



TOWN COUNCIL AMENDED AGENDA FOR WORK SESSION & MEETING

Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

AGENDA

TOWN COUNCIL AMENDED AGENDA FOR WORK SESSION & MEETING 2022-13

Tuesday, July 12, 2022, at 6:00 PM

A. CALL TO ORDER WORK SESSION

The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.

- 1. Pledge of Allegiance**
- 2. Bayswater Presentation**
 -
 - Staff Presentation:

B. CALL TO ORDER REGULAR MEETING

- 1. Roll Call**
- 2. Agenda Review by Town Manager**
- 3. Consent Calendar**

The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

a. 6.28.22 Minutes

- 4. Approval of Agenda**
- 5. Public Comment**

The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address.

6. Communications

Council approval may be sought for administrative actions in association with staff reports.

- a. Town Attorney
- b. Town Staff
- c. Town Management
- d. Town Commission Members
- e. Mayor

C. TOWN COUNCIL

1. Special Use Review - 693 Takin Drive

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

2. Ordinance 2022-13: An Ordinance Amending Land Use Code

- Legislative
- Staff Presentation: Keith Martin, Town Attorney

3. Ordinance 2022-11: Ordinance Regarding Suspension on the Community Development Department's Acceptance and Processing of Certain New Land Use Applications for Residential Development on Land Within the Boundaries of the Town of Severance Water Utility Enterprise (Tabled)

-
- Staff Presentation:

4. Ordinance 2022-14: An Ordinance of the Town Council of the Town of Severance, Colorado, Calling an Election on November 8, 2022, and Submitting to the Voters a Ballot Issue to Authorize a Use Tax on the Privilege of Storing, Using, or Consuming within the Town any Motor and other Vehicles for which Transportation Maintenance and Improvement Projects; and to Approve the Ballot Title and Text of the Ballot Issue to be Submitted at such Election

- Legislative
- Staff Presentation: Mary Lynn Macsalka, Town Attorney

5. Ordinance 2022-15: An Ordinance of the Town Council of the Town of Severance, Colorado, Submitting to the Voters at the Regular Municipal Election on November 8, 2022, an Amendment to the Home Rule Charter Pertaining to Term Limits for Members of Town Council Elected to Fill Vacancies, and Setting the Ballot Title Therefor

- Legislative
- Staff Presentation: Mary Lynn Macsalka, Town Attorney

6. Resolution 2022-30R: Moody Findings of Annexation

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

7. Resolution 2022-31R: Appropriation of Fund Transfers for Expenditure for 2021 Previously Appropriated Capital Improvement Projects and to Modify the Funding Source for the Transportation Rehab Program.

- Legislative
- Staff Presentation: Nancy Mueller, Finance Director

8. Vacant Council Member Seat Interviews & Appointment

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

D. COUNCIL MEMBER PETITIONS

Council Members may ask for items to be added to future agendas.

E. ADJOURN

Town Council MEETING

Tuesday, July 12, 2022, 6:00 PM (MDT)

Registration URL

https://us02web.zoom.us/webinar/register/WN_GSL5tq02RNOARXxagWeWpA



TOWN COUNCIL WORK SESSION & MEETING
Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

MINUTES
WORK SESSION & MEETING 2022-12
Tuesday, June 28, 2022, at 6:00 PM

Present:

Mayor:

Matthew Fries

Mayor Pro-tem:

Stephen Gagliardi

Council Members:

Frank Baszler

Dan Meyers

Michelle Duda

Dennis 'Zeke' Kane

Absent:

Audience: Steven Gottschilk, Larry Buckendorf, Morgan Kittler and Joe Schumacher

Staff:

Nicholas Wharton, Town Manager

Abdul Barzak, Town Planner

Nancy Mueller CPA, Finance Director

Keith Martin, Town Attorney

Karina Gomez, Acting Town Clerk

Leah Vanarsdall, Town Clerk

A CALL TO ORDER WORK SESSION

.

The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.

1. Pledge of Allegiance

2. Ordinance 2022-XX: An Ordinance of the Town of Severance, Colorado, Amending Chapter 8 of the Severance Municipal Code Pertaining to the Designation and

Regulation of truck routes in the Town; and adopting an updated truck route plan for the Town of Severance

- Discussion
- Staff Presentation: Abdul Barzak, Town Planner

3. November 2022 Election

- Discussion
- Staff Presentation: Nicholas Wharton, Town Manager

Council directed Staff to proceed with the ballot issues of Vehicle Use Tax & clean-up of Council Appointment language for the November 2022 Election.

B CALL TO ORDER REGULAR MEETING

Regular Meeting - 6:43 pm

1. Roll Call

2. Agenda Review by Town Manager

Severance was included in the Colorado Opioid Lawsuit Settlement for \$122.08 to be awarded annually for 18 years, but must do federal quarterly reporting. Council declined the settlement, and funds are to go to Weld County.

Council declined to sponsor Weld County School Dist RE-4 Foundation for their Summer Social on August 27, 2022.

3 Consent Calendar

The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

MOTION WAS MADE BY Council Member Baszler, seconded by Council Member Meyers to Approve Consent Calendar. All Council Members present voting Yes,

MOTION PASSED

a. 6.14.22 Minutes

b. May 2022 Payables

c. May Financial Statement

4. Approval of Agenda

MOTION WAS MADE BY Council Member Baszler, seconded by Council Member Meyers to remove Item C.7. Resolution 2022-30R from the Agenda. All Council Members present voting Yes,

MOTION PASSED

5 Public Comment

.

The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address.

NONE

6 Communications

.

Council approval may be sought for administrative actions in association with staff reports.

- a. Town Attorney
- b. Town Staff
- c. Town Management
- d. Council Members
- e. Mayor

C TOWN COUNCIL

.

1. Ordinance 2022-13: An Ordinance Amending Land Use Code

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner, Keith Martin, Town Attorney

MOTION WAS MADE BY Council Member Duda, seconded by Mayor Pro-Tem Gagliardi to Tabled **Ordinance 2022-13**: An Ordinance Amending Land Use Code to July 12, 2022. All Council Members present voting Yes,

MOTION PASSED

2. Ordinance 2022-11: Ordinance Regarding Suspension on the Community Development Department's Acceptance and Processing of Certain New Land Use Applications for Residential Development on Land Within the Boundaries of the Town of Severance Water Utility Enterprise (Tabled)

- Legislative
- Staff Presentation: Keith Martin, Town Attorney

MOTION WAS MADE BY Council Member Kane, seconded by Council Member Duda to Tabled **Ordinance 2022-11**: Ordinance Regarding Suspension on the Community Development Department's Acceptance and Processing of Certain New Land Use Applications for Residential Development on Land Within the Boundaries of the Town of

Severance Water Utility Enterprise to July 12, 2022. All Council Members present voting Yes,
MOTION

3. Resolution 2022-26R: A Resolution of the Town Council of the Town of Severance, Colorado, Declaring the Town of Severance's Decision to Decline all Participation in the Colorado Paid Family and Medical Leave Insurance Program (Famli)

- Legislative
- Staff Presentation: Lindsay Radcliff, Deputy Town Manager

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Baszler to Approve **Resolution 2022-26R**: A Resolution of the Town Council of the Town of Severance, Colorado, Declaring the Town of Severance's Decision to Decline all Participation in the Colorado Paid Family and Medical Leave Insurance Program (Famli). All Council Members present voting Yes,

MOTION PASSED

4. Resolution 2022-27R: A resolution of the Town Council of the Town of Severance, Colorado, adopting a policy regarding councilor petitions

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Kane to Approve **Resolution 2022-27R**: A resolution of the Town Council of the Town of Severance, Colorado, adopting a policy regarding councilor petitions.

YEAS: Fries, Gagliardi, Duda, Kane

4

NAYS: Baszler, Meyers

2

MOTION PASSED

5. Resolution 2022-28R: A Resolution of the Town Council of the Town of Severance, Colorado, sitting and acting in its capacity as the Severance Local Licensing Authority, establishing a Local Festival Permit and the Processes and Standards Applicable to such Permit

- Legislative
- Staff Presentation: Leah Vanarsdall, Town Clerk

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Baszler to Approve **Resolution 2022-28R**: A Resolution of the Town Council of the Town of Severance, Colorado, sitting and acting in its capacity as the Severance Local Licensing Authority, establishing a Local Festival Permit and the Processes and Standards Applicable to such Permit. All Council Members present voting Yes,

MOTION PASSED

6. Resolution 2022-29R: A Resolution of the Town Council of the Town of Severance, Setting a reduced speed limit for a specified part of East Harmony Road within the Town of Severance

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Kane to Approve **Resolution 2022-29R**: A Resolution of the Town Council of the Town of Severance, Setting a reduced speed limit for a specified part of East Harmony Road within the Town of Severance .

YEAS: Fries, Gagliardi, Duda, Kane, Meyers

5

NAYS: Baszler

1

MOTION PASSED

7. Resolution 2022-30R: A resolution for the Town of Severance to appropriate transfers for the 2021 capital projects and correct fund appropriation for the transportation rehab project

- Legislative
- Staff Presentation: Nancy Mueller, Finance Director

Resolution 2022-30R removed from Agenda and tabled to July 12, 2022, no Action Taken

8. Weld County Referral PRE22-0133

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

MOTION WAS MADE BY Council Member Kane, seconded by Council Member Duda to take no ACTION for Weld County Referral PRE22-0133. All Council Members present voting Yes,

MOTION PASSED

D COUNCIL MEMBER PETITIONS

.

Council Members may ask for items to be added to future agendas.

E ADJOURN

.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Special Use Review - 693 Takin Drive	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Town Staff asks that the Town Council review and take action on the proposed Special Use Review at 693 Takin Drive. 1. Move to approve the Special Use Review at 693 Takin Drive. 2. Move to approve the Special Use Review at 693 Takin Drive with any discussed conditions. 3. Take no action		<u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
The owners of 693 Takin Drive are requesting a Special Use Review for a Home-Based Business Type II for in-home child care. The applicant has submitted all required materials and will be present for any questions.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town Staff is asking the Town Council to review and take action on the Special Use Review at 693 Takin Drive to be known as Momma Goose Daycare. If the Town Council approves the proposed Special Use Review at 693 Takin Drive, Town staff asks for approval with the following condition. 1. Applicant obtains a Business/Sales Tax License through the Town Clerks Office and pays all fees associated with the Business/Sales Tax License.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Home Based Business Application & Checklist 2. Proof of Ownership 3. Vicinity Map 4. Site Map with Proposed Parking 5. Metro District Approval 6. Department of Human Services License Confirmation		



TOWN OF SEVERANCE

3 S. TIMBER RIDGE PARKWAY, P.O. BOX 339, SEVERANCE, CO 80546
PHONE: (970) 686-1218 FAX: (970) 686-6250

APPLICATION FOR HOME-BASED BUSINESS PERMIT

FEE: \$250

(TYPE OR PRINT CLEARLY)

Business Name: Momma Goose Daycare
Business Location: 1093 Takin Dr. Severance, CO 80550
Name of Property Owner(s): John Slattery (husband) Phone: (605) 441-1365
Mailing Address: 1093 Takin Dr.
City: Severance State: CO Zip: 80550
Email Address: kaytlynslattery@gmail.com

Type of Business: In-home family childcare

Description of Proposed Home-Based Business – include type of products sold and services provided:

Colorado Licensed family childcare home business providing less than 24 hour care, as sole caregiver, to multiple families within the local community. My goal is to provide affordable, quality, trusted childcare for infants, toddlers, preschool aged children, and school aged children. Programs will be education/development based according to each child's unique needs while referring to developmental guidelines.

Total Sq. Footage of Home: 2,200 1st Floor: 1,000 2nd Floor: 700 Basement: 600

Square Footage of Area to be Used for Home-Based Business: 1,206

Square Footage of accessory building to be used in Home-Based Business 0

Will There Be Outdoor Activities? ☒ YES ☐ NO

If Yes, Please Describe: Backyard playing, games, and learning activities.

Hours of Operation: 6am to 6pm Monday - Friday

Number of Employees on Premises (Includes Owner/Employed Family Members): 1

Number of Employee/Company Vehicles on Premises (Includes Owner/ Employed Family): 0



Please Describe Employee/Company Vehicle Impact on Neighborhood: N/A

Number of Anticipated Clients: Daily _____ Weekly 9 Monthly _____
(if daycare, include own children/adults)

Please Describe Available Parking: Street parking available - approximately 10-12 vehicle availability. We are located across a corner lot.

Will Deliveries Be Made to This Location? YES ☐ NO ☒
If Yes, Please Describe: N/A

I declare, under the penalty of perjury, that this application has been examined by me and to the best of my knowledge and belief, are true, correct and complete.

Signature of Applicant: Kaytlyn Slattery
Printed Name: Kaytlyn Slattery
Title: Child care provider
Date: 01-30-2022

TOWN USE ONLY BELOW THIS POINT

Public Hearing Date July 12, 2022

Public Hearing Notification of Surrounding Property Owners within 500 feet (15 days prior to Hearing)

Decision _____

Date of Decision _____



TOWN OF SEVERANCE

3 S. TIMBER RIDGE PARKWAY, P.O. BOX 339, SEVERANCE, CO 80546
PHONE: (970) 686-1218 FAX: (970) 686-6250

CHECKLIST FOR HOME-BASED BUSINESS PERMIT

Please fill out and return to the Community Development, PO Box 339,
Severance CO 80546

Business Name: Mamma Goose Daycare
Name of Property Owner(s): John Slattery (husband) Phone: (605) 441-1365
Location Address: 693 Takin Dr.
City: Severance State: CO Zip: 80530
Email Address: kaytlyn.slattery@gmail.com

Circle Answer

- | | | |
|--|--------------------------------------|-------------------------------------|
| 1. Do you have any employees that come to your residence? | Yes | ☒ No |
| 2. Do you have HOA/Metro District Approval? | ☒ Yes | No |
| 3. Does your business operation exceed 1,000 square feet or 30% of the floor area of the dwelling? | ☒ Yes | No |
| 4. Is your business operation located in an accessory building? | Yes | ☒ No |
| If so, does it exceed 500 square feet? | Yes | ☒ No |
| 5. Is your dwelling used primarily for business? | Yes | ☒ No |
| 6. Does your business operation change the residential character of the dwelling? | Yes | ☒ No |
| 7. Is there any change in the outside appearance of the building or premises or any visible sign of a home-based business? | Yes | ☒ No |
| 8. Are you displaying or plan to display any type of advertising sign at your business? | Yes | ☒ No |
| 9. Do you have any exterior storage on your property for equipment or materials for your business? | Yes | ☒ No |
| 10. Does your business operation create any noise, glare, fumes, odors or other objectionable conditions detectable to the normal senses outside the dwelling? | Yes | ☒ No |
| 11. Do any exterior aspects of your business operation disrupt the residential character of the area? | Yes | ☒ No |
| 12. Do you have customers/clients who come to your residence? | ☒ Yes | No |
| 13. If so how many customers/clients come to your residence? | <u>8</u> | |
| 14. If so how many times a day do you have customers/clients come to your residence? | <u>2</u> | |
| 15. Is parking available? | ☒ Yes | No |

If so, how many spaces and where?

approx. 10 spaces along street -
not all used @ once -
alternating drop off / pick up
times.



The following uses, because of their tendency to go beyond the limits permitted for home-business and thereby impair the use and value of the residential area, are NOT permitted as home-based businesses:

- Medical Marijuana Center
- Medical Marijuana optional premises cultivation operation
- Medical Marijuana-infused Products manufacturing
- Auto Repair or Motorized Implement Repair
- Dance, Music or other types of instruction (if more than 4 students are instructed at one time)
- Painting of vehicles, trailers or boats
- Gun-smithing or ammunition manufacturing
- Welding Shops
- Nursing Homes
- Any retail or wholesale sales to consumers upon the premises not incidental to the home-based business (example: hair care products at a hair salon)

FOR ADMINISTRATIVE USE

Business Classification

_____ Home-Based Business Type I

 x Home- Based Business Type II

Additional Home- Based Business Type II Required Documents

 x Proof of Ownership

 x Aerial Image

 x Site Plan (Access & Exit Points Indicated)

 x Mailing Labels & Stamped Envelopes (500 Ft. Radius)

 x HOA/Metro District Approval

SPECIAL WARRANTY DEED

This Deed, made October 6, 2020

Between Journey Homes, LLC, a Colorado limited liability company, of the County Weld, State of Colorado, grantor(s) and John Paul Slattery, a Tenant in Severalty, whose legal address is 693 Takin Dr, Severance, CO 80550 County of Weld, and State of Colorado, grantee(s)

WITNESSETH, That the grantor(s), for and in the consideration of the sum of THREE HUNDRED SIXTY-FIVE THOUSAND TWENTY-SIX DOLLARS AND NO/100'S (\$365,026.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado described as follows:

Lot 22, Block 7, Hunters Crossing Subdivision Filing No. 1,
County of Weld, State of Colorado.

Seller shall reserve and retain any and all minerals, mineral rights, gravel and gravel rights, oil and oil and gas rights, rights of way and easements, if any, that may be owned by Seller with respect to the Property.

also known by street and number as 693 Takin Dr, Severance, CO 80550

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised..

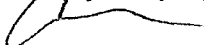
TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. The grantor(s), for themselves, their heirs and personal representatives or successors, does covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

Journey Homes, LLC, a Colorado Limited
Liability Company



Caryn Walls, Authorized Agent

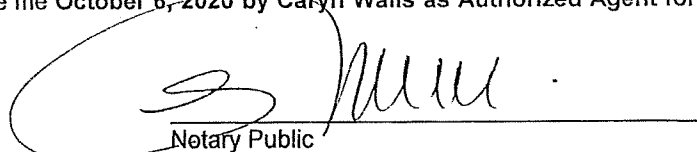
STATE OF COLORADO
COUNTY OF Weld

}ss:

The foregoing instrument was acknowledged before me October 6, 2020 by Caryn Walls as Authorized Agent for Journey Homes, LLC.

Witness my hand and official seal.

My Commission expires:

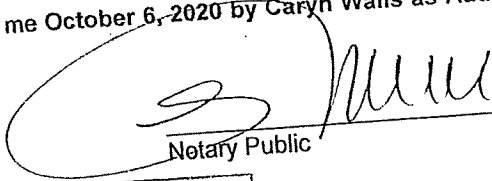

Notary Public

Lindy Miner
Notary Public
State of Colorado
My Commission Expires: May 28, 2021
LIC# 19934007843

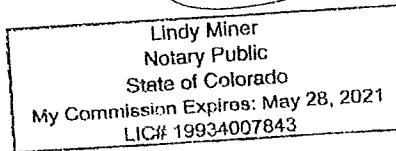
STATE OF COLORADO
COUNTY OF Weld

The foregoing instrument was acknowledged before me October 6, 2020 by Caryn Walls as Authorized Agent for Journey Homes, LLC.

Witness my hand and official seal.


