



TOWN COUNCIL WORK SESSION & MEETING

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

AGENDA

TOWN COUNCIL WORK SESSION & MEETING 2022-17

Tuesday, September 13, 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. Weld RE-4 Together 2022 Bond Campaign**
 -
 - 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. 8.23.22 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. Council Members
- e. Mayor

C. PROCLAMATION

1. Suicide Prevention Month - September 2022

D. TOWN COUNCIL

1. Dalton's Run Extension

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

2. PUBLIC HEARING

Ordinance 2022-19: An Ordinance of the Town Council of the Town of Severance, Colorado, Annexing The Property Known as The Moody Annexation to the Town of Severance, Colorado; and approving the associated Annexation Agreement

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

3. Agreement for Outside Agencies to Hire Severance Police Department

- Legislative
- Staff Presentation: Jim Gerdeman, Chief of Police

4. Resolution 2022-38R: A resolution of the Town Council of the Town of Severance, Colorado, amending the Town of Severance Town Council policy regarding electronic participation for Town Council meetings

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

E. COUNCIL MEMBER PETITIONS

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

F. ADJOURN

Town Council MEETING

Tuesday, September 13, 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 2022-16
Tuesday, August 23, 2022, at 6:00 PM

Present:

Mayor:

Matthew Fries

Mayor Pro-tem:

Stephen Gagliardi

Council Members:

Frank Baszler

Dennis 'Zeke' Kane

Michelle Duda

Dan Meyers

David Bruen

Absent:

Audience: Jack & Bev Schneider, Jack Winter, Mike Harris, Nikki Kujala, Mike & Laura Young, Eli McDowell, Cheryl Brown, Hoss & Crissy Johnson, Brenda Nicholson, Danielle Llewellyn, Greg Bowdish & Garret Votrubo

Staff:

Nicholas Wharton, Town Manager

Abdul Barzak, Town Planner

Nancy Mueller CPA, Finance Director

Keith Martin, Town Attorney-Virtual

Chris Messersmith, Town Engineer

A CALL TO ORDER WORK SESSION

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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. Joint Work Session for Planning Commission and Town Council

- Staff Presentation:

Town Attorney to present Council with written direction for viewing Planning Commission meetings prior to Council meetings.

3. Discussion of seven (7) member Planning Commission

- Staff Presentation:

Section 5.03 Sets the procedure for establishing, increasing or reducing boards/commissions

B CALL TO ORDER REGULAR MEETING

1. Roll Call

7:11 pm

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.

MOTION WAS MADE BY Council Member Kane, seconded by Mayor Pro-tem Gagliardi to approve Consent Calendar. All Council Members present voting Yes,

MOTION PASSED

a. 8.09.22 Minutes

b. July 2022 Payables

c. July Financials

4. Approval of Agenda

MOTION WAS MADE BY Council Member Baszler, seconded by Council Member Duda to Approve the Agenda as amended to remove Items 3,4 and 5. 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.

1) Stan Everitt: 629 S Wood-American Legacy Academy Presentation; 2) Mike Harris: 36951 CR 23; 3) Jennifer Roe: 1524 Lake Vista Way; & 4) Hoss Johnson: 1425 Red Fox Cir

6 Communications

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

- a. Town Attorney
- b. Town Staff
- c. Town Management
New Officer Swearing-in for September 27, 2022
- d. Council Members
- e. Mayor

C TOWN COUNCIL

1. Resolution 2022-34R: A Resolution Of The Town Council Of The Town Of Severance, Colorado, Making Certain Findings Of Fact Regarding The Proposed Annexation Of Certain Real Property Located In Weld County, Colorado

- Quasi-Judicial
- Staff Presentation: Abdul Barzak, Town Planner

MOTION WAS MADE BY Council Member Meyers, seconded by Council Member Kane to Approve **Resolution 2022-34R: A Resolution Of The Town Council Of The Town Of Severance, Colorado, Making Certain Findings Of Fact Regarding The Proposed Annexation Of Certain Real Property Located In Weld County, Colorado.**

YEAS: Fries, Gagliardi, Duda, Kane, Meyers, Bruen

6

NAYS: Baszler

1

MOTION PASSED

2. PUBLIC HEARING

Ordinance 2022-19: An Ordinance of the Town Council of the Town of Severance, Colorado, Annexing The Property Known as The Moody Annexation to the Town of Severance, Colorado; and approving the associated Annexation Agreement

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Kane to continue the **PUBLIC HEARING** to September 13, 2022. All Council Members present voting Yes,

MOTION PASSED

Public Hearing - Open: 8:11 pm

Developer has requested a continuance to September 13, 2022

3. PUBLIC HEARING

Resolution 2022-35R: A resolution of the Town Council of the Town of Severance, Colorado, ratifying and approving the Planning Commission's adoption of a Comprehensive Plan Amendment pertaining to real property located at 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

- Quasi-Judicial
- Staff Presentation: Abdul Barzak, Town Planner

Item Removed from Agenda

4. PUBLIC HEARING

Ordinance 2022-20: An Ordinance Of The Town Council Of The Town Of Severance, Colorado, Zoning Certain Land, Fully Described Herein, To Town Of Severance Town Core And Suburban Perimeter Zoning Districts

- Quasi-Judicial
- Staff Presentation: Abdul Barzak, Town Planner

Item Removed from Agenda

5. Concept Plan: Moody Project

- Quasi-Judicial
- Staff Presentation: Abdul Barzak, Town Planner

Item Removed from Agenda

6. Resolution 2022-36R: A Resolution for the Town of Severance to Appropriate Additional Revenues and Fund Balances

- Legislative
- Staff Presentation: Nancy Mueller, Finance Director

MOTION WAS MADE BY Council Member Baszler, seconded by Council Member Kane to Approve **Resolution 2022-36R: A Resolution for the Town of Severance to Appropriate Additional Revenues and Fund Balances** . All Council Members present voting Yes,

MOTION PASSED

7. Resolution 2022-37R: A Resolution for the Town of Severance to Distribute One-Time Cost of Living Adjustment (COLA) Payments to Employees

- Legislative
- Staff Presentation: Nancy Mueller, Finance Director

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Kane to Approve **Resolution 2022-37R: A Resolution for the Town of Severance to Distribute One-Time Cost of Living Adjustment (COLA) Payments to Employees**. All Council Members present voting Yes,

MOTION PASSED

D COUNCIL MEMBER PETITIONS

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

NONE

E ADJOURN

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Adjourned at 8:29 pm

PROCLAMATION
Suicide Awareness and Prevention Month

WHEREAS, suicidal thoughts can affect anyone, regardless of age, gender, race, orientation, income level, or background; and

WHEREAS, over 48,000 deaths annually are attributed to suicide; with suicide rates in Colorado ranking 6th nationally, and 55 lives lost to suicide in Weld County during 2020; and

WHEREAS, one of the most important protective factors from suicide is having a trusted person to turn to when feeling isolated or hopeless; a person who will not judge, dismiss, or try to fix the problem, but instead encourage individuals to be open about their feelings and tell their stories; and

WHEREAS, suicide prevention starts with actively challenging stigma around mental health and building skills that help us approach the topic of suicide without shame or judgment, so we can save lives; and

WHEREAS, hope exists in the Town of **Severance** because of the collaborative prevention and education efforts of North Range, Suicide Education and Support Services (SESS), Imagine Zero of Weld County, numerous survivors, as well as local business, non-profit, and faith-based community partners; and

WHEREAS, North Range Behavioral Health's Suicide Education and Support Services (SESS) program supports those who have lost someone to suicide and provides education to the Town of **Severance** residents that help build critical suicide prevention skills; and

WHEREAS, September is recognized as National Suicide Awareness and Prevention Month with the goal of promoting awareness surrounding suicide prevention resources and support available to us and our community; and

WHEREAS, we encourage all residents to learn how to talk about mental health; research suicide prevention resources available nationally and **throughout Weld County**; check in on the wellbeing of your family, friends, and neighbors; and share genuine appreciation for the people in your life by any gesture you deem appropriate.

NOW, THEREFORE, we, the TOWN OF SEVERANCE do hereby proclaim September 2022 as

Suicide Awareness and Prevention Month

and call upon the citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of behavioral health, and the need for appropriate and accessible services for all citizens.

Signed this 13th day of September 2022 by:

Mayor Matthew Fries, Town of Severance



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Dalton's Run Extension	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Town Management asks that the Severance Town Council to review, discuss, and take action on the applicants request to extend the Final Plat approval of the Dalton's Run Subdivision by one (1) year to December 27, 2023. Actions that may be taken. 1. Move to approve the Dalton's Run Final Plat by one (1) year to December 27, 2023. 2. Take no action.		<u>Discussion</u> <u>Action Requested</u>
BRIEF SUMMARY		
Dalton's Run Final Plat was approved and recorded on December 27, 2019. The final plat will expire December 27, 2022. Per section 16.4.60 (d) of the Severance Municipal Code, " A final plat is in full force and effect for a period of three (3) years from the date of recordation." That code section goes on to state that, " Applicants may formally request a single extension of one (1) year from the Town prior to termination of final plat approval. Prior to the expiration of the original time frame of three (3) years or the extension (four years total) time frame, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements." Tonight the applicant is formally requesting a one (1) year extension of the Dalton's Run Final Plat. The applicant is in attendance tonight to address the Council.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town staff asks the Severance Town Council to review, discuss, and take action on the applicants request to extend the Final Plat approval of the Dalton's Run Subdivision by one (1) year to December 27, 2023.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Dalton's Run History and Supporting Documents (Applicant Submitted) 2. Dalton's Run Final Plat		

Dalton's Run History

The following dates and events are the timelines, documentations and explanations as to why this development has taken a long period of time.

2370 LLC purchased the property for the Dalton's Run subdivision June 23, 2014.

Anadarko sent an objection and notice letter to the Town of Severance on April 15, 2015, objecting to the recording of the final plat.

Anadarko withdrew their objection over 3 years later on August 1, 2018.

The final plat was signed by the water district on July 25, 2019.

All signatures required by the towns officials had been signed by December 19, 2019, and the final plat was recorded on December 27, 2019.

After working on getting the surface issues cleared up with Anadarko over a 4-year period, the water district gave me 1 year, or until August 13, 2019, to record the final plat. This would have allowed me to be able to purchase Conservation Blue taps from the district for the entire subdivision. We worked very hard and communicated to all involved the dates and deadlines required.

It was literally a moving target trying to accomplish the water districts requirements, due to staff confusion, multiple policy changes and signature requirements that were not required in the past. By the time I had met the district requirements and obtained their signature on July 25, 2019, I had less than 3 weeks to get the final plat recorded. The town still had to review and route the plat for the town signatures, and less than 3 weeks was not enough time for the town.

Since all the above events and dates, I have gone under contract with Post Modern Development LLC. We are asking for an extension with the town, while we work through the water service issues. I have some of the water requirements dedicated to the water district for this project and we are currently working on resolving all of the water issues.

I work in most aspects of water, and I think we can solve the water issues with some time. I think people are aware of the water crisis the front range is in and will be in for a long period of time, until we can get some new reservoirs built, but I think it will be at least 10 years and a lot of issues need to be resolved before we can get any storage online.

Thank you for your time and consideration pertaining to an extension for Dalton's Run.

Sincerely,

Todd Bean



April 15, 2015

Via e-mail

City of Severance
Planning Commission
Mr. Jim Birdsall and Mr. Nick Wharton
3 South Timber Ridge Parkway
Severance, CO 80546

**NOTICE OF OIL AND GAS INTERESTS OWNED BY
ANADARKO LAND CORP. AND OBJECTION TO PLAT TO THE EXTENT
IT CONFLICTS WITH AND DOES NOT PROTECT SUCH INTERESTS**

Re: Osprey Property Group, LLC ("**Applicant**") and 2370, LLC ("**Owner**")
Township 6 North, Range 67 West, 6th P.M.
Section 13: Lot B of Amended Recorded Exemption No. 0807-13-2-RE348
according to the plat recorded December 18, 1978 in Book 854 as Reception
No. 1776152; located in the NW1/4.
Weld County, Colorado ("**Property**")

Mr. Wharton and Mr. Birdsall:

This objection and notice letter is submitted to the City of Severance ("**City**") on behalf of Anadarko Land Corp., as subsidiary of Anadarko Petroleum Corporation ("**Anadarko**") with respect to the application ("**Application**") for A Planned Subdivision which proposes to create 208 single family lots and 16 paired home sites within the Property.

Anadarko owns the oil and gas and other mineral interests under the Property. Any approval of a final application for development may significantly impact the prospective development of the oil and gas and other mineral interests that underlie the Property unless the City recognizes the interests of Anadarko and its right of development of the oil and gas estate. As a result, Anadarko objects to the approval of an Application for development until agreements on surface use are reached among Anadarko and the applicant covering the Property.



August 1, 2018

VIA E-MAIL

City of Severance
Planning Commission
Mr. Mitch Nelson
3 South Timber Ridge Parkway
Severance, CO 80546

ANADARKO PETROLEUM CORPORATION OBJECTION WITHDRAWAL

Re: Dalton's Run Final Plat
Osprey Property Group, LLC ("Applicant") and 2370, LLC ("Owner")
Township 6 North, Range 67 West, 6th P.M.
Section 13: Lot B of the Amended Recorded Exemption No. 0807-13-2-RE348
according to the plat recorded December 18, 1978 in Book 854 as Reception No.
1776152; located in the NW/4 ("Application Property")
Weld County, Colorado

Mr. Nelson:

Anadarko Petroleum Corporation ("APC") filed an objection letter, dated April 15, 2015, with Osprey Property Group. APC is the owner of valid mineral interests underlying all or parts of Section 13, Township 6 North, Range 67 West ("Mineral Lands").

Since submitting the letter, APC has had the opportunity to discuss the matter with the Applicant; therefore, APC wishes to withdraw the objection. Please note that although APC does not object to this process, we continue to assert our rights to make reasonable use of the surface of the property to develop the oil and gas leasehold.

Please contact me at 720-929-3321 if you have any questions or comments about this matter.

Sincerely,
ANADARKO PETROLEUM CORPORATION

A handwritten signature in black ink that reads "Emma Vannoy". The signature is written in a cursive, flowing style.

Emma Vannoy
Landman

cc: Jeff Fiske, Lead Counsel
Lindsay Jaffee
Don Jobe
Nancy McDonald
Tony Cabral

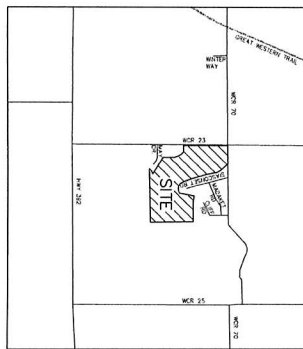
12-27-2019 recording Date

453718, Page 1 of 7
12/27/2019 10:00 AM
12/27/2019 10:00 AM
12/27/2019 10:00 AM

SHEET 1 OF 7

FINAL SUBDIVISION PLAT DALTON'S RUN

A TRACT OF LAND LOCATED IN THE NW 1/4 OF SECTION 13, T6N, R67W OF THE 6TH P.M.,
TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF COLORADO
AREA = 83.816 ACRES, MORE OR LESS



VICINITY MAP
SCALE: N.T.S.

NOTICE OF OTHER DOCUMENTS
ALL RECORDS MADE PRIOR TO THE DATE OF RECORDING THIS PLAT ARE HEREBY DECLARED PERTINENT TO THIS PLAT. ANY RECORDS MADE PRIOR TO THE DATE OF RECORDING THIS PLAT THAT MAY AFFECT THE INTERESTS OF THE PARTIES TO THIS PLAT ARE HEREBY DECLARED PERTINENT TO THIS PLAT. ANY RECORDS MADE PRIOR TO THE DATE OF RECORDING THIS PLAT THAT MAY AFFECT THE INTERESTS OF THE PARTIES TO THIS PLAT ARE HEREBY DECLARED PERTINENT TO THIS PLAT.

- 1. THE BASIS OF BEARINGS IS THE BEST USE OF THE NW 1/4 OF SECTION 13, BEING ADJACENT TO THE AS SHOWN HEREON, WITH THE LINE ASSIGNED TO BEAK NOV 2017.
- 2. FOUND 7' ALUMINUM CHAIN STAKED TO A CO. IS 2725' AT ALL EXTERIOR BOUNDARY CORNERS OF THE SUBDIVISION.
- 3. PERIOD, BUREAU, & CO. STAKED FROM THE CORNER TO AN EXISTING CHAIN STAKED TO A CORNER OF THE SUBDIVISION.
- 4. ALL REFERENCES TO BOOKS, PAGES, MAPS AND SECTION NUMBERS ARE PUBLIC DOCUMENTS ON FILE WITH THE CLERK AND RECORDS OF WELD COUNTY, STATE OF COLORADO.
- 5. PREPARED BY: 1800 3RD STREET, CO. 80501-4438
- 6. NOTICE IN ACCORDANCE WITH CRS 13-80-102, NOTICE ACCORDING TO COLORADO LAW YOU HAVE BEEN ADVISED THAT THE PLAT IS SUBJECT TO THE REVIEW OF THE COLORADO DEPARTMENT OF REVENUE, WHICH MAY REQUIRE YOU TO PAY ADDITIONAL TAXES AND FEES. YOU MAY REQUEST A REVIEW OF THE PLAT BY CONTACTING THE COLORADO DEPARTMENT OF REVENUE, 1000 EAST 17TH AVENUE, DENVER, CO 80202.
- 7. SUBDIVISION CONDITIONS, INCLUDING PROVISIONS, CAN VARY AMONG THE SITE AND MAY NOT BE FULLY KNOWN PRIOR TO THE DATE OF RECORDING AND INSTALLATION. GROUND WATER CAN BE AFFECTED BY THE SUBDIVISION AND MAY AFFECT THE SUBDIVISION. THE SUBDIVISION CAN DEVELOPMENT, IRRIGATION PRACTICES AND OTHER HYDROLOGIC CONDITIONS. THE LOCATION OF THE ADJACENT PLAT/TRACTS IS WELL IS SHOWN HEREON FOR INFORMATION SUPPLIED BY OTHERS.

