124 feet *	76 feet ***
Minor Arterial—Urban	112 feet **	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths ***
Minor Arterial—Rural	112 feet **	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths ***
Collector	70 feet	46 feet
Local—Boulevard Style Alternative 2	50 feet; 50 feet	28 feet with detached 5-foot sidewalk; 36 feet with attached 6-foot sidewalk

Planned Developments	40 feet	24 feet with attached 6-foot sidewalks in addition to curb and gutter. Supplemental off-street parking may be required.
* ROW width shall be increased by ten feet within 500 feet of an arterial cross street intersection to allow a double left turn lane.		
** ROW width shall be increased by 12 feet within 500 feet of an arterial cross street intersection to allow a double left turn lane.		
*** The decision whether to require urban or rural street widths shall be made at sketch plan review.		

- (o) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.
- (p) No street grade shall be less than one-half of one percent or exceed the maximum grade shown in Table 5.3.

Table 5.3
Maximum Street Grade

Street Classification	Maximum Percent Grade	Minimum Radius of Curve	Minimum Sight Distance*
Major Arterial	5 percent	400 feet	500 feet
Minor Arterial	5 percent	400 feet	500 feet
Collector	8 percent	300 feet	300 feet
Local	8 percent	100 feet	200 feet
* As measured between points four feet above the centerline of the street.			

- (q) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be 20 feet in width and shall be paved in accordance with City specifications.
- (2) *Curb, Gutter, Sidewalks and Trails.*
 - (a) Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.
 - (i) A minimum ten-foot-wide concrete recreation trail with the addition of two-foot obstacle-free recovery zones, constructed of Class 6 gravel aggregate, or a City-approved alternative, on each side of said trail shall be located along one side of the roadway, as determined by the City. Recreation trails shall be designed in accordance with the AASHTO "Guide for the Development of Bicycle Facilities."
 - (ii) A minimum six-foot-wide sidewalk shall be provided on the side of the roadway not occupied by the recreation trail described above. Greater sidewalk widths may be required in commercial areas.
 - (iii) Recreation trail lighting may be required in more heavily populated or urbanized areas, travel corridors, and commuter routes, as determined by the City. Recreation trail lighting shall provide a minimum 0.4 to 0.5 footcandles of illumination at all points along the length of the trail. The City's provisions, standards, and specifications regarding outdoor lighting shall also apply.

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- (iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.
 - (v) Curb, gutter, and sidewalks shall be provided along collector and local streets. Six-foot detached sidewalks are required on collector streets. Five-foot detached or six-foot attached sidewalks are required for local streets.
 - (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails.
 - (c) Accessibility ramps shall be provided in accordance with the Americans with Disabilities Act.
 - (d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof.
 - (e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:
 - (i) High density of the subdivision;
 - (ii) Special needs of the residents of the subdivision; or
 - (iii) Connection to existing wider sidewalks or recreation trails.
- (3) *Blocks and Lots.*
- (a) In residentially zoned districts, blocks shall be wide enough to permit two lots between lengthwise streets.
 - (b) The building line for residential lots on collector streets shall be set back 25 feet from the front property line.
 - (c) The building line on corner lots shall be set back 25 feet from both street front property lines.
 - (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of 125 feet. Lots abutting cul-de-sacs shall have a minimum frontage of 25 feet.
 - (e) Every lot shall front on a designated collector or local street, subject however, to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts;
 - (ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 11-5-11 (B).
 - (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
 - (g) The lot depth shall not be more than three times the lot width at the front building line.
 - (h) Access drives and intersections shall comply with City access standards and the transportation plan. In addition, accesses onto County roads shall comply with applicable County regulations.
 - (i) Lots shall be at least 50 feet in width at the front building line. Lots abutting cul-de-sacs shall have at least 25 feet of linear frontage to the cul-de-sac.
 - (j) Sight triangles shall be shown on the plat as per the engineering specifications.

(4) *Public Utilities.*

- (a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.
- (b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.
- (c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. At a minimum, six-inch water main lines shall be provided in residential zoning districts, and eight-inch water main lines shall be provided in commercial and industrial zoning districts. At a minimum, eight-inch sewer main lines shall be provided in all zoning districts. Multiple buildings within a single lot shall each require a singular water and sewer lateral connection to a main line.
- (d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.
- (e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.
- (f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential rural living zoning districts with lot sizes of five acres or greater. Advance City approval shall be required in each case.
- (g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.
- (h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms.
- (i) All utility extensions shall be subject to City inspection and approval. The City may elect to contract inspection services at the subdivider's expense.
- (j) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and on diskette in a digital format compatible with City computer systems.
- (k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion.
 - (i) For a period of two calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.
 - (ii) At the completion of this two-calendar-year construction warranty period, upon written request from the subdivider, all public and necessary on- and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 11-5-12(D) shall apply to improvements and construction covered by this Section.