Notary Public

My Commission expires:



Special Warranty Deed
WDSPECIAL (DSI Rev. 08/06/20)

Page 1

HTC
Last Saved: 10/2/2020 1:08 PM by LL9
Escrow No.: H0614793-084-LL9



9843

E HARMONY RD

734 732 730 728 726 724 722 720 718 716 714 712 710 708 706 704 702

TAKIN DR

1000 901 900 801 800 717 713 709 705 700 699 697 695 693 691 689 687 685 816

1002 903 902 803 802 713 709 705 700 699 697 695 693 691 689 687 685 816

1004 905 904 805 804 713 709 705 700 699 697 695 693 691 689 687 685 816

1006 907 906 807 806 713 709 705 700 699 697 695 693 691 689 687 685 816

1008 909 908 809 808 713 709 705 700 699 697 695 693 691 689 687 685 816

1010 911 910 810 809 713 709 705 700 699 697 695 693 691 689 687 685 816

1012 912 911 811 810 713 709 705 700 699 697 695 693 691 689 687 685 816

1014 913 912 812 811 713 709 705 700 699 697 695 693 691 689 687 685 816

BARASINGHA ST

SAIGA DR

SAMBAR DR

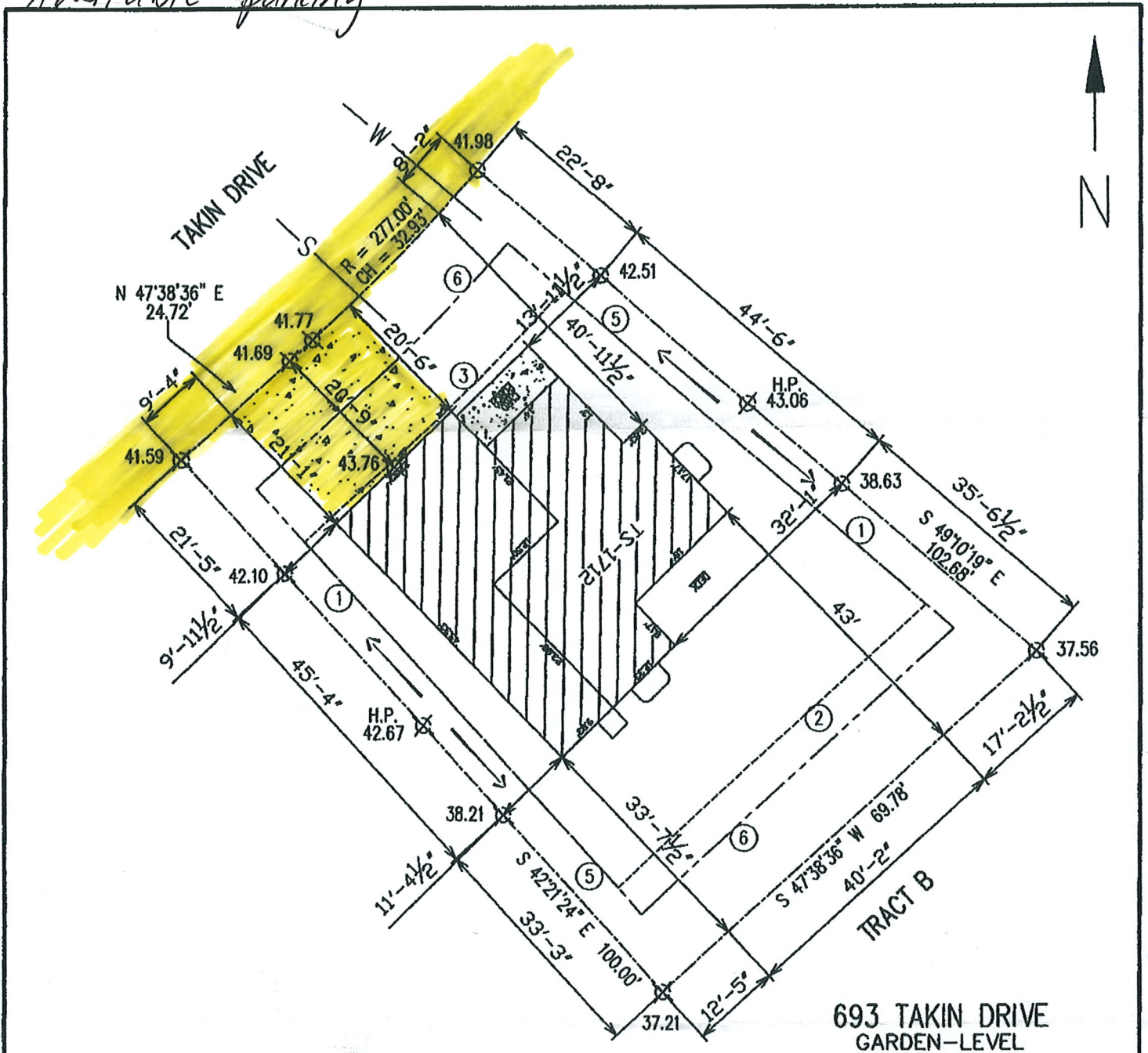
TELLER ST

FLATIRON LN

MEEKER LN

AUDUBON BLVD

Available parking



SCALE: 1" = 20'-0"

LEGEND :

GRADE BREAK/SWALE : _____
 PROPERTY LINE : _____
 SETBACK : _____
 EASEMENT : _____
 DRAINAGE DIRECTION : _____

- ① 5' SIDE SETBACK ③ 20' FRONT SETBACK ⑤ 5' UTILITY EASEMENT
 ② 15' REAR SETBACK ④ 15' SIDE STREET SETBACK ⑥ 10' UTILITY EASEMENT

TOP OF FOUNDATION	44.26
MAX FINISH GRADE ELEV AT FOUNDATION WALL	43.59
DRIVE SLOPE	9.98%
FRONT GARAGE F.F.	43.76
GARAGE FLOOR ELEV. AT ENTRY DOOR	44.18
ELEV. OF FOOTING BOTTOM © FRONT OF GARAGE	41.26

SITE & GRADING PLAN
 PLAN #TS-1712
 LOT 22, BLOCK 7 - 6,402 SQ. FT.
 HUNTERS CROSSING SUBDIVISION
 SEVERANCE, COLORADO

CLIENT :
 JOURNEY HOMES, LLC
 7251 W. 20th ST., BLDG. L, STE. 200
 GREELEY, CO. 80634
 RMG PROJECT NO: 176933
 DATE: 5/29/20



ROCKY MOUNTAIN
 GROUP
 1601 37th STREET
 EVANS, CO. 80620
 PHONE: (970) 330-1071
 FAX: (970) 330-1252

From: [Megan VanCamp](#)
To: [Abdul Barzak](#)
Subject: RE: Home Based Business Request
Date: Wednesday, February 2, 2022 11:55:33 AM
Attachments: [image008.emz](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image001.png](#)

Hi Abdul:

We are OK with this request if she complies with the Town's requirements and all State and Federal laws. Additionally, she will need to keep nuisances such as traffic, parking, noise, etc...to a minimum and make every effort to avoid causing any issues to/for surrounding properties. The community is first and foremost a Single Family Community, and that is the District's top priority.

Thanks,

Megan VanCamp
Manager/Accountant
Fromm & Company LLC


From: Abdul Barzak <abarzak@townofseverance.org>
Sent: Wednesday, February 2, 2022 8:06 AM
To: Megan VanCamp <[megan@\[REDACTED\]](mailto:megan@[REDACTED])>
Subject: Home Based Business Request

Megan,

I hope you are well and warm!

693 Takin Drive in Hunters Crossing has applied for a Home-Based Business Permit and Business License through the Town of Severance. I have included her application to this e-mail. She is looking to conduct at-home child care Monday – Friday. The Town will require a State License issued by the Dept. of Human Services as well as Town issued Business License as part of the approval process. This process also includes a sign posted at the property and letters mailed to nearby (1000' Radius) property owners. As part of the Town's procedure for approving Home-Based Businesses, we require HOA/Metro District approval first. Please let me know if this is acceptable to the Metro District or give me a call at 970-692-1556

Thank you,

From: [Kaytlyn Slattery](#)
To: [Abdul Barzak](#)
Subject: Fwd: Good News!
Date: Friday, June 17, 2022 4:58:32 PM

Good evening Abdul,

Good news, I am officially licensed! Please see forwarded email for confirmation from Tiffani Stout, the specialist that did my inspection. I do believe I'll be working with Brianna Case from here on out.

I know you mentioned beginning of July for the hearing date but I will be unavailable July 2-July 10. Please let me know what would work for scheduling.

Thank you!

Kaytlyn Slattery
693 Takin Dr
Severance, CO 80550

----- Forwarded message -----

From: Stout, Tiffani <[Tiffani.Stout@\[REDACTED\]](mailto:Tiffani.Stout@[REDACTED])>
Date: Fri, Jun 17, 2022 at 12:39 PM
Subject: Good News!
To: [kaytlyn](#) [REDACTED] <[kaytlyn](#) [REDACTED]>, Case, Brianna
<[Brianna.Case@\[REDACTED\]](#)>

Hi Kaytlyn, your license (1764795) is showing open effective today, 6/17/2022. Please watch for your hard copy to come in the mail and post it in a highly visible and conspicuous location once received.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Ordinance 2022-13: An Ordinance Amending Land Use Code	Keith Martin, Town Attorney	Keith Martin, Town Attorney
ACTION REQUESTED		
Management and Legal ask that the Town Council review and discuss Ordinance 2022-13 and take action. - Actions that may be taken: - Move to approve Ordinance 2022-13, as amended - Move to approve Ordinance 2022-13, as presented at the June 28, 2022 Town Council meeting - Take no action		<u>Ordinance</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
As discussed at previous meetings, the Town Council has determined that the town's regulations regarding adequate public facilities and assured utility system capacity requirements for proposed subdivisions and developments are inadequate to properly integrate utility service reliability safeguards into land use approval processes. As proposed by Legal and Town Management, this ordinance along with additional directions provided by the Town Council will help address these identified inadequate regulations and place reliable safeguards into land use approval processes.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Management Recommends the Town Council move to approve Ordinance 2022-13.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: - Ord 2022-13 - Severance Land Use Code Amendments (assured utility capacity) - Ord 2022-13 - Severance Land Use Code Amendments (assured utility capacity) 6.28.22		

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, AMENDING ARTICLE 4, AND SECTIONS 16.4.10, 16.4.50, 16.4.55,
16.4.90, 16.5.10 AND 16.5.20 OF CHAPTER 16 OF THE SEVERANCE MUNICIPAL
CODE PERTAINING TO ASSURED UTILITY SYSTEM CAPACITY REQUIREMENTS
FOR SUBDIVISION AND SITE PLAN APPLICATIONS AND APPROVALS**

WHEREAS, the Town Council has determined that the Town's regulations regarding adequate public facilities and assured utility system capacity requirements for proposed subdivisions and developments requiring site plan applications and approvals presently set forth in Chapter 16 of the Severance Land Use Code are inadequate to properly integrate utility service reliability safeguards into land use approval processes; and

WHEREAS, the Town desires to amend Articles 4 and 5 of Chapter 16 of the Severance Land Use Code to address these existing deficiencies, and the Town finds that enacting more robust regulations relating to adequate public facilities and assured utility capacity requirements will increase the effectiveness of the Land Use Code with regard to its underlying goals, and that amending the Land Use Code to tie together land use decisions and utility supply and demand projections to preserve the integrity of the Land Use Code promotes the public health, safety, and general welfare.

WHEREAS, this ordinance is enacted pursuant to the Town of Severance's home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance's police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:¹

Section 1. Section 16.4.10, "General Provisions," of the Severance Municipal Code is amended by the addition of a new subsection (e), to read as follows:

(e) Except with respect to property which is platted as a lot or part of a subdivision approved in accordance with the provisions of this Land Use Code (or prior law, if applicable), no building permit or certificate of occupancy shall be issued for any of the following and no person shall perform any of the following:

- (1) construction of any new principal building;
- (2) enlargement of any principal building used for nonresidential purposes by more than twenty-five (25) percent of the existing floor area of such building;
- (3) an act which changes the use of any building.

¹ Additions to the current text of the Code are indicated by underlining, and deletions are indicated by ~~striketrough~~.

Section 2. Subsection 16.4.50(b)(2)(h), “Preliminary plat application process – General development information,” of the Severance Municipal Code is amended to read as follows:

h. General development information. A written description of the existing conditions on the site and the proposed development shall include an explanation of how:

1. The preliminary plat is consistent with the concept Plan and how the items of concern expressed by the Planning Commission, ~~Board of Trustees~~ Town Council and the public at the time of concept Plan have been addressed;
2. The Plan is consistent with this Code and the Comprehensive Plan;
3. Public facilities are consistent with the following adopted Town documents, which are on file in the Town’s Community Development Department:
 - a. Comprehensive Plan;
 - b. Transportation Master Plan;
 - c. E. Harmony Road/WCR 74 and 1st Street/WCR 23 Corridor Plan;
 - d. Water, Sewer, and Non-potable Water Master Plans, if applicable;
 - e. Storm Water Master Plan, if applicable; and
 - f. Other adopted documents related to Town utility enterprises or Town capital improvements.

Section 3. Subsection 16.4.50(b)(2)(i), “Preliminary plat application process – Preliminary grading and drainage Plan and report,” of the Severance Municipal Code is amended to read as follows:

i. Preliminary grading and drainage Plan and report. The purpose of the preliminary drainage Plan and report is to identify existing site conditions and drainage problems, as well as those anticipated to result from development (whether on site or off site), and to present conceptual solutions to those problems. Historic drainage patterns and the effects of off-site drainage areas on the development and the effects of the development on downstream properties must be thoroughly assessed. This Plan and report must be certified by a Colorado-registered professional engineer and include approximate earthwork quantities (how earthwork on the site is “balanced”), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control Plans and specifications. It must also discuss the impacts on any existing floodways and/or floodplains, both on and adjacent to the site, as well as any Federal Emergency Management Agency (FEMA) applications required. It must also discuss previously submitted drainage studies for the site or project and their influence on the proposed stormwater facility design for the

site, , and if applicable, the Storm Water Master Plan, how recommendations in the Storm Water Master Plan affect the stormwater facility design for the site, and how the proposed stormwater facility design complies with the Storm Water Master Plan. It must also provide sufficient information for an initial assessment of whether the proposed stormwater facility design for the site can safely convey storm water runoff through the development to an adequate storm water system and accessible point of disposal with sufficient system capacity to carry necessary flow of the proposed development without overflowing downstream channels and existing storm drainage facilities or causing damage to property.

Section 4. Subsection 16.4.50(b)(2)(j), “Preliminary plat application process – Preliminary water and sewer Plan and study,” of the Severance Municipal code is amended to read as follows:

j. Preliminary water and sewer Plan and study. A Colorado-registered professional engineer shall prepare this Plan. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision. It must discuss the projected total water needs of the development for domestic consumption and fire protection, including without limitation, data on projected annual usage (GPY), average day demand (GPM/GPD), and maximum day demand (GPM/GPD), peak hour flow (GPM), as well as the projected total flow of sewage through a treatment plant expected to be generated by the proposed development. It must also discuss previous water and sewer studies for the site or project and their influence on the proposed design for water and sewer facilities, and if applicable, the Water, Sewer, and/or Non-potable Water Master Plans, how recommendations in the Water, Sewer, and/or Non-potable Water Master Plans affect the proposed water and sewer improvements for the site, and how the proposed water and sewer improvements for the site comply with the Water, Sewer, and/or Non-potable Water Master Plans. If located within the boundaries of the town’s water, non-potable water, or sewer utility enterprise respective service areas, it must also provide sufficient information for an initial assessment of the proposed development’s impact on all parts of the town’s sanitary sewage collection system (including without limitation laterals, interceptors, lift stations, treatment plants, points of discharge), potable and/or non-potable water systems (including without limitation water source, water quality, treatment, storage, pumping facilities, and metering devices), as well as an evaluation of the adequacy of the town’s water, non-potable water, and/or sewer (where applicable) utility enterprises, respectively, to serve the proposed development together with existing development and development which is reasonably probable of connecting to the applicable town utility system (e.g., legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 5. Subsection 16.4.50(c), “Preliminary plat review criteria,” of the Severance Municipal Code is amended by the addition of new subsections (7) and (8), to read as follows:

- (7) The preliminary grading and drainage Plan and report:
 - a. indicates the stormwater management facility design for the proposed development adequately addresses all stormwater management and stormwater impacts anticipated to result from the proposed development (whether on site or off-site);

- b. indicates that the proposed stormwater management facility design has considered the drainage basin as a whole and maintains the historic drainage path within the basin;
 - c. indicates that the proposed stormwater management facility design can safely convey storm water runoff to an adequate storm drainage system and accessible point of disposal with sufficient system capacity to carry not only the necessary flow of the proposed development but also, where applicable, the runoff from those areas adjacent to and upstream from the proposed development itself, without overflowing downstream channels and existing storm drainage facilities or causing damage to downstream properties; and
 - d. demonstrates that stormwater runoff from the proposed development will not conflict with other land uses or negatively impact lands downstream, nor will it impair or disrupt any existing floodways and/or floodplains, both on and adjacent to the site or the functioning of other utility systems, both on and adjacent to the site.
- (8) The preliminary water and sewer plan and study:
- a. indicates the proposed water, non-potable and sewer systems for the proposed development can be feasibly connected to the applicable town utility enterprise system or other utility service provider's utility system;
 - b. indicates the proposed water, non-potable and sewer systems for the proposed development conform to the Town's Water, Sewer, and/or Non-potable Water Master Plans, where applicable; and
 - c. confirms that there will be adequate resources, facilities, and utility systems to adequately support and serve the proposed development together with existing development and development which is reasonably probable of connecting to the applicable town utility system (*e.g.*, legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 6. Subsection 16.4.50(c), "Preliminary plat review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (9), to read as follows:

(9) The amount of unused capacity of existing utility facilities and services, including without limitation, water, non-potable water, sanitary sewer, presently available to serve the proposed development, while maintaining sufficient and acceptable levels of service to existing development and development which is reasonably probable of connecting to the applicable town utility system (*e.g.*, legal buildable lots in approved subdivisions for which building permits have not been issued). The Town Engineer shall be responsible for completing and presenting a capacity assessment for the proposed development to the decision-maker, and the applicant shall be furnished a copy of such assessment in advance.

Section 7. Subsection 16.4.50(c), “Preliminary plat review criteria,” of the Severance Municipal Code is amended by the addition of a new subsection (10), to read as follows:

(10) The recommendations of the Town Engineer and/or other agencies, together with any supporting analysis or other information presented, regarding the available capacity of the water, non-potable water, sanitary sewer, and storm drainage utility systems that will be impacted by the proposed development, and whether existing utility facilities and services are presently available to, and adequate to serve, the proposed subdivision.

Section 8. Subsection 16.4.55(b)(4), “Preliminary plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

(d) Existing or proposed utility facilities and services within the service area for the proposed subdivision are currently or will be adequate to meet the expected impact on and use of utility facilities and services by all possible uses of the proposed subdivision, and such uses will not compromise the overall operation of the applicable town utility enterprise or other utility service provider or the quality of service to be provided to existing customers of the applicable town utility enterprise or other utility service provider.

Section 9. Subsection 16.4.55(b)(4), “Preliminary plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (e), to read as follows:

(e) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Section 10. Section 16.4.55, “Preliminary plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (c), to read as follows:

(c) The decision-maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the proposed development will be served by adequate water, sewer, and storm drainage facilities. These improvements include, but are not limited to:

- (1) The construction of mains in all public and private streets or utility easements within and adjacent to the proposed development;
- (2) The construction of mains through the development to serve the lots and buildings within the development and to adjacent properties to allow them to connect to and extend the water or sewer system;
- (3) The construction of off-site improvements needed to:
 - a. Connect to the existing system;
 - b. Provide the storage and flows needed to meet the level of service standards and the requirements of the Water System Plan;

- c. Provide collection capacity needed to meet the level of service standards and the anticipated demand from the service area;
 - d. Provide the storage and flows needed to meet the water demands generated by the proposed development;
 - e. Provide the storage and flows needed to supply the fire flows needed to serve the development;
- (4) The construction of pressure-reducing valves and similar appurtenances to provide pressure zone separation in the distribution system;
 - (5) The construction of lift and/or pump stations needed to serve the development if it is in a special pressure zone or because of topographical considerations. This will only be required or allowed in accordance with designated permanent lift and/or pump stations listed or shown in the current Water System Plan or Sewer System Plan;
 - (6) The construction of replacements or improvements to existing facilities in order to maintain an established level of service for sanitary sewage discharge from the service area or for water system demand and fire flow to the development;
 - (7) The construction of replacements or improvements to existing off-site facilities to the extent that the new development would cause the level of service for existing customers to drop below existing standards; or
 - (8) The transfer or dedication of easements or land needed for the construction and maintenance of utility system improvements.

Section 11. Section 16.4.55, “Preliminary plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

- (d) A preliminary plat shall not be approved unless the Town Council determines that:
 - (1) the town’s or other utility service provider’s potable and non-potable water supply and distribution systems are or will be adequate to deliver the projected treated and non-potable water needs of the proposed development, including pressure and flow for normal operation of plumbing fixtures, water using appliances, requirements set by the responsible fire protection agency, and irrigation, when considered together with the following:
 - a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;

- d. other proposed subdivisions that have received final plat stage approval and have paid all applicable water utility fees.
- (2) the town's or other utility service provider's sanitary sewage collection system is or will be adequate to accommodate the sewage disposal needs of the proposed development, when considered together with the following:
- a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions that have received final plat stage approval and have paid all applicable wastewater (sanitary sewer) utility fees.
- (3) the town's or utility service provider's storm drainage collection system is or will be adequate to accommodate the projected flows of the proposed development, when considered together with the following:
- a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued.

Section 12. Subsection 16.4.90(b)(4), "Final plat findings," of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

- d. The Final Plat is found to be in substantial compliance with all respects of the approved Preliminary Plat and incorporates all recommended changes, modifications, and conditions attached to approval of the Preliminary Plat.

Section 13. Subsection 16.4.90(b)(4), "Final plat findings," of the Severance Municipal Code is amended by the addition of a new subsection (e), to read as follows:

- e. Plans and specifications for improvements connected with development of the subdivision comply with the subdivision development and design standards set forth in Chapter 16 of the Severance Municipal Code and any other relevant Town, County, State, or Federal regulations, except to the extent modifications, variances, or exceptions have been expressly permitted by the terms of the Preliminary Plat approval. All final water reports, final sanitary sewer reports, final sewage collection and water supply distribution plans, final drainage plans and reports, and construction plans for improvements shall be approved by the Town Engineer prior to the Town Council's action on the Final Plat.