LEGAL DESCRIPTION
THE UNDERSIGNED, 2019, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE SOLE LANDOWNER OF THE LAND DESCRIBED HEREIN, HAVE HAD OUR SURVEYOR, AND PLATTED THE SAME INTO LOTS, BLOCKS, AND SUBDIVISIONS, AND HAVE CAUSED THE SAME TO BE PLATTED AND RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF WELD, STATE OF COLORADO, IN ACCORDANCE WITH THE COLORADO SUBDIVISION ACT, AND HAVE CAUSED THE SAME TO BE PLATTED AND RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF WELD, STATE OF COLORADO, IN ACCORDANCE WITH THE COLORADO SUBDIVISION ACT.

CONVEYANCE, APPROVAL, AND ACCEPTANCE
THE UNDERSIGNED, 2019, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE SOLE LANDOWNER OF THE LAND DESCRIBED HEREIN, HAVE HAD OUR SURVEYOR, AND PLATTED THE SAME INTO LOTS, BLOCKS, AND SUBDIVISIONS, AND HAVE CAUSED THE SAME TO BE PLATTED AND RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF WELD, STATE OF COLORADO, IN ACCORDANCE WITH THE COLORADO SUBDIVISION ACT, AND HAVE CAUSED THE SAME TO BE PLATTED AND RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF WELD, STATE OF COLORADO, IN ACCORDANCE WITH THE COLORADO SUBDIVISION ACT.

NOTARIAL CERTIFICATE
I, _____, A NOTARY PUBLIC, DO HEREBY CERTIFY THAT I AM A NOTARY PUBLIC IN THE STATE OF COLORADO, AND MY COMMISSION EXPIRES ON _____.

NOTARIAL CERTIFICATE
I, _____, A NOTARY PUBLIC, DO HEREBY CERTIFY THAT I AM A NOTARY PUBLIC IN THE STATE OF COLORADO, AND MY COMMISSION EXPIRES ON _____.

SUBDIVISION ATTORNEY
I, _____, A SUBDIVISION ATTORNEY, DO HEREBY CERTIFY THAT I AM A SUBDIVISION ATTORNEY IN THE STATE OF COLORADO, AND MY COMMISSION EXPIRES ON _____.



TOWN ENGINEER'S SIGNATURE
APPROVED THIS THE 2nd DAY OF December 2019
Michael C. [Signature]

PLANNING COMMISSION APPROVAL
APPROVED THIS THE 2nd DAY OF December 2019
[Signature]

TOWN ENGINEER'S SIGNATURE
APPROVED THIS THE 1st DAY OF February 2019
[Signature]

WELD COUNTY WATER DISTRICT
APPROVED THIS THE 23rd DAY OF May 2019
[Signature]

WELD COUNTY WATER DISTRICT
APPROVED THIS THE 31st DAY OF Oct 2018
[Signature]

WELLS CERTIFICATE
THIS IS TO CERTIFY THAT THE WITHIN PLAT WAS
RECORDED IN THE PUBLIC RECORDS OF THE
COUNTY OF WELD, STATE OF COLORADO, ON
THE 27th DAY OF November 2019, AND THAT THE
RECORDING WAS A PART OF THE PLAT OF THE
SUBDIVISION OF THE WITHIN PLAT AND IS
RECORDED THEREOF SEVERANCE.

ATTORNEY
APPROVED THIS THE 2nd DAY OF December 2019
[Signature]

LEGAL DESCRIPTION
APPROVED THIS THE 27th DAY OF Oct 2018
[Signature]

LEGAL DESCRIPTION
APPROVED THIS THE 12th DAY OF Oct 2018
[Signature]

LEGAL DESCRIPTION
APPROVED THIS THE 20th DAY OF Sep 2019
[Signature]



NORTH WELD COUNTY WATER DISTRICT

32825 CR 39 • LUCERNE, CO 80646

P.O. BOX 56 • BUS: 970-356-3020 • FAX: 970-395-0997

WWW.NWCWD.ORG • EMAIL: WATER@NWCWD.ORG

Notice of Policy Change Effective August 13, 2018

At the August 13, 2018 North Weld County Water District Board Meeting, the Board adopted two resolutions regarding Raw Water Dedication and Conservation Blue Taps.

Resolution 20180813-01, in summary, requires owners or developers of real property requiring five (5) acre feet or more of water to transfer acceptable raw water rights to the District in satisfaction of a minimum of fifty percent (50%) of the raw water requirements for such development with the balance of the raw water requirements to be satisfied by the applicable cash-in-lieu payment to the District.

In recognition of the approval status of certain pending developments, the District is willing to continue to accept a 100% cash in lieu payment in connection with those pending subdivisions to be served by the District which have received conditional or final approval on or before August 13, 2018 from the legislative body responsible for approving subdivision of real property, provided that the plat for such development must be recorded on or before August 13, 2019 and the water taps (including both the water component and plant investment fee including the distance fee) for such subdivision shall be purchased on or before August 13, 2023.

Resolution 20180813-02, in summary, eliminates the conservation blue tap program and requires the payment in full of the plant investment fee and distance fee portion of the water tap upon acquisition of the same.

* In recognition of the approval status of certain pending developments, the District is aware that certain land owners and developers may have planned on the use of conservation blue taps in connection with pending real estate developments and has determined that conservation blue taps should continue to be made available to certain pending subdivisions to be served by the District which have received conditional or final approval on or before August 13, 2018 from the legislative body responsible for approving subdivision of real property, provided that the plat for such development must be recorded on or before August 13, 2019 and the taps (including the payment or transfer of water, as applicable) shall be purchased on or before August 13, 2023.



Urealty Inc
375 E. Horsetooth Rd
Fort Collins, CO 80525
Phone: (970) 305-5130

The printed portions of this form, except differentiated additions, have been approved by the Colorado Real Estate Commission.
 (AE41-6-21) (Mandatory 1-22)

THIS FORM HAS IMPORTANT LEGAL CONSEQUENCES AND THE PARTIES SHOULD CONSULT LEGAL AND TAX OR OTHER COUNSEL BEFORE SIGNING.

AGREEMENT TO AMEND/EXTEND CONTRACT

Date: *June 20, 2022*

1. This agreement amends the contract dated *February 25, 2022* (Contract), between *2370, LLC* (Seller), and *Post Modern Development, LLC* (Buyer), relating to the sale and purchase of the following legally described real estate in the County of *Weld*, Colorado (insert legal description):
Lot B of amend recorded exemption NO. 080/-13-2-RE348 according to the plat recorded December 18, 1978 in book 854 as reception NO. 1776152; located in the NW1/4 of section 13, township 6 north, range 67 west of the 6th P.M., county of Weld, state of Colorado.

(Exact legal description taken from Title Commitment).

Fully platted 237 lots made up of 32 Duplex lots; 48 Patio lots; 157 Single Family Detached lots; Excluding all mineral interests, which, if any, shall be reserved by 2370, LLC

known as No.	<i>SEC WCR 70 and WCR 23</i>	<i>Severance</i>	<i>CO</i>	<i>80546</i>	(Property).
	Street Address	City	State	Zip	

NOTE: If the table is omitted, or if any item is left blank or is marked in the "No Change" column, it means no change to the corresponding provision of the Contract. If any item is marked in the "Deleted" column, it means that the corresponding provision of the Contract to which reference is made is deleted.

2. § 3.1. Dates and Deadlines. [Note: This table may be omitted if inapplicable.]

		Closing and Possession			
43	§ 12	Closing Date	January 25, 2023		
44	§ 17	Possession Date	No Change		
45	§ 17	Possession Time	No Change		
	No Change	No Change	No Change		
	No Change	No Change	No Change		

3. Other dates or deadlines set forth in the Contract are changed as follows:

No Change

4. Additional amendments:

1) If Agreement to Amend-Extend Contract dated February 25th, 2022, in the event this Amend is not mutually signed by Buyer and Seller on or before the acceptance deadline below (June 21st, 2022) the Contract will terminate and all Earnest Money shall be returned to Buyer in full.

2) As a point of clarification, the extension is to work through the expired plat and work with North Weld Water District on issues relating to the moratorium and how to obtain water taps through the district.

All other terms and conditions of the Contract remain the same.

This proposal expires unless accepted in writing by Seller and Buyer as evidenced by their signatures below and the offering party to this document receives notice of such acceptance on or before June 23, 2022 5:00 PM MST.

Date

Time

Buyer's Name: JD Padilla, Manager

DocuSigned by:

JD Padilla, Manager

6/22/2022

Buyer's Signature

Date

SHEET 1 OF 7

AREA = 83.816 ACRES, MORE OR LESS

TOWN ENGINEER'S REVIEW
APPROVED THIS THE 2nd DAY OF December, 2019
Michael C. Williams

Michael C. Letterman
TOWN ENGINEER

PLANNING COMMISSION APPROVAL

APPROVED THIS THE 2nd DAY OF December, 2017

CHAIRMAN Julie Sprou

TOWN PLANNERS REVIEW

[Signature]

NORTH WELD COUNTY WATER DISTRICT
APPROVED THIS THE 25 DAY OF JUN 2019

172000-00

NORTH WELD COUNTY WATER DISTRICT MANAGER

APPROVED THIS THE 31 DAY OF Oct, 2018

Deanna Fisk
ENDORSEMENT - SEVERANCE FIRE PROTECTION DISTRICT

WINDSOR-SEVERANCE FIRE PROTECTION DISTRICT

MAYOR'S CERTIFICATE

CENTURY LINK
APPROVED THIS THE 2 DAY OF 10, 2018.

THIS IS TO CERTIFY THAT THE WITHIN PLAT WAS
APPROVED BY RESOLUTION NO. _____ OF THE
TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF
COLORADO ADOPTED ON THE 3 DAY OF August
_____ AND THAT THE TYPED COPY THEREOF

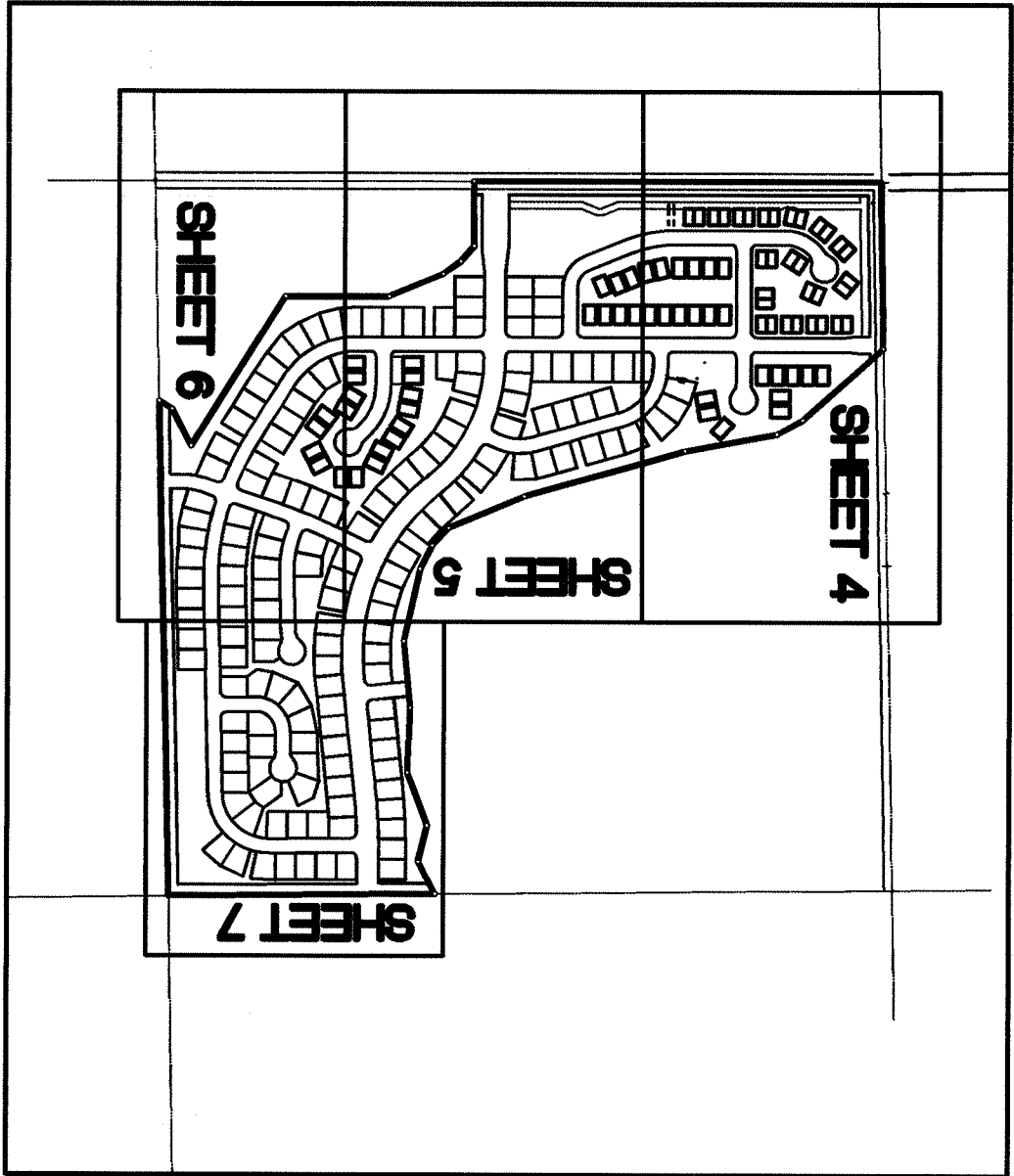
APPROVED THIS THE 20 DAY OF Sept, 2018


 MAYOR

ATTEST: TOWN CLERK

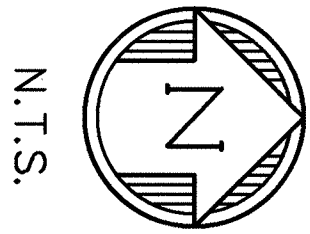
ATTEST: TOWN CLERK

FINAL SUBDIVISION PLAT
DALTON'S RUN
A TRACT OF LAND LOCATED IN THE NW/4 OF SECTION 13, T6N, R67W OF THE 6TH P.M.,
TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF COLORADO
AREA = 83.86 ACRES, MORE OR LESS



SHEET INDEX
N.T.S.

LAND USE TABLE		
PARCEL	AREA IN ACRES	USE
OUTLOT A	7.128	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT
OUTLOT B	2.867	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT
OUTLOT C	5.415	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT
OUTLOT D	0.837	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT
OUTLOT E	2.715	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT
OUTLOT F	3.724	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT
OUTLOT G	2.035	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT
OUTLOT H	2.942	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT
OUTLOT I	0.863	OPEN SPACE, UTILITY, DRAINAGE & ACCESS EASEMENT

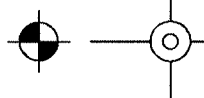


LEGEND

PROPERTY LINE	_____
EXISTING EASEMENT	_____
EASEMENT	_____
LOT LINE	_____
RIGHT-OF-WAY	_____
SECTION LINE	_____
UTILITY AND DRAINAGE EASEMENT	_____
SECTION CORNER	_____
1/4 & 1/16 CORNER	_____
BOUNDARY CORNER	_____

LEGEND

PROPERTY LINE	_____
EXISTING EASEMENT	_____
EASEMENT	_____
LOT LINE	_____
RIGHT-OF-WAY	_____
SECTION LINE	_____
UTILITY AND DRAINAGE EASEMENT	_____
SECTION CORNER	_____
1/4 & 1/16 CORNER	_____
BOUNDARY CORNER	_____

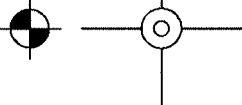


LEGEND

PROPERTY LINE	_____
EXISTING EASEMENT	_____
EASEMENT	_____
LOT LINE	_____
RIGHT-OF-WAY	_____
SECTION LINE	_____
UTILITY AND DRAINAGE EASEMENT	_____
UDC	

SECTION CORNER

1/4 & 1/16 CORNER



		CURVE		TABLE	
CURVE #	LENGTH	RADIUS	BETA	CHORD BEARING	CHORD DISTANCE
C360	48.57	423.00'	8°31'03"	S77°46'15"E	48.56
C361	78.27	373.00'	12°05'37"	S68°09'50"E	78.66
C362	68.89	427.00'	8°19'05"	S77°39'19"E	68.67
C363	51.60	427.00'	6°55'27"	S87°44'33"E	51.57
C364	52.18	473.00'	6°19'05"	N65°36'09"E	52.15
C365	66.71	523.00'	7°15'11"	N65°10'08"E	66.67
C366	31.92	40.00'	45°43'27"	N65°36'53"E	31.66
C367	8.77	40.00'	12°33'27"	S67°46'14"W	8.75
C368	18.59	40.00'	28°11'53"	N77°48'09"E	18.57
C369	52.78	50.00'	69°27'32"	S65°55'56"E	50.35
C370	177.23	50.00'	203°05'06"	N48°42'18"W	97.86
C371	36.47	127.00'	17°21'23"	S07°28'23"W	36.32
C372	54.91	127.00'	24°46'15"	S08°32'12"W	54.46
C373	51.21	127.00'	22°08'07"	S77°14'35"W	50.66
C374	114.67	127.00'	90°00'00"	S43°47'42"W	103.24
C375	4.36	40.00'	6°14'52"	N65°40'15"E	4.36
C376	24.88	40.00'	35°38'27"	N65°43'56"E	24.48
C377	54.61	50.00'	62°27'35"	S77°06'10"W	51.66
C378	17.68	40.00'	25°17'45"	N77°32'28"W	17.52
C380	11.58	40.00'	16°35'34"	N67°36'47"W	11.54
C381	66.89	50.00'	78°10'52"	S67°26'02"E	61.77
C382	40.00	50.00'	45°50'12"	N37°27'50"E	38.44
C383	42.53	50.00'	48°44'11"	N64°19'57"W	41.26
C384	26.57	50.00'	29°02'36"	N06°40'54"W	26.46
C385	38.12	227.00'	9°07'01"	N65°26'29"W	38.06

