The Board of County Commissioners will be attending this meeting telephonically. The public is invited to participate in the public meeting by calling 1-855-436-3656, and press *3 on your telephone keypad to be entered in the queue for general or item-specific comment. The meeting can also be viewed online at: https://www.arapahoegov.com/1617/Meeting-Videos-and-Live-Broadcast

AGENDA

1. OPENING

1.a. CALL TO ORDER
   Arapahoe County Board of County Commissioners

1.b. INTRODUCTION
   Ron Carl, County Attorney
   Joleen Sanchez, Clerk to the Board Administrator

1.c. ROLL CALL

1.d. PLEDGE OF ALLEGIANCE

2. MODIFICATION TO THE AGENDA

3. ADOPTION OF THE AGENDA

4. CITIZEN COMMENT PERIOD
   Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3-minute time limit per person, unless otherwise noted by the Chair.
5. CONSENT AGENDA

5.a. Iliff Avenue Corridor Improvements - Eminent Domain Parcels 71-79
Adoption of a resolution to establish a public need and to authorize the initiation of eminent domain proceedings for Parcels 71-79 for Right-of-Way, Permanent Easement, and Temporary Easement to support the Iliff Avenue Corridor Improvements Project

Ryan Seacrist, Capital Improvements Program Engineer III, Public Works and Development
Cathleen Valencia, Capital Improvements Program Manager, Public Works and Development
James Katzer, Division Manager, Public Works and Development
Bryan Weimer, Director, Public Works and Development
Keith Ashby, Purchasing Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents:

20200518 - C15-002 BSR EMINENT DOMAIN APPROVAL PARCEL 71-79 (WINDSTREAM) FINAL.PDF
RESOLUTION FOR PROPERTY ACQUISITION 71-79.DOCX

6. GENERAL BUSINESS ITEMS

6.a. GENERAL BUSINESS - Firework Ordinance - Adoption
Consideration of the adoption of proposed Arapahoe County Ordinance No. 2020-01 regarding a ban on the sale and use of fireworks in unincorporated Arapahoe County

Presenter - Ron Carl, County Attorney

Documents:

BSR ORDINANCE 2020-01 - ADOPTION.PDF
MOTION (ORD. 2020-01) (ADOPTION RESOLUTION).PDF
ORDINANCE 2020-01 ADOPTION RESO.PDF

6.b. *PUBLIC HEARING - Adoption of 1st Quarter Supplemental Appropriation Requests
Consideration of a request for approval of the supplemental appropriation resolutions for the 1st Quarter of 2020 recommended by the Executive Budget Committee and presented to the Board of County Commissioners at a study session on May 12, 2020

Presenter - Todd Weaver, Director, Finance
John Christofferson, Deputy County Attorney

Documents:

BSR Q1 2020 PH.PDF
Q1 2020 PH MOTION SHEET.PDF

7. COMMISSIONER COMMENTS

*Denotes a requirement by federal or state law that this item be opened to public testimony. All other items under the “General Business” agenda may be opened for public testimony at the discretion of the Board of County Commissioners.
Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you. If you need special accommodations, contact the Commissioners’ Office at 303-795-4630 or Relay Colorado 711.

Please contact our office at least 3 days in advance to make arrangements.
BOARD SUMMARY REPORT

Date: May 15, 2020

To: Arapahoe County Board of County Commissioners

Through: Bryan Weimer, Director
Public Works and Development

Through: James Katzer, Division Manager
Public Works and Development – Transportation Division

Through: Cathy Valencia, CIP Manager
Public Works and Development – Transportation Division

From: Ryan Seacrist, CIP Engineer III
Public Works and Development – Transportation Division

Subject: C15-002 & C15-026: ILIFF AVENUE CORRIDOR IMPROVEMENTS, AUTHORIZATION TO INITIATE EMINENT DOMAIN PROCEEDINGS FOR PARCELS 71-79, WINDSTREAM CONDOMINIUM ASSOCIATION, INC. AT 9400 EAST ILIFF AVENUE, DENVER, CO 80231

Request and Recommendation:
The purpose of this report is to request and recommend that the Board of County Commissioners adopt a resolution to establish a public need and authorize the initiation of eminent domain proceedings for Parcels 71-79 for Right-of-Way (ROW), Permanent Easement (PE) and Temporary Easement (TE) to support the Iliff Avenue Corridor Improvements Project, C15-002 (Project). Additionally, this action requests approval to deposit the just compensation by Arapahoe County for the properties identified as Parcels 71-79. When appropriate, following a court order granting immediate possession or otherwise awarding the property to the County, the just compensation established by the court will be deposited with the court for the value of the ROW, PE, and TE needed for the project.

Background:
The Iliff Project will add drainage facilities, new and wider sidewalks, turn lanes, bicycle lanes, and intersection improvements with new traffic signals from Quebec Street to Parker Road (SH 83) all with the purpose of improving operations and safety along the corridor. The Project will also resurface the roadway and provide some lighting as a pilot project for Arapahoe County. The project is partially funded...
using federal funds, as such the Uniform Acquisition and Relocation Act requirements must be followed for all right-of-way acquisitions for the project. Parcels 71-79 are required for ROW, PE, and TE’s necessary for the project as designed.

Parcels 71-79 Windstream Condominiums Association, Inc. – 9400 East Iliff Avenue, Denver
The parcel of land requested for ROW, PE and TE is located along the south side of East Iliff Avenue between High Line Canal and South Dayton Way. The parcel of land to be acquired for ROW is 0.142 acres, for PE is 0.019 acres and TE is 0.374 acres with all parcels adjacent to current East Iliff Avenue Right-of-Way.

County Staff and right-of-way acquisition consultant, HC Peck (Agent), have notified, coordinated, and negotiated in accordance with the Uniform Relocation Act with the Property Owner(s). In addition, pursuant to state statute, if the parcel to be acquired is $5,000 or more in value, the County is obligated to pay for the property owner’s appraisal. Both the County and property owners had property appraisals completed. Colorado Department of Transportation (CDOT) reviewed both appraisals to determine the Fair Market Value (FMV) for the properties required for the project. Based on the FMV, the County Staff and Agents continued negotiations with the property owners association. Unfortunately negotiations have not been successful and condemnation will be required to keep the project on schedule.

Links to Align Arapahoe

Quality of Life
This Project will improve operation and reduce congestion on Iliff Avenue and adjacent roadways. In addition, the project will provide multimodal improvements such as sidewalks, bike lanes and transit elements. Storm water and air quality will also be improved by the Project.

Fiscally Responsible
Leveraging federal and/or outside funding increases the impact of Arapahoe County investment for needed public infrastructure improvements, which allows the County funds to accomplish more. In addition, investments in County infrastructure improves the County’s economic environment.

Service First
This project will provide excellent customer service to the users of Iliff Avenue and adjacent facilities by improving operation and the overall experience of using the corridor. In particular, safety and efficiency improvements will optimize the corridor and its performance.

Discussion:
There was a significant difference between the County’s appraisal and the property owner’s appraisal, as depicted below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Appraisal Amount</td>
<td>$348,180.00 ($338,930.00 + $9,250.00 for PE Parcel 71)</td>
</tr>
<tr>
<td>Owner Appraisal Amount</td>
<td>$1,058,339.00 (No cost included for PE Parcel 71)</td>
</tr>
</tbody>
</table>

The primary difference is that the owner’s appraiser made four extraordinary assumptions which increased their assessment of the damages to the value of the remainder of the owner’s property after property is taken for the project. CDOT reviewed both appraisals and determined the FMV amount to be more accurately stated in the County’s appraisal at $348,180.00. In CDOT’s opinion, the use of the four
extraordinary assumptions made in the owners appraisal do not result in a credible analysis and the lack of reliable support data renders the report to be not acceptable. The four assumptions relate to value estimates in consultant reports, average sale price methodology, and assumption of unit conditions. The compensable damages claimed in the owner’s appraisal, based on these extraordinary assumptions, is $650,975.00 compared to the compensable damage assessment in the county's appraisal of $53,039.00.