Section 14. Subsection 16.4.90(b)(4), “Final plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (f), to read as follows:

f. The applicant has either installed all required improvements or has executed a Development Agreement pursuant to 16.4.70 of this Code.

Section 15. Subsection 16.4.90(b)(4), “Final plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (g), to read as follows:

g. The applicant has paid or satisfied all applicable fees and charges.

Section 16. Article 4, “Subdivision,” of the Severance Municipal Code is amended by the addition of a new section 16.4.100, entitled “Subdivision Development,” to read as follows:

Sec. 16.4.100. - Subdivision Development.

(a) Improvements Required.

(1) Applicants shall be required to pay for and construct all on-site and off-site public improvements and common facilities that are required to adequately serve the proposed development or are deemed necessary to address the impact caused by the proposed development. Payment for and construction of such on-site and off-site public improvements and common facilities shall be a requirement of the approval of a proposed development under this article. The public improvements and common facilities required to be paid for and constructed as part of the proposed development shall be governed by a separate Development Agreement pursuant to 16.4.70 of this Code.

(b) Town Utilities and Facilities and Reimbursement for Qualifying Public Improvements.

(1) In the event that the Town has constructed a utility or facility to serve future development and the proposed subdivision connects to said utility or facility, the Town and applicant may enter into an agreement for the Town to recover an equitable portion of the excess born by the Town.

Section 17. Article 4, “Subdivision,” of the Severance Municipal Code is amended by the addition of a new section 16.4.110, entitled “Oversizing Water and Sewer Lines,” to read as follows:

Sec. 16.4.110. - Oversizing Water and Sewer Lines.

Oversizing of water lines may be required by the Town beyond the needs of the subdivision development and standard Town specification. In such cases the applicant shall pay for the cost of the line. In the event oversized utilities are required and are greater than twelve (12) inches in diameter, applicants can initiate requests for oversize recovery or reimbursement following final acceptance of the water or sewer line as part of a Development Agreement. The method and time of payment shall be established in accordance with the current policies of the Town and/or Development Agreement.

Section 18. Subsection 16.5.10(a)(2)(i), “Site plan application submittal – Grading and drainage Plan and report,” of the Severance Municipal Code is amended to read as follows:

i. Grading and drainage Plan and report. The purpose of the drainage Plan and report is to identify existing site conditions and drainage problems, as well as those anticipated to result from development (whether on site or off site), and to present conceptual solutions to those problems. Historic drainage patterns and the effects of off-site drainage areas on the development and the effects of the development on downstream properties must be thoroughly assessed. This Plan and report must be certified by a Colorado-registered professional engineer and must include approximate earthwork quantities (how earthwork on the site is “balanced”), storm drainage concepts, such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control Plans and specifications. It must also discuss the impacts on any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications required. It must also discuss previously submitted drainage studies for the site or project and their influence on the proposed stormwater facility design, and if applicable, the Storm Water Master Plan, how recommendations in the Storm Water Master Plan affect the stormwater facility design for the site, and how the proposed stormwater facility design complies with the Storm Water Master Plan. It must also provide sufficient information for an initial assessment of whether the proposed stormwater facility design can safely convey storm water runoff through the development to an adequate storm water system and accessible point of disposal with sufficient system capacity to carry necessary flow of the proposed development without overflowing downstream channels and existing storm drainage facilities or causing damage to property.

Section 19. Subsection 16.5.10(a)(2)(j), “Site plan application submittal – Utility Plans and reports prepared by a registered professional engineer, of the Severance Municipal Code is amended to read as follows:

j. Utility Plans and report prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the ~~subdivision~~ proposed development. It must discuss the projected total water needs of the development for domestic consumption and fire protection, including without limitation, data on projected annual usage (GPY), average day demand (GPM/GPD), and maximum day demand (GPM/GPD), peak hour flow (GPM), as well as the projected total flow of sewage through a treatment plant expected to be generated by the proposed development. It must also discuss previous water and sewer studies for the site or project and their influence on the proposed design for water and sewer facilities, , and if applicable, the Water, Sewer, and/or Non-potable Water Master Plans, how recommendations in the Water, Sewer, and/or Non-potable Water Master Plans affect the proposed water and sewer improvements for the site, and how the proposed water and sewer improvements for the site comply with the Water, Sewer, and/or Non-potable Water Master Plans. If located within the boundaries of the town’s water, non-potable water, or sewer utility enterprise respective service areas, it must also provide sufficient information for an initial assessment of the proposed development’s impact on all parts of the town’s sanitary sewage collection system (including without limitation laterals, interceptors, lift stations, treatment plants, points of discharge), potable and/or non-potable water systems (including without limitation water source, water quality, treatment, storage, pumping facilities,

and metering devices), as well as an evaluation of the adequacy of the town's water, non-potable water, and/or sewer (where applicable) utility enterprises, respectively, to serve the proposed development together with existing development and development which is reasonably probable of connecting to the applicable town utility system (e.g., legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 20. Subsection 16.5.10(b), "Site plan review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (7), to read as follows:

(7) The drainage and utility plans and studies confirm that there will be adequate resources, facilities, and utility systems to adequately support and serve the proposed development together with existing development and development which is reasonably probable of connecting to the applicable town utility system (e.g., legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 21. Subsection 16.5.10(b), "Site plan review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (8), to read as follows:

(8) The amount of unused capacity of existing utility facilities and services, including without limitation, water, non-potable water, sewer and storm drainage, presently available to serve the proposed development, while maintaining sufficient and acceptable levels of service to existing development. The Town Engineer shall be responsible for completing and presenting a capacity assessment for the proposed development to the decision-maker, and the applicant shall be furnished a copy of such assessment in advance.

Section 22. Subsection 16.5.10(b), "Site plan review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (9), to read as follows:

(9) The recommendations of the Town Engineer and/or other agencies, together with any supporting analysis or other information presented, regarding the available capacity of the water, non-potable water, sewer, and storm drainage utility systems that will be impacted by the proposed development, and whether existing utility facilities and services are presently available to, and adequate to serve, the proposed development.

Section 23. Subsection 16.5.20(b)(4), "Site plan findings," of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

d. Public facilities are consistent with the following adopted Town documents, which are on file in the Town's Community Development Department:

1. Comprehensive Plan;
2. Transportation Master Plan;
3. E. Harmony Road/WCR 74 and 1st Street/WCR 23 Corridor Plan;

4. Water, Sewer, and Non-potable Water Master Plans, if applicable;
5. Storm Drainage Master Plan, if applicable; and
6. Other adopted documents related to Town utility enterprises and Town capital improvements.

Section 24. Subsection 16.5.20(b)(4), “Site plan findings,” of the Severance Municipal Code is amended by the addition of a new subsection (e), to read as follows:

e. Existing or proposed utility facilities and services within the service area for the proposed development are currently or will be adequate to meet the expected impact on and use of utility facilities and services by all possible uses of the proposed development, and such uses will not compromise the overall operation of the town’s utility enterprises or other utility service provider or the quality of service to be provided to existing customers of the applicable town utility enterprise or other utility service provider.

Section 25. Subsection 16.5.20(b)(4), “Site plan findings,” of the Severance Municipal Code is amended by the addition of a new subsection (f), to read as follows:

f. As applicable, the proposed phasing plan for the development is rational in terms of available infrastructure capacity.

Section 26. Section 16.5.20, “Site plan findings,” of the Severance Municipal Code is amended by the addition of a new subsection (c), to read as follows:

(c) The decision-maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the proposed development will be served by adequate water, sewer, and storm drainage facilities. These improvements include, but are not limited to:

- (1) The construction of mains in all public and private streets or utility easements within and adjacent to the proposed development;
- (2) The construction of mains through the development to serve the lots and buildings within the development and to adjacent properties to allow them to connect to and extend the water or sewer system;
- (3) The construction of off-site improvements needed to:
 - a. Connect to the existing system;
 - b. Provide the storage and flows needed to meet the level of service standards and the requirements of the Water System Plan;
 - c. Provide collection capacity needed to meet the level of service standards and the anticipated demand from the service area;

- d. Provide the storage and flows needed to meet the water demands generated by the proposed development;
- e. Provide the storage and flows needed to supply the fire flows needed to serve the development;
- (4) The construction of pressure-reducing valves and similar appurtenances to provide pressure zone separation in the distribution system;
- (5) The construction of lift and/or pump stations needed to serve the development if it is in a special pressure zone or because of topographical considerations. This will only be required or allowed in accordance with designated permanent lift and/or pump stations listed or shown in the current Water System Plan or Sewer System Plan;
- (6) The construction of replacements or improvements to existing facilities in order to maintain an established level of service for sanitary sewage discharge from the service area or for water system demand and fire flow to the development;
- (7) The construction of replacements or improvements to existing off-site facilities to the extent that the new development would cause the level of service for existing customers to drop below existing standards; or
- (8) The transfer or dedication of easements or land needed for the construction and maintenance of utility system improvements.

Section 27. Section 16.5.20, “Site plan findings,” of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

- (d) A site plan shall not be approved unless the Town Council determines that:
 - (1) the town’s or other utility service provider’s potable and non-potable water supply and distribution systems are or will be adequate to deliver the projected treated and non-potable water needs of the proposed development, including pressure and flow for normal operation of plumbing fixtures, water using appliances, requirements set by the responsible fire protection agency, and irrigation, when considered together with the following:
 - a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions that have received final plat stage approval and have paid all applicable water utility fees;

- e. other proposed developments that have received site plan stage approval and have paid all applicable water utility fees.
- (2) the town's or other utility service provider's sanitary sewage collection system is or will be adequate to accommodate the sewage disposal needs of the proposed development, when considered together with the following:
- a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions that have received final plat stage approval and that have paid all applicable wastewater (sanitary sewer) utility fees;
 - e. other proposed developments that have received site plan stage approval and have paid all applicable wastewater (sanitary sewer) utility fees.
- (3) the town's or other utility service provider's storm drainage collection system is or will be adequate to accommodate the projected flows of the proposed development, when considered together with the following:
- a. buildings under construction that will be connected to the utility;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued.

Section 28. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 29. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 30. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN
FULL this ____ day of _____, 2022.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, AMENDING ARTICLE 4, AND SECTIONS 16.4.10, 16.4.50, 16.4.55,
16.4.90, 16.5.10 AND 16.5.20 OF CHAPTER 16 OF THE SEVERANCE MUNICIPAL
CODE PERTAINING TO ASSURED UTILITY SYSTEM CAPACITY REQUIREMENTS
FOR SUBDIVISION AND SITE PLAN APPLICATIONS AND APPROVALS**

WHEREAS, the Town Council has determined that the Town's regulations regarding adequate public facilities and assured utility system capacity requirements for proposed subdivisions and developments requiring site plan applications and approvals presently set forth in Chapter 16 of the Severance Land Use Code are inadequate to properly integrate utility service reliability safeguards into land use approval processes; and

WHEREAS, the Town desires to amend Articles 4 and 5 of Chapter 16 of the Severance Land Use Code to address these existing deficiencies, and the Town finds that enacting more robust regulations relating to adequate public facilities and assured utility capacity requirements will increase the effectiveness of the Land Use Code with regard to its underlying goals, and that amending the Land Use Code to tie together land use decisions and utility supply and demand projections to preserve the integrity of the Land Use Code promotes the public health, safety, and general welfare.

WHEREAS, this ordinance is enacted pursuant to the Town of Severance's home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance's police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE, COLORADO:¹**

Section 1. Section 16.4.10, "General Provisions," of the Severance Municipal Code is amended by the addition of a new subsection (e), to read as follows:

(e) Except with respect to property which is platted as a lot or part of a subdivision approved in accordance with the provisions of this Land Use Code (or prior law, if applicable), no building permit or certificate of occupancy shall be issued for any of the following and no person shall perform any of the following:

- (1) construction of any new principal building;
- (2) enlargement of any principal building used for nonresidential purposes by more than twenty-five (25) percent of the existing floor area of such building;
- (3) an act which changes the use of any building.

¹ Additions to the current text of the Code are indicated by underlining, and deletions are indicated by ~~strike through~~.

Section 2. Subsection 16.4.50(b)(2)(h), “Preliminary plat application process – General development information,” of the Severance Municipal Code is amended to read as follows:

h. General development information. A written description of the existing conditions on the site and the proposed development shall include an explanation of how:

1. The preliminary plat is consistent with the concept Plan and how the items of concern expressed by the Planning Commission, ~~Board of Trustees~~ Town Council and the public at the time of concept Plan have been addressed;
2. The Plan is consistent with this Code and the Comprehensive Plan;
3. Public facilities are consistent with the following adopted Town documents, which are on file in the Town’s Community Development Department:
 - a. Comprehensive Plan;
 - b. Transportation Master Plan;
 - c. E. Harmony Road/WCR 74 and 1st Street/WCR 23 Corridor Plan;
 - d. Water, Sewer, and Non-potable Water Master Plans, if applicable;
 - e. Storm Water Master Plan, if applicable; and
 - f. Other adopted documents related to Town utility enterprises or Town capital improvements.

Section 3. Subsection 16.4.50(b)(2)(i), “Preliminary plat application process – Preliminary grading and drainage Plan and report,” of the Severance Municipal Code is amended to read as follows:

i. Preliminary grading and drainage Plan and report. This Plan and report must be certified by a Colorado-registered professional engineer and include approximate earthwork quantities (how earthwork on the site is “balanced”), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control Plans and specifications. It must also discuss the impacts on any existing floodways and/or floodplains, both on and adjacent to the site, as well as any Federal Emergency Management Agency (FEMA) applications required. It must also discuss previous drainage studies or master plans for the site or project and their influence on the proposed stormwater facility design, drainage studies for adjacent developments and how those developments affect the stormwater facility design for the site, and if applicable, the Storm Water Master Plan, how recommendations in the Storm Water Master Plan affect the stormwater facility design for the site, and how the proposed stormwater facility design complies with the Storm Water Master Plan. It must also provide sufficient information for an initial

assessment of whether the site can safely convey storm water runoff to an adequate storm water system and accessible point of disposal with sufficient system capacity to carry necessary flow of the proposed development without overflowing downstream channels and existing storm drainage facilities or causing damage to property.

Section 4. Subsection 16.4.50(b)(2)(j), “Preliminary plat application process – Preliminary water and sewer Plan and study,” of the Severance Municipal code is amended to read as follows:

j. Preliminary water and sewer Plan and study. A Colorado-registered professional engineer shall prepare this Plan. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision. It must discuss the projected total water needs of the development for domestic consumption and fire protection, including without limitation, data on projected annual usage (GPY), average day demand (GPM/GPD), and maximum day demand (GPM/GPD), peak hour flow (GPM), as well as the projected total flow of sewage through a treatment plant expected to be generated by the proposed development. It must also discuss previous water and sewer studies or pertinent master plans for the site or project and their influence on the proposed design for water and sewer facilities, water and sewer studies for adjacent developments and how those developments affect the proposed design for water and sewer facilities for the site, and if applicable, the Water, Sewer, and/or Non-potable Water Master Plans, how recommendations in the Water, Sewer, and/or Non-potable Water Master Plans affect the proposed water and sewer improvements for the site, and how the proposed water and sewer improvements for the site comply with the Water, Sewer, and/or Non-potable Water Master Plans. If located within the boundaries of the town’s water, non-potable water, or sewer utility enterprise respective service areas, it must also provide sufficient information for an initial assessment of the proposed development’s impact on all parts of the town’s sanitary sewage collection system (including without limitation laterals, interceptors, lift stations, treatment plants, points of discharge), potable and/or non-potable water systems (including without limitation water source, water quality, treatment, storage, pumping facilities, and metering devices), as well as an evaluation of the adequacy of the town’s water, non-potable water, and/or sewer (where applicable) utility enterprises, respectively, to serve the proposed development together with existing development and development which is reasonably probable of connecting to the applicable town utility system (e.g., legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 5. Subsection 16.4.50(c), “Preliminary plat review criteria,” of the Severance Municipal Code is amended by the addition of new subsections (7) and (8), to read as follows:

(7) The preliminary grading and drainage Plan and report:

- a. indicates the stormwater management facility design for the proposed development adequately addresses all stormwater management and stormwater impacts anticipated to result from the proposed development (whether on site or off-site);

- b. indicates that the proposed stormwater management facility design has considered the drainage basin as a whole;
 - c. indicates that the proposed stormwater management facility design can safely convey storm water runoff to an adequate storm drainage system and accessible point of disposal with sufficient system capacity to carry not only the necessary flow of the proposed development but also, where applicable, the runoff from those areas adjacent to and upstream from the proposed development itself, without overflowing downstream channels and existing storm drainage facilities or causing damage to downstream properties; and
 - d. demonstrates that stormwater runoff from the proposed development will not conflict with other land uses or negatively impact lands downstream, nor will it impair or disrupt any existing floodways and/or floodplains, both on and adjacent to the site or the functioning of other utility systems, both on and adjacent to the site.
- (8) The preliminary water and sewer plan and study:
- a. indicates the proposed water, non-potable and sewer systems for the proposed development can be feasibly connected to the applicable town utility enterprise system or other utility service provider's utility system;
 - b. indicates the proposed water, non-potable and sewer systems for the proposed development conform to the Town's Water, Sewer, and/or Non-potable Water Master Plans, where applicable; and
 - c. confirms that there will be adequate resources, facilities, and utility systems to adequately support and serve the proposed development together with existing development and development which is reasonably probable of connecting to the applicable town utility system (*e.g.*, legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 6. Subsection 16.4.50(c), "Preliminary plat review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (9), to read as follows:

(9) The amount of unused capacity of existing utility facilities and services, including without limitation, water, non-potable water, sanitary sewer, and storm drainage, presently available to serve the proposed development, while maintaining sufficient and acceptable levels of service to existing development and development which is reasonably probable of connecting to the applicable town utility system (*e.g.*, legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 7. Subsection 16.4.50(c), "Preliminary plat review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (10), to read as follows:

(10) The recommendations of the Town Engineer and/or other agencies, together with any supporting analysis or other information presented, regarding the available capacity of the water, non-potable water, sanitary sewer, and storm drainage utility systems that will be impacted by the proposed development, and whether existing utility facilities and services are presently available to, and adequate to serve, the proposed subdivision.

Section 8. Subsection 16.4.55(b)(4), “Preliminary plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

(d) Existing or proposed utility facilities and services within the service area for the proposed subdivision are currently or will be adequate to meet the expected impact on and use of utility facilities and services by all possible uses of the proposed subdivision, and such uses will not endanger the overall operation of the applicable town utility enterprise or other utility service provider or the quality of service to be provided to existing customers of the applicable town utility enterprise or other utility service provider.

Section 9. Subsection 16.4.55(b)(4), “Preliminary plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (e), to read as follows:

(e) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Section 10. Section 16.4.55, “Preliminary plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (c), to read as follows:

(c) The decisionmaker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the proposed development will be served by adequate water, sewer, and storm drainage facilities. These improvements include, but are not limited to:

- (1) The construction of mains in all public and private streets or utility easements within and adjacent to the proposed development;
- (2) The construction of mains through the development to serve the lots and buildings within the development and to adjacent properties to allow them to connect to and extend the water or sewer system;
- (3) The construction of off-site improvements needed to:
 - a. Connect to the existing system;
 - b. Provide the storage and flows needed to meet the level of service standards and the requirements of the Water System Plan;
 - c. Provide collection capacity needed to meet the level of service standards and the anticipated demand from the service area;

- d. Provide the storage and flows needed to meet the water demands generated by the proposed development;
- e. Provide the storage and flows needed to supply the fire flows needed to serve the development;
- (4) The construction of pressure-reducing valves and similar appurtenances to provide pressure zone separation in the distribution system;
- (5) The construction of lift and/or pump stations needed to serve the development if it is in a special pressure zone or because of topographical considerations. This will only be required or allowed in accordance with designated permanent lift and/or pump stations listed or shown in the current Water System Plan or Sewer System Plan;
- (6) The construction of replacements or improvements to existing facilities in order to maintain an established level of service for sanitary sewage discharge from the service area or for water system demand and fire flow to the development;
- (7) The construction of replacements or improvements to existing off-site facilities to the extent that the new development would cause the level of service for existing customers to drop below existing standards; or
- (8) The transfer or dedication of easements or land needed for the construction and maintenance of utility system improvements.

Section 11. Section 16.4.55, "Preliminary plat findings," of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

- (d) A preliminary plat shall not be approved unless the Town Council determines that:
 - (1) the town's or other utility service provider's potable and non-potable water supply and distribution systems are or will be adequate to deliver the projected treated and non-potable water needs of the proposed development, including pressure and flow for normal operation of plumbing fixtures, water using appliances, requirements set by the responsible fire protection agency, and irrigation, when considered together with the following:
 - a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions at final plat stage approval.