CURVE TABLE					
CURVE #	LENGTH	RADIUS	BETA	CHORD BEARING	CHORD DISTANCE
C360	48.57	423.00'	8°31'03"	S77°46'15"E	48.56
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C362	68.89	427.00'	8°19'05"	S77°39'19"E	68.87
C363	51.60	423.00'	6°55'27"	S87°44'33"E	51.57
C364	52.18	473.00'	6°19'05"	N85°36'09"E	52.15
C365	66.71	523.00'	7°15'11"	N85°10'08"E	66.67
C366	31.92	40.00'	45°43'27"	N69°56'53"E	31.06
C367	8.77	40.00'	12°33'27"	S87°46'14"W	8.75
C368	18.59	40.00'	28°11'53"	N77°48'09"E	18.57
C369	52.78	50.00'	69°27'32"	S89°55'56"E	50.35
C370	177.23	50.00'	203°05'06"	N48°42'18"W	97.86
C371	36.47	123.00'	17°21'23"	S07°28'23"W	36.32
C372	54.91	123.00'	24°46'15"	S08°32'12"W	54.46
C373	51.21	123.00'	22°08'07"	N77°14'35"W	50.86
C374	114.87	123.00'	90°30'00"	S43°47'42"W	103.24
C375	4.36	40.00'	6°14'52"	N85°40'15"E	4.36
C376	24.88	40.00'	35°38'27"	N68°43'59"E	24.48
C377	54.61	50.00'	62°27'55"	S77°06'10"W	51.89
C378	17.68	40.00'	29°17'45"	N77°32'28"W	17.52
C380	11.58	40.00'	18°35'34"	N87°36'47"W	11.54
C381	68.89	50.00'	78°10'52"	S87°26'02"E	61.77
C382	40.00'	50.00'	45°50'12"	N37°27'50"E	38.44
C383	42.53	50.00'	48°44'11"	N68°19'57"W	41.26
C384	26.57	50.00'	29°02'36"	N06°40'54"W	26.46
C385	38.12	223.00'	9°07'01"	N85°28'29"W	38.08

		CURVE		TABLE	
CURVE #	LENGTH	RADIUS	BETA	CHORD BEARING	CHORD DISTANCE
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C366	31.92	40.00'	45°43'27"	N65°36'53"E	31.66
C367	8.77	40.00'	12°33'27"	S67°46'14"W	8.75
C368	18.59	40.00'	28°11'53"	N77°48'09"E	18.57
C369	52.78	50.00'	69°27'32"	S65°55'56"E	50.35
C370	177.23	50.00'	203°05'06"	N48°42'18"W	97.86
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C381	66.89	50.00'	78°10'52"	S67°26'02"E	61.77
C382	40.00	50.00'	45°50'12"	N37°27'50"E	38.44
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C384	26.57	50.00'	29°02'36"	N06°40'54"W	26.46
C385	36.12	227.00'	9°07'01"	N65°26'29"W	36.06

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
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C369	52.78	50.00'	69°27'32"	S65°55'56"E	50.35
C370	177.23	50.00'	203°05'06"	N48°42'18"W	97.86
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C376	24.88	40.00'	35°38'27"	N65°43'59"E	24.48
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C380	11.58	40.00'	16°35'34"	N67°36'47"W	11.54
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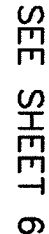
SHEET 4 OF 7

SHEET 4 OF 7



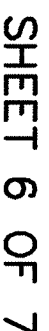
SHEET 5 OF 7

AREA = 83.816 ACRES, MORE OR LESS



SHEET 6 OF 7

SHEET 6 OF 7



SHEET 7 OF 7

SHEET 7 OF 7





AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
PUBLIC HEARING Ordinance 2022-19: An Ordinance of the Town Council of the Town of Severance, Colorado, Annexing The Property Known as The Moody Annexation to the Town of Severance, Colorado; and approving the associated Annexation Agreement	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Applicant has requested an additional continuance to the September 27th, 2022 Town Council meeting.		<u>Ordinance</u> <u>Attorney Approved</u> <u>Action Requested</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 310 acres north of and adjacent to E. Harmony Road (WCR 74) and east of and adjacent to Teller Street (WCR 21). A concept plan has been submitted with this annexation but will be viewed at a later meeting at the request of the applicant. Tonight only the Annexation is before the Town Council. At the August 17th Planning Commission, the Planning Commission forwarded a recommendation of denial for Annexation. (Please see notes in packet for additional information)		
PUBLIC SUPPORT/CONCERN		
Residents have reached out to Town Staff and requested that the Town Council not annex this property with the proposed concept plan. Please see packet for all received responses.		
ANALYSIS AND RECOMMENDATION		
The Community Development Department and Town Management asks that the Severance Town Council grant the applicant the requested continuance to September 27th, 2022 Town Council meeting.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: - Letter of Intent - Annexation Map - Legal Description		

4. Annexation Petition
5. Town Review Form -Moody Project Annexation Only
6. Engineering Memo (With Applicant Response)
7. Moody Impact Report
8. Combined Neighborhood Responses
9. Combined Referral Responses
10. Ordinance 2022-19 - Moody Annexation



August 23, 2021

Town of Severance
Attn: Nick Wharton
3 S. Timber Ridge Parkway
Severance, CO 80550

RE: Moody Property

Dear Mr. Wharton:

On behalf of Hidden Lake Investments, LLC and Eaton Law Reservoir Company Jointly ("Owners") enclosed please find a Petition for Annexation and submittal documents for zoning and concept plan for the Moody Property.

The Owners intends to annex 305.27 acres into the Town of Severance. Approximately 269.08 acres of single-family development, Approximately 17.13 acres of multi-family development, and approximately 19.06 acres of commercial development.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Morgan Kidder", is positioned above the printed name.

Morgan Kidder.

Enclosure(s)

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

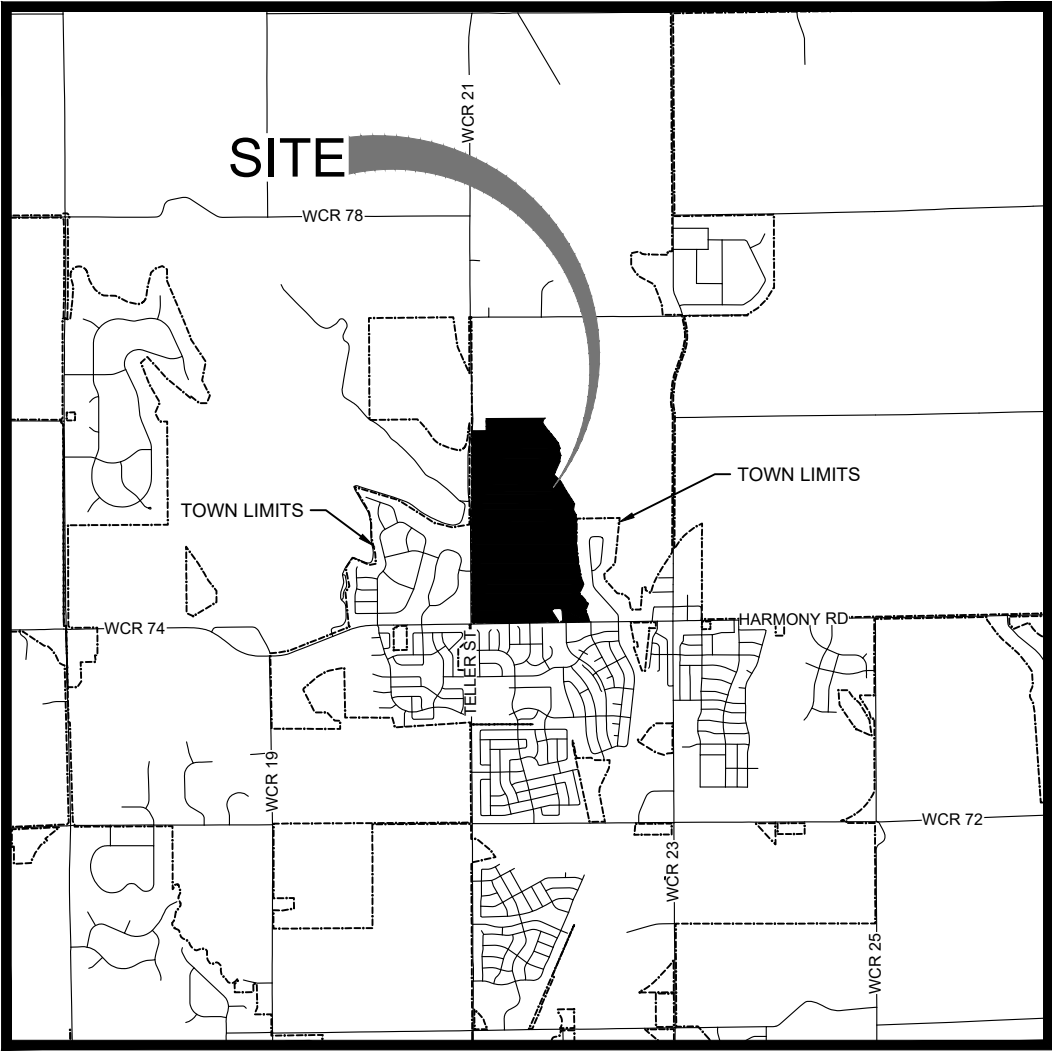
Hidden Lake Investments, LLC
Larry S. Buckendorf
7251 W 20th St, Suite 200
Greeley, CO 80634
(970) 539-0120
larry@journeyhomes.com

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

DRAFT
06-27-2022
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

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

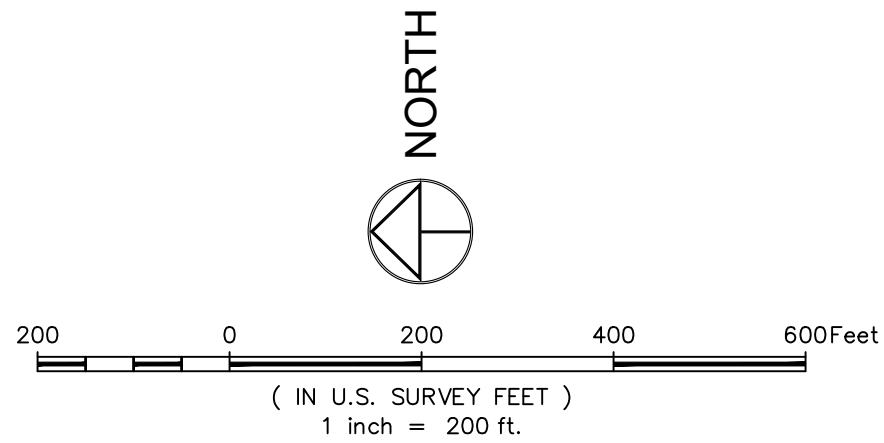
NORTHERN
ENGINEERING
970.221.4158
nortneng@northerneng.com
FORT COLLINS 301 North Howe Street, Suite 100, 80521
GREELEY 820 8th Street, 80631

DATE:
06/27/2022
PROJECT:
1152-003
SCALE:
1" = 200'
REVIEWED BY:
A. Lund
DRAWN 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)

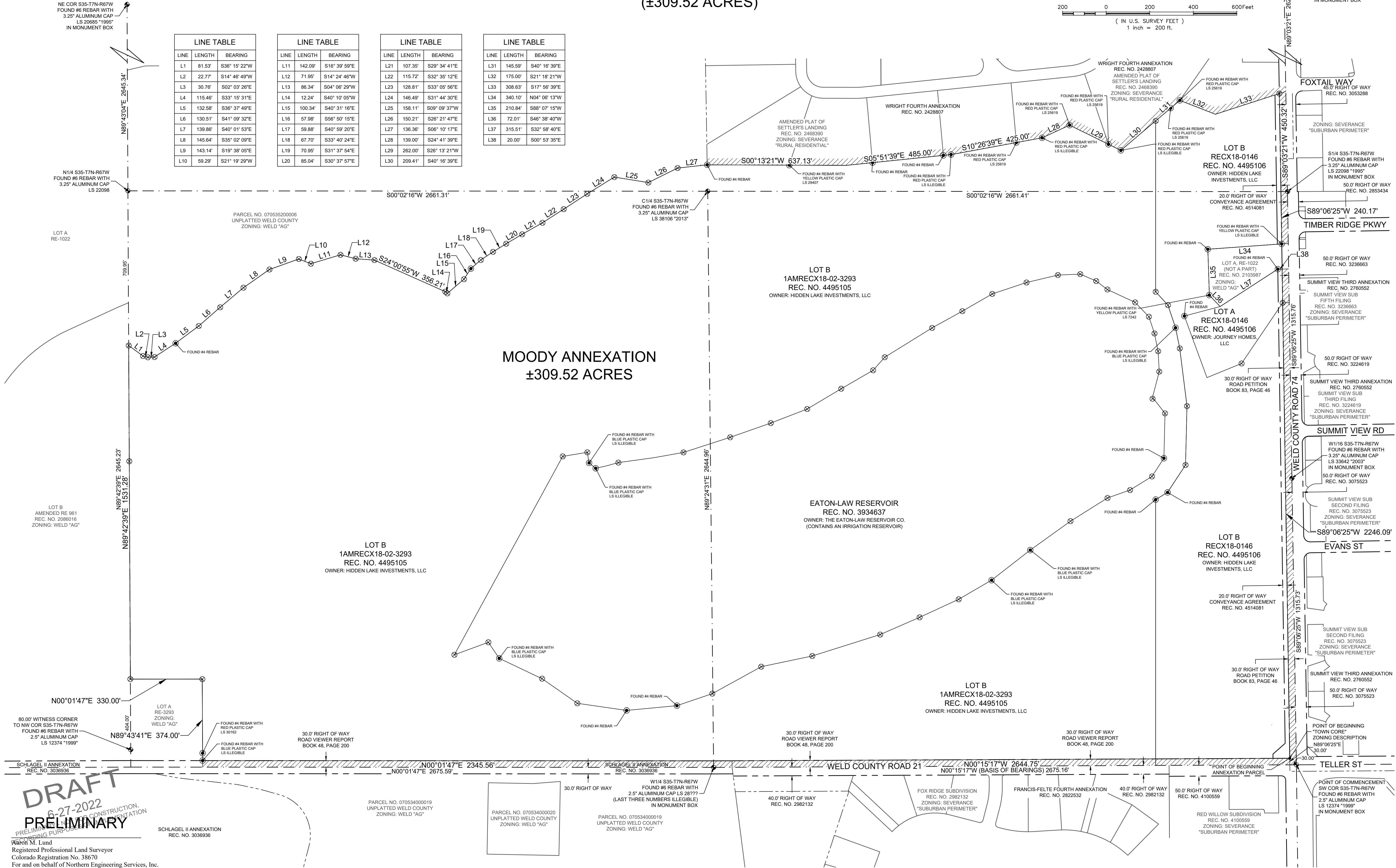


LINE TABLE		
LINE	LENGTH	BEARING
L1	81.53'	S36° 15' 22"W
L2	22.77'	S14° 46' 49"W
L3	30.76'	S02° 03' 26"E
L4	115.46'	S33° 15' 31"E
L5	132.58'	S36° 37' 49"E
L6	130.51'	S41° 09' 32"E
L7	139.86'	S40° 01' 53"E
L8	145.64'	S35° 02' 09"E
L9	143.14'	S19° 38' 05"E
L10	59.29'	S21° 19' 29"W

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

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

PROJECT:	1152-003
CLIENT:	
DRAWN BY:	A. Lund

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

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

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

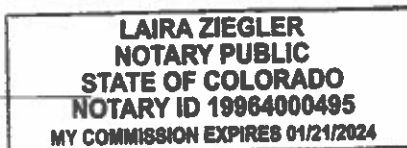


Exhibit A: PARCEL DESCRIPTION – Moody Annexation

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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;

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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;
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 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

HTC
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

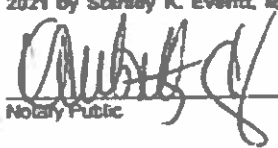

Stanley K. Everitt, Manager

STATE OF COLORADO
COUNTY OF Weld

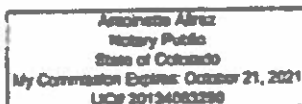
139:

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:





Town of Severance Review Comments (Annexation Only)

Date: 5.27.2022 – Received
6.27.2022 – Submitted by Applicant

Project Name/Contact: Moody Annex/Zoning/Concept Plan/Morgan Kidder

Project Address: Northeast Corner of Teller Street & E. Harmony Road

Customer: 233- Journey Homes Moody Property

Review Number: 4th Submittal

Project Coordinator: Abdul Barzak, Town Planner

Recipients:

- ☒ MANAGEMENT
- ☒ PLANNING
- ☒ ENGINEERING
- ☒ TRAFFIC
- ☒ TOWN ATTORNEY
- ☒ PUBLIC WORKS
- ☒ POLICE
- ☒ BUILDING
- ☐ OTHER

The following comments must be addressed in order to proceed with the development process. All subsequent submittals should be submitted electronically.

Please submit a revised document addressing all comments along with a comment response letter to the project coordinator. Large plan sets should be submitted through Dropbox and a link provided.

With the project resubmittal, please indicate whether or not the change was made and provide a response as applicable. Please contact me if you have any questions.

Project Coordinator – Abdul Barzak, Town Planner, Town of Severance

Item 1	Items to be addressed prior to Public Hearings	Resolved?
Notes	- Annexation Map to be revised (See Engineering/Legal Comments) - Zoning Map to be separated from Annexation Map (See Engineering/Legal Comments) - Annexation Petition, needs revision see Engineering dropbox link regarding Legal Description	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	Revised Annexation Map, Zoning Map and Annexation Petition was delivered to Town staff on June 27 th .	
Notes	All completed	

Applicant Response		
Item 2	Annexation Agreement	Resolved?
Notes	Town staff will work with the application to generate an Annexation Agreement, ready to execute at approval stage.	☐ YES
Applicant Response	Annexation Agreement with Applicant redlines is forthcoming.	☒ NO
Notes	Further coordination is needed with Town Staff and the Applicant	☐ SEE ATTACHED
Applicant Response		
Item 3	Referral Comments	Resolved?
Notes	Applicant will need to address all referral/stakeholder comments received, once a resubmittal has been received, Town staff will push out for revised stakeholder comments.	☒ YES
Applicant Response	All referral comments have been responded to under separate letter(s).	☐ NO
Notes	Completed	☐ SEE ATTACHED

Town Management – – Nick Wharton & Lindsay Radcliff-Coombes, Town Management , Town of Severance

Item 1	Water Service	Resolved?
Notes	Currently the Town does not have the storage capacity nor the volume delivery capacity to serve this subdivision. Applicant will need to examine the storage capacity with the Town and the volume delivery capacity will need to be discussed with the Town and their delivery provider, North Weld County Water District. This comment should be addressed during the preliminary plat process.	☐ YES
Applicant Response	Noted.	☒ NO
Notes	Further coordination will be required at Preliminary Plat stage	☐ SEE ATTACHED
Applicant Response		
Item 2	Sewer Connection	Resolved?
Notes	Current capacity at the Severance treatment Plant will not allow this proposed subdivision to be treated. In turn, Applicant will need to build a bypass line to connect to the Town's trunkline which will then be treated by the Town of Windsor per the Town's IGA. This comment should be addressed during the preliminary plat process.	☐ YES
Applicant Response	Noted.	☒ NO
Notes	Further coordination will be required at Preliminary Plat stage	☐ SEE ATTACHED
Applicant Response		

Planning – Josh Olhava & Logan Graves, Community Planner , Ayres Associates

Item 2	Annexation Map	Resolved?
Notes	Changes were made to the certification blocks that need to be changed back to the 1 st review. See Attorney Comments regarding a Comp Plan amendment and the rezoning request.	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	The certification block was changed back to the original form. Why are we receiving conflicting direction?	
Notes	Applicant has adjusted certification blocks appropriately	

Civil Engineering – Chris Messersmith & Amber Messersmith , P.E , Colorado Civil Group, Inc.