In the latest negotiations, the owner rejected the County’s final written offer in the amount of $440,609.00. Given the disparity between the respective parties’ assessments of the value of the property to be taken and asserted damages to the remainder of the owner’s property, it is apparent that that a mutually agreeable resolution will not be achieved. The project cannot be implemented without this ROW. Therefore, there is a public need for the project and eminent domain proceedings will be necessary to acquire the reference parcels and allow the project to be implemented.

If approved by the Board of County Commissioners, the eminent domain process in this case will help keep the Iliff Avenue Corridor Improvement project on schedule and not jeopardize losing of the federal funding associated with the project. See attached map for location of parcel.

Alternatives
Approving of the eminent domain process to proceed will allow the Project to widen the Iliff Avenue in the vicinity of the Windstream Development and tie into existing driveway entrance. Alternatively, taking no action would result in the Project having to redesign and decrease the capacity and safety that the project is trying to achieve. A redesign would also be at additional expense to the Project and great impact to the Projects schedule, as well as not achieving the overall goals of the project.

Fiscal Impact
Compensation for this acquisition of ROW, PE and TE is $348,180.00, but the actual fair market value and cost to acquire the properties will not be known until determined through the eminent domain proceedings by the court. Therefore this action is to authorize eminent domain and there will be no immediate funding requirement. However, we request that the Public Works Director be authorized to make payment to the court, via a separate action, once the value is determined by the court through the process.

Concurrence:
The Transportation Division recommends that authorization of eminent domain process be granted.

Attorney Comments:
County legal staff have reviewed this Board Summary Report and has no comments.

Reviewed by:
Bryan Weimer, Director of Public Works and Development
Robert Hill, Assistant County Attorney
James Katzer, Transportation Division Manager
Actions Requested:

1. Adopt a resolution to establish a public need for the Iliff Avenue Improvement Project (C15-002) and authorize legal counsel to commence eminent domain proceedings in court for Parcels 71-79 for Iliff Road Corridor Improvements Project in the best interest of the public.

2. Authorize the Public Works and Development Director to make payment and deposit the court determined amount as part of the eminent domain process with the court.

cc: Bryan Weimer, Director of PWD  
    Ron Carl, Arapahoe County Attorney  
    Robert Hill, Assistant County Attorney  
    James Katzer, Transportation Div. Manager  
    Cathleen Valencia, CIP Program Manager  
    Ryan Seacrist, CIP Engineer III  
    Keith Ashby, Purchasing Division (RFP#15-65)  
    Leanna Quint, Finance Budget Analyst  
    Loren Kohler, Fixed Asset Accountant  
    Kim Lynch, Administration  
    Scan to Files (Listed under hard copy)
RESOLUTION NO._______ It was moved by Commissioner _____ and duly seconded by Commissioner ______ to adopt the following Resolution:

WHEREAS, Arapahoe County (the “County”) is a Colorado County and political subdivision of the State of Colorado; and

WHEREAS, the County has determined that the expansion and improvements to Iliff Avenue from Quebec Street to Parker Road (the “Project”) would be in the public interest and would benefit the health, safety and welfare of the County, its citizens, taxpayers, property owners and developers within the County and the traveling public; and

WHEREAS, the County also has determined that certain property and property rights are needed and necessary for the Project; and

WHEREAS, the necessary property consists of the fee simple interest in that property known as Parcel Number: RW-72, RW-73, RW-74, RW-75, RW-77 RW-78, and RW-79 as described in Exhibit A and temporary easements for construction purposes across that property known as Temporary Easement Number: TE-71, TE-72, TE-73, TE-74, TE-75, TE-76, TE-77, TE-78, and TE-79 described in Exhibit B, and permanent easement for construction purposes across that property known as Permanent Easement Number PE-71 described in Exhibit C, which Exhibits A, B, and C are attached hereto and incorporated herein (the “Property”); and

WHEREAS, the County also has determined that delays in the acquisition of the right to enter on and take possession of the Property will result in increased costs to the County and its taxpayers and delay the Project which will be detrimental to the County and the general public; and

WHEREAS, C.R.S. § 43-2-112(2) provides that the County has and may exercise the power of eminent domain to acquire property necessary to lay out, widen, alter or change any county road.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado as follows:

FINDINGS OF FACT

The Board makes the following findings of fact:

1. The construction and undertaking of the Project is in the interest of the public health, safety and welfare and is for a public purpose;

2. There is a need and necessity to acquire the Property for the Project;

3. Possession of the Property is needed as soon as possible and before any trial in any condemnation proceeding in order to prevent delays of and cost increases to the Project.
DETERMINATION AND DECISION

It is hereby ordered that the County Attorney, Special Counsel and consultants to the County in their respective capacities are authorized to take all action necessary to acquire the Property and to obtain the County’s right to take immediate possession of the Property as soon as possible through voluntary agreements or the exercise of the County’s powers of eminent domain.

The vote was:

Commissioner Baker,___; Commissioner Conti,___; Commissioner Holen,___; Commissioner Jackson,___; Commissioner Sharpe,___.

The Chair declared the motion carried and so ordered.
A tract or parcel of land No. RW-72 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 813 sq. ft. (0.019 acres), more or less, being a portion of the General Common Elements of the Wind Stream Condominiums Filing No. 20A, recorded on October 13, 1988 in Book 99 at Pages 50-56 at Reception Number 3022124 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northeast corner of said Wind Stream Condominiums Filing No. 20A, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 86°18’44” East for a distance of 1004.02 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence South 00°15’42" East, along east line of said Wind Stream Condominiums Filing No. 20A, for a distance of 13.23 feet;

2. Thence South 89°44'18" West for a distance of 49.26 feet;

3. Thence North 45°15'42" West for a distance of 16.58 feet;

4. Thence South 89°44'18" West for a distance of 50.20 feet;

5. Thence North 00°15’43” West for a distance of 1.50 feet, to a point on the north line of said Wind Stream Condominiums Filing No. 20A;

6. Thence North 89°44'18" East, along said north line of the Wind Stream Condominiums Filing No. 20A, for a distance of 111.19 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 813 sq. ft. (0.019 acres), more or less.
BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO  80202
A tract or parcel of land No. RW-73 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 481 sq. ft. (0.011 acres), more or less, being a portion of the Landscaping General Common Elements of the Wind Stream Condominiums Filing No. 17, recorded on June 26, 1986 in Book 90 at Pages 63-69 at Reception Number 2686338 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northwest corner of said Wind Stream Condominiums Filing No. 17, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 86°18’44” East for a distance of 1004.02 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East, along the north line of said Wind Stream Condominiums Filing No. 17, for a distance of 87.44 feet to the northeast corner of said Wind Stream Condominiums Filing No. 17;

2. Thence South 00°15’42” East, along east line of said Wind Stream Condominiums Filing No. 17, for a distance of 2.70 feet;

3. Thence South 89°44’18” West for a distance of 58.98 feet;

4. Thence South 44°44’18” West, for a distance of 14.88 feet;

5. Thence South 89°44’18” West, for a distance of 17.94 feet, to a point on the west line of said Wind Stream Condominiums Filing No. 17;

6. Thence North 00°15’42” West, along said west line of the Wind Stream Condominiums Filing No. 17, for a distance of 13.23 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 481 sq. ft. (0.011 acres), more or less.
BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO  80202
EXHIBIT "A"

PROJECT NUMBER: STU C100-038
PARCEL NUMBER: RW-74
PROJECT CODE: 20992
DATE: May 7, 2019
DESCRIPTION

A tract or parcel of land No. RW-74 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 318 sq. ft. (0.007 acres), more or less, being a portion of the Landscaping General Common Elements of Parcel A of the Wind Stream Condominiums Filing No. 9, recorded on January 24, 1984 in Book 71 at Pages 73-83 at Reception Number 2370579 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northwest corner of said Wind Stream Condominiums Filing No. 9, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 85°59’08” East for a distance of 916.76 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East, along the north line of said Parcel A, for a distance of 117.60 feet to the northeast corner of said Parcel A;