(5) *Piped Drainage Facilities and Waterways.*

- (a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications. stormwater retention on site shall be discouraged. When feasible to do so and when requested by the City Engineer, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City-approved covenants.
- (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.
- (c) No discharges of urban stormwater into any irrigation ditch facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless otherwise approved by the owning interest in said drainage facilities.

(6) *Monuments.* Monuments shall be set in concrete and placed at all corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street and at points of change in direction of the exterior boundaries of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. All lot corners shall be monumented with a minimum of a #5 rebar 18 inches in length and metal cap.

(7) *Berms, Screening and Buffers.* Buffers and/or screening shall be provided between incompatible uses both within the subdivision and adjoining the subdivision in accordance with City design standards and specifications.

(8) *Street Lights.*

- (a) In all subdivisions, except for residential zoned rural living and estate subdivisions, streetlights shall be provided at all intersections and at intervals between intersections in accordance with City specifications.
- (b) In residential rural living zoning districts and estate subdivisions, street lights shall only be required at street intersections, with no interval requirements.
- (c) All streetlights shall conform to City standards and specifications, and with Chapter 11-9 of this Title.

(9) *Outdoor Lighting.* All outdoor and exterior lighting shall conform with Chapter 11-9 of this Title.

(10) *Flood Hazard Prevention.* All subdivision proposals shall conform to the flood hazard reduction standards in Section 11-6-5 (G) of this Title.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-14. Deviations from standards.

The Planning Commission may recommend to the City Council a deviation from the standards of Section 11-5-13 during preliminary or final plat review, if and only if all of the below criteria are met. The Council may accept or deny the recommendation accordingly.

- (1) Unusual topography or a hardship exists;
- (2) Alternative standards will more effectively protect the quality of the subdivision and the public welfare and more effectively achieve the purposes of these regulations;
- (3) Alternative standards will more effectively implement provisions of the City's Comprehensive Plan;
- (4) Alternative standards will more effectively conform to existing improvements within the subdivision, which existing improvements have been previously approved by either the City or the County of Montrose in accordance with applicable laws and regulations.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



CONTRACT AWARD RECOMMENDATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: May 13, 2024
RE: San Juan Avenue/6530 Road Traffic Signal Design Contract Recommendation
CC: William Bell, Shani Wittenberg

Action

Consider the award of a professional services contract to HDR Engineering in the amount of \$148,413.72 for completion of design studies and civil design associated with the San Juan Avenue/6530 Road Traffic Signal Project.

Project Background

The intersection of 6530 Road and the San Juan Bypass (US Hwy 50) is controlled by the Colorado Department of Transportation (CDOT) since part of the highway system. As such, before a signal may be installed at this intersection, it is necessary for the traffic volumes to cross established volume thresholds (formally known as signal warrants). Recent traffic studies performed for nearby residential subdivisions indicate that these signal warrants have been met and a signal project can move forward. The project awarded herein aims to complete the necessary design and permitting with CDOT. Construction of the signal is tentatively scheduled to begin 3Q 2025 and is included in 2025's proposed budget.

The City has also been experiencing continued traffic growth at the intersections of 6700 Road/Hwy 50 and 6450 Road/Hwy 50. The traffic growth at 6700 Road is primarily due to completion of its missing link between Sunnyside and Miami Roads. In response to this traffic growth and requests from the public, the City also plans to perform formal warrant studies for these two intersections in the late summer of 2024 as part of this project. The driver behind waiting until later in the year is to ensure counts are representative of typical conditions; traffic volumes are currently skewed due to the Niagara/Hillcrest detour and construction/bridge closures on Highway 50 east of Montrose. If studies indicate that signal warrants are met at these intersections, the City would then integrate formal traffic signal designs into future budget years.

Request for Proposals and Design Team Recommendation

The City issued a request for proposals for design of the San Juan/6530 Signal on April 11 and proposals were publicly received on May 9, 2024 from five consultants as summarized in Table 1 below.

TABLE 1 Summary of Consultant Proposals		
Consultant	Location	Price
HDR Engineering	Durango, CO	\$148,413.72
JR Engineering	Golden, CO	\$148,803.00
KLJ Engineering	Grand Junction, CO	\$191,000.00
RockSol	Grand Junction, CO	\$217,811.47
Del-Mont Consultants	Montrose, CO	\$219,050.00

Contract Award Recommendation
San Juan/6530 Signal Design
May 13, 2024

Prices presented are for the project's traffic studies, signal design/instrumentation, turn lane road widening, and permitting/clearances with CDOT. The City recommends award to the lowest-cost proposer, HDR Engineering. The City has never worked directly with HDR Engineering on a traffic design project; however, HDR was the successful designer of the recent Chipeta signal project where the City was a financial partner.

Contract Administration and Project Financials

Contract administration and project management will be performed by the City of Montrose engineering department.

The City budgeted a total of \$200k for this project out of the City's capital improvement fund as part of the Moving Montrose Forward initiative. This places the design project approximately \$52k under budget. It is anticipated that most project costs will be expended in 2024.