Item 1	Please see attached Memo and Redlines	Resolved?
Notes	Engineering Comment Memo and all Redlines are included in the dropbox link: https://www.dropbox.com/sh/xwvl0rm6jek9cdj/AACy4g5R5vjIQCLtnkf6Z9zka?dl=0	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	Engineering comments are addressed in the Engineering Memo.	
Notes	Further coordination will be required at Preliminary Plat stage.	

Traffic Engineering – Eli Farney, P.E, PTOE, JR Engineering, LLC

Item 1	No Comments at this time	Resolved?
Notes	No Comments at this time	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	Noted.	

Town Attorney – Keith Martin, Attorney, Hayashi & Macsalka, LLC

Item 1	Annexation Map	Resolved?
Notes	See annotated map attached.	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	Redlines on the Annexation Map have been addressed and submitted to the Town on June 27 th .	
Notes	Applicant has addressed redlines.	
Item 2	Annexation Agreement	Resolved?
Notes	Town Attorney's Office will work with Staff in negotiating and preparing the annexation agreement.	☐ YES ☒ NO

Applicant Response	Annexation Agreement with Applicant redlines is included with resubmittal.	☐ SEE ATTACHED
Notes	Further coordination is needed with Town Staff and the Applicant.	

Public Works – John Zacklene, Public Works Director, Town of Severance

Item 1	No Comments at this time	Resolved? ☒ YES ☐ NO ☐ SEE ATTACHED
Notes		
Applicant Response	Noted.	

Police – Chief Gerdeman, Chief of Police, Severance Police

Item 1	No Comments at this time	Resolved? ☒ YES ☐ NO ☐ SEE ATTACHED
Notes		
Applicant Response	Noted.	

Building Department– Russ Weber, Chief Building Official, SAFEbuilt

Item 1	No Comments at this time	Resolved? ☒ YES ☐ NO ☐ SEE ATTACHED
Notes		
Applicant Response	Noted.	

Neighborhood Meeting Notes – August 8th, 2022

Item 1	Traffic Concerns
Notes	- Regarding traffic residents showed concerns with traffic flow patterns, and the overall increase in traffic numbers and potential stacking issues when a school is built. - Residents asked for medians to be placed along both Teller Street and E. Harmony Road along the project extents. - Residents to the west of the proposed project discussed concerns with potential cut through traffic through adjacent neighborhoods and increased pedestrian traffic and reiterated that the Fox Run neighborhood does not have sidewalks.

	- Residents confirmed that the Traffic Impact Study will include previous traffic studies that have been done in the immediate area as well as background traffic.
Staff Comments	A Traffic Impact Study (TIS) will be required at the Preliminary Plat Stage if approved. Applicant will be required to install all required mitigations and conclusions of the TIS.
Item 2	Buffering
Notes	- Residents voiced concerns with buffering between existing residences and the proposed project, asking for larger landscape buffers with berms and screening. - Residents asked for larger lots to match the existing residential neighborhoods
Staff Comments	Staff has asked the applicant to adjust the Concept Plan to allow for more intense and thoughtful buffering/screening and to increase lots size near existing large lot residences.
Item 3	Multi-Family
Notes	- Residents voice concerns about the proposed Multi-family including - o Location - o Parking - o Number of units - o Height - o Buffering
Staff Comments	Applicant will be required to show more detail at Preliminary Plat stage and adhere to all Code requirements at time of submittal.
Item 4	Open Space
Notes	- Residents discussed the lack of open space and voiced that the reservoir should not count towards open space percentages and at the very least be useable open space with trails, boating, and fishing
Staff Comments	More details will be required at Preliminary Plat stage applicant will be required to adhere to all Code requirements at time of submittal.
Item 5	Weld County Properties
Notes	- A county resident that is on the northwest corner of the property asked that the applicant look at the lots that would border their property and asked for larger lots to better transition from the Weld County Agricultural Zoning. This resident also voiced concerns if the Future WCR 76 were to ever be built. - Winter Farms, discussed items included in their letter to the applicant and Town Council (please see packet for all items)
Staff Comments	Staff has asked the applicant to adjust the Concept Plan to allow for more intense and thoughtful buffering/screening and to increase lots size near existing large lot residences. Staff has also asked the applicant to respond directly to Letter from Winter Farms.

Planning Commission Notes – August 17th, 2022

Item 1	Utilities
Notes	Commissioners discussed available utilities to supply the proposed project.
Staff Comments	Staff clarified current capacities and requirements for utilities, please see Town Management Comments above.
Item 2	Town Review Form Clarification
Notes	Commissioners clarified that some items on the Town Review Form were marked not “Resolved”
Staff Comments	Town staff clarified the Town Review Form is intended to be an all-encompassing review, some items will not be “Resolved” until future stages (Preliminary/Final Plat) but Town staffs goal is transparency and wanted to make the Commission/Council/Public aware of all items, including items to be determined at a later stage.
Item 3	Neighborhood Comments
Notes	Commissioners asked the applicant how they would be willing address all comments received from the public.
Staff Comments	The applicant stated that as and if the project progresses they will be required to provide engineering documents and reports to address many comments, the applicant stated they would continue to work with staff and reach out to residents.
Item 4	School Site/Impact Fees
Notes	Commissioners discussed the referral letter from Weld RE4 in which the district asked for a dedicated school site and cash-in-lieu (Please see letter included in packet) for some of the remaining proposed lots. Commissioners pointed out that this letter does not account for the multi-family.
Staff Comments	Applicant discussed limitations with the property for the school site location and confirmed they have dedicated a school site that the district has asked for. The applicant stated that the school site dedication has an economic value of 4.5 million dollars and the applicant is providing an overpayment of \$2.1 million dollar of what is required in the policy and procedure as stated in the IGA between the school and district. The applicant stated that at this time they are unsure of the number of multi-family units.
Item 5	Timing
Notes	The Planning Commission asked with all of the “unknowns” related to this project, why the applicant was pursuing forward at this time.

Staff Comments	The applicant acknowledged the variables related to this project, but stated they are confident that these "unknowns" are "solvable issues" and that they could be, "part of the solution."
Item 6	Recommendation
Notes	The Planning Commission forwarded a recommendation of denial for the proposed Moody Annexation to the Severance Town Council.

Please revise the plans accordingly and respond to all of the above action items in the **Applicant Response** boxes provided at your earliest convenience.

Once the project is resubmitted it will be referred out as necessary and any outstanding issues will be addressed with a comment response.

If you should have any questions, please contact me at 970-692-1556, or email.

Thank you,



Abdul Barzak

Town Planner

abarzak@townofseverance.org

Town of Severance

3 South Timber Ridge Parkway

PO BOX 339

Severance, CO 80546

970-692-1556

TO: Mr. Nick Wharton, Severance Town Manager
Ms. Lindsay Radcliff-Coombes, Severance Deputy Town Manager
Mr. Abdul Barzak, Severance Town Planner

FROM: Chris Messersmith, Colorado Civil Group, Inc.
Amber Messersmith, Colorado Civil Group, Inc.

DATE: June 3, 2022 **Applicant submitted July 27, 2022**

SUBJECT: Moody Annexation, Zoning, and Concept Plan

CCG PROJECT NO: 0042.0014.02

TOWN CUSTOMER ID: 233

We have completed our engineering review of the Moody Annexation, Zoning, and Concept Plan 3rd submittal package received on April 1, 2022 and the 4th submittal package received on May 27, 2022. The following items were included with the submittal package:

- Annexation Petition (Revised)
- Annexation & Zoning Map
- Concept Plan dated March 29, 2022
- Concept Plan dated May 17, 2022
- Zoning Legal Description (Suburban Perimeter)
- Lot Closure (Suburban Perimeter)
- Zoning Legal Description (Town Core)
- Lot Closure (Town Core)
- Response to Engineering Comments
- Response to Staff Report

We offer the following comments:

General:

1. Potable Water – The water service for this project will be provided by the Town of Severance. To provide service to this development, the Town needs to purchase Additional Standard Plant Investment Taps (ASPITs) from the North Weld County Water District (NWCWD). Additional ASPITs are not available for purchase at this time. The Town is working with the NWCWD on a new Water Service Agreement to resolve this issue. There is no estimate on when this Agreement will be executed. This is consistent with the referral comments from the NWCWD.

- **Noted**



2. Larimer & Weld Irrigation Company demands that the Town of Severance require Hidden Lake Investments to obtain an agreement with Larimer & Weld Irrigation Company to address its concerns as a condition of zoning/annexation approval.
 - The applicant cannot enter into an agreement with LWIC at this time. There are no proposed modifications to the LWIC ditch system at this time. The annexation and zoning of the property has no bearing on any modifications to the current site conditions. The applicant has responded to the referral letter that they will work with LWIC on any modifications to the ditch system during the development process.
3. The Winter Farms protest letter dated May 5, 2022 was reviewed. Bullet Item #1 is the only engineering related item. We believe their request to have their water supply line relocated prior to construction is reasonable. The proposed re-alignment will not be designed until the preliminary plat process.
 - See included response letter.
4. Sanitary Sewer – The sanitary sewer service for this project will be provided by the Town of Severance, however the Town does not have infrastructure in place to serve this development. The project will need to install a sanitary sewer main from the project to the existing 18" interceptor pipe south of the existing Severance Wastewater Treatment Facility. *The developer has stated that they will work with the Town to complete the additional offsite sanitary sewer connection required to serve this development.*
 - Noted.
5. We have reviewed the referral comments from the NFRMPO. There does not appear to be any conflicts between these referral comments and our engineering comments.
 - Agreed.
6. The Applicant will need to schedule a scoping meeting with the Town prior to preparing the Traffic Impact Study for this project which is required for the Preliminary Plat process.
 - Noted.

Annexation Substantial Compliance:

7. The project was previously checked for substantial compliance, refer to Comment Memo dated October 28, 2021.
 - Noted.
8. See Comment #10.
 - Revised

Annexation Petition:

9. The revised Annexation Petition has been signed by Hidden Lake Investments, LLC, Journey Homes, LLC and the Eaton Law Reservoir Company.

Noted

10. The Annexation Petition Legal Description needs to be revised. There are two (2) bearings that need to be corrected to match the Lot Closure and the graphic Annexation map. *(repeat)*.

- The annexation petition legal description has been revised and submitted to the Town on June 27th.

Legal Description:

11. The revised Annexation Legal Description was included with the 2nd submittal and reviewed. All previous comments have been addressed. This legal description should be used in the Annexation Petition.

- Noted.

Title Commitment:

12. The Title Commitment prepared by Heritage Title Company, Issuing Office File Number 459-H0646933-820-GRO, Amendment No. 1 with Commitment Date of July 2, 2021 lists the vested owner as:

Hidden Lake Investments, LLC, a Colorado limited liability company

The aliquot legal descriptions are for Lot B, Recorded Exemption No. 0705-35-3 RECS18-0146 (Parcel #070535300004) and for Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 (Parcel #070535200008). The Title Commitment is missing Rec. No. 4717678 Special Warranty Deed. Town of Severance criteria requires that the Title commitment be dated within 30 days of application submittal (SMC 16.2.40.6.).

Noted.

13. The Title Commitment prepared by Heritage Title Company, Issuing Office File Number 459-H0587798-084-LL9, Amendment No. 1 with Commitment Date of July 2, 2021 lists the vested owner as:

The Eaton-Law Reservoir Company (incorporated March 17, 1980)

The legal description appears to be for Parcel #70535300003 per Sale Deed Rec. No. 3934637. Town of Severance criteria requires that the Title commitment be dated within 30 days of application submittal (SMC 16.2.40.6.).

Noted.

14. The Title Commitment prepared by Heritage Title Company, Issuing Office File Number 459-H0664301-820-GRO with Commitment Date of November 22, 2021 lists the vested owner as:

Journey Homes, LLC, a Colorado limited liability company

The aliquot legal description is for Lot A, Recorded Exemption No. 0705-35-3 RECX18-0146 (Parcel #70535300003). Town of Severance criteria requires that the Title Commitment be dated within 30 days of application submittal (SMC 16.2.40.6.).

Noted.

Annexation Map:

15. Sheet 1 (SMC 16.2.80.6 Owner Approval Block) - The Owner Approval Block has been updated per our previous comments. Please add the bold text to the block.

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.

Bold text has been added to the Owner Approval Block.

16. Sheet 1 (Title Commitment Comment) – Modify per Redlines.

- **The Title Commitment Comment has been addressed on the June 27th resubmittal of the annexation map.**

Zoning Map (part of Annexation Map):

17. Sheet 2 (SMC 16.3.80.c.2.e.3) – Separate written metes and bounds legal descriptions (PDF) were submitted for each proposed zoning category. These legal descriptions were checked against the calls on the Annexation and Zoning Map and the Zoning Lot Closures. The Town may require WORD documents of the zoning category legal descriptions.

- The Town Core Zoning legal description needs to be revised. There is one (1) bearing that needs to be corrected to match the Lot Closure and the graphic Annexation map, see redlines.
- **The legal description has been revised on the June 27th resubmittal documents.**
- The Suburban Perimeter Zoning legal description is approved.
- **Noted.**

Concept Plan:

18. The comments on the Concept Plan are from the 4th submittal, plan dated May 17, 2022.

- **Noted.**

19. We have several layout concerns with the proposed Concept Plan. The access and intersection spacing comments below are general and all arterial access and intersection spacing will be evaluated in detail at the Preliminary Plat level with the TIS.

- **Noted.**

20. School Site – A school site is shown on this Concept Plan. The proposed school site and access will need to be reviewed by the WELD RE-4 School District and the Town's Traffic Engineer. Vehicular access to the school site in this location may be difficult, including vehicles heading south on teller street.

- **Per meetings with WELD RE4, Town Staff and Management, this is the preferred location of the school site.**

21. E Harmony Rd (WCR 74 Road) ROW – The Severance Transportation Master Plan identifies E Harmony Rd (WCR 74) as a Major Arterial with a 140' road ROW. There is 50' of existing ROW north of the section line. This project will be required to dedicate 20' of ROW along E Harmony Rd (WCR 74) for a total of 70' of ROW north of the section line. The ROW appears to be provided. Label the ROW for future dedication on the Concept Plan. *The Applicant's response to comments asked why additional ROW is required beyond what the Moody's dedicated in 2019. A TMP was done after 2019 that changed the classification of E Harmony Rd to a Major Arterial roadway requiring a wider section (140' road ROW). Additional ROW is required to comply with the TMP.*

- The concept plan is not an appropriate location for ROW designation. This will be shown on the preliminary and final plats.

22. Teller St (WCR 21) Road ROW – The Severance Transportation Master Plan identifies Teller St (WCR 21) as a Minor Arterial with a 120' road ROW. When right turn lanes are warranted on Minor Arterial roads an additional 10' of road ROW is required. There is 30' of existing ROW east of the section line. This project will be required to dedicate 30' of ROW along Teller St (WCR 21) and 40' of ROW where right turn lanes are warranted for a total of 60' of ROW or 70' of ROW east of the section line, accordingly. It appears that 60' of ROW is provided. Label the ROW for future dedication on the Concept Plan.

- The concept plan is not an appropriate location for ROW designation. This will be shown on the preliminary and final plats.

23. WCR 76 Road ROW - WCR 76 does not currently exist as a road. This project should reserve road ROW along WCR 76 for future dedication. This section of WCR 76 would be considered as a Minor Arterial with a 120' road ROW. When right turn lanes are warranted on Minor Arterial roads an additional 10' of road ROW is required. This project should reserve 60' of ROW for WCR 76 south of the section line and 70' of ROW for WCR 76 where right turn lanes are warranted south of the section line. It appears that 60' of ROW is reserved with the Concept Plan layout. Label the ROW for future dedication on the Concept Plan

The concept plan is not an appropriate location for ROW designation. This will be shown on the preliminary and final plats.

24. Arterial Access & Intersection Spacing (E Harmony Rd.) – The Concept Plan shows 3 proposed accesses via E Harmony Rd. Intersection Spacing will not meet the required $\frac{1}{4}$ mile spacing due to the existing accesses for the Summit View Subdivision to the south. Timber Ridge Pkwy. will likely be a full movement intersection and potentially be signalized in the future. The other 2 proposed accesses are acceptable as shown but may be restricted to Right-In/Right-Out or $\frac{3}{4}$ movement in the future. Similar restrictions may be required of the existing roads to the south (Evans St. and Summit View Rd.) in the future.

- The layout of Evans St. and Summit View Road are aligned with existing roads within the Town. Potential future restriction of these intersections will greatly prohibit future commercial users from developing the site.

25. Arterial Access & Intersection Spacing (Teller St.) – The Concept Plan shows 4 proposed accesses via Teller St. Working south to north, the 1st access (to the Commercial lots) will likely be restricted to a Right-In/Right Out or a Right-In only movement. The 2nd access is acceptable as shown and aligns with the existing Fox Run roadway to the east. The spacing of the 3rd and 4th accesses meets the ¼ mile required spacing.

- Restricting this access will greatly prohibit future commercial development.

26. Collector Roadways, Timber Ridge Pkwy – It appears that Timber Ridge Pkwy. has been designed as a Collector roadway extending north/south through the development from E Harmony Rd to WCR 76 and the driveway accesses have been eliminated per our previous comments

- Noted.