2. Thence South 00°15’42” East, along the east line of said Parcel A, for a distance of 2.70 feet;

3. Thence South 89°44’18” West, for a distance of 117.60 feet, to a point on the west line of said Parcel A;

4. Thence North 00°15’42” West, along said west line of said parcel Parcel A, for a distance of 2.70 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 318 sq. ft. (0.007 acres), more or less.
BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58" West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202
A tract or parcel of land No. RW-75 of the Department of Transportation, State of Colorado
Project No. STU C100-038 containing 490 sq. ft. (0.011 acres), more or less, being a portion of
the General Common Elements of the Wind Stream Condominiums Filing No. 5, recorded on
January 24, 1983 in Book 61 at Pages 6-12 at Reception Number 2240700 in the office of the
Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South,
Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being
more particularly described as follows:

Beginning at the northwest corner of said Wind Stream Condominiums Filing No. 5, from
whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼
inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped
“COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 85°26’02” East for
a distance of 799.44 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East, along the north line of said Wind Stream Condominiums
   Filing No. 5, for a distance of 181.07 feet;
2. Thence South 00°15’42” East for a distance of 2.70 feet;
3. Thence South 89°44’18” West, for a distance of 181.07 feet, to a point on the west line of
   said Wind Stream Condominiums Filing No. 5;
4. Thence North 00°15’42” West, along said west line of said Wind Stream Condominiums
   Filing No. 5, for a distance of 2.70 feet, more or less, to the TRUE POINT OF
   BEGINNING.

The above described parcel contains 490 sq. ft. (0.011 acres), more or less.
BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202

Bradley Danielson 5-7-19
A tract or parcel of land No. RW-77 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,461 sq. ft. (0.034 acres), more or less, being a portion of the General Common Elements of the Wind Stream Condominiums Filing No. 3, recorded on September 23, 1982 in Book 58 at Pages 47-52 at Reception Number 2206589 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northeast corner of said Wind Stream Condominiums Filing No. 3, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 77°14’19” East for a distance of 277.22 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence South 00°06’51” East, along the east line of said Wind Stream Condominiums Filing No. 3, for a distance of 9.50 feet;

2. Thence South 89°44’18” West for a distance of 93.78 feet;

3. Thence North 80°38’25” West for a distance of 35.12 feet;

4. Thence South 89°34’59” West for a distance of 17.73 feet;

5. Thence South 00°25’01” East for a distance of 5.85 feet;

6. Thence South 89°34’59” West for a distance of 30.47 feet to a point on the west line of said Wind Stream Condominiums Filing No. 3;

7. Thence North 16°07’57” East, along said west line of said Wind Stream Condominiums Filing No. 3, for a distance of 10.01 feet to the northwest corner of said Wind Stream Condominiums Filing No. 3;

8. Thence North 89°44’18” East, along the north line of said Wind Stream Condominiums Filing No. 3, for a distance of 173.80 feet, more or less, to the TRUE POINT OF BEGINNING.
The above described parcel contains 1,461 sq. ft. (0.034 acres), more or less.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO  80202
A tract or parcel of land No. RW-78 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,221 sq. ft. (0.028 acres), more or less, being a portion of the General Common Elements of the Wind Stream Condominiums Filing No. 1, 1st Amended, recorded on April 21, 1982 in Book 55 at Page 78 at Reception Number 2162800 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northwest corner of said Wind Stream Condominiums Filing No. 1, 1st Amended, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 77°14’19” East for a distance of 277.22 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East, along the north line of said Wind Stream Condominiums Filing No. 1, 1st Amended, for a distance of 128.50 feet to the northeast corner of said Wind Stream Condominiums Filing No. 1, 1st Amended;

2. Thence South 00°17’21” East, along the east line of said Wind Stream Condominiums Filing No. 1, 1st Amended, for a distance of 9.50 feet;

3. Thence South 89°44’18” West for a distance of 128.50 feet to a point on the west line of said Wind Stream Condominiums Filing No. 1, 1st Amended;

4. Thence North 00°15’42” West, along said west line of said Wind Stream Condominiums Filing No. 1, 1st Amended, for a distance of 9.50 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 1,221 sq. ft. (0.028 acres), more or less.
BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped “JOG 1977”, to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622  
For and on behalf of  
David Evans and Associates  
1600 Broadway, Suite 800  
Denver, CO  80202
PROJECT NUMBER: STU C100-038  
PARCEL NUMBER: RW-79  
PROJECT CODE: 20992  
DATE: May 7, 2019  
DESCRIPTION

A tract or parcel of land No. RW-79 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,399 sq. ft. (0.032 acres), more or less, being a portion of the General Common Elements of Parcel A of the Wind Stream Condominiums Filing No. 2, recorded on May 25, 1982 in Book 55 at Pages 44-49 at Reception Number 2171810 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northwest corner of said Parcel A, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 66°51’17” East for a distance of 154.30 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence North 89°44'18" East, along the north line of said Parcel A, for a distance of 107.00 feet to the northeast corner of said Parcel A;

2. Thence South 00°07'08" East, along the east line of said Parcel A, for a distance of 27.11 feet;

3. Thence South 89°52'52" West for a distance of 12.88 feet;

4. Thence North 45°31'36" West for a distance of 24.97 feet;

5. Thence South 89°44'18" West for a distance of 76.31 feet to a point on the west line of said Parcel A;

6. Thence North 00°15'42" West, along said west line of Parcel A, for a distance of 9.50 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described parcel contains 1,399 sq. ft. (0.032 acres), more or less.
BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO  80202
TEMPORARY CONSTRUCTION EASEMENT
Project No.: STU C100-038
Parcel No.: TE-16

This Temporary Construction Easement is granted this _____ day of _____________,
20___, by ____________________ (“the Owner(s)”) of certain property needed for a
Temporary Construction Easement on the Iliff Avenue – Quebec Street to Parker Road Project
(the “Project”) to the County of Arapahoe (“the County”) for use of said parcel by the County’s
contractor in the construction of the Project.

In consideration of the sum of __________________ and 00/100 Dollars ($_______)
and other good and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged by the Owners for the purpose of construction of the Project, the Owner(s) hereby
grants to the County a Temporary Construction Easement on, through, over, under, and along a
certain parcel of land owned by the Owner(s), which parcel is described in the attached Exhibit
“A” (TE-16), which is hereby incorporated by reference. The Project includes but is not limited
to construction, reconstruction and relocation of existing improvements along with any other uses
incidental to the construction of the project as identified in the Iliff Avenue – Quebec Street to
Parker Road Plan set.

The term of the Temporary Construction Easement shall commence after the County has
provided 30 days prior written notice to the Owner(s), and shall extend for a period of one year.
The Owner(s) also grant(s) to the County the option to extend this Temporary Construction
Easement for a period not to exceed one year from the date of expiration hereof. The County
shall provide notice in writing to the Owner(s) 30 days prior to expiration of the initial period, for
the desire to exercise the extension period. If the Temporary Construction Easement is so
extended, the County shall pay the Owner a reasonable sum not to exceed the original established
FMV amount for each month that the County or its contractor occupies Easement beyond the
original term stated herein. At the end of the term and any extension thereto, all rights granted
under this Temporary Easement are released and the Temporary Easement Property shall be
considered free and clear of this Temporary Construction Easement.

The Owner(s) hereby covenants and agrees that it has good title to the Temporary
Easement Property and that it has good and lawful right to grant this Easement.

The Owner(s) warrant that no building, structure, or other above or below ground
obstruction that may interfere with the purposes for which this Easement is granted may be
placed, erected, installed or permitted upon the Temporary Construction Easement Property. The
Owner(s) further agree that in the event the terms of this Easement are violated, that such
violation shall immediately be corrected upon receipt of written notice from the County, or the
County may elect to correct or eliminate such violation at the Owners expense. The Owner(s)
shall promptly reimburse the County for any expenses incurred by the County in enforcing the
terms of this paragraph.