- (2) the town's or other utility service provider's sanitary sewage collection system is or will be adequate to accommodate the sewage disposal needs of the proposed development, when considered together with the following:
 - a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions at final plat stage approval.
- (3) the town's or utility service provider's storm drainage collection system is or will be adequate to accommodate the projected flows of the proposed development, when considered together with the following:
 - a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions at final plat stage approval.

Section 12. Subsection 16.4.90(b)(4), "Final plat findings," of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

- d. The Final Plat is found to be in substantial compliance with all respects of the approved Preliminary Plat and incorporates all recommended changes, modifications, and conditions attached to approval of the Preliminary Plat.

Section 13. Subsection 16.4.90(b)(4), "Final plat findings," of the Severance Municipal Code is amended by the addition of a new subsection (e), to read as follows:

- e. Plans and specifications for improvements connected with development of the subdivision comply with the subdivision development and design standards set forth in Chapter 16 of the Severance Municipal Code and any other relevant Town, County, State, or Federal regulations, except to the extent modifications, variances, or exceptions have been expressly permitted by the terms of the Preliminary Plat approval. All final water reports, final sanitary sewer reports, final sewage collection and water supply distribution plans, final drainage plans and reports, and construction plans for improvements shall be approved by the Town Engineer prior to the Town Council's action on the Final Plat.

Section 14. Subsection 16.4.90(b)(4), “Final plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (f), to read as follows:

f. The applicant has either installed all required improvements or has executed a Development Agreement pursuant to 16.4.70 of this Code.

Section 15. Subsection 16.4.90(b)(4), “Final plat findings,” of the Severance Municipal Code is amended by the addition of a new subsection (g), to read as follows:

g. The applicant has paid or satisfied all applicable fees and charges.

Section 16. Article 4, “Subdivision,” of the Severance Municipal Code is amended by the addition of a new section 16.4.100, entitled “Subdivision Development,” to read as follows:

Sec. 16.4.100. - Subdivision Development.

(a) Improvements Required.

(1) Applicants shall be required to pay for and construct all on-site and off-site public improvements and common facilities that are required to adequately serve the proposed development or are deemed necessary to address the impact caused by the proposed development. Payment for and construction of such on-site and off-site public improvements and common facilities shall be a requirement of the approval of a proposed development under this article. The public improvements and common facilities required to be paid for and constructed as part of the proposed development shall be governed by a separate Development Agreement pursuant to 16.4.70 of this Code.

(b) Town Utilities and Facilities and Reimbursement for Qualifying Public Improvements.

(1) A proposed subdivision shall not, by reason of its location or design, cause an undue burden on existing Town utility systems or community facilities. What constitutes a burden shall be determined by the Town, and shall be fully examined during the annexation, zoning, and preliminary plat processes for this possibility, prior to the final platting of the property. Where extension, enlargement, or construction of Town utility systems or community facilities are necessitated by a specific subdivision, the applicant will bear the costs of the necessary expansion, enlargement or construction.

(2) In the event that the Town has constructed a utility or facility to serve future development and the proposed subdivision connects to said utility or facility, the Town and applicant may enter into an agreement for the Town to recover an equitable portion of the excess born by the Town.

Section 17. Article 4, “Subdivision,” of the Severance Municipal Code is amended by the addition of a new section 16.4.110, entitled “Oversizing Water and Sewer Lines,” to read as follows:

Sec. 16.4.100. - Oversizing Water and Sewer Lines.

Oversizing of water lines may be required by the Town beyond the needs of the subdivision development and standard Town specification. In such cases the applicant shall pay for the cost of the line. In the event oversized utilities are required and are greater than twelve (12) inches in diameter, applicants can initiate requests for oversize recovery or reimbursement following final acceptance of the water or sewer line as part of a Development Agreement. The method and time of payment shall be established in accordance with the current policies of the Town and/or Development Agreement.

Section 18. Subsection 16.5.10(a)(2)(i), “Site plan application submittal – Grading and drainage Plan and report,” of the Severance Municipal Code is amended to read as follows:

i. Grading and drainage Plan and report. This Plan and report must be certified by a Colorado-registered professional engineer and must include approximate earthwork quantities (how earthwork on the site is “balanced”), storm drainage concepts, such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control Plans and specifications. It must also discuss the impacts on any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications required. It must also discuss previous drainage studies or master plans for the site or project and their influence on the proposed stormwater facility design, drainage studies for adjacent developments and how those developments affect the stormwater facility design for the site, and if applicable, the Storm Water Master Plan, how recommendations in the Storm Water Master Plan affect the stormwater facility design for the site, and how the proposed stormwater facility design complies with the Storm Water Master Plan. It must also provide sufficient information for an initial assessment of whether the site can safely convey storm water runoff to an adequate storm water system and accessible point of disposal with sufficient system capacity to carry necessary flow of the proposed development without overflowing downstream channels and existing storm drainage facilities or causing damage to property.

Section 19. Subsection 16.5.10(a)(2)(j), “Site plan application submittal – Utility Plans and reports prepared by a registered professional engineer, of the Severance Municipal Code is amended to read as follows:

j. Utility Plans and report prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the ~~subdivision~~ proposed development. It must discuss the projected total water needs of the development for domestic consumption and fire protection, including without limitation, data on projected annual usage (GPY), average day demand (GPM/GPD), and maximum day demand (GPM/GPD), peak hour flow (GPM), as well as the projected total flow of sewage through a treatment plant expected to be generated by the proposed development. It must also discuss previous water and sewer studies or pertinent master plans for the site or project and their influence on the proposed design for water and sewer facilities, water and sewer studies for adjacent developments and how those developments affect the proposed design for water and sewer facilities for the site, and if applicable, the Water, Sewer, and/or Non-potable Water Master Plans, how recommendations in the Water, Sewer, and/or Non-potable Water Master Plans affect the proposed water and sewer improvements for the site, and how the proposed water and sewer

improvements for the site comply with the Water, Sewer, and/or Non-potable Water Master Plans. If located within the boundaries of the town's water, non-potable water, or sewer utility enterprise respective service areas, it must also provide sufficient information for an initial assessment of the proposed development's impact on all parts of the town's sanitary sewage collection system (including without limitation laterals, interceptors, lift stations, treatment plants, points of discharge), potable and/or non-potable water systems (including without limitation water source, water quality, treatment, storage, pumping facilities, and metering devices), as well as an evaluation of the adequacy of the town's water, non-potable water, and/or sewer (where applicable) utility enterprises, respectively, to serve the proposed development together with existing development and development which is reasonably probable of connecting to the applicable town utility system (e.g., legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 20. Subsection 16.5.10(b), "Site plan review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (7), to read as follows:

(7) The drainage and utility plans and studies confirm that there will be adequate resources, facilities, and utility systems to adequately support and serve the proposed development together with existing development and development which is reasonably probable of connecting to the applicable town utility system (e.g., legal buildable lots in approved subdivisions for which building permits have not been issued).

Section 21. Subsection 16.5.10(b), "Site plan review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (8), to read as follows:

(8) The amount of unused capacity of existing utility facilities and services, including without limitation, water, non-potable water, sewer and storm drainage, presently available to serve the proposed development, while maintaining sufficient and acceptable levels of service to existing development.

Section 22. Subsection 16.5.10(b), "Site plan review criteria," of the Severance Municipal Code is amended by the addition of a new subsection (9), to read as follows:

(9) The recommendations of the Town Engineer and/or other agencies, together with any supporting analysis or other information presented, regarding the available capacity of the water, non-potable water, sewer, and storm drainage utility systems that will be impacted by the proposed development, and whether existing utility facilities and services are presently available to, and adequate to serve, the proposed development.

Section 23. Subsection 16.5.20(b)(4), "Site plan findings," of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

d. Public facilities are consistent with the following adopted Town documents, which are on file in the Town's Community Development Department:

1. Comprehensive Plan;

2. Transportation Master Plan;
3. E. Harmony Road/WCR 74 and 1st Street/WCR 23 Corridor Plan;
4. Water, Sewer, and Non-potable Water Master Plans, if applicable;
5. Storm Drainage Master Plan, if applicable; and
6. Other adopted documents related to Town utility enterprises and Town capital improvements.

Section 24. Subsection 16.5.20(b)(4), “Site plan findings,” of the Severance Municipal Code is amended by the addition of a new subsection (e), to read as follows:

e. Existing or proposed utility facilities and services within the service area for the proposed development are currently or will be adequate to meet the expected impact on and use of utility facilities and services by all possible uses of the proposed development, and such uses will not endanger the overall operation of the town’s utility enterprises or other utility service provider or the quality of service to be provided to existing customers of the applicable town utility enterprise or other utility service provider.

Section 25. Subsection 16.5.20(b)(4), “Site plan findings,” of the Severance Municipal Code is amended by the addition of a new subsection (f), to read as follows:

f. As applicable, the proposed phasing plan for the development is rational in terms of available infrastructure capacity.

Section 26. Section 16.5.20, “Site plan findings,” of the Severance Municipal Code is amended by the addition of a new subsection (c), to read as follows:

(c) The decision maker can condition its approval and require on-site and off-site improvements or contributions to off-site improvements to ensure the proposed development will be served by adequate water, sewer, and storm drainage facilities. These improvements include, but are not limited to:

- (1) The construction of mains in all public and private streets or utility easements within and adjacent to the proposed development;
- (2) The construction of mains through the development to serve the lots and buildings within the development and to adjacent properties to allow them to connect to and extend the water or sewer system;
- (3) The construction of off-site improvements needed to:
 - a. Connect to the existing system;

- b. Provide the storage and flows needed to meet the level of service standards and the requirements of the Water System Plan;
 - c. Provide collection capacity needed to meet the level of service standards and the anticipated demand from the service area;
 - d. Provide the storage and flows needed to meet the water demands generated by the proposed development;
 - e. Provide the storage and flows needed to supply the fire flows needed to serve the development;
- (4) The construction of pressure-reducing valves and similar appurtenances to provide pressure zone separation in the distribution system;
 - (5) The construction of lift and/or pump stations needed to serve the development if it is in a special pressure zone or because of topographical considerations. This will only be required or allowed in accordance with designated permanent lift and/or pump stations listed or shown in the current Water System Plan or Sewer System Plan;
 - (6) The construction of replacements or improvements to existing facilities in order to maintain an established level of service for sanitary sewage discharge from the service area or for water system demand and fire flow to the development;
 - (7) The construction of replacements or improvements to existing off-site facilities to the extent that the new development would cause the level of service for existing customers to drop below existing standards; or
 - (8) The transfer or dedication of easements or land needed for the construction and maintenance of utility system improvements.

Section 27. Section 16.5.20, “Site plan findings,” of the Severance Municipal Code is amended by the addition of a new subsection (d), to read as follows:

- (d) A site plan shall not be approved unless the Town Council determines that:
 - (1) the town’s or other utility service provider’s potable and non-potable water supply and distribution systems are or will be adequate to deliver the projected treated and non-potable water needs of the proposed development, including pressure and flow for normal operation of plumbing fixtures, water using appliances, requirements set by the responsible fire protection agency, and irrigation, when considered together with the following:
 - a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;

- c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions at final plat stage approval;
 - e. other proposed developments at site plan stage approval.
- (2) the town's or other utility service provider's sanitary sewage collection system is or will be adequate to accommodate the sewage disposal needs of the proposed development, when considered together with the following:
 - a. buildings under construction that will be connected;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions at final plat stage approval;
 - e. other proposed developments at site plan stage approval.
- (3) the town's or other utility service provider's storm drainage collection system is or will be adequate to accommodate the projected flows of the proposed development, when considered together with the following:
 - a. buildings under construction that will be connected to the utility;
 - b. buildings required to connect, but not as yet connected to the utility;
 - c. legal buildable lots in approved subdivisions for which building permits have not been issued;
 - d. other proposed subdivisions at final plat review stage;
 - e. other proposed developments at site plan review stage.

Section 28. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 29. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 30. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2022.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Ordinance 2022-11: Ordinance Regarding Suspension on the Community Development Department's Acceptance and Processing of Certain New Land Use Applications for Residential Development on Land Within the Boundaries of the Town of Severance Water Utility Enterprise (Tabled)	Keith Martin, Town Attorney	Keith Martin
ACTION REQUESTED		
Management and Legal ask the Town Council to discuss the proposed Ordinance 2022-11 regarding a suspension on the Community Development Department's acceptance and processing of certain new land use applications and take action: • Actions that may be taken: ○ Move to approve Ordinance 2022-11 ○ Table Ordinance 2022-11 for the Next Available Meeting ○ Take no action		<u>Ordinance</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
The current Water Service Agreement (inclusive of the 1st and 2nd Amendments thereto) between the Town and North Weld County Water District ("District") confers upon the Town's water utility enterprise the right to use and receive a defined daily peak demand capacity (or flow) of water based upon 1,040 plant investment taps amounting to 1,040 GPM ("Water Flow Requirement") for operation of the Town's potable water system. The current Water Flow Requirement is adequate to serve all existing customers and all approved projects within the boundaries of the Town's water utility enterprise service area. It is not, however, sufficient to meet anticipated maximum peak flow demands for any new residential projects within the Town's water enterprise service area that may receive future land use approvals. Moreover, unless and until the Town and the District execute a new water service agreement, the Town is unable to purchase any additional, new plant investment taps from the District under the terms of the current Water Service Agreement. This ordinance would direct the Community Development Department to halt the acceptance and processing of subdivision, zoning, use by additional review or site plan applications regarding prospective residential developments on land within the boundaries of the Town's water utility enterprise service area until December 31, 2022 to allow the Town and the District to negotiate and execute a new water service agreement that would provide for the future purchase of additional plant investment taps, and in the meantime prevent certain land use applications from going forward that, if ultimately approved before an agreement is in place, would entitle the creation of future residential dwellings without the availability of water service, posing a risk of eroding the overall operation of the Town's potable water system and the quality of service to be provided to customers of the Town's potable water utility		

enterprise.

PUBLIC SUPPORT/CONCERN

None at this time.

ANALYSIS AND RECOMMENDATION

None at this time.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. C.3- Ord 2022-11-Development Land Use Applications Suspension (1)
2. Water Service Area (1)

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, REGARDING A SUSPENSION ON THE COMMUNITY
DEVELOPMENT DEPARTMENT'S ACCEPTANCE AND PROCESSING OF CERTAIN
NEW LAND USE APPLICATIONS FOR RESIDENTIAL DEVELOPMENT ON LAND
WITHIN THE BOUNDARIES OF THE TOWN OF SEVERANCE WATER UTILITY
ENTERPRISE**

WHEREAS, the Town of Severance Water Utility Enterprise ("Town") owns, maintains and operates a system for the storage and distribution of potable water ("Town System") to its residents and customers within the area described and depicted on **Exhibit A**, attached hereto ("Town Service Area"), utilizing the Town's own water supply that includes water resulting from existing water supplies, future water supply projects and existing and after-acquired water rights; and

WHEREAS, North Weld County Water District ("District") owns, maintains and operates a system for the treatment, storage and distribution of potable water ("District System") within Weld County; and

WHEREAS, the Town System, although separate and independent from the District's System, relies solely and exclusively upon the District System to treat and deliver the Town's water supply to the Town's System through two master meters ("Delivery Points"); and

WHEREAS, the Town does not presently own separate and independent water infrastructure or facilities capable of treating and delivering the Town's water supply to the Town System; and

WHEREAS, the District and the Town have entered into an Amended and Restated Water Service Agreement, dated March 9, 2019, as amended by that certain First Amendment to Amended and Restated Water Service Agreement, dated October 25, 2019, and as amended by that certain Second Amendment to Amended and Restated Water Service Agreement, dated April 12, 2022 (collectively, the "Water Service Agreement"), which outlines the rights, duties, and obligations of the District and Town regarding the Town's purchase of taps or plant investment taps from the District and the District's obligation to provide and deliver treated, potable water to the Town System up to the Delivery Points; and

WHEREAS, the Water Service Agreement confers upon the Town the right to use the District System upstream of the Delivery Points to treat and deliver to the Delivery Points a defined annual and daily peak demand capacity (or flow) of water based upon 1,040 plant investment taps ("Water Flow Requirement"), for the operation of the Town System downstream of the Delivery Points and, ultimately, the furnishing of potable water service by the Town to customers within the Town Service Area; and

WHEREAS, presently, the Town System serves approximately 2,595 existing single-family dwellings in the Town; and

WHEREAS, the Town anticipates permitting the construction of approximately 370 additional single-family dwellings for two fully-entitled existing residential developments located entirely within the Town Service Area; and

WHEREAS, the current Water Flow Requirement is capable of serving the 2,595 existing structures in the Town, and is capable of meeting the anticipated needs of new customer demand generated by the approximately 370 new single-family dwellings to be constructed over the course of the next two years; and

WHEREAS, the current Water Flow Requirement, however, would be insufficient to meet anticipated maximum peak flow demands for any new residential projects within the Town Service Area that may receive future land use approvals; and

WHEREAS, the Town and the District, in recognition of the deficiencies and limitations presently existing under the terms of the current Water Service Agreement, agreed as part of the Second Amendment to work in good-faith to negotiate and enter into a new water service agreement; and

WHEREAS, unless and until the Town and the District execute a new water service agreement, the Town is unable to purchase any additional, new plant investment taps from the District under the terms of the current Water Service Agreement; and

WHEREAS, without any additional plant investment taps immediately available for purchase from the District, the Town cannot deliver any amount of additional water to the Delivery Points above and beyond the current Water Flow Requirement now or in the foreseeable future, much less serve *new* residential development in the Town's Service Area (beyond what is already approved and entitled) at a level that would be adequate even to meet minimum health and safety standards and at the same time provide a level of service adequate to meet the needs of existing customers and of the new customers to be generated by residential developments already approved and entitled; and

WHEREAS, halting the acceptance and processing of certain new land use applications for new residential development on land within the Town Service Area is necessary to safeguard and preserve the public health, safety and welfare of the community, because allowing the creation of future residential dwellings within the Town Service Area without adequate water service available from the Town System, would render such dwellings uninhabitable, posing a serious health and safety hazard to their occupants; and

WHEREAS, suspending the acceptance and processing of certain new land use applications for new residential development on land within the Town Service Area is also necessary to protect existing service levels and the overall operation of the Town System, because the entitlement of any new residential development projects within the Town Service Area would pose an imminent risk of eroding the overall operation of the Town's potable water system and the quality of service to be provided to existing customers of the Town's System; and

WHEREAS, the duration of the moratorium imposed by this ordinance is reasonable in length and is no longer than is required to allow the Town to work with the District on negotiating, finalizing and executing a new water service agreement; and

WHEREAS, owners and developers of real property affected by this ordinance desiring to apply for land use approvals to entitle future residential development projects will not be unfairly prejudiced by the imposition of the short, temporary interruption proposed by this ordinance; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance's home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance's police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. Incorporation of recitals. The preceding recitals contained in the ordinance are hereby adopted and made a part of this ordinance and serve as findings of fact by the Town Council.

Section 2. Suspension of Development Review. The Community Development Department is directed not to accept, process, analyze, review or approve the following types of land use applications:

- (a) any *new* applications for subdivision approval for residential lots (of any size) on land or residential zoned property within the Town Service Area, including without limitation, concept plan, preliminary plat, final plat, replats, or minor plat approvals sought pursuant to Article IV, Chapter 16 of the Severance Land Use Code;
- (b) any *new* applications for subdivision approval for planned residential development projects or activities on land or residential zoned property within the Town Service Area, including without limitation, concept plan, preliminary plat, final plat, replats, or minor plat approvals sought pursuant to Article IV, Chapter 16 of the Severance Land Use Code;
- (c) any *new* applications for subdivision approval for mixed-use development projects proposing a residential use on land within the Town Service Area, including without limitation, concept plan, preliminary plat, final plat, replats, or minor plat approvals sought pursuant to Article IV, Chapter 16 of the Severance Land Use Code;
- (d) any *new* applications for site plans seeking development of multi-family dwellings or structures on land within the Town Service Area pursuant to Article V, Chapter 16 of the Severance Land Use Code
- (e) any *new* applications for site plans seeking development of residential accessory dwelling units on land or residential zoned property within the Town Service Area pursuant to Article V, Chapter 16 of the Severance Land Use Code;

- (f) any *new* applications for a major amendment to an existing, approved site plan proposing an expansion of a residential dwelling unit on land or residential zoned property within the Town Service Area or that would have the effect of increasing the gross square footage or net livable area pursuant to Section 16.5.10(c) of the Severance Land Use Code;
- (g) any *new* land use applications for any residential uses requiring additional review approval on land within the Town Service Area pursuant to Article V, Chapter 16 of the Severance Land Use Code;
- (h) any *new* applications for initial zoning of land within the Town Service Area to the Rural Residential or Suburban Perimeter zoning districts for all residential uses pursuant to Article III, Chapter 16 of the Severance Land Use Code; and
- (i) any *new* applications for rezoning of land within the Town Service Area seeking a change in use from an existing non-residential use to a residential use or to allow for a new residential use pursuant to Article III, Chapter 16 of the Severance Land Use Code.