27. Collector Roadways - The applicant's traffic engineer will need to evaluate the Average Daily Trips (ADT) on all of the internal street network. Any street that exceeds 1500 ADT will be required to be a Collector roadway. (repeat) *This can be addressed with the Preliminary Plat process.*

- Noted.

28. Arterial/Internal Streets Intersections - All roads that intersect the arterials roads of E Harmony Rd and Teller St will be required to have a Collector section at the intersection (80' ROW) for dedicated turn lanes, see Severance TMP Figure 19. (repeat) *This can be addressed with the Preliminary Plat process.*

- Noted.

29. Internal Street and Lot layout - Local roads must be spaced a minimum of 330' along a Collector roadway (repeat). *Per Applicant's response to comments, this will be addressed with Preliminary Plat. Engineering has no objection. It should be noted that lot layout may be impacted.*

- Noted.

30. Oil/Gas – According to the COGCC website, there are 4 existing Plugged and Abandoned Wells on the property. The layout of the proposed lots and roadways does not appear to comply with Severance's Municipal Code Section 16.11.80.b.4. (see below) as there are lots within the 50' setback of the PA'ed wells and one PA'ed well is located in the public ROW instead of a separate non-buildable tract. See redlines. All existing oil and gas pipelines should be shown on the Concept Plan.

- The concept plan has been revised to remove lots from the oil and gas setbacks. How are we to show existing oil and gas pipelines on the concept plan?

Sec. 16.11.80. - Development setbacks from wells and facilities.

(a) When wells are existing, buildings shall not be constructed within the following distances:

- (1) Buildings not necessary to the operation of the well shall not be constructed within three hundred fifty (350) feet of any such well and/or facility.

- (2) Any building to be used as a place of assembly, institution or school shall not be constructed within five hundred (500) feet of any well and/or facility.
- (b) When wells are existing, lots and roads shall not be platted within the following distances:
- (1) Lots shall not be platted within three hundred fifty (350) feet of an existing oil or gas well or its production facilities.
 - (2) Lots intended to be used as a place of assembly, institution or school shall not be platted to allow a building site within five hundred (500) feet of an existing oil or gas well or its production facilities.
 - (3) Streets shall not be platted within one hundred fifty (150) feet of an existing oil or gas well or its production facilities; provided, however, that streets may cross collection flowlines at right angles.
 - (4) **Lots shall not be platted within fifty (50) feet of well and production sites that have been plugged, abandoned, and reclaimed. Such platting shall only occur after the completion of the plugging, abandonment, and reclamation process. Plugged and abandoned wells shall be platted in their own separate non-buildable tract, with adequate access.**
 - (5) Plugged and abandoned wells that are not visible shall be exposed, with the facility owner's permission, and their exact location shall be surveyed by a professional land surveyor. The plugged and abandoned well shall be backfilled and compacted. The location of the plugged and abandoned wells shall be permanently marked with a visible post indicating the OGCC well API number.
 - (6) Oil and gas pipelines shall be located within a minimum 30-foot wide non-buildable tract, and no closer than fifty (50) feet to an occupied structure. The oil and gas pipeline shall be centered in the tract and in no case, less than ten (10) feet from the edge of the tract. Oil and gas pipelines shall not be placed within public right-of-way, other public lands, and/or lots intended for future development. This requirement does not apply to natural gas pipelines that provide retail service.

31. Potable Water – Potable Water service for this project will be provided by the Town of Severance. This project will need to connect to the existing 12" water main in Teller St. and the 12" water main in E Harmony Rd. A 12" or 16" water main will be required in Timber Ridge Parkway and in WCR 76 (or another location) to loop the system. *Water system will be designed with Preliminary Plat process.*

- **Noted.**

32. Irrigation Ditch - There appears to be existing irrigation ditches throughout the property. These ditches need to be accommodated as required by the ditch company(s), see referral comments.

- **Noted.**

33. Drainage – Detention ponds are not specifically identified on the Concept Plan. *The detention facilities will be reviewed at the time of Preliminary Plat.*

- **Noted.**

34. Multi-Family – The multi-family area was added back to the Concept Plan with this 4th submittal. It is located adjacent to an existing Rural Residential neighborhood. The Applicant should work with Planning on the best location of the Multi-Family.

- This is the best location for the multi-family area. The Applicant has met with Town Staff and Management and all are in agreement with the location of the multifamily.

Additional comments can be found on the document redlines, which are listed below and included in the dropbox link below:

All additional redlines have been addressed.

<https://www.dropbox.com/sh/xwvl0rm6jek9cdj/AACy4g5R5vjIQCLTnkf6Z9zka?dl=0>

- 0042.0014.02 ANNEX Redlines_(2022.05.25).pdf
- 0042.0014.02 CP Redlines_(2022.06.03).pdf
- 0042.0014.02 Annexation Petition Redlines_(2022.05.25).pdf
- 0042.0014.02 Legal Description_Zoning_Town Core_Redlines (2022.05.25).pdf

Please let us know if you have any questions regarding this memo.

Moody Annexation Impact Report

March 30, 2020, Revised: February 1, 2022 & July 28, 2022

Project Location

The Moody property contains 309.52 acres and is located in Weld County, Colorado. Journey Homes intends to annex 309.52 acres into the Town of Severance. Approximately 134.36 acres of single-family development. Approximately 14.59 acres of multi-family development. Approximately 9.77 acres for a school site, and approximately 18.24 acres of commercial development. The property's borders include:

- North: Weld County Road (WCR) 76 1/2.
- East: Settlers Landing Subdivision and private, undeveloped land in Weld County.
- South: E. Harmony Road (Weld County Road (WCR) 74).
- West: Teller Street (Weld County Road (WCR) 21)

The area to be developed lies within the Town of Severance Sub-Urban Perimeter zone as designated by the Hometown Vision Comprehensive Plan; a portion of the property that will also be developed lies outside the Sub-Urban Perimeter in the Rural Residential zone. The applicant has requested that the area along E. Harmony Road will be zoned as Town Core, and the remainder of the property north be all zoned as Sub-Urban Perimeter See map below indicating location and vicinity.



Proposed Land Uses

The Moody Annexation is a mainly single-family detached residential neighborhood that will also provide multi-family, a school site, and commercial lots. It is proposed to have approximately 776 residential lots. Commercial lots are anticipated to be located near the E. Harmony Road (WCR74) between Teller Street (WCR 21) and Timber Ridge Parkway.

Annexation Agreement

Per Colorado Revised Statutes 2013 134 Title 134, an agreement will be drafted between the property owner and municipality outlining the responsibilities of each party.

Municipal Services

The area to be annexed as will receive the following municipal services from the stated responsible agencies:

- **Water:** The annexation property is within the Severance Water Service Area.
 - Potable water will be provided to the development by the Town of Severance. It is anticipated that a water system will be designed according to standard practices including a loop system that will tie into existing mainlines.
 - Non-Potable water is anticipated to be provided to residents directly from the metro district.
 - Raw Water, at current market value a share of water is \$62,500.00 (7/2022) subject to change. Raw water dedication will be required.
Applicant is aware Ordinance 2022-13
- **Sewer:** Severance Sanitation Service Area. The internal system will be designed to respond to topography to drain effluent to a low point in the subdivision.
Applicant is aware Ordinance 2022-13
- **Police:** Severance Police Department. See more below.
- **Fire & Emergency Services:** Windsor Severance Fire Rescue. Neighborhood access and street design will be required to conform to Town standards. All construction and fire prevention will be required to adhere to building and fire codes. See more below.
- **Schools:** Weld County RE-4 District. Schools serving this site are listed below
- **Library District:** Clearview Library District. No adverse impacts are anticipated at this time.

- Electric/Communication Service: The developer will be required to work with service providers to establish the most efficient manner for extending service to the community
- Internet service: The developer will be required to work with service providers to establish the most efficient manner for extending service to the community

Financing Method

Any Metro District formation including and I.G.A or service plan is at the discretion of the Town of Severance Town Council. It is anticipated that a new Metropolitan District will be established as the authority to finance all public improvements within and adjacent to the property. It is anticipated that the district will convey public infrastructure to the Town and will establish the means for ongoing maintenance. The district will also provide the administration and control services for the community such as establishing and enforcing the architectural standards and lot landscaping requirements. It is anticipated that the details of the district's organization, obligations and financial structure will be provided in a formal Service Plan conforming to all legal standards.

School District Impact

The Moody property is within the Weld County School District RE-4. Students that will reside within the annexation area will be currently served by the following schools:

- Elementary -Rangeview
700 Ponderosa Drive, Severance, CO
- Middle – Severance Middle School
1801 Avery Plaza Street, Severance, CO
- High- Severance High School
1200 Hidden Valley Parkway, Severance, CO

The statement that follow was generated by Weld County School District RE-4

“The proposed Moody Development is estimated to bring approximately 262 elementary students to the boundaries of RangeView Elementary, with a core capacity of 600 students and enrollment currently at 713. The proposed development will also bring an estimated 293 secondary students to Severance Middle and Severance High Schools respectively. All three schools are already beyond their capacity limits due to accelerated residential growth within the Town of Severance.

With the proposed development numbers and estimated growth and calculations, Weld RE-4 School District is requesting a 10-acre parcel dedicated to the district for a future elementary school to meet the needs of the Town of Severance. The developer has presented in their 4th submittal a location for a future school which is 10 acres. This 10-acre parcel will meet the requirement of the district if the plan includes a continuous road at the southeast corner.

The calculations call for a 14.7-acre site based on a buildout of 795 single family homes. By providing these 10 acres, this meets the site dedication requirements for 544 of

the single family homes. For the remaining 251 single family homes a cash-in-lieu in the amount that is agreed”

Severance Police Department Impact

The Town of Severance reached out to the Severance Police Department and Police Chief Jim Gerdeman stated,

“I do not have any issues with the Moody Annexation, and I will have to address the Public Safety needs once the final information is provided on the Commercial Businesses.”

Chief Gerdeman went on to say that public safety needs are based,

“On the calls for service, the new development would produce. I will not know that until the homes are built. I can state the Commercial properties will increase calls for service and we will need to increase staffing but that will not be known until we know what commercial businesses are coming to the town. A flower shop is not going to be a problem, unlike a retail store or liquor store.”

Windsor Severance Fire Rescue Impacts

The Town of Severance reached out to the Windsor Severance Fire Rescue, they have adopted Impact fees (as seen below) that will be assessed and collected at the time of building permit.

Calculation of Impact Fees

Impact Fee by Land Use

Single family residential (per dwelling unit)	\$693
Multifamily residential (per dwelling unit)	\$272
Commercial (per square foot)	\$0.35
Industrial (per square foot)	\$0.35

WHY IS WSFR IMPLEMENTING IMPACT FEES?

WSFR provides fire rescue services serving the towns of Windsor, Severance, and unincorporated parts of Weld and Larimer Counties. WSFR services a population of more than 50,000 residents in a total area of 100 square miles and responds to approximately 4,000 calls per year. Because of a heightened interest in development, the District is implementing development impact fees, effective August 1, 2021, as part of a larger strategy to ensure that future development pays its own way and existing residents and services are not financially burdened by new growth.

Traffic Impacts

The Town of Severance Transportation Plan adopted June 22, 2021, provides an in-depth analysis of existing conditions and anticipated needs through the year 2040. The analysis projects build-out of

residential and commercial uses, the traffic that would be generated, and the road improvements necessary to accommodate the traffic at acceptable levels. The Concept Plan and Management Plan submitted to the Town anticipates right-of-way dedications on E. Harmony Road (WCR74) and Teller Street (WCR 21) to accommodate the ultimate cross sections for all road improvements. At this time staff has no concerns. However, during development review traffic studies will be required to show improvements required.

Environmental Impacts

Existing land use has been agriculture. Currently, staff has no concerns. During development review, environmental study may be required.

Resident Impacts

Similar to all new subdivisions being built, construction would potentially be the largest impact on current residents and neighboring subdivisions. Most affected would be the Fox Ridge Neighborhood to the west, the Settler's Landing Neighborhood to the east, and the Summit View Neighborhood to the south. Construction noise, dust, and trash is a common resident impact. Community Development Inspector as well as Severance Police Department Code Enforcement would work together to keep impacts minimal by doing routine site visits as well as inspections. Traffic studies during developmental review will pinpoint exact improvements required, but it is expected that improvements along E. Harmony Road from Teller Street to Timber Ridge Parkway as well as improvements north along Teller Street from E. Harmony Road to Weld County Road 76 would be required as well as a traffic light being installed at the Timber Ridge Parkway and E. Harmony Road intersection. Road improvements may cause delays in commutes to current residents as an initial impact but could also improve commutes in the future as a long-term impact and would support a better flow of traffic along the E. Harmony Road Corridor. Commercial lots along the E. Harmony Road Corridor could be a potential resident impact and may provide retail opportunities as well as potential employment opportunities of residents. During development review community outreach efforts may be required to determine specific resident impacts.

Economic Impact

The Economic Impact of a proposed neighborhood of 776 residential lots with commercial lots and multi-family along the E. Harmony Road Corridor can be broken down into potential costs and potential gains. First, looking at potential costs it can be split into short-term impacts vs. long-term impacts.

Short-term economic impacts would be the cost of sewer and water. Placing a subdivision of the purposed 776 residential lots would require an upfront cost of getting water and sewer to each lot. The need to increase current water storage would be required. Severance currently does not operate a water treatment plant and is a wholesale purchaser of potable water. The Town's supply for potable water comes from North Weld County Water District (NWCWD). Severance owns its water

rights for raw water and sends needed water to NWCWD each year for treatment and delivery. Severance has two 500,000 gallon treated-water storage tanks with a total capacity of one million gallons. The existing water storage tanks provide water for fire protection, daily operating levels, and emergency water storage. Severance also has a pump station that is located immediately adjacent to Severance's storage tanks. The Town currently has two master meters that connect the Town's system to NWCWD. The Town also has an emergency meter connection for redundancy. This current infrastructure will not support a purposed residential subdivision of 776 lots. If annexation is approved the developer will need to work with Town Staff to address water infrastructure needs.

Sanitary sewer is treated in an existing town-operated treatment plant and also transported in a trunkline to a regional treatment plant in Windsor. These combined facilities have the capacity to treat the equivalent to a 1.2 million gallons of wastewater per day. With the addition of the purposed 795 residential lots and commercial lots, this would place the current town-operated treatment plant beyond its capability and all wastewaters will need to be sent to the Windsor Treatment Plant. If approved, the developer will need to work with Town Staff to address sanitary sewer infrastructure and the need to either upsize current lines or build a connection line to the current Windsor Trunkline.

A final short-term economic impact would be the plowing of new streets. New streets would need to be maintained by the Town from the start of construction. This impact would continue to need maintenance transitioning into a long-term economic impact which would be the continued upkeep of additional roads. It is estimated that a crack seal operation will need to take place on average every 5 years, and roughly every 15 years the roads would need to be rebuilt. A traffic study will determine all needs and requirements but is anticipated that improvements on E. Harmony Road and Teller Street will be required. It may also require a traffic light to be placed at the Timber Ridge Parkway and E. Harmony Road intersection.

Long-term economic impacts include continued park maintenance as well as open space maintenance. The Town's Public Works Department would have to account for the additional man hours this annexed property could require with additional parks, roads, and open space. If this project requires a lift station the added cost of upkeep and maintenance would be estimated between \$1500.00 - \$2000.00 per month for added chemicals, cleaning, and superbugs required."

From: [hollycoope](#) [REDACTED]
To: [Abdul Barzak](#)
Subject: New build at Teller/74
Date: Saturday, January 29, 2022 10:11:11 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender hollycooper955@yahoo.com

To whom it may concern

As a resident at 103 flat iron street I disagree with any new residential building until a new school is built to accommodate the children. I also disagree with the amount of multi family housing. I feel that our little farm community is going to loose its safety, charm, and personality. We do not approve of this at all.

Christian and Holly Cooper.

[Sent from Yahoo Mail for iPhone](#)

From: [Chris Kelley](#)
To: [Abdul Barzak](#)
Cc: [Chris Kelley](#)
Subject: Any new builds
Date: Saturday, January 29, 2022 10:38:13 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender chris_k69@hotmail.com

To whom it may concern,

I am writing to let you and the town planning committee know that I am opposed to any new builds, single family or multi family, until at least three new elementary schools, two new middle schools, and one new high school have been constructed and finished in our school district to accommodate the exploding population that has been more than encouraged by the past actions of your committee and the town council. These actions have been short sighted and planned for selfish financial gain.

Furthermore, the town nor North Weld water district has adequate water to accommodate any more housing builds. It is preposterous to continue to rubber stamp every housing development that comes before you because the developer takes you and the committee out for lunch. Enough is enough.

I urge you and the committee to strongly consider my stance. Trust me, thousands more Severance citizens agree with my view and dismay of the unchecked growth that the town had seen in the past five years.

Regards,

Christopher Kelley

Sent from my iPhone

From: [Jacqueline Hayes](#)
To: [Abdul Barzak](#)
Subject: Moody Annexation/new development concerns
Date: Monday, January 31, 2022 12:18:07 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender jacqueline.hayes9685@yahoo.com

Hello Abdul,

I am a newer Severance resident. I have lived here just over two years. I have seen how many homes have been built and continue to be built in such a short amount of time and I have a real concern. Aside from being a resident in severance, I am a mother of two school age children. Since living here, our schools have been overcrowded to the point that my children don't even get to go to school in the town that we live in! We were originally zoned to be part of Severance schools and were quickly moved to a Windsor school based on the continued building. The town is allowing homes to be built without thinking about the responsibilities that come with that. There isn't a clear plan in place that allows the district to grow with the amount of families moving into our area. This is a true concern not only as a parent, but as a taxpayer.

Along with the school issues, what is being done to keep our roads safe? The amount of traffic that has come from the ongoing building is ridiculous. I live in severance shores and there are times I'm sitting at my intersection for over 5 mins just trying to turn right because of the amount of cars and there isn't a plan for a light from what I've been told. I have witnessed so many near miss accidents on a regular basis. That's a joke in itself! Harmony/74 is already a busy road and when you add another 800 homes, well it's just crazy to even think about. The planning was not done prior to Hunters Crossing and Severance shores going in, let alone the other neighborhoods that have been added or being added, so my confidence that it will be done prior to this new development is nonexistent.

I would hope that before any further building was permitted, the town will take these concerns into consideration. I can't emphasize enough how important a resolution truly is.