This Easement is granted by the Owner(s) with the understanding that all work performed
by the County in connection with this Easement shall be done with care, and except for items in
which the Owner(s) is/are being paid to restore or cure, the surface of the Temporary
Construction Easement Property damaged or disturbed during the use of this Easement shall be
restored in a reasonably similar manner to its condition immediately preceding the use of this Easement.

OWNER:

*NAME OF OWNER*

____________________________________

By: __________________________________

Title: ________________________________

STATE OF __________________________

)SS.                                     )SS.

COUNTY OF __________________________

The foregoing instrument was acknowledged before me this _____ day of _______________, 20___,

by _________________________ as _________________________ for

____________________________.

WITNESS my hand and official seal.

My commission expires:

____________________________________

Notary Public

By:

Bryan D. Weimer, PWLF
Director of PW&D, Arapahoe County
Pursuant to Resolution No._________________
A Temporary Easement No. TE-71 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,819 sq. ft. (0.042 acres), more or less, being a portion of the Landscaping-General Common Element of the Wind Stream Condominiums Filing No. 20B, recorded on October 13, 1988 in Book 99 at Pages 57-65 at Reception Number 3022125 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northeast corner of said Wind Stream Condominiums Filing No. 20B, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 86°48’56” East for a distance of 1176.76 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence South 00°15’42” East, along the east line of said Windstream Condominiums Filing No. 20B, for a distance of 10.00 feet;

2. Thence South 89°44’18” West for a distance of 174.85 feet;

3. Thence South 00°15’42” East for a distance of 3.33 feet to a point on the east line of that parcel of land described in the Decree Quieting Title with City and County of Denver as Plaintiff and Wind Stream Condominium Association, Inc. as Defendant recorded on October 7, 2008 at Reception Number B8112287 in said office of Arapahoe County Recorder;

4. Thence North 38°28’31” West, along said east line of that parcel described in Decree Quieting Title recorded at Reception Number B8112287, for a distance of 16.97 feet to the northeast corner of said parcel described in Decree Quieting Title recorded at Reception Number B8112287;

5. Thence North 89°44’18” East, along the north line said Windstream Condominiums Filing No. 20B, for a distance of 185.35 feet, more or less, to the TRUE POINT OF BEGINNING.
The above described Temporary Easement contains 1,819 sq. ft. (0.042 acres), more or less.

The purpose of the above-described Temporary Easement is for the construction of a roadway sidewalks, slopes, and other public improvements.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58" West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped “JOG 1977”, to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO  80202
A Temporary Easement No. TE-72 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 2,649 sq. ft. (0.061 acres), more or less, being a portion of the General Common Elements of the Wind Stream Condominiums Filing No. 20A, recorded on October 13, 1988 in Book 99 at Pages 50-56 at Reception Number 3022124 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northwest corner of said Wind Stream Condominiums Filing No. 20A, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 86°48’56” East for a distance of 1176.76 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East, along the north line of said Wind Stream Condominiums Filing No. 20A, for a distance of 61.81 feet;

2. Thence South 00°15’43” East for a distance of 1.50 feet;

3. Thence North 89°44’18” East for a distance of 50.20 feet;

4. Thence South 45°15’42” East for a distance of 16.58 feet;

5. Thence North 89°44’18” East for a distance of 49.26 feet to a point on the east line of said Wind Stream Condominiums Filing No. 20A;

6. Thence South 00°15’42” East, along said east line of the Wind Stream Condominiums Filing No. 20A, for a distance of 26.96 feet;

7. Thence South 89°44’18” West for a distance of 49.20 feet;

8. Thence North 00°15’42” West for a distance of 16.70 feet;

9. Thence North 33°22’45” West for a distance of 14.17 feet;

10. Thence South 89°44’18” West, for a distance of 116.06 feet, to a point on the west line of said Wind Stream Condominiums Filing No. 20A;
11. Thence North 00°15'42" West, along said west line of the Wind Stream Condominiums Filing No. 20A, for a distance of 11.62 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 2,649 sq. ft. (0.061 acres), more or less.

The purpose of the above-described Temporary Easement is for the reconstruction of a driveway and construction of a roadway, sidewalks, slopes and other public improvements.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58" West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202
A Temporary Easement No. TE-73 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,177 sq. ft. (0.027 acres), more or less, being a portion of the Landscaping General Common Elements of the Wind Stream Condominiums Filing No. 17, recorded on June 26, 1986 in Book 90 at Pages 63-69 at Reception Number 2686338 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the northwest corner of said parcel, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 86°18’44” East for a distance of 1004.02 feet; Thence South 00°15’42” East, along the west line of said Wind Stream Condominiums Filing No. 17, for a distance of 13.23 feet to the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East for a distance of 17.94 feet;
2. Thence North 44°44’18” East for a distance of 14.88 feet;
3. Thence North 89°44’18” East, for a distance of 58.98 feet, to a point on the east line of said Wind Stream Condominiums Filing No. 17;
4. Thence South 00°15’42” East, along said east line of the Wind Stream Condominiums Filing No. 17, for a distance of 9.52 feet;
5. Thence South 89°44’18” West for a distance of 57.64 feet;
6. Thence South 31°46’21” West for a distance of 32.99 feet;
7. Thence South 89°44’18” West, for a distance of 12.30 feet, to a point on said west line of the Wind Stream Condominiums Filing No. 17;
8. Thence North 00°15’42” West, along said west line of the Wind Stream Condominiums Filing No. 17, for a distance of 26.96 feet, more or less, to the TRUE POINT OF BEGINNING.
The above described Temporary Easement contains 1,177 sq. ft. (0.027 acres), more or less.

The purpose of the above-described Temporary Easement is for the reconstruction of a driveway and construction of a roadway, sidewalks, slopes and other public improvements.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO  80202
A Temporary Easement No. TE-74 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,120 sq. ft. (0.026 acres), more or less, being a portion of the Landscaping General Common Elements of Parcel A of the Wind Stream Condominiums Filing No. 9, recorded on January 24, 1984 in Book 71 at Pages 73-83 at Reception Number 2370579 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the northwest corner of said Wind Stream Condominiums Filing No. 9, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 85°59’08” East for a distance of 916.76 feet; Thence South 00°15’42” East, along the west line of said Parcel A, for a distance of 2.70 feet to the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East, for a distance of 117.60 feet, to a point on the east line of said Parcel A;

2. Thence South 00°15’42” East, along said east line of Parcel A, for a distance of 9.52 feet;

3. Thence South 89°44’18” West, for a distance of 117.60 feet, to a point on the west line of said Parcel A;

4. Thence North 00°15’42” West, along said west line of said Parcel A, for a distance of 9.52 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 1,120 sq. ft. (0.026 acres), more or less.

The purpose of the above-described Temporary Easement is for the construction of a roadway sidewalks, slopes, and other public improvements.
BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202
A Temporary Easement No. TE-75 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 2,481 sq. ft. (0.057 acres), more or less, being a portion of the General Common Elements of the Wind Stream Condominiums Filing No. 5, recorded on January 24, 1983 in Book 61 at Pages 6-12 at Reception Number 2240700 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Beginning at the northeast corner of said Wind Stream Condominiums Filing No. 5, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 83°31’16” East for a distance of 554.03 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence South 16°08'03" West, along the east line of said Wind Stream Condominiums Filing No. 5, for a distance of 12.40 feet;

2. Thence South 89°34'59" West for a distance of 120.77 feet;

3. Thence South 89°44'18" West for a distance of 122.14 feet to a point on the west line of said Wind Stream Condominiums Filing No. 5;

4. Thence North 00°15'42" West, along said west line of Wind Stream Condominiums Filing No. 5, for a distance of 9.52 feet;

5. Thence North 89°44'18" East for a distance of 181.07 feet;

6. Thence North 00°15'42" West for a distance of 2.70 feet to a point on the north line of said Wind Stream Condominiums Filing No. 5;