Section 3. Duration. The suspension imposed on the Community Development Department in processing certain land use applications for proposed residential development in the Town Service Area through this ordinance shall commence as of the effective date of this ordinance, and shall expire on December 31, 2022, unless sooner repealed by the Town Council.

Section 4. Exclusions. The Community Development Department shall continue to accept, process, analyze, review or approve the following:

- (a) any application for a residential subdivision or residential development project or activity on land within the Town Service Area that has received final plat or final site plan approval prior to or at the time of passage of this ordinance, so long as such subdivision or development project is confined to the limits, provisions, and conditions of its respective existing Town approvals;
- (b) any application for a phase or filing of a phased residential subdivision or residential development project or activity on land within the Town Service Area that has received final plat or final site plan approval prior to or at the time of passage of this ordinance, so long as such phase or filing is confined to the limits, provisions, and conditions of their respective existing Town approvals;
- (c) any application for a mixed-use subdivision or development project or activity involving a residential use on land within the Town Service Area that has received final plat or final site plan approval prior to or at the time of passage of this ordinance, so long as such subdivision or development project is confined to the limits, provisions, and conditions of its respective existing Town approvals;
- (d) any application for a phase or filing of a phased mixed-use subdivision or development project or activity involving a residential use on land within the Town Service Area that has received final plat or final site plan approval prior to or at the

time of passage of this ordinance, so long as such phase or filing is confined to the limits, provisions, and conditions of their respective existing Town approvals;

- (e) any application for a development, as that term is defined in Section 16.7.10 of the Severance Land Use Code, on land within the Town Service Area submitted on or before the effective date of this ordinance and deemed complete by Town staff, including payment of all development review fees, or currently being processed by the Community Development Department;
- (f) any application for a minor variation to existing, approved site plan pursuant to Section 16.5.10(c) of the Severance Land Use Code;
- (g) building permit applications for any approved development projects or activities on land within the Town Service Area;
- (h) building permit applications for demolition or repair of uninhabitable residential structures on land within the Town Service Area; or
- (i) any application for a development project or activity on land within the Town Service Area that has received or is otherwise eligible to receive a building permit on or at any time after the effective date of this ordinance.

Section 5. Special exceptions. The Town Council shall have the power to grant a special exception to the suspension established in Section 2 of this ordinance, and to order the acceptance and processing of applications that would otherwise be prohibited by this ordinance, if the following conditions are met to the sole satisfaction and discretion of the Town Council:

- (a) A written application for the special exception must be submitted to the Town Clerk, indicating the specific nature of the project proposed, the specific application sought to be submitted, and the land use approval or request sought to be obtained, and stating with particularity the circumstances of the undue, substantial hardship that the applicant will suffer if a special exception is not granted.
- (b) Within 30 days of the Town Clerk's receipt of written application for a special exception, the Town Council shall hold a public hearing on the application for a special exception. Notice shall be given by mail to the owner of the property and applicant, or its agent, at least seven (7) days in advance of the public hearing. Notice of such hearing shall be posted on the property and shall be published in a newspaper of general circulation within the Town of Severance at least seven (7) days prior to the public hearing.
- (c) The Town Council may grant a special exception if it finds all of the following:
 - (i) The acceptance and processing of the subdivision, zoning, use by additional review or site plan application is necessary to: (1) prevent undue, substantial hardship for the applicant, or (2) to allow beneficial use of property that has no adverse impact on the public health, safety, or welfare of the community and such use will not endanger the overall operation of the Town's potable

water system and the quality of service to be provided to existing customers of the Town's System; and

- (ii) The acceptance and processing of the subdivision, zoning, use by additional review or site plan application will not affect the public interest in, or the purpose and reasons for, postponing the processing and review of any such application
- (d) The acceptance and processing of any subdivision, zoning, use by additional review or site plan application pursuant to a special exception granted by the Town Council shall be in accordance with all of the ordinances and regulations of the Town of Severance as if the suspension were not in effect.

Section 6. The provisions of this ordinance and the moratorium imposed hereby shall not affect or otherwise prohibit the acceptance and processing of land use applications for uses and development proposals outside of the specific scope defined herein.

Section 7. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 9. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 26th day of April, 2022.

TOWN OF SEVERANCE, COLORADO

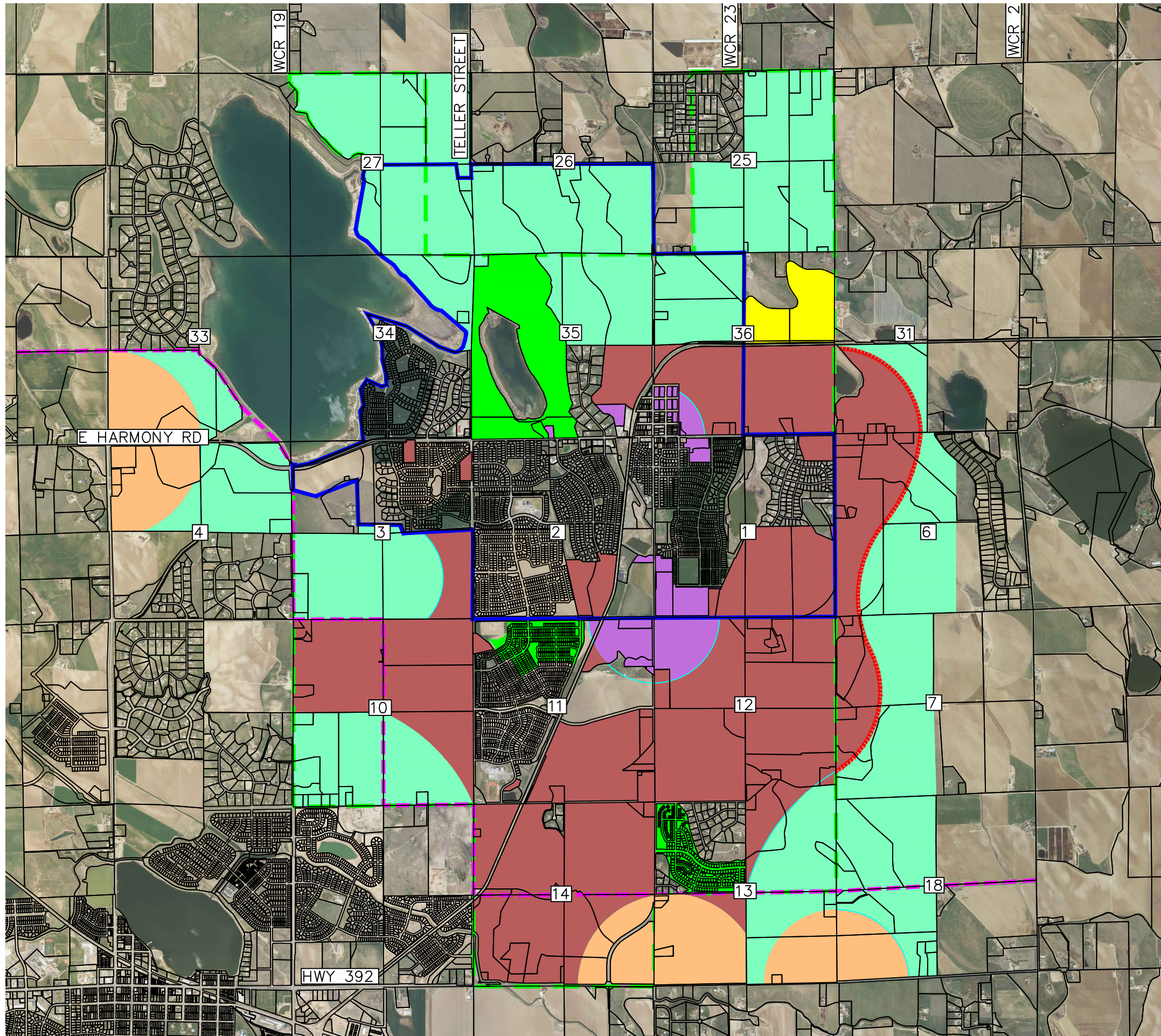
Matthew Fries, Mayor

ATTEST:

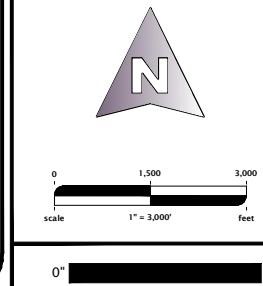
Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney



- ### LEGEND
- SUBURBAN PERIMETER
 - TOWN CORE
 - DEVELOPMENT NODE AND RESTRICTED INDUSTRIAL
 - RURAL RESIDENTIAL (SEPTIC)
 - PENDING DEVELOPMENT
 - CHAPARRAL AREA FOR NWCWD EXCLUSION
 - TOWN OF SEVERANCE WATER SERVICE AREA BOUNDARY
 - TOWN OF SEVERANCE SANITARY SEWER SERVICE AREA BOUNDARY (EX SEV WWTP/INTERCEPTOR)
 - TOWN OF WINDSOR SANITARY SEWER SERVICE BOUNDARY (WINDSOR WWTP)
 - FUTURE TOWN OF SEVERANCE SANITARY SEWER SERVICE BOUNDARY (INTERCEPTOR)



REVISIONS	DESCRIPTION
DATE	

CCG COLORADO CIVIL GROUP, INC.
ENGINEERING CONSULTANTS

2204 HOFFMAN DRIVE
LOVELAND, COLORADO 80538
(970) 278-0029

TOWN OF SEVERANCE
FUTURE LAND USE/UTILITY SERVICE AREAS

EXHIBIT 1

FILE NAME: 0042.0000.10_XP-LAND USE (OCTOBER 2020)
DESIGNED: LJC
CHECKED: CEM
JOB NO: 0042.0000.10
SCALE: 1"=3,000'
DATE: NOVEMBER 23, 2020
SHEET: 1 OF 1



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Ordinance 2022-14: An Ordinance of the Town Council of the Town of Severance, Colorado, Calling an Election on November 8, 2022, and Submitting to the Voters a Ballot Issue to Authorize a Use Tax on the Privilege of Storing, Using, or Consuming within the Town any Motor and other Vehicles for which Transportation Maintenance and Improvement Projects; and to Approve the Ballot Title and Text of the Ballot Issue to be Submitted at such Election	Mary Lynn Macsalka, Town Attorney	Nicholas J. Wharton, MPA
ACTION REQUESTED		
Management asks that the Town Council review and discuss Ordinance 2022-14 and take action. • Actions that may be taken: ○ Move to approve Ordinance 2022-14 ○ Take no action		<u>Ordinance</u> <u>Action Requested</u> <u>Discussion</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
This ordinance would call an election on November 8, 2022, for the Town's electorate to authorize the imposition of a 3% use tax upon the privilege of storing, using, or consuming in the Town any motor and other vehicles for which registration is required by the laws of the State. The revenues generated by the tax will be used to preserve, maintain, improve, and expand the Town's transportation facilities and related infrastructure. The new use tax will be implemented by an ordinance to be presented to the Town Council later this summer, which will provide that the new use tax on motor and other vehicles will become effective if the ballot measure is approved by the voters.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town Staff recommends the Council approve the ordinance.		

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Ord 2022-14 Motor Vehicle Use Tax Ballot Question

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-14**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, CALLING AN ELECTION ON NOVEMBER 8, 2022, AND
SUBMITTING TO THE VOTERS A BALLOT ISSUE TO AUTHORIZE A USE
TAX ON THE PRIVILEGE OF STORING, USING, OR CONSUMING WITHIN
THE TOWN ANY MOTOR AND OTHER VEHICLES FOR WHICH
REGISTRATION IS REQUIRED, FOR THE PURPOSE OF FUNDING
TRANSPORTATION MAINTENANCE AND IMPROVEMENT PROJECTS;
AND TO APPROVE THE BALLOT TITLE AND TEXT OF THE BALLOT ISSUE
TO BE SUBMITTED AT SUCH ELECTION**

WHEREAS, the Town of Severance, Colorado (the “Town”), is a home-rule town duly organized and existing under the Constitution of the State of Colorado and the Home Rule Charter of the Town; and

WHEREAS, the Town provides transportation facilities and related infrastructure improvements to the community to facilitate and promote the safe and efficient travel of vehicles and pedestrians; and

WHEREAS, the Town Council of the Town (the “Town Council”) has determined that additional revenues are required in order to preserve, maintain, improve, and expand the Town’s transportation facilities and related infrastructure improvements in order to protect, preserve, and promote the public health, safety, and welfare of the Town’s residents; and

WHEREAS, the Town presently imposes a sales and use tax at the rate of 3.0% pursuant to Chapter 4, Article 3, of the Severance Municipal Code; and

WHEREAS, the Town Council has determined that the additional revenues needed by the Town should be generated by imposing the Town’s use tax of 3.0% on motor and other vehicles for which registration is required, and that the revenues generated by such tax should be used to improve and enhance the safety, security and quality of life of the Town’s residents by, at a minimum, funding the preservation, maintenance, improvements, and expansion of the Town’s transportation facilities and related infrastructure improvements; and

WHEREAS, the Town Council has determined it is in the best interest of the residents of the Town to present a ballot question to the eligible electors of the Town at the November 8, 2022, election to authorize such use tax levy and collection upon the purchase, sale, lease, rental, use, storage, consumption, or transfer of motor and other vehicles for which registration is required, and the uses of the revenues generated by such increase.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, as follows:

Section 1. Upon adoption of this ordinance by the Town Council of the Town, this

ordinance shall be submitted to a vote of the Town's registered electors on November 8, 2022 (the "Election Date"), which is the next coordinated election. The election shall be conducted in accordance with section 20, article X of the Constitution of the State of Colorado; Article 2, Title 29, C.R.S.; Article 10, Title 31, C.R.S.; and all other applicable provisions of law. As provided in Section 2.01 of the Town Severance Home Rule Charter and in Section 31-10-102.7, C.R.S., the election shall be conducted as a coordinated election pursuant to the requirements and procedures of the "Uniform Election Code of 1992", Articles 1 to 13 of Title 1, C.R.S. At said election, the ballot issue, including absentee ballots, shall state the substance of the issue to be voted on and so stated shall constitute the ballot title, designation, and submission clause, which shall be in the following form:

BALLOT TITLE AND TEXT OF BALLOT ISSUE

Use Tax on Motor Vehicles and Other Vehicles for Which Registration Is Required

SHALL THE TOWN OF SEVERANCE'S TAXES BE INCREASED BY \$ _____ ANNUALLY IN THE FIRST FULL FISCAL YEAR, COMMENCING JANUARY 1, 2023, AND BY SUCH ADDITIONAL AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER, THROUGH THE IMPOSITION OF A THREE-PERCENT (3%) USE TAX UPON THE PRIVILEGE OF STORING, USING, OR CONSUMING IN THE TOWN ANY MOTOR AND OTHER VEHICLES FOR WHICH REGISTRATION IS REQUIRED BY THE LAWS OF THE STATE, BEGINNING JANUARY 1, 2023, AND CONTINUING THEREAFTER, SUCH REVENUES TO BE COLLECTED, RETAINED, AND SPENT FOR THE PURPOSE OF FUNDING THE PRESERVATION, MAINTENANCE, IMPROVEMENT, AND EXPANSION OF THE TOWN'S TRANSPORTATION FACILITIES AND RELATED INFRASTRUCTURE, AND SHALL THE TOWN BE PERMITTED TO COLLECT, RETAIN, AND SPEND ALL REVENUES DERIVED FROM SUCH TAX AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO LIMITS WHICH WOULD OTHERWISE APPLY UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____

NO _____

Section 2. Prior to or upon approval of the above ballot issue by a majority of the registered electors voting thereon, Town Council shall enact an implementing ordinance consistent with all of the terms and conditions contained in the above ballot issue.

Section 3. Upon approval of the above ballot issue by a majority of the registered electors voting thereon, the funds generated by the new use tax will be appropriated as determined by the Town Council of the Town of Severance in its sole discretion, in accordance with the provisions of this ordinance and any subsequent implementing ordinance, and nothing contained herein shall be construed as creating a claim by any individual, group, or entity for receipt of such funds.

Section 4. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the election of November 8, 2022, shall be conducted as a coordinated election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable thereunder to effectuate the election as a coordinated election.

Section 5. The Council appoints Leah Vanarsdall, Town Clerk, as the designated election official (the “Election Official”) for purposes of the election. The Election Official shall have all the rights and obligations prescribed under statutes for such an Election Official in the conduct of a coordinated election and shall act as primary liaison between Weld County Clerk and the Town with respect to the election as provided in the Intergovernmental Agreement.

Section 6. The Town Council authorizes the Town Clerk, to enter into and carry out the terms of an Intergovernmental Agreement (the “Intergovernmental Agreement”) with the Weld County Clerk as required by state statute, describing the allocation of responsibility among the County Clerk, the Town, and the other political subdivisions in the County for the preparation and the conduct of the election and the provision for reasonable sharing of the cost of the election among the County, the Town, and the other participating political subdivisions.

Section 7. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 9. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2022.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Ordinance 2022-15: An Ordinance of the Town Council of the Town of Severance, Colorado, Submitting to the Voters at the Regular Municipal Election on November 8, 2022, an Amendment to the Home Rule Charter Pertaining to Term Limits for Members of Town Council Elected to Fill Vacancies, and Setting the Ballot Title Therefor	Mary Lynn Macsalka, Town Attorney	Nicholas J. Wharton, MPA
ACTION REQUESTED		
Management asks that the Town Council review and discuss Ordinance 2022-15 and take action. • Actions that may be taken: ○ Move to approve Ordinance 2022-15 ○ Take no action		<u>Ordinance</u> <u>Action Requested</u> <u>Attorney Approved</u> <u>Discussion</u>
BRIEF SUMMARY		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
This ordinance would call an election on November 8, 2022, for the Town's electorate submitting to the Voters an Amendment to the Home Rule Charter Pertaining to Term Limits for Members of Town Council Elected to Fill Vacancies, and Setting the Ballot Title Therefor. The following would be the changes to the Home Rule Charter: Section 3.01 Town Council. <i>(To become effective January 1, 2023)</i> (5) Terms shall not be considered consecutive if they are at least two (2) years apart or are for separate offices. For the purposes of this limitation, terms to which an individual is <u>either appointed or elected by special election to fill a vacancy on the Council</u> shall not count as a term.		

Section 3.02 Authority of the Council. *(To become effective January 1, 2023)*

(4) In the case of a vacancy on the Council, the Council shall declare a vacancy according to standards set forth by ordinance or by C.R.S. § 31-4-303, as amended. Council may appoint an individual to the vacancy ~~until the next regular election~~ or fill the vacancy by special election. An individual appointed or elected to fill a vacancy shall serve until the next regular election and until their successor takes office in accordance with this Charter.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Ord 2022-15 2022 Charter Amendment - Terms for Vacancies

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-15**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, SUBMITTING TO THE VOTERS AT THE REGULAR MUNICIPAL
ELECTION ON NOVEMBER 8, 2022, AN AMENDMENT TO THE HOME RULE
CHARTER PERTAINING TO TERM LIMITS FOR MEMBERS OF TOWN COUNCIL
ELECTED TO FILL VACANCIES, AND SETTING THE BALLOT TITLE THEREFOR**

WHEREAS, the people of the Town of Severance, Colorado (the “Town”) approved the adoption of the Town’s Home Rule Charter (the “Charter”) at the September 7, 2021, special election; and

WHEREAS, Section 3.02(4) of the Charter addresses vacancies on the Town Council, and provides that “Council may appoint an individual to the vacancy until the next regular election or fill the vacancy by special election”; and

WHEREAS, Section 3.02(4) is clear that an individual who is appointed to a vacant Council seat serves until the next regular election, but the Charter does not expressly state that an individual elected to fill a vacant Council seat by special election shall also serve until the next regular election, though that was the intent according to the Charter Commission and would be the reasonable interpretation of the Charter language; and

WHEREAS, Section 3.01(4) of the Charter provides that “No elected Mayor or Council Member shall serve more than two (2) consecutive terms in one office,” but, in accordance with Section 3.01(5) of the Charter, “terms to which an individual is appointed” to fill a vacant Council seat “shall not count as a term”; and

WHEREAS, while Section 3.01(5) of the Charter expressly states that terms for individuals appointed to fill a vacant Council seat do not count towards the term limits in Section 3.01(4) of the Charter, Section 3.01(5) does not expressly address whether a term for which an individual is elected to fill a vacant seat by special election counts towards the term limits in Section 3.01(4), though the intent of the Charter Commission was to treat terms for individuals filling vacant Council seats consistently, whether such individuals are appointed or elected by special election; and

WHEREAS, pursuant to Section 12.6 of the Charter, the Charter may be amended in the manner provided by Article XX of the Colorado Constitution at any general election or special election called for the purpose of proposing such amendments when referred to the Town electors by a majority of the Council; and

WHEREAS, the Town Council desires to refer to the Town electors a question to amend the Sections 3.01 and 3.02 of the Charter to address and clarify the terms and term limits that apply to individuals appointed or elected by special election to fill vacant Council seats; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance’s home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the

Town of Severance's police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. Pursuant to the provisions of Section 9 of Article XX of the Constitution of the State of Colorado, and Section 31-2-210(1)(b) of the Colorado Revised Statutes at a coordinated, general election, to be held on Tuesday, November 8, 2022, there shall be submitted to the vote of the registered electors of the Town of Severance the following changes Section 3.01(5) and Section 3.02(4) of the Severance Home Rule Charter, along with the ballot question and title thereto, provided that the amendments to Sections 3.01(5) and 3.02(4) shall not become effective until January 1, 2023 (strike-through denotes deletions from Charter sections and underscore denotes additions to Charter sections):

Question No. ____ - Terms and Term Limits of Council Members Filling a Vacancy

Section 3.01 Town Council. *(To become effective January 1, 2023)*

[Subsections (1) through (4) of Section 3.01 of the Severance Home Rule Charter shall remain unchanged.]