Thank you,
Jacqueline Hayes

From: [Tessie Heeter](#)
To: [Abdul Barzak](#)
Subject: Severance town plans
Date: Monday, January 31, 2022 12:41:42 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender tessie.heeter@gmail.com

Hello! I'm a resident of Severance, living in Hunters Crossing. I was reaching out to express my concern regarding the amount of homes being built compared to the plan (or lack thereof) of schooling for our kids. My kids already are slotted for Windsor (Grandview) because Rangeview is overcrowded. I don't know how a council could approve building more homes when kids of their community currently don't fit in their neighborhood school.

We moved here because of the close community and amazing schools. It feels as though that's being taken away from us in our first year living here. Overcrowded schools cannot be successful schools. I would love to chat more if you have questions.

Thanks,
Tessie Heeter


From: [Kaela Hopkins](#)
To: [Abdul Barzak](#)
Subject: Moody property plan
Date: Monday, January 31, 2022 9:30:54 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender ktnova31@yahoo.com

Hello,

As a Severance resident I have great concerns with the potential Moody property plans. There are already too many new developments and too large of a population that our small town can not support. Our schools are already overcrowded with no current plans to build more, traffic is becoming a problem, and the current water moratorium are all valid reasons that adding another 800 homes is just not possible.

Thank you for hearing my concern,

Kaela Terranova

[Sent from Yahoo Mail for iPhone](#)

From: [Melo -](#)
To: [Abdul Barzak](#)
Subject: Re: moody annexation
Date: Tuesday, February 1, 2022 2:24:23 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender melissa.outman@gmail.com

Hello,

I am writing in regards to the proposal for the moody property. My family and I own a home in Summit View just south of the proposed development. As we will be directly affected by this plan I hope my family's opinion will be considered. We would appreciate some commercial/retail property in the area. However we are very concerned about the large number of additional residential properties being approved. Especially without appropriate infrastructure for the addition of future residents. Our schools are already over capacity. We have very limited commercial/retail spaces to support this growth. Our town is in need of more businesses/schools first. We sincerely hope someone in town hall might actually be bothered to say no to one of these home builders from time to time.

Sincerely
M Outman-Colabello

From: [Contact form at Severance, CO](#)
To: [Abdul Barzak](#)
Subject: [Severance, CO] Moody Annexation/zoning/Concept Plan (Sent by Rachel Richards, rach.richards2113@gmail.com)
Date: Tuesday, February 1, 2022 3:06:07 PM

Hello abarzak,

Rachel Richards ([rach.richards](#) [REDACTED]) has sent you a message via your contact form (<https://www.townofseverance.org/user/101/contact>) at Severance, CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofseverance.org/user/101/edit>.

Message:

Hello,

I am writing in response to the proposed development.

The current infrastructure within the town of severance cannot support the amount of growth that this new development would bring.

1. There is not enough capacity in the already overcrowded schools.
2. The closest grocery stores are already under-stocked, under-staffed, and supply residents in multiple cities.
3. The availability of decent internet and cell phone reception out here is extremely limited and already pushing capacity - Internet is not sufficient to work from home, most cell phone carriers have absolutely terrible coverage out here.
4. There are already concerns about the availability of clean water supply as there are not enough facilities to treat our water and the water to residents of our surrounding cities. Demand for the clean water is going to rise with the development of new homes - how is this going to be supported without the necessary facilities?

City income considerations - Sales tax is being given to other cities not kept in our own hometown due to a lack of amenities.

Please consider the daily life of an individual/family currently living in the town of Severance and how all of these issues mentioned above would make living here even harder with any more residential development.

Regards,

Rachel

From: [Wendy L West](#)
To: [Abdul Barzak](#)
Subject: Hidden Lake Investments LLC Development
Date: Tuesday, February 1, 2022 5:34:14 PM

Good afternoon,

My name is Wendy West and I live at 277 Audubon Blvd and I want to express my concern and disapproval of the above development.

First, I unfortunately will not be at the Public Hearing in person. I have been to these public hearings and the last one I went to, I felt like this was just a formality. I was told that the developer followed Severance's Comprehensive Plan and therefore the project was a go. I am assuming this will be the same for this development. I just don't understand why things can't change after public comment when the project has not even started yet. Otherwise, why have the Public Hearing? I remember when Mike Lind came into town with an idea for a project and the town people flooded town hall and were able to shut the project down. Why this can't happen again, I don't understand. I believe the town should have the final say in what is best for the community.

I am deeply saddened with this development because it is more Journey Homes, and truly, just more homes on top of homes. This will make the main corridor into Severance wall-to-wall Journey Homes. The only reason people come to Severance is for the location of affordable housing. We service all the other major towns in our surrounding areas. There is truly nothing unique about Severance. The money generated is from new house construction which in turn goes to provide for town administration, policing, and schools. Where is our town identity?

On that note, and knowing the project will go through as planned, I would like to offer a suggestion. Is there any way that the homes can be different from all the other subdivisions? I understand it is convenient for the builder to have the same patterns because of the quick build. However, in the section of Summit View I live in, the builder made adjustments to the gables and front of the house to make it appear like a different style home. Also, the external paint could not match the neighbors on either side. Can there be some kind of stipulation similar to this example given to the builder in order to make several of the houses seem different so it's not a development of all the same design?

Thank you,

Wendy L West

From: [Amberly Fredrickson](#)
To: [Abdul Barzak](#)
Subject: Fwd: Moody proposal
Date: Tuesday, February 1, 2022 9:53:07 AM
Attachments: [zoning_map_2.2.21.pdf](#)

Good morning

I am writing to STRONGLY oppose the annex, rezoning, and development of the Moody property. I am directly impacted by the suggested proposal and while I understand the landowner has rights, the Town of Severance has the choice to keep the land they purchased at the time zones as rural and annexed. I STRONGLY encourage everyone to oppose the annex and rezoning.

When considering, I'd like you to ask yourself the following.

- ***Is this Moody plan in the requested zone change consistent with the Town of Severance? Does the community really want more houses?*** I do not believe that the current residents of Severance want this town to continue to grow at the rate it has been growing. Weld RE 4 is asking for the growth to slow down. The schools are asking Severance and Windsor to STOP building and that they can NOT serve the current or upcoming populations. My concern is we allow the growth but the community and services come after the fact. A case in point is the school and the current community is negatively impacted. Northern Weld County Water District has put the moratorium in place because they recognize the growth is out of control. There is a reason Weld County kept this property annexed and zoned as rural.
- The attached map shows that Moody proposal is NOT supposed to be developed. IT is not coded as "development node" and therefore the Town previously had NO intentions on developing this area and AGAIN is not prepared to do so.
- **IS there a need to rezone?** No, there are several communities already approved where people (taxpayers) can move into Severance. There are additional commercial properties next to Dollar General that can be used. This property does not need to be rezoned, the Franklin development which is already approved is similar. NO, the Town is projecting "development nodes" and the Moody project is NOT one of them.
- **Is the zone change consistent with the orderly development of public services?** NO, this again is the reason the Northern Weld County Water District put a stop to building in Severance. NO, Weld RE4 is at capacity and consistently in letters to the town stating they can not serve the community. NO, the roads will be destroyed and there will be more dangerous intersections. NO, this development will drive down property values in surrounding communities. This will not serve the community and will continue to decrease the quality of life for current residents. The Town can use other communities for commercial properties and taxes. The town can put commercial properties next to the Public Works, the Franklin development, and coming into town.
- **Is this consistent with other community development?** NO, the Moody is suggesting commercial and the surrounding community is Rural Residents (see attached map, again). NO, other community developments support nature and green belts between housing developments. The multi-family house directly backs an established Settler's Landing Neighborhood. There needs to be a least a green belt. Given that Settler's Landing backs that development the park could be moved towards the east to also be considerate of the established neighbors and provide a buffer. The multi-family needs

to be elsewhere on the land so it doesn't make the existing Settler's Landing properties go down. They purchased their home expecting that zone to remain rural. In surrounding communities, there are individual larger lots and fewer homes. In other communities, the school is able to serve the children. In other communities, the infrastructure.

I will once again ask you to oppose the annex and zoning of the Moody proposal. The attached zone mapping should remain. It was updated by, you, the town on 2.2.22 and needs to remain. The Town of Severance should not annex or change the zone. It is NOT in the plans. It NEGATIVELY impacts students and families. It NEGATIVELY impacts Settler's Landing.

I plan to remain actively involved in this proposal. I am extremely concerned about this proposal.

From: [Dan Russell](#)
To: [Abdul Barzak](#)
Subject: Moody Annexation Plan
Date: Monday, February 7, 2022 3:23:25 PM

Abdul,

As I may not be able to attend the neighborhood meeting on this subdivision plan, please accept these written comments and distribute where applicable.

As an adjacent homeowner, I have several areas of concern:

1. Traffic (vehicular). Adding 795 new homes (plus multi-family units and commercial ventures) within a few hundred yards of my home will increase vehicular traffic in this general area considerably. Are the planned improvements to the current roads and traffic signs/signals sufficient to support that increase in traffic? What is the timeline to make sufficient improvements if the Moody subdivision is approved?
2. Traffic (foot). This is a significant concern as my subdivision (Fox Ridge) does not have sidewalks. Residents and their children and animals walk on the streets themselves. This has never been an issue because there has been very little vehicular traffic. Historically, only residents and service providers (and a very few "looky-loos") drive our streets. Putting several hundred houses mere yards from Fox Ridge will increase the vehicular traffic in Fox Ridge significantly. Does the town of Severance plan to put sidewalks in Fox Ridge to ensure the safety of foot traffic in and around Fox Ridge? People from Severance Shores often walk across the open area behind my home. They often chose to walk right next to my back fence and some even stop and attempt to interact with my pets. This is happening with some frequency from the 265 houses in Severance Shores. One can only assume that 795 houses on the other side may produce a 300% (or more) increase in the number of people walking along my back fence. Is there a plan to put in a walkway further away from our property or some other plan to keep this additional foot traffic further away in the open space to be less intrusive to homeowners in Fox Ridge?
3. Infrastructure. Will the water needs of these 800+ buildings cause any issues to the Town of Severance infrastructure capacities and capabilities? What of law enforcement, sewage, electricity and internet service? Are all those systems readily capable of handling a 100%+ increase in demand in this immediate vicinity?
4. Lot size. The average lot size in Colorado is roughly 7500 square feet. Every single lot in this planned subdivision is under that average. While roughly 30% are just 2% less at 7200 sq ft, fully 70% of the planned lots are 6200 sq ft (or 15% smaller than average). It seems to me the only entity to benefit from these lot sizes is the builder. Not the residents, not the neighbors and not the town. By putting more and more houses on smaller and smaller lots, there can be additional challenges to infrastructure (see #3) and fire risk management (see #5) to say nothing of negative overall impact to nearby home values. Where is the Town going with this trend? Will it be accepted if the next subdivision has a 5000 sq ft lot size? How about 4000 sq ft? Does the Town of Severance have any standard for minimum lot size in new subdivisions? I respectfully submit there should be a minimum lot size around 7000 sq ft, which would help to mitigate several concerns.

5. Fire risk/management. Especially in light of current events near Denver, are there discussions underway regarding the increased fire hazard of having so many houses built so closely together? As an adjacent homeowner, I am very concerned about the increased chances of fire associated with this planned subdivision and the potentially increased size and scope of a fire should one occur. I do not believe there is sufficient firefighting manpower and machinery available at this time in Severance to alleviate that concern on behalf of current residents.

Sincerely,

Dan Russell

President – Fox Ridge HOA

[REDACTED]
[REDACTED]

From: [Jacqueline Hayes](#)
To: [Abdul Barzak](#)
Subject: Moody project/annexation
Date: Wednesday, February 9, 2022 8:17:28 AM

Hello Abdul,

I have written in regards to the Moody project/annexation prior to today, but it was brought to my attention the builder's response to Weld Re-4's request that would allow school expansion for the projected incoming families. This is absolutely absurd! They stated that schools would be located within a specific radius, which is true, but also this is pure ignorance. This shows just how money hungry and egotistical Journey Homes truly is! They do not care about our community, nor the future of our children. Majority of the new subdivisions are already bussing our children to Windsor to go to school, as Range View elementary is over capacity! Grandview elementary (Windsor) cannot house the amount of students projected for the next year without adding mobiles to the small property they have. I can assure you that this project would be devastating to our already strained school district! Please, PLEASE continue to halt the annexation of this land and approval for this project until they are ready and willing to come up with a solution to this major issue!

Thank you again for your time,
Jacqueline Hayes
Concerned mother and Severance resident

From: [Carrie Vicente](#)
Subject: Moody Project - Severance
Date: Tuesday, February 8, 2022 8:09:23 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender vicente.carrie@gmail.com

Good evening,

I am writing as a concerned resident of Severance. While I support town growth, the Moody Project does not have our town's best interest in mind.

1. Our current water treatment agreement cannot keep up with the growth. This is a classic case of putting the cart before the horse. Why should we add 800+ more homes to this issue?
2. Our current schools are bursting at the seams. Employees of the schools are getting burnt out and truly not able to perform at their best with the current one school per elementary, middle and high. I am a prior teacher and experienced mental and physical health detriments due to similar conditions. Currently, we live not even half a mile from Range View Elementary School yet we cannot attend there because it is too full. My son will be school age in 2 years, yet our zoned school Grandview is already full too. Why toss your families around (who are the heart of Severance)? We are the ones supporting growth of our town, so please support us back with a second elementary school.
3. Journey Homes have taken over Severance with a vengeance. They will find land anywhere they can grab and continue to build. Their lack of compassion in the Moody Project (quote: "The request for a 10 acre school site is an overreach"). Journey does not care about our town—they care about the potential money they can sweep in.

Please, please continue to oppose the Moody Project. It does not align with the needs of our town, nor the wants. We need schools to house these children who are our future. For a town that is so hungry for growth, they should be hungry for the growth of the children living in it.

Thank you,
Carrie Vicente

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Carrie Vicente

From: [Valerie Simons](#)
To: [Abdul Barzak](#)
Subject: Moody Project
Date: Tuesday, February 8, 2022 8:10:29 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender valerie.koester@gmail.com

To whom it may concern,

I am writing this letter as a concerned resident of Severance. We must stop the building of more residential homes in the Windsor/Severance area. We are already experiencing a moratorium on water taps due to the shortage of water, the bonds for building new schools was voted down which means our children's education will be diluted and dumbbed down and our infrastructure is far from where it needs to be to support new residential buildings. I applauded the town's requirements to Journey Homes for more open spaces, more monetary donations for school and infrastructure. Please continue this fight, the builders are profiting from the declining status of this once great city. Windsor used to be the desired location for families because of it's renowned school curriculum, now all I hear from residents is how they are removing their students due to overcrowding and a diluted education. If the non-stop building of residential homes continues there will be horrendous consequences to the city, it's residents and it's reputation.

Please fight for the future of this town and stop adding homes for families we cannot sustain. There is nothing wrong with halting all residential building for 2 or 3 years so the rest of the town can catch up to the rapid inflow of families. As the leaders of this town you would be doing all current and future residents a major disservice by not controlling the growth now.

Thank you,

Valerie Simons

From: [Melo -](#)
To: [Abdul Barzak](#)
Subject: Re: moody annexation
Date: Wednesday, February 9, 2022 1:17:21 PM

Thanks for the feedback. So disgusted after I just saw Journey homes response to Weldre4 request for school space and funding. How is Weldre4's request possibly an over- reach considering how many added homes and developments Journey has built in this community with zero investment in educational infrastructure. Severance Shores, Severance Reserve, Hunters Crossing, Overlook, and now Moody. Exactly how do they expect our already over fire safe capacity schools to accommodate this new build. Please Please Please Severance planning commission, WeldRe4, and Severance council, stick to your guns and say no, without Journey making concessions. We need schools and businesses before more houses.

Thank you for your time and consideration.

On Tue, Feb 1, 2022, 3:03 PM Abdul Barzak <abarzak@townofseverance.org> wrote:

Hello,

Thank you for providing comment. Town staff takes these comments seriously and will present your comments to both the Planning Commission and Town Council. Please feel free to call my direct line at 970-692-1556.

Thank you,



From: Melo - <melissa.outman>

Sent: Tuesday, February 1, 2022 2:24 PM
To: Abdul Barzak <abarzak@townofseverance.org>
Subject: Re: moody annexation



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender melissa.outman@gmail.com

Hello,

I am writing in regards to the proposal for the moody property. My family and I own a home in Summit View just south of the proposed development. As we will be directly affected by this plan I hope my family's opinion will be considered. We would appreciate some commercial/retail property in the area. However we are very concerned about the large number of additional residential properties being approved. Especially without appropriate infrastructure for the addition of future residents. Our schools are already over capacity. We have very limited commercial/retail spaces to support this growth. Our town is in need of more businesses/schools first. We sincerely hope someone in town hall might actually be bothered to say no to one of these home builders from time to time.

Sincerely

M Outman-Colabello

From: [Paige Morris](#)
To: [Abdul Barzak](#)
Subject: Objections and Concerns about Moody Annexation
Date: Wednesday, February 9, 2022 5:27:49 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender morr2254@gmail.com

Hi!

I'm writing as a concerned citizen of Severance! I live in Severance Shores. I am asking you to please continue to oppose the building of 800 new homes in Severance without commitment from Journey Homes to include a way to fund/build a new school! Our children and teachers are already suffering from over capacity at the schools and I do not wish to continue to add strain to our education! Stand your ground for the good of the community! Please!

Thank you so much!

Paige Sprecker

From: [Amberly Fredrickson](#)
To: [Abdul Barzak](#)
Subject: Moody; Land Code next steps
Date: Wednesday, February 9, 2022 1:52:02 PM

Hi Abdul

First off, thank you so much for showing up to work. I do believe the people who are sitting on the council want what is best but are unable to do so due to codes/laws, etc. I think we all share a common goal in wanting Severance to be the best community possible. Somewhere along the line, big national builders came in and destroyed the reason many of us moved out here. Anyway, can you help me understand some next steps?

I went to the Council Meeting yesterday and spoke during Public Comments. I stayed as long as I could but with young kids at home, I had to leave. I finished the meeting via Zoom. At the end of session, there was a "petition" to have a "work session" to review the land use codes and discuss the possibility of putting together an advisory board that consists of board members and residents to make any changes to the land use codes.

Procedurally, I don't understand what's next. Where can I find this information? Do myself and others continue to show up to public comments? Different meetings? Do we do some sort of petition? How can I keep the conversation of the land codes and advisory board going? I feel very strongly about this and have found some additional community members who are as concerned and want to be involved.