7. Thence North 89°44'18" East, along said north line of Wind Stream Condominiums Filing No. 5, for a distance of 65.35 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 2,481 sq. ft. (0.057 acres), more or less.
The purpose of the above-described Temporary Easement is for the construction of a roadway sidewalks, slopes, and other public improvements.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58" West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202
A Temporary Easement No. TE-76 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,250 sq. ft. (0.029 acres), more or less, being a portion of the General Common Elements of the Wind Stream Condominiums Filing No. 4, recorded on November 15, 1982 in Book 59 at Pages 48-53 at Reception Number 2220470 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the northwest corner of said Wind Stream Condominiums Filing No. 4, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 83°31’16” East for a distance of 554.03 feet, said point being the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18" East, along the north line of said Wind Stream Condominiums Filing No. 4, for a distance of 106.32 feet to the northeast corner of said Wind Stream Condominiums Filing No. 4;
2. Thence South 16°07’57" West, along the east line of said Wind Stream Condominiums Filing No. 4, for a distance of 12.10 feet;
3. Thence South 89°34’59" West for a distance of 106.41 feet to a point on the west line of said Wind Stream Condominiums Filing No. 4;
4. Thence North 16°08’03" East, along said west line of Wind Stream Condominiums Filing No. 4, for a distance of 12.40 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 1,250 sq. ft. (0.029 acres), more or less.

The purpose of the above-described Temporary Easement is for the construction of a roadway sidewalks, slopes, and other public improvements.
BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202
A Temporary Easement No. TE-77 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 2,131 sq. ft. (0.049 acres), more or less, being a portion of the General Common Elements of the Wind Stream Condominiums Filing No. 3, recorded on September 23, 1982 in Book 58 at Pages 47-52 at Reception Number 2206589 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the northeast corner of said Wind Stream Condominiums Filing No. 3, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 77°14’19” East for a distance of 277.22 feet; Thence South 00°06’51” East, along the east line of said Wind Stream Condominiums Filing No. 3, for a distance of 9.50 feet to the TRUE POINT OF BEGINNING;

1. Thence South 00°06’51” East, continuing along said east line of Wind Stream Condominiums Filing No. 3, for a distance of 25.01 feet;
2. Thence South 89°44’18” West for a distance of 52.42 feet;
3. Thence North 00°15’42” West for a distance of 15.64 feet;
4. Thence South 89°44’18” West for a distance of 27.92 feet;
5. Thence North 80°38’25” West for a distance of 44.29 feet;
6. Thence South 89°34’59” West for a distance of 53.12 feet to a point on the west line of said Wind Stream Condominiums Filing No. 3;
7. Thence North 16°07’57” East, along said west line of Wind Stream Condominiums Filing No. 3, for a distance of 2.09 feet;
8. Thence North 89°34’59” East for a distance of 30.47 feet;
9. Thence North 00°25’01” West for a distance of 5.85 feet;
10. Thence North 89°34’59” East for a distance of 17.73 feet;
11. Thence South 80°38'25" East for a distance of 35.12 feet;

12. Thence North 89°44'18" East for a distance of 93.78 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 2,131 sq. ft. (0.049 acres), more or less.

The purpose of the above-described Temporary Easement is for the construction of a roadway sidewalks, slopes, and other public improvements.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202
A Temporary Easement No. TE-78 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 2,490 sq. ft. (0.057 acres), more or less, being a portion of the General Common Elements of the Wind Stream Condominiums Filing No. 1, 1st Amended, recorded on April 21, 1982 in Book 55 at Page 78 at Reception Number 2162800 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the northwest corner of said Wind Stream Condominiums Filing No. 1, 1st Amended, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 77°14’19” East for a distance of 277.22 feet; Thence South 00°15’42” East, along the west line of said Wind Stream Condominiums Filing No. 1, 1st Amended, for a distance of 9.50 feet to the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East, for a distance of 128.50 feet, to a point on the east line of said Wind Stream Condominiums Filing No. 1, 1st Amended;

2. Thence South 00°03’47” West, along said east line of Wind Stream Condominiums Filing No. 1, 1st Amended, for a distance of 9.37 feet;

3. Thence South 89°44’18” West for a distance of 46.26 feet;

4. Thence South 00°15’42” East for a distance of 15.64 feet;

5. Thence South 89°44’18” West for a distance of 82.27 feet to a point on said west line of Wind Stream Condominiums Filing No. 1, 1st Amended;

6. Thence North 00°03’30” West, along said west line of Wind Stream Condominiums Filing No. 1, 1st Amended, for a distance of 25.01 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Temporary Easement contains 2,490 sq. ft. (0.057 acres), more or less.
The purpose of the above-described Temporary Easement is for the construction of a roadway sidewalks, slopes, and other public improvements.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58"West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped “JOG 1977”, to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO 80202
A Temporary Easement No. TE-79 of the Department of Transportation, State of Colorado Project No. STU C100-038 containing 1,131 sq. ft. (0.026 acres), more or less being a portion of the General Common Elements of Parcel A of the Wind Stream Condominiums Filing No. 2, recorded on May 25, 1982 in Book 55 at Pages 44-49 at Reception Number 2171810 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the northwest corner of said Parcel A, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 66°51’17” East for a distance of 154.30 feet; Thence South 00°15’42” East, along the west line of said Parcel A, for a distance of 9.50 feet to the TRUE POINT OF BEGINNING;

1. Thence North 89°44’18” East for a distance of 76.31 feet;
2. Thence South 45°31’36” East for a distance of 24.97 feet;
3. Thence North 89°52’52” East for a distance of 12.88 feet to a point on the east line of said Parcel A;
4. Thence South 00°04’16” East, along said east line of Parcel A, for a distance of 10.85 feet;
5. Thence South 89°59’05” West for a distance of 16.74 feet;
6. Thence North 46°55’15” West for a distance of 27.71 feet;
7. Thence South 89°44’18” West for a distance of 70.05 feet to a point on said west line of Parcel A;
8. Thence North 00°03’47” East, along said west line of Parcel A, for a distance of 9.37 feet, more or less, to the TRUE POINT OF BEGINNING.
The above described Temporary Easement contains 1,131 sq. ft. (0.026 acres), more or less.

The purpose of the above-described Temporary Easement is for the construction of a roadway sidewalks, slopes, and other public improvements.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58'58" West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped "JOG 1977", to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

Bradley Danielson P.L.S. 25622
For and on behalf of
David Evans and Associates
1600 Broadway, Suite 800
Denver, CO  80202
PERMANENT EASEMENT AGREEMENT
(Utilitys)

For and in consideration of the sum of TEN AND 00/100 DOLLARS ($10.00) and other good
and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, Wind Stream
Condominium Association, Inc., (the "Grantor"), hereby grants, bargains, sells and conveys to the
COUNTY OF ARAPAHOE, COLORADO, a body corporate and politic duly organized and existing under
and by virtue of the laws of the state of Colorado, whose address is 5334 S. Prince Street, Littleton, CO.
80166 (the "Grantee"), its successors and permitted assigns, a perpetual non-exclusive easement (the
"Easement") to construct or reconstruct, install, operate, use, maintain, repair, replace and/or remove
utilities, including but not limited to, gas, electric, irrigation, and telephone lines, and any and all surface
and subsurface appurtenances thereto; (collectively the "Improvements") in, to, upon, through, over, under
and across a certain parcel of real property located in Arapahoe County, Colorado, as more particularly
described in Exhibit A (PE-71), attached hereto, and incorporated herein by this reference (the
"Premises"), pursuant to the following terms and conditions:

1. The Grantee, its agents, successors and permitted assigns, shall have and exercise the right of
ingress and egress in, to, through, over, under and across the Premises for any purpose necessary for the
construction, reconstruction, installation, operation, use, maintenance, repair, replacement and/or removal
of the Improvements.