(5) Terms shall not be considered consecutive if they are at least two (2) years apart or are for separate offices. For the purposes of this limitation, terms to which an individual is either appointed or elected by special election to fill a vacancy on the Council shall not count as a term.

Section 3.02 Authority of the Council. *(To become effective January 1, 2023)*

[Subsections (1) through (3) of Section 3.02 of the Severance Home Rule Charter shall remain unchanged.]

(4) In the case of a vacancy on the Council, the Council shall declare a vacancy according to standards set forth by ordinance or by C.R.S. § 31-4-303, as amended. Council may appoint an individual to the vacancy ~~until the next regular election~~ or fill the vacancy by special election. An individual appointed or elected to fill a vacancy shall serve until the next regular election and until their successor takes office in accordance with this Charter.

BALLOT TITLE

Question ____ – Terms and Term Limits of Council Members Filling a Vacancy

SHALL SECTIONS 3.01(5) AND 3.02(4) OF THE SEVERANCE HOME RULE CHARTER BE AMENDED TO PROVIDE THAT THE TERM OF AN INDIVIDUAL FILLING A VACANCY ON THE TOWN COUNCIL, WHETHER SUCH INDIVIDUAL IS APPOINTED OR ELECTED BY SPECIAL ELECTION, SHALL BE UNTIL THE NEXT REGULAR ELECTION AND UNTIL THEIR

SUCCESSOR TAKES OFFICE, AND TO CLARIFY THAT SUCH TERM SHALL NOT COUNT TOWARDS THE TWO-TERM LIMIT FOR THE MAYOR AND COUNCIL MEMBERS, REGARDLESS OF WHETHER THE INDIVIDUAL IS APPOINTED OR ELECTED BY SPECIAL ELECTION TO THE VACANT SEAT?

YES _____

NO _____

Section 2. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the general election of November 8, 2022, shall be conducted as a coordinated, mail ballot election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable there under to effectuate the election as a coordinated, mail ballot election.

Section 3. The Town Council appoints Leah Vanarsdall, Town Clerk, as the designated election official (the "Election Official") for purposes of the election. The Election Official shall have all of the rights and obligations prescribed under statutes for such an Election Official in the conduct of a coordinated election and shall act as primary liaison between Weld County Clerk and the Town with respect to the election as provided in an Intergovernmental Agreement.

Section 4. The Town Council authorizes the Town Clerk, to enter into and carry out the terms of an Intergovernmental Agreement (the "Intergovernmental Agreement") with the Weld County Clerk as required by state statute, describing the allocation of responsibility among the County Clerk, the Town, and the other political subdivisions in the County for the preparation and the conduct of the election and the provision for reasonable sharing of the cost of the election among the County, the Town, and the other participating political subdivisions.

Section 5. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN
FULL this ____ day of _____, 2022.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Resolution 2022-30R: Moody Findings of Annexation	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Management asks that the Severance Town Council review and discuss the Moody Annexation Petition and Resolution 2022-30R and take action if they so choose. Actions that may be taken: 1. Approve Resolution 2022-30R 2. Take No Action		<u>Resolution</u> <u>Action Requested</u> <u>Attorney Approved</u> <u>Annexation</u>
BRIEF SUMMARY		
Hidden Lake Investments, LLC and Eaton Law Reservoir Company jointly (owners) are petitioning the Town of Severance to annex approximately 305 acres north of and adjacent to E. Harmony Road (WCR 74) and east of and adjacent to Teller Street (WCR 21). Tonight's action item begins the annexation process and future meetings/hearings will contemplate the zoning and concept plan.		
PUBLIC SUPPORT/CONCERN		
To be contemplated during Public Hearing Process.		
ANALYSIS AND RECOMMENDATION		
Community Development recommends that the Town Council approve Resolution 2022-30R to be in substantial compliance with Colorado Revised Statutes 31-12-107 and setting a hearing pursuant to Colorado Revised Statute 31-12-108.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Annexation Petition 2. Annexation Map 3. Legal Description 4. 2022-30R - Substantial Compliance (Moody Annexation)		

PETITION FOR ANNEXATION

MOODY ANNEXATION

TO THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO:

The undersigned (the "Petitioner"), in accordance with the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes, as amended and as in effect on the submission date set forth below ("Annexation Act"), hereby petition ("Petition") the Board of Trustees of the Town of Severance, Colorado ("Town Board"), to annex to the Town of Severance ("Town") the unincorporated territory located in the County of Weld, State of Colorado, Which property is more particularly described in Exhibit A attached hereto and incorporated herein by reference ("Property"). In support of this Petition, Petitioner alleges that:

1. It is desirable and necessary that the Property be annexed to the Town.
2. The requirements of Sections -104 and -105 of the Annexation Act exist or have been met.
3. Not less than one-sixth (1/6) of the perimeter of the Property is contiguous with the Town's current municipal boundaries.
4. A community of interest exists between the Property and the Town.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or is capable of being integrated with the Town.
7. Petitioner comprises more than fifty percent (50%) of the landowners in the Property owning more than fifty percent (50%) of the Property, excluding public streets, and alleys and any land owned by the annexing municipality, and Petitioner hereby consents to the establishment of the boundaries of the Property as shown on the annexation plat submitted herewith.
8. The Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for incorporation or annexation of an area that is part or all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.
9. The proposed annexation will not result in detachment of area from any school district or attachment of same to another school district.
10. Except to the extent necessary to avoid dividing parcels within the Property held in identical ownership, at least fifty percent (50%) of which are within the three (3) mile limit, the proposed annexation will not extend the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary.
11. The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town but is not bounded on both sides by the Town.

12. In establishing the boundaries of the Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - a. is being divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way; or
 - b. comprising twenty (20) acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Property without the written consent of the landowner or landowners.
13. If a portion of a platted street or alley is to be annexed, the entire width thereof is included within the Property.
14. The legal description of the land owned by Petitioner is set forth on Exhibit B, attached hereto and incorporated herein by this reference.
15. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as Exhibit C and is incorporated herein by this reference.
16. This Petition is accompanied by four prints of an annexation map containing, among other things, the following information:
 - a. A written legal description of the boundaries of the Property;
 - b. A map showing the boundary of the Property;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
 - d. Next to the boundary of the Property, a drawing of the contiguous boundary of the annexing municipality abutting the Property.
17. In connection with the processing of this Petition, Petitioner requests that the Town:
 - a. Institute zoning approval processes for the Property in accordance with Section - 115 of the Annexation Act and Chapter 16 of the Severance Municipal Code ; and
 - b. Undertake negotiations with respect to an annexation agreement between the Town and Petitioner.
18. Petitioner has filed this Petition subject to the following conditions:
 - a. The Town approves Sub-Urban Perimeter and Town Core zoning for the Property within the period of time provided in Section - 115 of the Annexation Act; and
 - b. The Town approves and authorizes execution of an annexation agreement acceptable to the Town and Petitioner at the time of adoption of the annexation ordinance.

It is expressly understood that the term Petitioner, as used in this Petition, means the then current owner of the Property and specifically, all applicable rights of Petitioner set forth in this Section 17 and Section 18 shall only be available to the then current owner of the Property as applicable.

19. Upon the annexation of the Property becoming effective, and subject to the conditions set forth in this Petition and to be set forth in the Annexation Agreement, the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town, except as otherwise set forth in the Annexation Agreement, and except for general property taxes of the Town, which shall become effective on January 1 of the next succeeding year following adoption of the annexation ordinance.
20. Except for the terms and conditions of this Petition and of the Annexation Agreement, which terms and conditions Petitioner expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of Section -107 (l)(g) of the Annexation Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property to the Town.
21. Petitioner hereby reserves the sole, exclusive and unilateral right to withdraw this Petition by so notifying the Town Clerk in writing at any time prior to: (i) the effective date of the ordinances annexing and zoning the Property or (ii) in the event the Town does not approve or grant the desired zoning for the Property.

172

THEREFORE, Petitioner requests that the Board of the Town of Severance, Colorado, complete and approve the annexation of the Property pursuant to the provisions of the Municipal Annexation Act of 1965, as amended.

Respectfully submitted this 16 day of FEBRUARY 2022

Signature of Landowner/Petitioner:

Hidden Lake Investments, LLC.

Signature: [Signature]

Name: Larry S. Buckendorf, it's Authorized Agent Date: 2/16/22

Journey Homes, LLC.

Signature: [Signature]

Name: Larry S. Buckendorf, it's Authorized Agent Date: 2/16/22

Eaton Law Reservoir Company

Signature: [Signature]

Name: Larry S. Buckendorf, it's Authorized Agent Date: 2/16/22

Mailing Address: 7251 W. 20th Street, L-200, Greeley, CO 80634

Resident of the Property? NO

STATE OF COLORADO)

) ss.

COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 16 day of Feb, 2022 by an Owner, Hidden Lake Investments, LLC (Larry S. Buckendorf, Authorized Agent.)

Witness my hand and official seal

[Signature]
Notary Public
Commission

Expires: 1-21-24

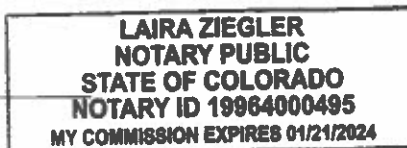


Exhibit A: PARCEL DESCRIPTION – Moody Annexation

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 28??? (last three numbers illegible) with all other bearings contained herein relative thereto:

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;

THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2644.75 feet;

THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;

The following Forty (40) courses are along the Northerly, Westerly and Easterly lines of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.

THENCE North 89° 43' 41" East a distance of 374.00 feet;

THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;

THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;

THENCE South 36° 15' 22" West a distance of 81.53 feet;

THENCE South 14° 46' 49" West a distance of 22.77 feet;

THENCE South 02° 03' 26" East a distance of 30.76 feet;

THENCE South 33° 15' 31" East a distance of 115.46 feet;

THENCE South 36° 37' 49" East a distance of 132.58 feet;

THENCE South 41° 09' 32" East a distance of 130.51 feet;

THENCE South 40° 01' 53" East a distance of 139.86 feet;

THENCE South 35° 02' 09" East a distance of 145.64 feet;
 THENCE South 19° 38' 05" East a distance of 143.14 feet;
 THENCE South 21° 19' 29" West a distance of 59.29 feet;
 THENCE South 16° 39' 59" East a distance of 142.09 feet;
 THENCE South 14° 24' 46" West a distance of 71.95 feet;
 THENCE South 04° 06' 29" West a distance of 86.34 feet;
 THENCE South 24° 00' 55" West a distance of 356.21 feet;
 THENCE South 40° 10' 05" West a distance of 12.24 feet;
 THENCE South 40° 31' 16" East a distance of 100.34 feet;
 THENCE South 56° 50' 15" East a distance of 57.98 feet;
 THENCE South 40° 59' 20" East a distance of 59.88 feet;
 THENCE South 33° 40' 24" East a distance of 67.70 feet;
 THENCE South 31° 37' 54" East a distance of 70.95 feet;
 THENCE South 30° 37' 57" East a distance of 85.04 feet;
 THENCE South 29° 34' 41" East a distance of 107.35 feet;
 THENCE South 32° 35' 12" East a distance of 115.72 feet;
 THENCE South 33° 05' 56" East a distance of 128.81 feet;
 THENCE South 31° 44' 30" East a distance of 146.49 feet;
 THENCE South 09° 09' 37" West a distance of 158.11 feet;
 THENCE South 26° 21' 47" East a distance of 150.21 feet;
 THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;

The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation and the Amended Plat of Settlers Landing.

THENCE South 00° 13' 21" West a distance of 637.13 feet;
 THENCE South 05° 51' 39" East a distance of 485.00 feet;
 THENCE South 10° 26' 39" East a distance of 425.00 feet;
 THENCE South 24° 41' 39" East a distance of 139.00 feet;
 THENCE South 26° 13' 21" West a distance of 262.00 feet;
 THENCE South 40° 16' 39" East a distance of 209.41 feet;
 THENCE South 40° 16' 39" East a distance of 145.59 feet;
 THENCE South 21° 18' 21" West a distance of 175.00 feet;
 THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
 THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;

THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;

The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
THENCE North 04° 06' 13" West a distance of 340.10 feet;
THENCE South 88° 07' 15" West a distance of 210.84 feet;
THENCE South 46° 38' 40" West a distance of 72.01 feet;
THENCE South 32° 58' 40" East a distance of 315.51 feet;
THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less (±).

SURVEYOR'S CERTIFICATE

I, Aaron M. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief. Furthermore, this description was completed for the purpose of describing an annexation boundary and should not be used for the conveyance of real property or any rights therein. This is not intended to represent a Land Survey Plat, Improvement Survey Plat or Improvement Location Certificate and is based upon my knowledge, information, and belief. It was completed by me or under my direct supervision using applicable standards of care and is not a guaranty or warranty, either expressed or implied.

Aaron M. Lund – on Behalf of Northern Engineering
Colorado Registered Professional
Land Surveyor #38670



NORTHERN ENGINEERING
820 8th Street
Greeley, Colorado 80631
(970) 488-1115

January 14, 2022
AML

S:\Survey Jobs\1155-003\Descriptions\1155-003 Annexation Description_2022-01-14 .docx

Exhibit B

4717678 05/21/2021 01:15 PM

Total Pages: 1 Rec Fee: \$13.00 Doc Fee: \$840.00

Carty Koppes - Clerk and Recorder, Weld County, CO

Escrow No.: H0841638-084-LL9

Doc Fee: \$840.00

SPECIAL WARRANTY DEED

This Deed, made May 18, 2021

Between SSAA Investments, LLC, a Colorado limited liability company, of the County Weld, State of Colorado, grantor(s) and Hidden Lake Investments, LLC, a Colorado limited liability company, whose legal address is 7251 W. 20th St. Building L, Ste 200, Greeley 80634 County of Weld, and State of Colorado, grantee(s)

WITNESSETH, That the grantor(s), for and in the consideration of the sum of Eight Million Four Hundred Thousand Dollars and No/100's (\$8,400,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado described as follows:

Parcel 1:

Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146, recorded June 6, 2019 at Reception Number 4495106 located in the South Half of Section 35, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

Parcel 2:

Lot B, Amended Recorded Exemption No. 0705-35-2 1AMREX18-02-3293, recorded June 6, 2019 at Reception No. 4495106 located in Section 35, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

also known by street and number as vacant land, Severance, CO 80550

TOGETHER with all and singular hereditaments and appurtenances, thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. The grantor(s), for themselves, their heirs and personal representatives or successors, does covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

SSAA Investments, LLC, a Colorado limited liability company

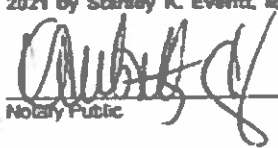

Stanley K. Everitt, Manager

STATE OF COLORADO
COUNTY OF Weld

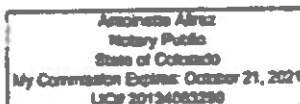
139:

The foregoing instrument was acknowledged before me May 18, 2021 by Stanley K. Everitt, Manager of SSAA Investments, LLC, a Colorado limited liability company.

Witness my hand and official seal


Notary Public

My Commission expires:



MOODY ANNEXATION MAP
ANNEXATION TO THE TOWN OF SEVERANCE, COLORADO
SITUATE WITHIN SECTION 35, TOWNSHIP 7 NORTH,
RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
(±309.52 ACRES)

PARCEL DESCRIPTION - Moody Annexation

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th/ P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 28777 (last three numbers illegible) with all other bearings contained herein relative thereto;

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;
THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2644.75 feet;
THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;
The following Forty (40) courses are along the Northerly, Westerly and Easterly lines of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.
THENCE North 89° 43' 41" East a distance of 374.00 feet;
THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;
THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;
THENCE South 36° 15' 22" West a distance of 81.53 feet;
THENCE South 14° 46' 49" West a distance of 22.77 feet;
THENCE South 02° 03' 26" East a distance of 30.76 feet;
THENCE South 33° 15' 31" East a distance of 115.46 feet;
THENCE South 36° 37' 49" East a distance of 132.58 feet;
THENCE South 41° 09' 32" East a distance of 130.51 feet;
THENCE South 40° 01' 53" East a distance of 139.86 feet;
THENCE South 35° 02' 09" East a distance of 145.64 feet;
THENCE South 19° 38' 05" East a distance of 143.14 feet;
THENCE South 21° 19' 29" West a distance of 59.29 feet;
THENCE South 16° 39' 59" East a distance of 142.09 feet;
THENCE South 14° 24' 46" West a distance of 71.95 feet;
THENCE South 04° 06' 29" West a distance of 86.34 feet;
THENCE South 24° 00' 55" West a distance of 356.21 feet;
THENCE South 40° 10' 05" West a distance of 12.24 feet;
THENCE South 40° 31' 16" East a distance of 100.34 feet;
THENCE South 56° 50' 15" East a distance of 57.98 feet;
THENCE South 40° 59' 20" East a distance of 59.88 feet;
THENCE South 33° 40' 24" East a distance of 67.70 feet;
THENCE South 31° 37' 54" East a distance of 70.95 feet;
THENCE South 30° 37' 57" East a distance of 85.04 feet;
THENCE South 29° 34' 41" East a distance of 107.35 feet;
THENCE South 32° 35' 12" East a distance of 115.72 feet;
THENCE South 33° 05' 56" East a distance of 128.81 feet;
THENCE South 31° 44' 30" East a distance of 146.49 feet;
THENCE South 09° 09' 37" West a distance of 158.11 feet;
THENCE South 26° 21' 47" East a distance of 150.21 feet;
THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;
The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation and the Amended Plat of Settlers Landing.
THENCE South 00° 13' 21" West a distance of 637.13 feet;
THENCE South 05° 51' 39" East a distance of 485.00 feet;
THENCE South 10° 26' 39" East a distance of 425.00 feet;
THENCE South 24° 41' 39" East a distance of 139.00 feet;
THENCE South 26° 13' 21" West a distance of 262.00 feet;
THENCE South 40° 16' 39" East a distance of 209.41 feet;
THENCE South 40° 16' 39" East a distance of 145.59 feet;
THENCE South 21° 18' 21" West a distance of 175.00 feet;
THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;
THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;
The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
THENCE North 04° 06' 13" West a distance of 340.10 feet;
THENCE South 88° 07' 15" West a distance of 210.84 feet;
THENCE South 46° 38' 40" West a distance of 72.01 feet;
THENCE South 32° 58' 40" East a distance of 315.51 feet;
THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less (±).

OWNERS APPROVAL:

The undersigned, being more than 50% of the landowner(s) owning more than 50% of the land described herein, have caused said land to be laid out and Annexed under the name of MOODY ANNEXATION.

In witness whereof, we have hereunto set our hands and seal this _____ day of _____, 20____.

Hidden Lake Investments, LLC. The Eaton-Law Reservoir Company

STATE OF COLORADO)
) SS
COUNTY OF WELD)
The foregoing instrument was acknowledged before me by _____ this
_____ day of _____, 20____.

My commission expires: _____ Notary Public

TOWN COUNCIL CERTIFICATE:

This is to certify that the "MOODY ANNEXATION" was approved on the _____ day of _____, 2022 by ordinance no. _____, passed and adopted at the regular Town Council meeting of Severance, Colorado, held on this _____ day of _____, 2022 and that the Mayor of the Town of Severance on behalf of the Town of Severance hereby acknowledges said annexation upon which this certificate is endorsed for all purposes indicated thereon.