Procedurally, if you can't answer please direct me to someone who can help me understand the process.

Thank you and have a good day.

Amberly

From: [Anne M](#)
To: [Abdul Barzak](#)
Subject: Moody Property Concept Plan
Date: Friday, February 11, 2022 8:04:49 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender mcdowell3938@gmail.com

This email is in response to the presentation of the Moody Property Concept Plan sent to us in the mail and presented at a town meeting on February 7, 2022 at the Severance town hall. My husband, Jack, and I own the small 2.5 acre parcel in the upper left hand corner of the plan (36990 County Road 21). We have several concerns regarding this plan that will likely affect us and the surrounding community in a negative way.

First, the plan indicates that a county road (Future WCR 76) could be completed at the north boundary of the subdivision ending at our east property line. You indicated at the meeting that easement for that road has existed for some time. I have attached 3 photos of maps provided to our builder in 2003 as we were planning the building of our home, and when the Schlager Annexation was approved by the town of Severance. There is a clear indication of the right of way for County Road 21 but there is no indication of the right of way for County Road 76 on any of these maps. At the time we built our home in 2003, there was no indication on any of our documents that this road was being considered for future construction. We built our home with no knowledge of the existence of this easement. If we had been aware of it, we would have built the house further away from it. We are very concerned that this road could end up being in our backyard. We would like to see the documents available that indicate this easement legally and why our building plans were approved by Weld County knowing this easement existed but not informing us of it. If this documentation does not exist, we would like to see this completely removed from further subdivision plans for this property.

We also have concerns about placing nearly 800 homes in this subdivision with very small lots. We do not feel that the town of Severance has the amenities, commerce, or school space available to accommodate this kind of growth, especially considering all the current subdivisions which have already been built and are in process. We have noticed a significant increase in the amount of traffic on County Road 21 already and are concerned that the traffic will have a significant impact on local residents. Also, the irrigation canal that is located on the west side of County Road 21 is a big concern for traffic and safety as more people move into the area. We have seen more and more joggers, bicyclists and people walking dogs along the road and we, personally, have had to assist several people out of the canal when the road is slick. This canal and open headgates will also be a draw and hazard for any inquisitive children in the area. Will there be any mitigation to keep the new residents of this community safe there?

When I attended a town meeting at the time County Road 21 was annexed to allow access for the town of Severance to its water tanks, the town representatives at that time indicated that future growth in the Moody property area would be low density in keeping with the rural nature of the town. This subdivision is certainly not low density and would increase the traffic and noise in the area considerably.

Our last concern is regarding water. We have just experienced a 28% increase in our water

rates and the town is currently under a moratorium for issuing water taps as North Weld County Water is unable to treat the water for the current growth. I cannot speak of others, but as retirees, we cannot withstand an increase in our water bills, taxes, or sales tax at this rate to accommodate this level of growth.

I appreciate your willingness to consider our concerns and hope that you will continue to include and inform the current residents in all projects that will affect us in the future. Please feel free to contact us if we can provide additional information or if you any questions.

Sincerely,
Anne and Jack McDowell

[REDACTED]

From: [dottie lovato](#)
To: [Abdul Barzak](#)
Subject: This is my post on FB please take mine and many many others opinions seriously.
Date: Monday, February 14, 2022 5:21:12 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender dottielovato@gmail.com

We need to tell the town that we need more schools, small businesses and grocery stores. We need to grow our town with amenities to keep the money circulating here and not have to spend our money in other towns because we have nothing here in Severance. Stop the sea of new poorly built homes with nothing to base this town off of!! People go to the meetings to help our town make responsible decisions!

Thank you

Dottie Lovato

From: [Greg](#)
To: [Abdul Barzak](#)
Subject: New Development
Date: Monday, February 21, 2022 9:59:43 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender gfreeber@gmail.com

To whom it may concern.

I am writing to you with my concerns about the new approximately 800 home development. By · Journey Homes (operating under Hidden Lake Investments, LLC--owned by Larry Bukendorf, who also owns Journey Homes with Jeff Demaske), is proposing a development on the corner of Teller Road (CR21) and Harmony Road (CR74)

I have lived in Severance since 2004 and when I first moved here it was a great small town feel along with living in a rural community. I realize all towns need to grow but we are growing at a pace that is way too fast and the existing severance taxpayers are paying for it.

I was always wondering how we can maintain this growth with the water and school demands and not letting it affect the taxpayers. Well, here we are and when we received the 18% increase in water rates it proved my point, we were giving away the bank to the developers and they were not paying their fair share. If the developers want to build in Severance they need to pay for infrastructure, appropriate tap fees and the future school's needs. The existing tax base should not pay for this!

I have watched the elementary school be built and from day one we started hauling modular units in to support the school. We have built a middle school along with a high school and we need to make sure the developers are paying their fair share. Asking for 10 Acres and the school impact fees is not too much to ask. In fact it should be required, If they don't like it, they should go to another town and build. We need to be responsible for what we are doing and not put the burden on the taxpayers. The Severance planning commission, town board along with the school district need to support the existing taxpayers. These developers are making millions at our expense. We need to bring the land use code up to date.

Thank you for your time

Greg and Jodie Freeberg

[REDACTED]

[REDACTED]

From: [Michael Ozog](#)
To: [Abdul Barzak](#)
Subject: Moody Annexation
Date: Thursday, February 24, 2022 9:16:48 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender michael.ozog@IntegralAnalytics.com

Hello Mr. Barzak,

I am a resident of Fox Ridge ([REDACTED]), and I have a few questions about the Moody Annexation. I attended via zoom the neighborhood meeting, but had difficulty in hearing the questions, and was not able to attend the planning nor town meetings that addressed this issue, so please forgive me if these questions have already been addressed.

1. What is the timeline for the Moody annexation/development?
2. My impression is that if the plan meets all the requirements of Severance Land Use plan, it will probably be implemented. Is there any current aspect of the plan that does not meet the land use requirements?
3. I am an amateur astrophotographer so I am quite worried about light pollution from this development. Does the land use plan address potential light pollution issues?
4. At this point in time, has there been any economic impact evaluation of this project, which particular emphasis on property value, taxes, infrastructure, and transportation? If so, is it possible to get a copy of the analysis?
5. The plans currently have commercial development spaces, is there any idea what is likely to be placed at those locations. As I am sure you know, Severance really needs a local full-service grocery store.
6. Is there anyway I as an individual be involved in the decision making process for this and other development plans?

Thank you for your time,

Michael Ozog

From: [Jacqueline Hayes](#)
To: [Abdul Barzak](#)
Subject: Land Use Code
Date: Wednesday, May 11, 2022 2:41:41 PM

Hello Abdul,

I just wanted to reach out and share concerns I have with current projects being considered. One of the hardest things for me to wrap my head around is how the town and board are even considering a project that has the potential of an 800 home development and we don't even have the infrastructure in place for current residents. I live in Severance Shores and can't even walk into town on 74 because there aren't sidewalks or crosswalks to get to designated sidewalks safely. One of the reasons we chose to live in Severance was because we love the small town feel and being part of a small community. Without a change in the current land use code, we are very quickly turning into a town we did not want to live in.

In a nut shell here are my biggest concerns...Our children are bussed to Windsor because the elementary school here is over capacity. We can't walk safely into town or the Dollar General. We do not have the police force that will need to be present as we continue to grow. More people ultimately leads to more crime whether we want to believe that or not.

Please consider my concerns and share with whomever is responsible for making these decisions, especially when considering these bigger developments. Growth is inevitable and I am all for it when done responsibly. As a current resident, I hope to see more development that targets us and continues to build the community we so desire (rec center, community pool, grocery store etc.)

Thank you for your time
Jacqueline Hayes

From: [Greg](#)
To: [Nicholas Wharton](#); [Abdul Barzak](#)
Subject: Moody project
Date: Friday, May 13, 2022 2:54:33 PM

To whom it may concern.

I am writing in reference to the Moody project that has been [resumited.to](#) the town.

You need to consider the impact on the existing taxpayers, Journey home needs to pay for anything that will affect the current taxpayers. Journey homes is making millions on this project.

The need to pay all costs associated with water and wastewater and road upgrades, we already are paying 18 % more in water because Journey Homes have been given favors in the past. This included any upgrades to the existing system. They also need to pay fees to improve the schools because it is obvious our school system will not handle another 800 homes along with Windsor's growth.

The economy is slowing and people are paying for past mistakes. Let's not keep making them.

Sincerely

Greg Freeberg

From: [Michael Young](#)
To: [Abdul Barzak](#)
Subject: Fwd: Moody project
Date: Sunday, May 15, 2022 8:12:11 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender michaelyoungw@aol.com

Sent from my iPhone

Begin forwarded

Hello Abdul,

> Choosing to develop multi family next to rural residential would seem to favor the developer and devalue your current Severance home owners property. Please do not allow annexation and approval of this project.

>

> Thank you,

>

> Mike and Laura Young

>

> Sent from my iPhone

From: [Melo -](#)
To: [Nicholas Wharton](#); [Abdul Barzak](#)
Subject: Moody Annex
Date: Saturday, May 21, 2022 4:46:09 PM

I am writing to express my concerns regarding the possible approval of this development. My children are students in RE4 and with all schools over capacity already, I really hope the board of education refuses to an agreement with the developer for anything less yhan what was originally requested. We have an immediate need for added schools as well as funding for infrastructure projects agreeing to less from Journey Homes. Personally I feel that they should provide more than WeldRe4 requested previously.

From: [Amberly Fredrickson](#)
To: [Matthew Fries](#); [Frank Baszler](#); [Stephen Gagliardi](#); [Michelle Duda](#); [Dan Meyers](#); [Abdul Barzak](#); [Nicholas Wharton](#)
Subject: Moody Annexation concerns
Date: Friday, July 8, 2022 1:30:44 PM

Dear Council,

I am writing to express my strong opposition to the Moody project, the proposed annexation at CR 21 and CR74. While the local community may be unable to prevent development, that in itself will be detrimental to the area. I am completely opposed to the addition of multi-family housing and the number of homes that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community. This is a terrible idea for Severance.

Water, traffic, public safety and school capacity are and major areas of concern. The traffic surge during rush hours will also negatively impact safety for our loved ones. In general, the area traffic is continuing to increase, and heavy traffic is already common and has caused tragedies.

Schools in the area are already reported at overcapacity, 120%+. Many of Severance students are already shipped off to Grandview. The purposed school will not address the capacity issues. It minimizes the fact that there will be an additional 900 houses with multiple school age children. Journey exacerbates the capacity issues for their profit. Journey is not interested in partnering and supporting the community. In a previous letter between Weld RE4 and Journey a request for school site or money was an "overreach."

Property values are likely to go down in the area if multi-family apartments are added and if 900 poorly built houses are added to our area.

I urge you to disapprove the proposed annex. I know my opinions are shared by many.

Thank you for your time.
Amberly Fredrickson

Sent from my iPhone

From: [Contact form at Severance, CO](#)
To: [Abdul Barzak](#)
Subject: [Severance, CO] Moody project (Sent by Jeff Johnson, 26ratrod@gmail.com)
Date: Sunday, August 7, 2022 12:13:08 PM

Hello abarzak,

Jeff Johnson ([26ratrod](#) [REDACTED]) has sent you a message via your contact form (<https://www.townofseverance.org/user/101/contact>) at Severance, CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofseverance.org/user/101/edit>.

Message:

I am frustrated that this project has actually made any progress with the lack of provision for it in the Severance comprehensive plan. The project is in the Growth management area and should be handled with caution. According to the Severance comprehensive plan under the current land use code I found the following statement. “ The purpose of the Severance comprehensive plan to to provide a road map for the future of the community and preserve our towns quality of life, rural atmosphere and small town feel”. I don’t see how the Moody project fits in with this statement or current land use plan. 900 homes stacked on top of each other does not fit this statement or the current land use code. The added traffic load placed on road 74 doesn’t follow the current traffic plan either. I have been to the meetings and heard the mayor say his hands are tied but that clearly isn’t the case. If the Moody project doesn’t fit with this statement and the land use code than it should be rejected until it does. The town of Severance should not allow predatory developers. The town council has the right to stand up against this and demand conformance to our towns quality of life, rural atmosphere and small town feel. Please forward this on to the town council and mayor and anyone you feel should see this. Thank you!

From: [Contact form at Severance, CO](#)
To: [Abdul Barzak](#)
Subject: [Severance, CO] Moody Annexation/Zoning/Concept plan (Sent by Shelly Crider, dssprucefarm@lpbroadband.com)
Date: Sunday, August 7, 2022 12:13:08 PM

Hello abarzak,

Shelly Crider ([dssprucefarm](#) [REDACTED]) has sent you a message via your contact form (<https://www.townofseverance.org/user/101/contact>) at Severance, CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofseverance.org/user/101/edit>.

Message:

Hello Abdul, I am writing because I have a few concerns about the proposed development west of where I live. My first concern is the availability of water and sewer for a development of that size. Will this increase fees or water availability for current residents of Severance? I am also concerned about a possible increase in crime in Severance with the addition of so many homes being added. Do we have the police and fire security necessary for the increased population? My last concern is about my own residential privacy. Our development, Settlers Landing, has always enjoyed a private bridle path for walking and riding. I am concerned that these new homes will cause an increase of people, including kids and teenagers using our bridle path. Would there be some kind of fencing erected between the new development and Settlers Landing?

I appreciate your time in reviewing my concerns.

From: [Melo -](#)
To: [Abdul Barzak](#); [Nicholas Wharton](#); [Engage Weld RE-4](#)
Subject: Moody Annexation
Date: Wednesday, August 10, 2022 11:44:10 AM

Severance Town council, Planning commission, Mayor Fries, Weldre4;

I am writing to express my and my families extreme opposition to the proposed Moody Development. We feel adding another huge housing development to our town would be exceedingly detrimental to our community.

As it is our communities services are over-taxed by the current rapid growth we've seen in the past couple years in Severance. While not opposed to development in general, we are adamately opposed to irresponsible and unchecked growth.

Our schools are over-capacity, with little hope for improvement in the near future. We are already suffering from an overburdened water system. Our current traffic issues will only increase.

Residents are already required to use businesses in neighboring communities for necessary purchases and services due to the very limited commercial/retail options within Severance. Which means the residents of our town don't spend their money in our town.

Adding another 700+ homes will only compound the existing issues with schools over-capacity, lack of water, loss of open space, the lack of social services and increasing traffic congestion.

We ask that you please refuse this and other developments like it until real solutions can be found to the problems already facing our town.

Sincerely,

The Colabellos

From: [Jennifer](#) 
To: [Abdul Barzak](#)
Subject: Comment on Moody Expansion
Date: Wednesday, August 10, 2022 10:57:29 AM

Dear Council, Mayor Fries and Town of Severance Staff,

I am writing you today to express my vehement opposition to the annexation and further development of the proposed Moody Project, Resolution 2022-30R, on the corners of WCR 74 and WCR 21.

Our community is currently struggling with adequate access to water, schools that are already at 120% capacity—or even higher—as well as increasing traffic and infrastructure woes. To approve a plan that would increase the number of households by approximately 50%—current US Census data suggests we have around 1,800 homes in Severance—would be foolhardy and short sighted.

While development is inevitable, it is our responsibility to go about it in a smart, controlled manner. Many residents of Severance moved here to escape large cities and towns in favor of a small town, slower paced lifestyle. We moved here for access to nature, community-based schools and a slower paced lifestyle for ourselves and our families. Massive developments, like Moody, would undermine the very characteristics that make Severance the special little town we all love.

Severance, like most of Weld County, was originally an agriculturally based town. Residents of the town enjoy the open fields, farmland, and nature of the community. Wildlife is abundant in the area—from native creatures such as pronghorn, red-tailed hawk, golden eagles, great blue heron, white pelicans, ground squirrel, mule deer, even bald eagle—the list goes on and on. Development on such a massive scale will drastically impact their numbers and well-being.

Schools in Weld County are already over-crowded. This is a fact that no one can argue. The influx of families that such a development would bring would add further unnecessary stress to our staff, facilities and students that is completely detrimental. We need to have plans in place, years before the fact, to have adequate seats, instructors, buildings, and budget to educate additional children. We cannot play the catch-up game with education any longer. It is not a viable plan and will only cause harm and upheaval to the community.

Additionally, current residents of Severance and surrounding communities are likely to point out that our infrastructure: water, energy, access to transportation routes, adequate road structures, as well as access to affordable food and retail outlets are already stretched paper thin. Our two closest grocery outlets, Safeway and King Soopers in Windsor, are struggling to keep shelves stocked and employees on the payroll. This is partially due to the continued strain on supply chains and employment pool as we first encountered during the pandemic but is further exacerbated by the fact that there are simply not enough retail and space to adequately supply an unchecked population growth.

With such a large increase in proposed households, have we even addressed the added strain that would be placed upon our fire department, police and sheriff units, emergency responders such as EMTs...not to mention social services, health care, etc. These heroes already carry a heavy burden on a daily basis and unchecked growth, with potential for increased crime and social needs will no doubt cause a drain on these vital resources.

In closing, I urge you to disapprove the annexation of Moody, and other massive

developments like it, for our town until we can solve some of the very real problems we are already grappling with. I know my opinions and thoughts are shared by many of my neighbors and I have urged them to contact you with their concerns as well. Growth will come, this is undoubtedly true. However, we can choose to plan for our community's future in a smart, responsible manner without losing sight of what originally drew so many of us to our little town.

Thank you for your continued service and I hope to see you make efforts to support our community for long-term smart growth and development.

Thank You,

Jennifer [REDACTED]

From: [Amberly](#) [REDACTED]
To: [Abdul Barzak](#); [Abdul Barzak](#)
Subject: Moody letters for 8/17 and 8/23
Date: Thursday, August 11, 2022 1:03:21 PM

Hello

Please share this letter with all the members for the meetings held 8/17 and 8/23.

This letter is to strongly oppose the Moody development and encourage the Town of Severance to zone the property as rural residential. This letter is to encourage the Town to read, enforce, and deny the application of the Moody development based on State Law 29-20-303.

The Town of Severance FB page states "The Town of Severance is located in Northern Colorado and features some of the richest farmland in the State. It lies in close proximity to Windsor, Fort Collins, Greeley, Eaton and Loveland. While still a small town with the feel of an agricultural community, the Town of Severance held the distinction of being the fastest growing community in Northern Colorado for several years."