2. The Grantor shall not construct or place any structure or building, street light, power pole, yard
light, mail box or sign, whether temporary or permanent, or plant any shrub, tree, woody plant, nursery
stock, garden or other landscaping design feature on any part of the Premises, except with the prior consent
of the Grantee. Any structure or building, street light, power pole, yard light, mail box or sign, whether
temporary or permanent, or shrub, tree, woody plant, nursery stock, garden or other landscaping design
feature of any kind situated on the Premises as of the date of this Easement or subsequently placed thereon
may, except where the Grantee has consented thereto, be removed by the Grantee without liability for
damages arising therefrom.

3. Upon completion of its activities, the Grantee, to the extent practicable, shall restore the Premises,
including the surface of the ground and all landscaping, reasonably to the condition it was in immediately
prior to the initiation of construction, except as necessarily modified to accommodate the Improvements.

4. The Grantee shall have the right to enter upon the Premises and to survey, construct, reconstruct, operate, use, maintain, repair, replace, and remove the Improvements, and to remove objects interfering therewith, including but not limited to these items placed on the Premises under paragraph 2 hereof. In addition, the Grantee shall have the right, subject to the Grantor's approval, to use so much of the adjoining premises of the Grantor during surveying, construction, reconstruction, use, maintenance, repair, replacement and/or removal of the Improvements as may be reasonably required.

5. The Grantee shall have and exercise the right of subjacent and lateral support to whatever extent is necessary or desirable for the operation and maintenance of the Improvements. It is specifically agreed between and among the parties that, except as provided in this Agreement, the Grantor shall not take any action, which would impair the lateral or subjacent support for the Improvements.

6. It is expressly acknowledged and agreed that the Grantee shall have the right and authority to assign to any appropriate local governmental entity or to any public utility provider all rights to use, and all obligations associated with, the Easement as are granted to and assumed by the Grantee herein. In addition, the Grantee shall have the right and authority to grant temporary construction easements or license agreements to any appropriate local governmental entity or public utility provider for purposes authorized herein with respect to the Improvements.

7. The Grantee agrees that at such time and in the event that the Easement described herein be abandoned by the Grantee and any permitted assignee under paragraph 6 hereof, such Easement shall terminate and the real property interest represented by such Easement shall revert to the Grantors, their heirs, successors and/or assigns.

8. The Grantor warrants, covenants, grants, bargains and agrees to and with the Grantee that the Grantor is well seized of the premises above conveyed and has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature so-ever, except matters of record. The Grantor further promises and agrees to warrant and forever defend the Grantee in its quiet and peaceful possession of the Premises in the
exercise of its rights hereunder against all and every person or person lawfully claiming or to claim the whole or any part thereof.

9. Each and every one of the benefits and burdens of this Easement shall inure to and be binding upon the respective legal representatives, heirs, administrators, successors and permitted assigns of the Grantor and the Grantee.

GRANTOR

Wind Stream Condominium Association, Inc.

By: ________________________________  
Title: ______________________________

STATE OF COLORADO    )
COUNTY OF _________________ )

The foregoing instrument was acknowledged before me this ___ day of ____________, 2020, by ______________________________________ as __________________ ________ of Wind Stream Condominium Association, Inc.

WITNESS my hand and official seal.

My commission expires:

______________________________________
Notary Public

By: Bryan D. Weimer, PWLF  
Director of PW&D, Arapahoe County  
Pursuant to Resolution No. ____________

C-3 EXHIBIT C
A Permanent Easement No. PE-71 related to the Department of Transportation, State of Colorado Project No. STU C100-038, Arapahoe County project C15-002, containing 838 sq. ft. (0.019 acres), more or less, being a portion of the Landscaping-General Common Element of the Wind Stream Condominiums Filing No. 20B, recorded on October 13, 1988 in Book 99 at Pages 57-65 at Reception Number R3022125 in the office of the Arapahoe County Recorder, located in the Southwest Quarter of Section 27, Township 4 South, Range 67 West, of the 6th Principal Meridian, in Arapahoe County, Colorado, said parcel being more particularly described as follows:

Commencing at the northeast corner of said Wind Stream Condominiums Filing No. 20B, from whence the Northeast Corner of said Southwest Quarter of Section 27 (monumented by a 3 ¼ inch brass cap in a range box at the intersection of Iliff Avenue and Dayton Way stamped “COLO DEPT OF TRANSPORTATION 1994 PLS NO 26280”) bears North 86°48’56” East for a distance of 1176.76 feet; Thence South 89°44’18” West, along the north line said Windstream Condominiums Filing No. 20B, for a distance of 126.42 feet; said point being the TRUE POINT OF BEGINNING;

1. Thence South 51°52’04” West for a distance of 46.30 feet;

2. Thence North 38°28’31” West, along said east line of that parcel described in Decree Quieting Title recorded at Reception Number B8112287, for a distance of 36.18 feet to the northeast corner of said parcel described in Decree Quieting Title recorded at Reception Number B8112287;

3. Thence North 89°44’18” East, along the north line said Windstream Condominiums Filing No. 20B, for a distance of 58.93 feet, more or less, to the TRUE POINT OF BEGINNING.

The above described Permanent Easement contains 838 sq. ft. (0.019 acres), more or less.

BASIS OF BEARINGS: All bearings shown herein are based on a Grid Bearing of North 22°58’58”West from NGS Station "JOG", being a 3 ½ inch NGS Brass Cap in concrete stamped “JOG 1977”, to NGS Station "TRANSPORTATION", being a 9/16 inch stainless steel rod in a sleeve set in a 5 inch CDOT well box stamped "TRANSPORTATION 1995".

James A. Daley, Colorado Licensed Surveyor, PLS 37044
For and on behalf of David Evans and Associates
1600 Broadway, Suite 800
Denver, CO  80202
RESOLUTION NO._______ It was moved by Commissioner _____ and duly seconded by Commissioner ______ to adopt the following Resolution:

WHEREAS, Arapahoe County (the “County”) is a Colorado County and political subdivision of the State of Colorado; and

WHEREAS, the County has determined that the expansion and improvements to Iliff Avenue from Quebec Street to Parker Road (the “Project”) would be in the public interest and would benefit the health, safety and welfare of the County, its citizens, taxpayers, property owners and developers within the County and the traveling public; and

WHEREAS, the County also has determined that certain property and property rights are needed and necessary for the Project; and

WHEREAS, the necessary property consists of the fee simple interest in that property known as Parcel Number: RW-72, RW-73, RW-74, RW-75, RW-77, RW-78, and RW-79 as described in Exhibit A and temporary easements for construction purposes across that property known as Temporary Easement Number: TE-71, TE-72, TE-73, TE-74, TE-75, TE-76, TE-77, TE-78, and TE-79 described in Exhibit B, and permanent easement for construction purposes across that property known as Permanent Easement Number PE-71 described in Exhibit C, which Exhibits A, B, and C are attached hereto and incorporated herein (the “Property”); and

WHEREAS, the County also has determined that delays in the acquisition of the right to enter on and take possession of the Property will result in increased costs to the County and its taxpayers and delay the Project which will be detrimental to the County and the general public; and

WHEREAS, C.R.S. § 43-2-112(2) provides that the County has and may exercise the power of eminent domain to acquire property necessary to lay out, widen, alter or change any county road.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado as follows:

FINDINGS OF FACT

The Board makes the following findings of fact:

1. The construction and undertaking of the Project is in the interest of the public health, safety and welfare and is for a public purpose;

2. There is a need and necessity to acquire the Property for the Project;

3. Possession of the Property is needed as soon as possible and before any trial in any condemnation proceeding in order to prevent delays of and cost increases to the Project.
DETERMINATION AND DECISION

It is hereby ordered that the County Attorney, Special Counsel and consultants to the County in their respective capacities are authorized to take all action necessary to acquire the Property and to obtain the County’s right to take immediate possession of the Property as soon as possible through voluntary agreements or the exercise of the County’s powers of eminent domain.