Attest:

Town Clerk Mayor

CLERK AND RECORDER'S CERTIFICATION:

I hereby certify that this annexation map was filed in my office on this _____ DAY OF _____, 20____ at _____ O'CLOCK ____m.

Fee:

TOWN CLERK

TOWN ENGINEER'S REVIEW:

Reviewed this _____ day of _____, 20____.

TOWN ENGINEER

TOWN PLANNER'S REVIEW:

Reviewed this _____ day of _____, 20____.

TOWN PLANNER

PLANNING COMMISSION APPROVAL:

Reviewed this _____ day of _____, 20____.

CHAIRMAN, SEVERANCE PLANNING COMMISSION

OWNER/DEVELOPER

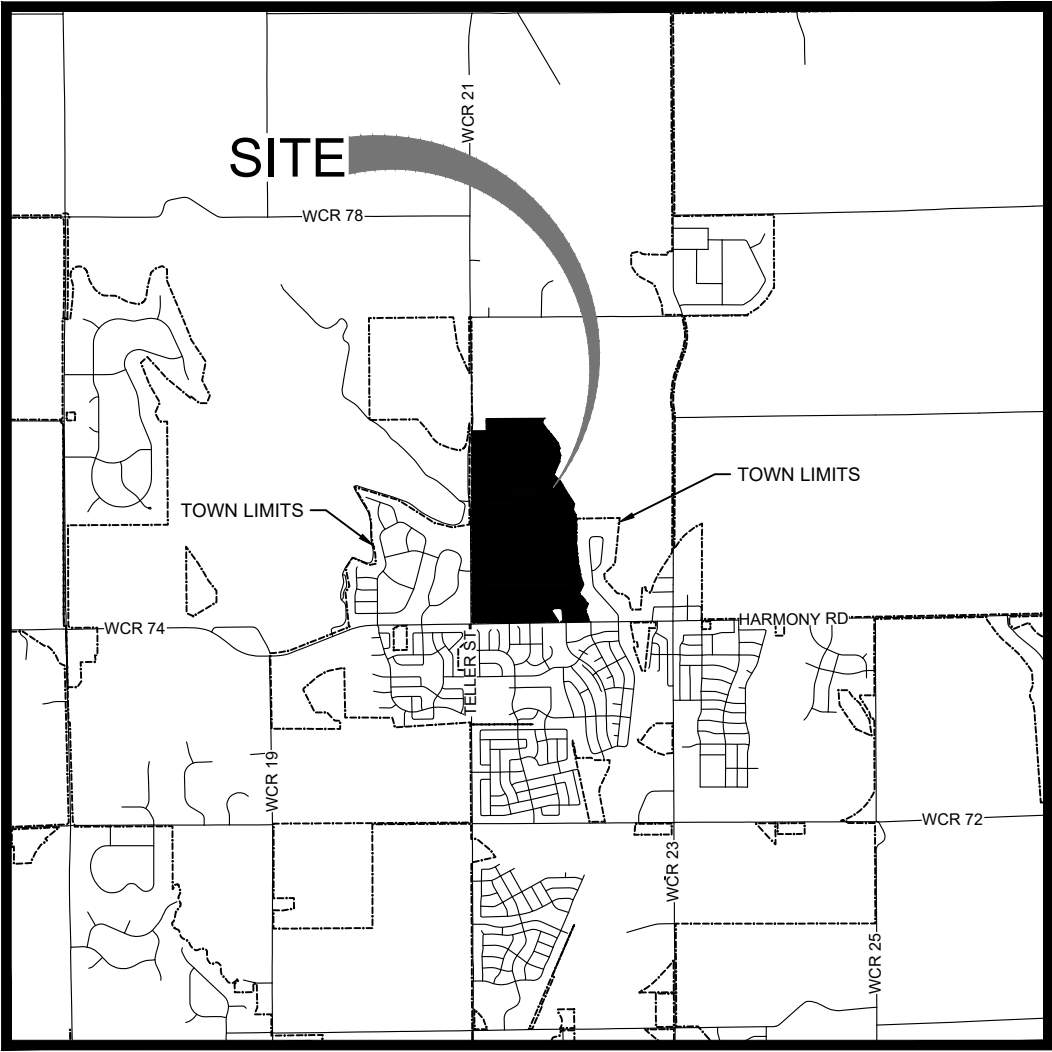
Hidden Lake Investments, LLC
Larry S. Buckendorf
7251 W 20th St, Suite 200
Greeley, CO 80634
(970) 639-0120
larry@journeyhomes.com

SITE ENGINEER

Northern Engineering Services, Inc.
Robbie Lauer
301 N. Howes St, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158
robbie@northernengineering.com

SURVEYOR

Northern Engineering
Aaron Lund, PLS
820 8th Street
Greeley, Colorado 80631
(970) 488-1115
aaronl@northernengineering.com



VICINITY MAP
1" = 5000'

MOODY ANNEXATION

TOTAL PERIMETER..... 16962.68'

CONTIGUOUS BOUNDARY..... 10713.64'

MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED..... 2827.11'

INDICATES PRESENT TOWN BOUNDARY LINE

SYMBOL LEGEND

- FOUND PROPERTY MONUMENT
- FOUND SECTION CORNER
- FOUND #4 REBAR WITH BLUE PLASTIC CAP, LS 38209

LINE LEGEND

- SECTION LINE
- RIGHT OF WAY LINE
- ANNEXATION BOUNDARY LINE
- LOT LINE
- EXISTING ANNEXATION LINE
- ZONING LINE

SURVEY NOTES:

- Basis of Bearings: The West line of the Southwest Quarter of Section 35 as bearing North 00°15'17" West (assumed bearing) a distance of 2675.16 feet and Monumented as shown herein.
- Unit of measure is U.S. Survey Feet.
- No rights-of-way or easements, except those shown hereon, were determined by this survey, nor was any research conducted to determine the existence of additional easements, per the request of the client.
- This survey does not constitute a title search by the surveyor. For information regarding additional easements, Northern Engineering relied upon Policy Number: CO-FFAH-IMP-81306-1-21-H0641638 dated May 21, 2021, File Number: 459-H0646933-820-GRO, Amendment No. 1 dated July 2, 2021 and File Number: 459-H0587798-084-LL9, Amendment No. 1 dated July 2, 2021, all prepared by Heritage Title Company, Inc.
- According to FEMA Map No. 08123C1213E and 08123C1211E, dated January 20, 2016, this parcel lies within Zone X "Area of Minimal Flood Hazard".

SURVEYOR'S STATEMENT

I, Aaron M. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description and Map of land proposed to be annexed to the Town of Severance, County of Weld, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Severance, County of Weld, State of Colorado.

I further state that this map complies with C.R.S. 31-12-107(a)(1).

Aaron M. Lund, a Colorado Registered Professional Land Surveyor #38679

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

SECTION: 35
TOWNSHIP: 7 N
RANGE: 67 W of the 6th PM

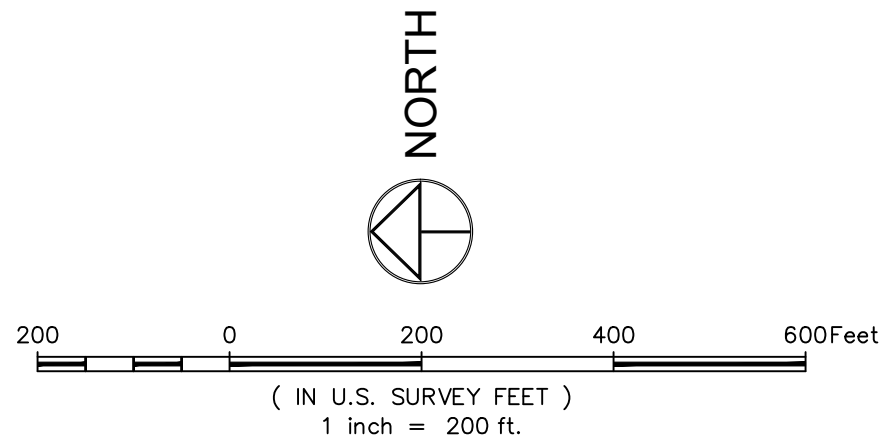
NORTHERN ENGINEERING
970.221.4158
nortneng@northerneng.com
FORT COLLINS 301 North Howes Street, Suite 100, 80521
GREELEY 820 8th Street, 80631

DATE: 06/27/2022
PROJECT: 1152-003
CLIENT:
DRAWN BY: A. Lund
REVIEWED BY: A. Lund

MOODY ANNEXATION MAP
FOR
HIDDEN LAKE INVESTMENTS, LLC
10201 WCR 74, WELD COUNTY, CO

Sheet
1
Of 2 Sheets

MOODY ANNEXATION MAP
ANNEXATION TO THE TOWN OF SEVERANCE, COLORADO
SITUATE WITHIN SECTION 35, TOWNSHIP 7 NORTH,
RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
(±309.52 ACRES)

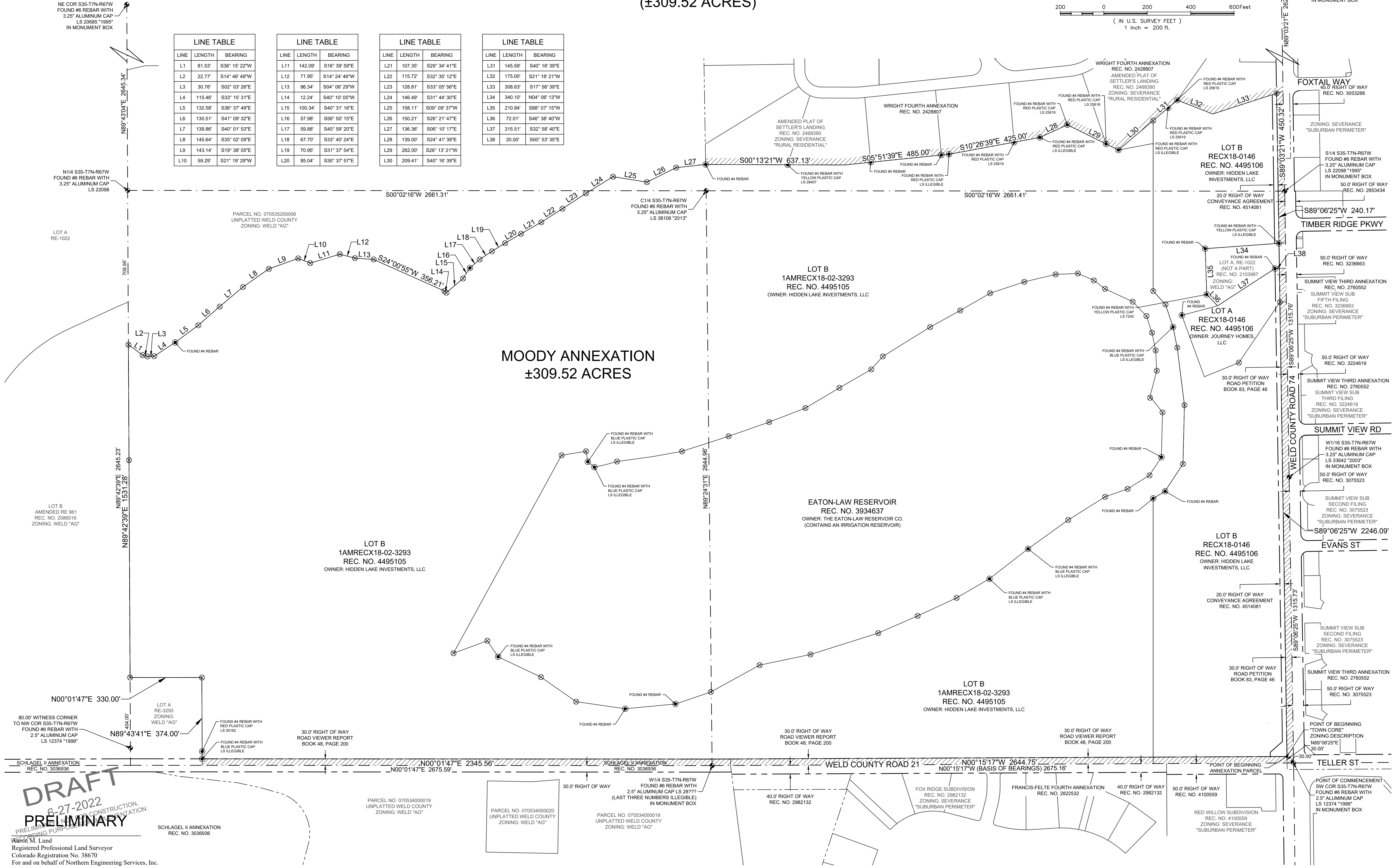


LINE TABLE		
LINE	LENGTH	BEARING
L1	81.53'	S36° 15' 22"W
L2	22.77'	S14° 46' 49"W
L3	30.76'	S02° 03' 26"E
L4	115.46'	S33° 15' 31"E
L5	132.58'	S36° 37' 49"E
L6	130.51'	S41° 09' 32"E
L7	139.86'	S40° 01' 53"E
L8	145.64'	S35° 02' 09"E
L9	143.14'	S19° 38' 05"E
L10	59.29'	S21° 19' 29"W

LINE TABLE		
LINE	LENGTH	BEARING
L11	142.09'	S16° 39' 59"E
L12	71.95'	S14° 24' 46"W
L13	86.34'	S04° 06' 29"W
L14	12.24'	S40° 10' 05"W
L15	100.34'	S40° 31' 16"E
L16	57.98'	S56° 50' 15"E
L17	59.88'	S40° 59' 20"E
L18	67.70'	S33° 40' 24"E
L19	70.95'	S31° 37' 54"E
L20	85.04'	S30° 37' 57"E

LINE TABLE		
LINE	LENGTH	BEARING
L21	107.35'	S29° 34' 41"E
L22	115.72'	S32° 35' 12"E
L23	128.81'	S33° 05' 56"E
L24	146.49'	S31° 44' 30"E
L25	158.11'	S09° 09' 37"W
L26	150.21'	S26° 21' 47"E
L27	136.36'	S06° 10' 17"E
L28	139.00'	S24° 41' 39"E
L29	262.00'	S26° 13' 21"W
L30	209.41'	S40° 16' 39"E

LINE TABLE		
LINE	LENGTH	BEARING
L31	145.59'	S40° 16' 39"E
L32	175.00'	S21° 18' 21"W
L33	308.63'	S17° 56' 39"E
L34	340.10'	N04° 06' 13"W
L35	210.84'	S88° 07' 15"W
L36	72.01'	S46° 38' 40"W
L37	315.51'	S32° 58' 40"E
L38	20.00'	S00° 53' 35"E



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

SECTION:
30
TOWNSHIP:
7 N
RANGE:
67 W of the 6th PM

NORTHERN ENGINEERING

970.223.4158
nortnengr.com

FORT COLLINS: 301 North Hovey Street, Suite 100, 80521
GREELEY: 820 8th Street, 80633

DATE:
06/27/2022
SCALE:
1" = 200'
REVIEWED BY:
A. Lund

PROJECT:
1152-003
CLIENT:
HIDDEN LAKE INVESTMENTS, LLC
DRAWN BY:
A. Lund

MOODY ANNEXATION MAP
FOR
HIDDEN LAKE INVESTMENTS, LLC
10201 WCR 74, WELD COUNTY, CO

Sheet
2
Of 2 Sheets

Exhibit A: PARCEL DESCRIPTION – Moody Annexation

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 28??? (last three numbers illegible) with all other bearings contained herein relative thereto:

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;

THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2644.75 feet;

THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;

The following Forty (40) courses are along the Northerly, Westerly and Easterly lines of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.

THENCE North 89° 43' 41" East a distance of 374.00 feet;

THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;

THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;

THENCE South 36° 15' 22" West a distance of 81.53 feet;

THENCE South 14° 46' 49" West a distance of 22.77 feet;

THENCE South 02° 03' 26" East a distance of 30.76 feet;

THENCE South 33° 15' 31" East a distance of 115.46 feet;

THENCE South 36° 37' 49" East a distance of 132.58 feet;

THENCE South 41° 09' 32" East a distance of 130.51 feet;

THENCE South 40° 01' 53" East a distance of 139.86 feet;



THENCE South 35° 02' 09" East a distance of 145.64 feet;
THENCE South 19° 38' 05" East a distance of 143.14 feet;
THENCE South 21° 19' 29" West a distance of 59.29 feet;
THENCE South 16° 39' 59" East a distance of 142.09 feet;
THENCE South 14° 24' 46" West a distance of 71.95 feet;
THENCE South 04° 06' 29" West a distance of 86.34 feet;
THENCE South 24° 00' 55" West a distance of 356.21 feet;
THENCE South 40° 10' 05" West a distance of 12.24 feet;
THENCE South 40° 31' 16" East a distance of 100.34 feet;
THENCE South 56° 50' 15" East a distance of 57.98 feet;
THENCE South 40° 59' 20" East a distance of 59.88 feet;
THENCE South 33° 40' 24" East a distance of 67.70 feet;
THENCE South 31° 37' 54" East a distance of 70.95 feet;
THENCE South 30° 37' 57" East a distance of 85.04 feet;
THENCE South 29° 34' 41" East a distance of 107.35 feet;
THENCE South 32° 35' 12" East a distance of 115.72 feet;
THENCE South 33° 05' 56" East a distance of 128.81 feet;
THENCE South 31° 44' 30" East a distance of 146.49 feet;
THENCE South 09° 09' 37" West a distance of 158.11 feet;
THENCE South 26° 21' 47" East a distance of 150.21 feet;
THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;

The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation and the Amended Plat of Settlers Landing.

THENCE South 00° 13' 21" West a distance of 637.13 feet;
THENCE South 05° 51' 39" East a distance of 485.00 feet;
THENCE South 10° 26' 39" East a distance of 425.00 feet;
THENCE South 24° 41' 39" East a distance of 139.00 feet;
THENCE South 26° 13' 21" West a distance of 262.00 feet;
THENCE South 40° 16' 39" East a distance of 209.41 feet;
THENCE South 40° 16' 39" East a distance of 145.59 feet;
THENCE South 21° 18' 21" West a distance of 175.00 feet;
THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;

THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;

The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
 THENCE North 04° 06' 13" West a distance of 340.10 feet;
 THENCE South 88° 07' 15" West a distance of 210.84 feet;
 THENCE South 46° 38' 40" West a distance of 72.01 feet;
 THENCE South 32° 58' 40" East a distance of 315.51 feet;
 THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
 THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less (±).

SURVEYOR'S CERTIFICATE

I, Aaron M. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief. Furthermore, this description was completed for the purpose of describing an annexation boundary and should not be used for the conveyance of real property or any rights therein. This is not intended to represent a Land Survey Plat, Improvement Survey Plat or Improvement Location Certificate and is based upon my knowledge, information, and belief. It was completed by me or under my direct supervision using applicable standards of care and is not a guaranty or warranty, either expressed or implied.

 Aaron M. Lund – on Behalf of Northern Engineering
 Colorado Registered Professional
 Land Surveyor #38670



NORTHERN ENGINEERING
 820 8th Street
 Greeley, Colorado 80631
 (970) 488-1115

January 14, 2022
 AML

S:\Survey Jobs\1155-003\Descriptions\1155-003 Annexation Description_2022-01-14 .docx

**TOWN OF
SEVERANCE
RESOLUTION NO.
2022-30R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION
PETITION FOR CERTAIN PROPERTY LOCATED IN WELD COUNTY,
COLORADO AND SETTING A PUBLIC HEARING ON THE PETITION IN
ACCORDANCE WITH THE MUNICIPAL ANNEXATION ACT OF 1965**

WHEREAS, a written petition requesting the annexation of certain real property described below, to be known as the Moody Annexation (the "Petition"), has been filed with the Town Clerk; and

WHEREAS, the Petition has been referred to the Town Council for the Town of Severance, for a determination of substantial compliance with the requirements of C.R.S. § 31-12-107(1); and

WHEREAS, the Town Council has been advised by the staff, and has taken official notice of all maps, records, and other information and materials on file with the Town of Severance, Colorado, regarding the Petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE COLORADO:**

Section 1. The Petition for Annexation of the real property described and shown in Exhibit A, attached hereto and incorporated herein by this reference, to be known as the Moody Annexation, is determined to be in substantial compliance with C.R.S. § 31-12-107(1).

Section 2. The Town Council of the Town of Severance, Colorado shall hold a public hearing on the proposed annexation on July 12, 2022 at 7:00 P.M., or as soon as thereafter possible, at Severance Town Hall, 3 S. Timber Ridge Parkway, Severance, Colorado 80550, to determine if the proposed annexation complies with Section 30 of Article II of the Colorado Constitution and C.R.S. §§ 31-12-104 and -105, or such parts thereof, as may be required to establish eligibility for annexation.