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.
Board Summary Report

Date: May 20, 2020
To: Board of County Commissioners
From: Ron Carl, County Attorney
Subject: Adoption of Arapahoe County Ordinance No. 2020-01 (Fireworks Ban)

Purpose and Recommendation

The purpose of this General Business Item is to consider the adoption of proposed Arapahoe County Ordinance No. 2020-01, regarding a ban on the sale and use of fireworks in unincorporated Arapahoe County.

Background and Discussion

Proposed Ordinance No. 2020-01 (attached) is being presented for adoption. A first reading of this ordinance was held on April 28, 2020, and the text of the ordinance was published in full in the Villager Newspaper on May 14, 2019, in conformance with statutory requirements.

For purposes of fire prevention in Arapahoe County, the ordinance as presented will ban the sale and use of fireworks for a period of one year; except that the ordinance will not be in effect during the May 31 to July 5 period unless the Board of County Commissioners adopts a resolution finding that there is high fire danger warranting the imposition of the ban during such period. In the event a resolution is adopted banning fireworks during the May 31 to July 5 period, such ban may be lifted if the Board subsequently determines that conditions have changed and there is no longer high fire danger.

The proposed ordinance provides that any person who violates the ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of five hundred dollars ($500.00) for a first offense, seven hundred and fifty dollars ($750.00) for a second offense, and one thousand dollars ($1,000.00) for a third and any subsequent offense.

Alternatives

The BOCC could elect to not proceed with the adoption of Ordinance No. 2020-01.

Financial Impact

No significant financial impact is anticipated.
Motion

I move to adopt Arapahoe County Ordinance Number 2020-01 as presented on today’s date.
RESOLUTION NO. _______  Hearing was held on May 26, 2020 as published on proposed Ordinance Number 2020-01, regarding the banning of the sale and use of fireworks in unincorporated Arapahoe County. After public comment, evidence and testimony were received by the Board of County Commissioners, the matter was taken under advisement for further consideration and decision. It was then moved by Commissioner ____ and duly seconded by Commissioner ____ to adopt the following Ordinance:

ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2020-01

AN ORDINANCE PROHIBITING THE SALE AND USE OF FIREWORKS WITHIN UNINCORPORATED ARAPAHOE COUNTY

WHEREAS, pursuant to C.R.S. § 30-15-401, the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for the control of those matters of local concern; and

WHEREAS, pursuant to C.R.S. § 30-15-401(1)(n.7), matters of local concern include prohibiting or restricting the sale, use and possession of fireworks, including permissible fireworks as defined in C.R.S. §§ 24-33.5-2001(5) and (11); and

WHEREAS, the authority provided in C.R.S. § 30-15-401(1)(n.7) allows the Board of County Commissioners to prohibit or restrict the sale, use and possession of fireworks in all or part of the unincorporated areas of the county for a period not to exceed one (1) year; however, such ordinance shall not be effective during the period between May 31 and July 5, unless the Board of County Commissioners adopts a resolution that includes a finding of high fire danger, based on competent evidence; and

WHEREAS, it is the opinion of the Board of County Commissioners, that in order to preserve the public peace, health, safety and welfare of the citizens of Arapahoe County, they should take the following action:

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I. PROHIBITION ON THE SALE AND USE OF FIREWORKS

1. The sale and use of fireworks, including, but not limited to, permissible fireworks as defined in C.R.S. §§ 24-33.5-2001(5) and (11), are prohibited in all unincorporated areas of Arapahoe County.

2. The above prohibition on the sale and use of fireworks shall be effective during the period between May 31 and July 5, or any portion thereof, only if the Board of County Commissioners adopts a resolution imposing the
ban on the sale and use of fireworks during the May 31 to July 5 period, or portion thereof, and only if the resolution includes a finding of high fire danger in conformance with C.R.S. § 30-15-401(1)(n.7). If such a resolution is adopted then the ban on the sale and use of fireworks shall be and remain effective during the portion of the May 31 to July 5 period indicated in the resolution unless and until the Board of County Commissioners subsequently adopts a resolution rescinding the ban on the sale and use of fireworks during such period.

3. The above prohibition on the sale and use of fireworks does not apply with respect to display fireworks, display retailers and display operators, as defined in C.R.S. § 24-33.5-2001, to the extent such sale and use is in compliance with applicable state and local laws, ordinances and regulations, and to the extent the following conditions are satisfied: (i) any use of display fireworks is supervised by firefighting and/or local public safety personnel, and (ii) adequate fire suppression equipment is at the scene of any use of display fireworks.

SECTION II. TIME

This Ordinance and the restrictions contained therein are in effect until May 26, 2021, unless suspended or terminated at an earlier date.

SECTION III. PUBLICATION OF NOTICE

Notice of the passing of this Ordinance and prohibition contained herein shall be promptly published in the County newspaper.

SECTION IV. UNLAWFUL CONDUCT

It shall be unlawful for any person to sell or use fireworks in violation of this Ordinance.

SECTION V. ENFORCEMENT

The Arapahoe County Sheriff shall enforce the provisions of this Ordinance.

SECTION VI. VIOLATIONS

Any person who violates this Ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of five hundred dollars ($500.00) for a first offense, seven hundred and fifty dollars ($750.00) for a second offense, and one thousand dollars ($1,000.00) for a third and any subsequent offense. The penalty assessment procedure provided in C.R.S. § 16-2-201 shall be followed by the arresting Sheriff’s Deputy or other officer for any violation of this Ordinance, and the graduated
fine schedule set forth herein shall be followed when issuing any summons and complaint in accordance with such procedures.

SECTION VII. DISPOSITION OF FINES

All fines for violations of this Ordinance shall be paid into the General Fund of Arapahoe County.

SECTION VIII. SEVERABILITY

If any one or more of the provisions of this Ordinance is determined by a competent court of law to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION IX. PRIOR ORDINANCE SUPERSEDED

This Ordinance supersedes and replaces Arapahoe County Ordinance Number 2019-01.

SECTION X. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of public health and safety, in order to control activity subject to this ordinance as soon as possible, and also to ensure that the ordinance will be in place during the upcoming May 31 to July 5 fireworks season so that the fireworks restrictions can be quickly made effective, by adoption of a resolution as allowed by C.R.S. § 30-15-401(1)(n.7), in the event of the rapid onset of high fire danger.

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.
Board Summary Report

Date:     May 13, 2020
To:       Board of County Commissioners
From:     Todd Weaver, Finance Director
Subject:  Adoption of Supplemental Budget Resolutions for the First Quarter 2020

Purpose and Recommendation

The purpose of this public hearing is to approve the supplemental appropriation resolutions recommended by the Executive Budget Committee and reviewed by the Board of County Commissioners at the study session on May 12, 2020. The supplemental appropriation resolutions are attached to this Board Summary Report.

Background

The 11 resolutions included in the attached document reflect the supplemental appropriation requests recommended by the Executive Budget Committee and presented to the Board at a study session on May 12, 2020 related to the 2020 budget. The Board gave direction to staff to bring these requests forward to public hearing on May 26th for formal adoption.

There are a few departments and offices that by the end of the first quarter of 2020 have identified areas or issues requiring modifications to their budgets and have submitted these needs as supplemental appropriation requests for the 2020 budget. For the 1st Quarter, there is a net increase in expenditures from supplemental requests of $84,632 in the General Fund. The Information Technology Department is requesting to appropriate $97,735 for a PO that was missed during reapprporpaitions. They are also requesting to transfer $31,107 to the Central Services fund for additional storage capacity, and $21,280 to Central Services Fund for additional costs for a new A/C unit. The Sheriff’s Office is requesting to recognize and appropriate $18,168 in to reflect anticipated federal funds from work on task forces to be used for overtime expenses. The Treasurer’s Office is requesting to recognize $232,250 and appropriate $127,017 and increase the headcount by 2.50 FTE and reduce the revenue in the Administrative Services Department by $105,000 to transition the Public Trustee to the Treasurer’s Office.

Supplemental appropriation requests for other County funds include a request from the Sheriff’s Office to reduce the Central Services Fund revenue budget by $10,888 and expenditures by $49,000 for a
duplication of an asset replacement. There is also a request from the Sheriff’s Office to transfer $61,545 from the Central Services Fund to the General Fund to consolidate funds from the LPR project.

The 1st Quarter supplemental appropriation resolutions also contain resolutions that recognize additional revenue and appropriate the same amount for grants and other new revenue. Included are requests to recognize and appropriate $4,608 in the Sheriff’s Office, General Fund for non-claimed funds from evidence. There is also a request to recognize and appropriate $3,056,941 in the Homeland Security Fund, Sheriff’s Office for prior year grants.

The attached resolutions contain the detail of the other supplemental requests for the 1st Quarter of 2020 that have not been discussed above. The Finance Department will be in attendance at the May 26th public hearing to address any questions or concerns regarding the above supplemental appropriation requests.

**Link to Align Arapahoe**

The adoption of supplemental appropriation requests that have been reviewed by the Executive Budget Committee and the Board of County Commissioners and are only brought forward on a quarterly basis are in alignment with the County’s objectives for Fiscal Responsibility and the Responsible Use of Taxpayer Money.

**Discussion**

All of the supplemental appropriation requests were discussed at the May 12th study session and were reviewed by the Executive Budget Committee prior to that meeting. A discussion, if any, is to be determined by the Board during the public hearing.

**Alternatives**

Alternatively, a decision could be made that none of the 2020 budget supplemental appropriation resolutions should be adopted at this time.

**Fiscal Impact**

The fiscal impact is equivalent to the net amount of each of the supplemental appropriation requests that are approved by the Board of County Commissioners.

**Approved By:**

Todd Weaver, Finance Director
John Christofferson, Deputy County Attorney
### 1st Quarter Budget Review

<table>
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<th>Fund</th>
<th>Revenue Amount</th>
<th>Expense Amount</th>
<th>FTEs</th>
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<td>General Fund</td>
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<td>Capital Improvement Fund</td>
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<td>Central Services Fund</td>
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<tr>
<td>ALEA Fund</td>
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<td><strong>TOTAL Discussion Needed</strong></td>
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<td>$312,373</td>
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<table>
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<th>Fund</th>
<th>Revenue Amount</th>
<th>Expense Amount</th>
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</thead>
<tbody>
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<td><strong>NEW REVENUE/BUDGET CLEANUP</strong></td>
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<tr>
<td>Homeland Security Fund</td>
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<tr>
<td><strong>TOTAL New Revenue/Budget Cleanup</strong></td>
<td>$3,061,549</td>
<td>$3,061,549</td>
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**ARAPAHOE COUNTY**  
**NOTICE OF PUBLIC HEARING**  
**PROPOSED BUDGET AMENDMENTS**

NOTICE IS HEREBY GIVEN that on Tuesday, May 26, 2020 at 9:30 a.m., or as soon thereafter as the calendar of the Board of County Commissioners permits, in the East Hearing Room of the County Administration Building, 5334 South Prince Street, Littleton, Colorado, the Board of County Commissioners of Arapahoe County will meet to consider the following proposed budget resolutions (NOTE: Due to the ongoing COVID19 emergency the hearing may be conducted through remote access – please check the May 26, 2020 public meeting agenda at https://www.arapahoegov.com/AgendaCenter/Board-of-County-Commissioners-1 for specific information on how to attend and participate. The agenda will typically be posted by the Friday afternoon preceding the hearing):

I

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Information Technology Department is requesting to transfer $31,107 from the General Fund and recognize and appropriate the same in the Central Services Fund to purchase additional storage capacity for the County for public safety applications including Computer Aided Dispatch, Records Management, Jail Management and Mugshots and Digital Crime Scenes; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer $31,107 from the General Fund, Information Technology Department and recognize and appropriate the same amount in the Central Services Fund, Information Technology Department for additional storage capacity public safety applications.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

II

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Information Technology Department is requesting to appropriate $97,735 from the unappropriated fund balance in the General Fund for a purchase order from 2019 that was not included during the reappropriation process; and

WHEREAS, this purchase order is for work that is to be completed during 2020 for software in the Coroner’s Office; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer $97,735 in the General Fund, Information Technology Department from the unappropriated fund balance for a purchase order from 2019 for software in the Coroner’s Office.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

III

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Information Technology Department is requesting to transfer $21,280 from the General Fund and recognize and appropriate the same in the Central Services Fund for additional installation and first year maintenance cost for a new air conditioning unit; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer $21,280 from the General Fund, Information Technology Department and recognize and appropriate the same amount in the Central Services Fund,
Information Technology Department for additional installation and maintenance costs for a new air conditioning unit.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

IV

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff’s Office is requesting to recognize $18,168 and appropriate $5,298 in the General Fund to reflect anticipated federal funds from work on task forces to be used for overtime expenses; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize $18,168 and appropriate $5,298 in the General Fund, Sheriff’s Office for anticipated federal funds from task force work to be used for overtime.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

V

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff’s Office has determined that funding for the License Plate Reader (LPR) project needs to be consolidated in the same fund to complete the one-time purchase; and

WHEREAS, the Sheriff’s Office is requesting to transfer $61,545 from the Central Services Fund and recognize and appropriate the same amount in the General Fund for the purchase; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer $61,545 from the Central Services Fund, Sheriff’s Office and recognize and appropriate the same amount in the General Fund, Sheriff’s Office to consolidate funds to complete the purchase of the LPR project.
BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VI

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, a change in statute designates the Treasurer as the Public Trustee beginning on July 1, 2020; and

WHEREAS, this change will require recognizing $232,250 and appropriating $127,017 in the General Fund, Treasurer’s Office; and

WHEREAS, this change will require a corresponding reduction in the revenue in the General Fund, Administrative Services Department by $105,000 for excess Public Trustee fees that will now be accounted for in the Treasurer’s Office; and

WHEREAS, the Treasurer’s Office is requesting to add 2.50 FTE in the General Fund for the transition of the Public Trustee staff; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize $232,250 and appropriate $127,017 in the General Fund, Treasurer’s Office and increase the FTE count by 2.50 and reduce the revenue in the General Fund, Administrative Services Department by $105,000 to transition the Public Trustee to the Treasurer’s Office.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VII

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Facilities and Fleet Management Department is requesting to appropriate $27,754 in the Capital Expenditure Fund for exterior light fixtures at the Warehouse; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer $27,754 in the General Fund, Facilities and Fleet Management Department from the unappropriated fund balance for exterior light fixtures at the Warehouse.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VIII

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Information Technology Department is requesting to appropriate $525 from the unappropriated fund balance in the Capital Expenditure Fund for a late invoice received on the Coroner’s Case Management System project; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer $525 in the Capital Expenditure Fund, Information Technology Department from the unappropriated fund balance for an invoice for the Coroner’s Case Management System project.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

IX

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff’s Office is requesting to reduce the appropriation in the ALEA Fund by $10,888 and reduce the revenue by $10,888 and appropriation by $49,000 in the Central Services Fund, Sheriff’s Office for a duplicate vehicle replacement request included in the 2020 adopted budget; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to reduce the appropriation by $10,888 in the ALEA Fund, Sheriff’s Office and in the Central Services Fund, Sheriff’s Office reduce the revenue by $10,888 and appropriation by $49,000 for a vehicle replacement request that is not necessary.
BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

X

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff’s Office is requesting to recognize and appropriate $4,608 in the General Fund for non-claimed funds from evidence; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate $4,608 in the General Fund, Sheriff’s Office for non-claimed funds from evidence.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XI

WHEREAS, the Board of County Commissioners adopted the 2020 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff’s Office is requesting to recognize and appropriate $3,056,941 in the Homeland Security Fund for unspent funds from prior year grants; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate $3,056,941 in the Homeland Security Fund, Sheriff’s Office for prior year grants.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.
Proposed Motion:

I move to adopt/not adopt the eleven (11) supplemental appropriation requests to the 2020 Budget that were presented to the Board at the 4th Quarter Budget Review study session on May 12th, 2020 and brought forward for today’s public hearing for formal adoption.