Section 3. The Town Clerk shall publish a Notice of Public Hearing, in substantially the form attached as Exhibit B, once a week for four successive weeks in a newspaper of general circulation in the area proposed to be annexed, with the first publication of such notice to be at least thirty days prior to the date of the hearing. The Town Clerk shall further provide notice to the Clerk of the Board of County Commissioners of Weld County, the Weld County Attorney, and to any special district or school district having territory within the area proposed to be annexed, in the manner and within the time provided in C.R.S. § 31-12-108(2).

RESOLVED AND APPROVED this 12th day of July, 2022.

TOWN OF SEVERANCE

BY: _____

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, Town Clerk

Exhibit A

MOODY ANNEXATION

LEGAL DESCRIPTION

Property Description

Exhibit A: PARCEL DESCRIPTION - Moody Annexation

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 28??? with all other bearings contained herein relative thereto:

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;

THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2644.75 feet;

THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;

The following Forty (40) courses are along the Northerly, Westerly and Easterly lines of Lot B,

Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.

THENCE North 89° 43' 41" East a distance of 374.00 feet;

THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;

THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;

THENCE South 36° 15' 22" West a distance of 81.53 feet;

THENCE South 14° 46' 49" West a distance of 22.77 feet;

THENCE South 02° 03' 26" East a distance of 30.76 feet;
 THENCE South 33° 15' 31" East a distance of 115.46 feet;
 THENCE South 36° 37' 49" East a distance of 132.58 feet;
 THENCE South 41 ° 09' 32" East a distance of 130.51 feet;
 THENCE South 40° 01' 53" East a distance of 139.86 feet;
 THENCE South 35° 02' 09" East a distance of 145.64 feet;
 THENCE South 19° 38' 05" East a distance of 143.14 feet;
 THENCE South 21 ° 19' 29" West a distance of 59 .29 feet;
 THENCE South 16° 39' 59" East a distance of 142.09 feet;
 THENCE South 14° 24' 46" West a distance of 71.95 feet;
 THENCE South 04° 06' 29" West a distance of 86.34 feet;
 THENCE South 24° 00' 55" West a distance of 356.21 feet;
 THENCE South 40° 10' 05" West a distance of 12.24 feet;
 THENCE South 40° 31' 16" East a distance of 100.34 feet;
 THENCE South 56° 50' 15" East a distance of 57.98 feet;
 THENCE South 40° 59' 20" East a distance of 59.88 feet;
 THENCE South 33° 40' 24" East a distance of 67.70 feet;
 THENCE South 31 ° 37' 54" East a distance of 70.95 feet;
 THENCE South 30° 37' 57" East a distance of 85.04 feet;
 THENCE South 29° 34' 41" East a distance of 107.35 feet;
 THENCE South 32° 35' 12" East a distance of 115.72 feet;
 THENCE South 33° 05' 56" East a distance of 128.81 feet;
 THENCE South 31 ° 44' 30" East a distance of 146.49 feet;
 THENCE South 09° 09' 37" West a distance of 158.11 feet;
 THENCE South 26° 21' 47" East a distance of 150.21 feet;
 THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;

The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation

and the Amended Plat of Settlers Landing.

THENCE South 00° 13' 21" West a distance of 637.13 feet;
 THENCE South 05° 51' 39" East a distance of 485.00 feet;
 THENCE South 10° 26' 39" East a distance of 425.00 feet;
 THENCE South 24° 41' 39" East a distance of 139.00 feet;
 THENCE South 26° 13' 21" West a distance of 262.00 feet;
 THENCE South 40° 16' 39" East a distance of 209.41 feet;
 THENCE South 40° 16' 39" East a distance of 145.59 feet;
 THENCE South 21 ° 18' 21" West a distance of 175.00 feet;
 THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35; THENCE South 89° 04' 25" West along said Northerly Right of Way line a distance of 450.32 feet;
 THENCE South 89° 03' 21" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;

The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.

THENCE North 04° 06' 13" West a distance of 340.10 feet;
THENCE South 88° 07' 15" West a distance of 210.84 feet;
THENCE South 46° 38' 40" West a distance of 72.01 feet;
THENCE South 32° 58' 40" East a distance of 315.51 feet;
THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less(±).

EXHIBIT B

TOWN OF SEVERANCE, COLORADO NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the Town of Severance will hold a review, as a regular agenda item at a public meeting, commencing at 6:00 p.m., or as soon as thereafter as the matter may be called, Wednesday/August 17th 2022 at the Town of Severance Town Hall, Council Chambers, 3 S. Timber Ridge Parkway, Severance, Colorado 80550. The purpose of the review is to make a recommendation to the Town Council regarding a request by Hidden Lake Investments, LLC. to determine whether certain real property for which a petition for annexation to the Town of Severance has been filed with the Town, to be known as the Moody Annexation, meets the applicable requirements of Section 30 Article II of the Colorado Constitution and Sections 31-12-104 and 31-12-105 of the statutes of the State of Colorado and is eligible for annexation to the Town.

The Planning Commission's review shall be conducted in-person and by electronic means (see the link below to participate in the meeting on your computer). All submitted materials and instructions for participation will be posted at <https://www.townofseverance.org>, and available upon appointment at Severance Town Hall, 3 S. Timber Ridge Parkway, Severance, Colorado 80550 970-686-1218 no later than three days prior to the meeting. Submittal of any materials to the Planning Commission review are due no later than eight (8) days before the meeting and written comments must be submitted no later than 5:00pm on the day of the meeting. All submittals of materials and written comments are to be sent to planning@townofseverance.org.

Virtual at: https://us02web.zoom.us/webinar/register/WN_OCx-DpESRiaIW1915_tEgg

Notice is hereby given that the Town Council of the Town of Severance will hold a Public Hearing commencing at 7:00 p.m., or as soon as thereafter as the matter may be called, Tuesday/August 23, 2022 at the Town of Severance Town Hall, Council Chambers, 3 S. Timber Ridge Parkway, Severance, Colorado 80550. The purpose of the Public Hearing is to consider a request by Hidden Lake Investments, LLC, to determine whether certain real property for which a petition for annexation to the Town of Severance has been filed with the Town, to be known as the Moody Annexation, meets the applicable requirements of Section 30 Article II of the Colorado Constitution and Sections 31-12-104 and 31-12-105 of the statutes of the State of Colorado and is eligible for annexation to the Town.

The Public Hearing shall be conducted in-person and by electronic means (see the link below to participate in the meeting on your computer). All submitted materials and instructions for participation will be posted at <https://www.townofseverance.org>, and available upon appointment at Severance Town Hall, 3 S. Timber Ridge Parkway, Severance, Colorado 80550 970-686-1218 no later than three days prior to the meeting. Submittal of any materials to the Planning Commission review are due no later than eight (8) days before the meeting and written comments must be submitted no later than 5:00pm on the day of the meeting. All submittals of materials and written comments are to be sent to planning@townofseverance.org.

Virtual at: https://us02web.zoom.us/webinar/register/WN_2lAlq6fPQ3yl0LAxhfwNuw

The approximate location of the property that is subject of the hearing is the northeast corner of E. Harmony Road and Teller Street. The legal description for the proposed annexation is set forth in “Exhibit A.”

Any person may appear at the Public Hearing and be heard regarding the matters under consideration.

The application is on file with the Town of Severance. For questions or comments contact:

Abdul Barzak
Town Planner
970-686-1218
planning@townofseverance.org

TOWN OF SEVERANCE, COLORADO
Leah Vanarsdall
Town Clerk

EXHIBIT A
(Legal Description)

Exhibit A: PARCEL DESCRIPTION - Moody Annexation

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 28??? with all other bearings contained herein relative thereto:

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;

THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2644.75 feet;

THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;

The following Forty (40) courses are along the Northerly, Westerly and Easterly lines of Lot B,

Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.

THENCE North 89° 43' 41" East a distance of 374.00 feet;

THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;

THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;

THENCE South 36° 15' 22" West a distance of 81.53 feet;

THENCE South 14° 46' 49" West a distance of 22.77 feet;

THENCE South 02° 03' 26" East a distance of 30.76 feet;

THENCE South 33° 15' 31" East a distance of 115.46 feet;

THENCE South 36° 37' 49" East a distance of 132.58 feet;

THENCE South 41° 09' 32" East a distance of 130.51 feet;

THENCE South 40° 01' 53" East a distance of 139.86 feet;

THENCE South 35° 02' 09" East a distance of 145.64 feet;

THENCE South 19° 38' 05" East a distance of 143.14 feet;
 THENCE South 21 ° 19' 29" West a distance of 59 .29 feet;
 THENCE South 16° 39' 59" East a distance of 142.09 feet;
 THENCE South 14° 24' 46" West a distance of 71.95 feet;
 THENCE South 04° 06' 29" West a distance of 86.34 feet;
 THENCE South 24° 00' 55" West a distance of 356.21 feet;
 THENCE South 40° 10' 05" West a distance of 12.24 feet;
 THENCE South 40° 31' 16" East a distance of 100.34 feet;
 THENCE South 56° 50' 15" East a distance of 57.98 feet;
 THENCE South 40° 59' 20" East a distance of 59.88 feet;
 THENCE South 33° 40' 24" East a distance of 67.70 feet;
 THENCE South 31 ° 37' 54" East a distance of 70.95 feet;
 THENCE South 30° 37' 57" East a distance of 85.04 feet;
 THENCE South 29° 34' 41" East a distance of 107.35 feet;
 THENCE South 32° 35' 12" East a distance of 115.72 feet;
 THENCE South 33° 05' 56" East a distance of 128.81 feet;
 THENCE South 31 ° 44' 30" East a distance of 146.49 feet;
 THENCE South 09° 09' 37" West a distance of 158.11 feet;
 THENCE South 26° 21' 47" East a distance of 150.21 feet;
 THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;

The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation

and the Amended Plat of Settlers Landing.

THENCE South 00° 13' 21" West a distance of 637.13 feet;
 THENCE South 05° 51' 39" East a distance of 485.00 feet;
 THENCE South 10° 26' 39" East a distance of 425.00 feet;
 THENCE South 24° 41' 39" East a distance of 139.00 feet;
 THENCE South 26° 13' 21" West a distance of 262.00 feet;
 THENCE South 40° 16' 39" East a distance of 209.41 feet;
 THENCE South 40° 16' 39" East a distance of 145.59 feet;
 THENCE South 21 ° 18' 21" West a distance of 175.00 feet;
 THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35; THENCE South 89° 04' 25" West along said Northerly Right of Way line a distance of 450.32 feet;
 THENCE South 89° 03' 21" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;

The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.

THENCE North 04° 06' 13" West a distance of 340.10 feet;
 THENCE South 88° 07' 15" West a distance of 210.84 feet;
 THENCE South 46° 38' 40" West a distance of 72.01 feet;
 THENCE South 32° 58' 40" East a distance of 315.51 feet;
 THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of

Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;

THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less(±).

Please publish in the Greeley Tribune once a week for four consecutive weeks on
Wednesday/1.26.2022, Wednesday/2.2.2022, Wednesday/2.9.2022, Wednesday/2.16.2022

Please send the affidavit of publication and billing to:

Town Clerk
Town of Severance
3 S. Timber Ridge Parkway
Severance, CO 80550



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Resolution 2022-31R: Appropriation of Fund Transfers for Expenditure for 2021 Previously Appropriated Capital Improvement Projects and to Modify the Funding Source for the Transportation Rehab Program.	Nancy Mueller, Finance Director	Nancy E. Mueller, CPA
ACTION REQUESTED		
Town Staff asks that the Board of Trustees review the resolution to appropriate fund transfers for 2021 capital projects • Approve Resolution 2022-31R • Approve Resolution 2022-31R with Modifications • Take no action		<u>Resolution</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
Staff is requesting that the Town Council review the proposed courses of action and discuss the following items: • Appropriation of Fund Transfers for Expenditure for 2021 Appropriated Capital Improvement Projects • Modify Funding Source and Transfer for Expenditure for Transportation Rehab Program This is for funding that was already appropriated through the 2021 Capital Improvement Program and Budget Amendments. The resolution provides additional transparency and clarification on the transfer of funds for project accounting and modification of the funding source for the Transportation Rehab Program.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town Staff recommends the Council approve Resolution 2022-31R to follow State guidelines to approve fund transfers for expenditure that were part of the 2021 Capital Improvement Projects and modify the funding source for the Transportation Rehab Program.		

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. 2022-31R Budget Resolution for 2021 Transfers
2. 2021 Project Transfers By Fund Table 07.12.22
3. 2021 Table of Projects with Transfers 07.12.22

**TOWN OF SEVERANCE
RESOLUTION NO. 2022-31R**

**A RESOLUTION FOR THE TOWN OF SEVERANCE TO APPROPRIATE TRANSFERS
FOR EXPENDITURE FOR THE 2021 CAPITAL PROJECTS AND MODIFY THE FUNDING
SOURCE APPROPRIATED FOR THE TRANSPORTATION REHAB PROJECT**

WHEREAS, the Town had adopted the 2021 Budget for Operations and Capital Improvement Projects; and

WHEREAS, the Town would like to appropriate the transfers between funds for project accounting; and

WHEREAS, the Town would like to appropriate the transfers for expenditure in the recipient funds; and

WHEREAS, the Town would like to modify the funding source for the appropriation of the Transportation Rehab Program to the General Fund for transfer to the Transportation Fund; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1.

Appropriations For Transfer Out:

TRANSFER OUT (FROM)	
GENERAL FUND (INCLUDING GRANT FUNDING)	3,555,000
CONSERVATION TRUST FUND	100,000
PARKS, REC & TRAIL FUND	1,700,000
WATER FUND	230,000
WASTEWATER FUND	5,000
TOTAL TRANSFER OUT	5,590,000

TOTAL FUNDS TO BE TRANSFERRED: \$5,590,000

Section 2.

Appropriations For Transfer In And Expenditure:

TRANSFER IN (TO)	
GENERAL FUND	25,000
TRANSPORTATION FUND	600,000
STORMWATER FUND	2,285,000
CAPITAL PROJECTS FUND	2,680,000
TOTAL TRANSFER IN	5,590,000

TOTAL FUNDS TO BE TRANSFERRED IN AND EXPENSED: \$5,590,000

PASSED AND ADOPTED, the 12th day of July 2022.

TOWN OF SEVERANCE

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, Town Clerk

**10-YEAR CAPITAL IMPROVEMENT PROGRAM PROJECTS WITH TRANSFERS
2021**

TRANSFER OUT (FROM)

GENERAL FUND

(INCLUDING GRANT FUNDING)

CU DENVER BRIDGE PROJECT	230,000	
TRAILS/TAP AND MMOF	675,000	
DOWNTOWN IMPROVEMENTS PHASE II	1,350,000	
HIDDEN VALLEY PARKWAY EXTENSION	700,000	
TRANSPORTATION REHAB PROGRAM	600,000	
GENERAL FUND TOTAL		3,555,000

CONSERVATION TRUST FUND

COMMUNITY PARK PHASE II	100,000	
CONSERVATION TRUST FUND TOTAL		100,000

PARKS, REC & TRAIL FUND

COMMUNITY PARK PHASE II	1,600,000	
TRAILS/TAP AND MMOF	75,000	
PUBLIC WORKS EQUIPMENT	25,000	
PARKS, REC & TRAIL FUND TOTAL		1,700,000

WATER FUND

DOWNTOWN IMPROVEMENTS PHASE II	230,000	
WATER FUND TOTAL		230,000

WASTEWATER FUND

DOWNTOWN IMPROVEMENTS PHASE II	5,000	
WASTEWATER FUND TOTAL		5,000

TRANSFER OUT (FROM) TOTAL	5,590,000
----------------------------------	------------------

TRANSFER IN (TO)

GENERAL FUND

PUBLIC WORKS EQUIPMENT	25,000	
GENERAL FUND TOTAL		25,000

TRANSPORTATION FUND

TRANSPORTATION REHAB PROGRAM	600,000	
TRANSPORTATION FUND TOTAL		600,000

STORMWATER FUND

DOWNTOWN IMPROVEMENTS PHASE II	1,585,000	
HIDDEN VALLEY PARKWAY EXTENSION	700,000	
STORMWATER FUND TOTAL		2,285,000

CAPITAL PROJECTS FUND

COMMUNITY PARK PHASE II	1,700,000	
CU DENVER BRIDGE PROJECT	230,000	
TRAILS/TAP AND MMOF	750,000	
CAPITAL PROJECTS FUND TOTAL		2,680,000

TRANSFER IN (TO) TOTAL	5,590,000
-------------------------------	------------------

**10-YEAR CAPITAL IMPROVEMENT PROGRAM PROJECTS WITH TRANSFERS
2021**

2021	FUNDING SOURCE								PROJECT FUND FOR EXPENSES					TOTAL TRANSFERS FROM OTHER FUNDS TO PROJECT FUND	FUNDS ALREADY APPROPRIATED IN PROJECT FUND	TOTAL PROJECT COST
	GENERAL FUND	CONSERVATION TRUST FUND	PARKS, REC & TRAIL FUND	WATER FUND	WASTEWATER FUND	STORMWATER FUND	GRANT FUNDING	TOTAL	GENERAL FUND	TRANSPORT ATION FUND	STORMWATER FUND	CAPITAL PROJECT FUND	TOTAL			
	10	11	13	51	52	53			10	12	53	75				
PROJECT																
COMMUNITY PARK PHASE II		100,000	1,600,000					1,700,000				1,700,000	1,700,000	1,700,000	-	1,700,000
CU DENVER BRIDGE PROJECT	230,000							230,000				230,000	230,000	230,000	-	230,000
TRAILS/TAP AND MMOF			75,000				675,000	750,000				750,000	750,000	750,000	-	750,000
PUBLIC WORKS EQUIPMENT	25,000		25,000					50,000	50,000				50,000	25,000	25,000	50,000
E HARMONY ROAD DRAINAGE						456,000		456,000			456,000		456,000	-	456,000	456,000
DOWNTOWN IMPROVEMENTS PHASE II	1,350,000			230,000	5,000	375,000		1,960,000			1,960,000		1,960,000	1,585,000	375,000	1,960,000
HIDDEN VALLEY PARKWAY EXTENSION	700,000					1,100,000		1,800,000			1,800,000		1,800,000	700,000	1,100,000	1,800,000
SUMMIT VIEW NEIGHBORHOOD						75,000		75,000			75,000		75,000	-	75,000	75,000
TOTAL ANNUAL PROJECT COSTS BY FUND	2,305,000	100,000	1,700,000	230,000	5,000	2,006,000	675,000	7,021,000	50,000		4,291,000	2,680,000	7,021,000	4,990,000	2,031,000	7,021,000
TRANSPORTATION REHAB PROGRAM	600,000							600,000		600,000			600,000	600,000		600,000
TOTAL PROJECT COSTS BY FUND	2,905,000	100,000	1,700,000	230,000	5,000	2,006,000	675,000	7,621,000	50,000	600,000	4,291,000	2,680,000	7,621,000	5,590,000	2,031,000	7,621,000



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Vacant Council Member Seat Interviews & Appointment	Nicholas Wharton, Town Manager	Nicholas J. Wharton, MPA, ICMA-CM
ACTION REQUESTED		
Management asks that the Town Council interview the interested residents for the vacant council member seat and take action by appointing one (1) resident. • Actions that may be taken: ○ Move to appoint a Council Member by Verbal Vote ○ Take no action		<u>Action Requested</u> <u>Presentation</u> <u>Discussion</u>
BRIEF SUMMARY		
With the resignation of Council Member Stout and acceptance by the Town Council, an announcement for a vacant council member seat has been posted. Town Management received a letter of interest for the vacant council member seat. The interested resident has included a letter of interest and will be in attendance at the Town Council Meeting to give a brief introduction of who they are and answer questions regarding why they are interested in becoming a Council Member for the Town of Severance.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Dave Bruen Town Council Vacancy		

From: [Dave Bruen](#)
To: [Nicholas Wharton](#); [Lindsay Radcliff Coombes](#)
Subject: Town Council Vacancy
Date: Wednesday, June 15, 2022 3:46:54 PM

TO: The Mayor, Town Council, and Town Manager of Severance
FROM: David A. Bruen
RE: Town Council Vacancy

My name is Dave Bruen and I would like to be considered for appointment to the vacant seat on the Severance Town Council.

I'm a citizen of the United States of America, a registered elector of the Town, and have been a permanent resident of Severance for more than twelve (12) months.

Sincerely,
Dave Bruen

David Bruen
Bruen Media Group
[REDACTED]
[Bruen.com](#)