The members of this community are tired of being the fastest growing community. They are tired of playing catch-up and developing before the infrastructure is in place. The members of this community want to be a small town and want farmland.

Unfortunately, there is a large developer proposing a major development (Moody) that will negatively impact the town. While the proposed development itself will negatively impact current residents, it is also the attitude of these developers that is unacceptable. Our schools are devastated by these developers. Our land is devastated by the developers. Our water, our streets, and our sense of a small community are devastated by these developers.

According to the Greeley Tribune published on August 11, 2022, "North Weld eliminates Severance's 25% Discount On Water Rates." The Town of Severance is facing fines. The Town of Severance can not handle another large dense housing development at this time.

I believe there are three choices.

1) Journey builds and the current quality of life for residents is impacted

- 2) The Town list the land as rural and Journey builds fewer houses
- 3) The Town reads and enforces state law: 29-20-303

29-20-303. Adequate water supply for development. (1) A LOCAL GOVERNMENT SHALL NOT APPROVE AN APPLICATION FOR A DEVELOPMENT PERMIT UNLESS IT DETERMINES IN ITS SOLE DISCRETION, AFTER CONSIDERING THE APPLICATION AND ALL OF THE INFORMATION PROVIDED, THAT THE APPLICANT HAS SATISFACTORILY DEMONSTRATED THAT THE PROPOSED WATER SUPPLY WILL BE ADEQUATE. A LOCAL GOVERNMENT SHALL MAKE SUCH DETERMINATION ONLY ONCE DURING THE DEVELOPMENT PERMIT APPROVAL PROCESS UNLESS THE WATER DEMANDS OR SUPPLY OF THE SPECIFIC PROJECT FOR WHICH THE DEVELOPMENT PERMIT IS SOUGHT ARE MATERIALLY CHANGED. A LOCAL GOVERNMENT SHALL HAVE THE DISCRETION TO DETERMINE THE STAGE IN THE DEVELOPMENT PERMIT APPROVAL PROCESS AT WHICH SUCH DETERMINATION IS MADE.

Please consider how moving forward will impact this community. Thank you for volunteering your time to the community. Please listen to the community. List the land as rural and deny the ability to move this Moody project forward.

A very concerned citizen,
Amberly

From: Caitlin [REDACTED]
To: Abdul Barzak
Subject: Oppose Moody Development
Date: Wednesday, August 17, 2022 6:12:00 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender caitlin.mccrory75@gmail.com

Dear Council, Mayor Fries and Town of Severance Staff,

I am writing you today to express my vehement opposition to the annexation and further development of the proposed Moody Project, Resolution 2022-30R, on the corners of WCR 74 and WCR 21.

Our community is currently struggling with adequate access to water, schools that are already at 120% capacity—or even higher—as well as increasing traffic and infrastructure woes. To approve a plan that would increase the number of households by approximately 50%—current US Census data suggests we have around 1,800 homes in Severance—would be foolhardy and short sighted. As an educator, I can't even begin to share the harm that overcrowding and underfunding creates. While you may not see consequences immediately, you will see years add up of decreasing quality and performance for student academic achievements; it will become even harder to hire and retain teachers who want to work in overfilled classrooms and who are already over extended. Graduation rates will decrease and the cusp of success that Weld RE4 is on, and has worked so hard to achieve, through expanded access to quality education as well as concurrent enrollment and dual enrollment will be crushed.

While development is inevitable, it is our responsibility to go about it in a smart, controlled manner. Many residents of Severance moved here to escape large cities and towns in favor of a small town, slower paced lifestyle. I grew up in this area and moved back to Severance a year ago, after working out of state for a number of years, for access to nature, community-based schools and a slower paced lifestyle for ourselves and our families. Massive developments, like Moody, would undermine the very characteristics that make Severance the special little town we all love.

Severance, like most of Weld County, was originally an agriculturally based town. Residents of the town enjoy the open fields, farmland, and nature of the community. Wildlife is abundant in the area—from native creatures such as pronghorn, red-tailed hawk, golden eagles, great blue heron, white pelicans, ground squirrel, mule deer, even bald eagle—the list goes on and on. Development on such a massive scale will drastically impact their numbers and well-being.

Schools in Weld County are already over-crowded. This is a fact that no one can argue. The influx of families that such a development would bring would add further unnecessary stress to our staff, facilities and students that is completely detrimental. We need to have plans in place, years before the fact, to have adequate seats, instructors, buildings, and budget to educate additional children. We cannot play the catch-up game with education any longer. It is not a viable plan and will only cause harm and upheaval to the community.

Additionally, current residents of Severance and surrounding communities are likely to point out that our infrastructure: water, energy, access to transportation routes, adequate road

structures, as well as access to affordable food and retail outlets are already stretched paper thin. Our two closest grocery outlets, Safeway and King Soopers in Windsor, are struggling to keep shelves stocked and employees on the payroll. This is partially due to the continued strain on supply chains and employment pool as we first encountered during the pandemic but is further exacerbated by the fact that there are simply not enough retail and space to adequately supply a unchecked population growth.

With such a large increase in proposed households, have we even addressed the added strain that would be placed upon our fire department, police and sheriff units, emergency responders such as EMTs...not to mention social services, health care, etc. These heroes already carry a heavy burden on a daily basis and unchecked growth, with potential for increased crime and social needs will no doubt cause a drain on these vital resources.

In closing, I urge you to disapprove the annexation of Moody, and other massive developments like it, for our town until we can solve some of the very real problems we are already grappling with. I know my opinions and thoughts are shared by many of my neighbors and I have urged them to contact you with their concerns as well. Growth will come, this is undoubtedly true. However, we can choose to plan for our community's future in a smart, responsible manner without losing sight of what originally drew so many of us to our little town.

Thank you for your continued service and I hope to see you make efforts to support our community for long-term smart growth and development.

Thank You,

Caitlin Evans

Subject: Moody Property Annexation Proposal

There are many items to consider on the Moody Annexation Proposal

to my understanding, as the property sits now, it falls under Weld County control and can only be subdivided into 40 acre sections. The current owner of the property wants the town of Severance to Annex this property so that they can add 795 roof tops, multi-family units and commercial along Harmony.

The housing growth in our area has been impressive and we need to prepare for the future. Our growth has simply surpassed our ability to treat and process our wastewater. This has been 'temporarily' resolved by the installation of an interceptor line running our waste to Windsor where excess capacity is available (now). How long will this 'excess capacity' be available is unknown as Windsor is experiencing a high rate of growth as well. I believe our agreement with Windsor expires in 2038. Should Windsor deny an extension, we simply would be stuck, out of State compliance and who knows the ramifications of noncompliance. This was a bandaid when implemented and not meant to be the fix. We simply can not keep kicking this can down the road.

These developers are making enormous amounts of money and leaving communities to cover the cost of major infrastructure. I am not blind and I know that there are fees that developers pay but is it fair for a community to pay for an impact that the for-profit chasing business creates? I say not.

Let's look at some rough numbers back calculated using the correspondence between Weld RE4 and the Developer:

- Weld RE4 Sep 2021 Evaluated the proposal and the impact on the education system. Eval showed 14.7 acre need for the 795 single family homes but Weld RE4 offered to 'work with' budget and proposed 10 acre @ \$2916/single family unit (~\$2.192M) @? On the multi-family units

Recommendations

The School District remains very concerned about residential activity and the ensuing enrollment that will follow as well as the District's physical and financial abilities to serve that growth. The District would like to work with the developer on a combination of the creation of a 10 acre school site and have the owner agree to pay cash in lieu of land at the value of \$2,916 for each single family, plus an additional amount based on the number of multi-family units..

- Weld RE4 modified request Jan 2022 Same concept as above with the elimination of the \$2916/single family unit for the 10 acre give segment (10 acres meets site requirements for 544 single family homes). This made the new offer from Weld RE4 to be 10 acre @ \$2916/single family unit (~\$731,916) @? On the multi-family units

The calculations call for a 14.7 acre site based on a buildout of 795 single family homes. By requesting 10 acres this meets the site dedication requirements for 544 of the single family homes. For the remaining 251 single family homes a cash-in-lieu of \$2,916 per unit is requested for a total of \$731,916. None of these calculations include any future multi-family housing in the development.

- Hidden Lake Investments Response Jan 2022 they were “not willing to dedicate a school site.” The reply went on to explain that the 10 acre request had a value of \$6.6 million to the project.

We are not willing to dedicate a school site.

Elementary School is 1/2 mile from the proposed site, Severance Middle School is 2 miles from the proposed site, and Severance High School is 1 1/2 miles from the proposed site. 10 acres of land is equivalent to approximately \$6,600,000 in value for this project.

The project has a total buildable space of 139.43 acres. Therefore, if 10 acres = \$6.6M in project value the developer is looking to gain a value of **\$85.4 Million** after they give the 10 acres to We d RE4.

I do not think having the developers pay for the impacts of their greed is a bad thing. Please stop pushing all these infrastructure improvement costs on all of the folks that live in the town of Severance.

Please do not annex this property and add to our problem with our wastewater and no way to pay for the improvement. We simply can not keep adding plates to an overcrowded table until we build a bigger table. Not against growth at all but we need to do this in a smart, thought out, logical fashion and not let someone's greed for cash run our town!

From: [Amberly \[REDACTED\]](#)
To: [Abdul Barzak](#)
Cc: [Nicholas Wharton](#); [Matthew Fries](#)
Subject: Re: Town Council Meeting 9/13
Date: Wednesday, August 31, 2022 2:47:38 PM

Wait, please forgive me and use the following information below! I changed the request from **1 acre to 1000 feet**. I accidentally sent you the wrong draft.

Please put the following comments in the packet for the meeting scheduled for Sept. 13, 2022.

To Whom it May Concern:

I am writing to you as a concerned citizen. I am asking you to think about the negative impacts the Moody project will have on this town should the current land be annexed into our community. I believe many of my neighbors would report concerns about the density, schools, water, sewer, traffic, and loss of the small community. Many want a community that is prepared to meet the future growth. Given the recent news headlines (Greeley Tribune. Northern Weld Eliminates Severance 25% Discount, 8/11/22) regarding Severance this is not the time. Our resources are strained. We want our representative to represent us and put a stop to the unchecked development. You have actively taken steps to evaluate the Land Codes and it's appreciated, however, we need prevention now.

I'd also like you to reflect on the Future Map. The future map has been presented to this community with future growth in mind. I have attached a copy and ask that you have access to this map. It is extremely disheartening that one developer can come in and completely change the future plans of our town. Members of the community had a vision for our town and our community expects the future map to be followed. Members of this town want to make sure the big concerns regarding schools, water, sewer, and traffic are resolved first. While growth will happen it does not have to be at the cost of the current residents. It does not have to happen right now. The developer is free to pursue other ways through Weld County.

The Moody Project is in a suburban corridor for the Future Map. I believe it's identified as a single-family residence with an identified transition zone. It is not in the Town Core where multi-family housing would occur. It takes away from the small family businesses on Main street. It does not identify commercial property or multi-family housing. I believe current Land Codes which are also concurrently under review do not represent our current community. I am concerned that Journey is attempting to move this project forward without the current revised codes and underestimating the impact on the town. Our town and students already feel the negative impact of other dense developments that were approved with past codes. I believe Weld County's rules are too strict which is why Journey is pushing this project through the town now. Please consider this statement as you make a decision that represents the town.

I'd like to highlight the gray and white areas in the Future Map identified as the transition zone. For example, there is one between the Moody project and Settler's Landing. The Town has clearly laid out transition zones that need to be followed. Using a transition zone serves as a physical barrier between these conflicting zoning arrangements. I would ask

the council to consider a barrier of at least **1,000 feet** with our natural agricultural view being saved. Preservation of this small rural community is a must. I am asking for the council to adhere to the future plan and leave defined amounts for the transition zones. If the council chooses to annex, please consider identifying 1 acre as a transition with open space, trees, shrubs, and beauty to represent this rural community.

Thank you for your time and commitment to the community.
Amberly

On Wed, Aug 31, 2022 at 2:26 PM Abdul Barzak <abarzak@townofseverance.org> wrote:

Amberly,

Thank you for providing comment. Town staff will review and reach out with any questions. I will ensure that your comments as well as the Future Land Use Map are included in the Town Council packet. Please feel free to reach out with any questions.

Thank you,



Abdul Barzak

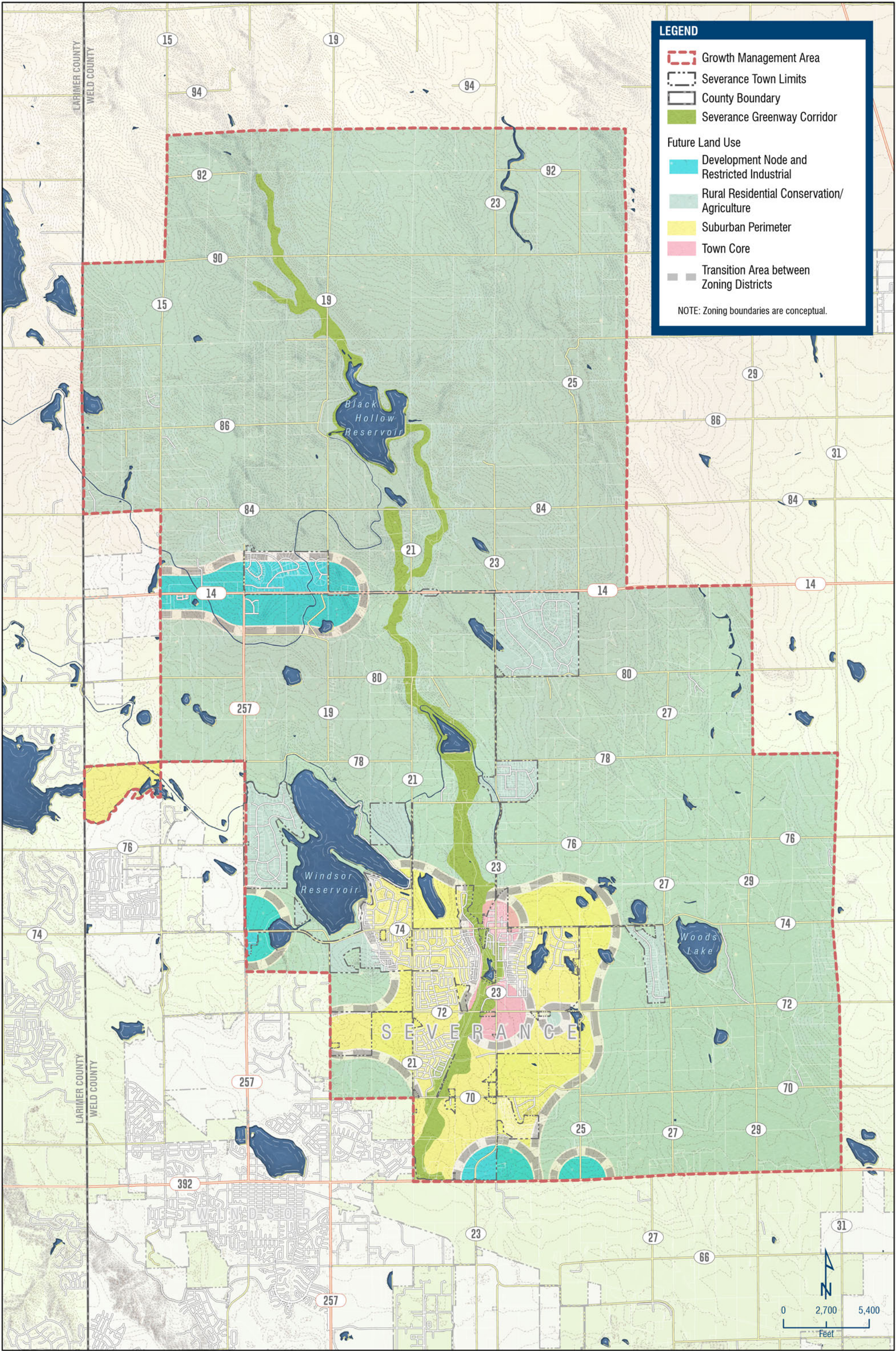
Town Planner
Direct Line: 970-692-1556
Office: 970-686-1218

TOWN PRIDE through Leadership, Service and Collaboration.

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From: Amberly [REDACTED]
Sent: Wednesday, August 31, 2022 2:09 PM
To: Nicholas Wharton <nwharton@townofseverance.org>; Abdul Barzak <abarzak@townofseverance.org>; Matthew Fries <matthew.fries@townofseverance.org>
Subject: Town Council Meeting 9/13

Hello



From: [Sandi Friedrichsen](#)
To: [Abdul Barzak](#)
Subject: RE: Moody Annex/Zoning/Concept Plan -REVISED (Town of Severance Planning Referral)
Date: Monday, June 13, 2022 12:32:20 PM
Attachments: [image001.png](#)
[image002.png](#)

1. Please look at our Development and Construction Manual at the following link for further information on this development: <https://www.wsfr.us/wp-content/uploads/2020-Construction-Procedures-Guide.pdf>
2. All street names will need to be approved by the fire district.
3. All commercial lots will need further review and have different hydrant requirements than the residential lots
4. If there is going to be phasing, a phasing plan will have to be approved to make sure that access points and hydrants are present and working.
5. If you have items that you want to check before submitting or have any questions, please feel free to reach out to me at firemarshal@wsfr.us

Sandra Friedrichsen
Fire Marshal
Windsor Severance Fire Rescue
100 7th Street - Windsor, CO 80550
Office Hours Monday - Thursday 0700-1700



www.wsfr.us



**See our [Construction & Development Procedures Guide](#) for information on our construction and development requirements. **

From: Abdul Barzak <abarzak@townofseverance.org>

Sent: Friday, May 27, 2022 10:41 AM

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Hidden Lake Investments, LLC
7251 W. 20th Street, L-200
Greeley, CO 80634
(970) 352-7072

July 27, 2022

Via Email: abarzak@townofseverance.org

Town of Severance
Attn: Abdul Barzak
3 S. Timber Ridge Parkway
P.O. Box 339
Severance, CO 80546

RE: Moody Annexation Windsor
Severance Fire Rescue

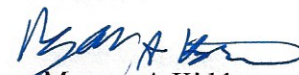
Dear Abdul:

We are in receipt of the referral comments from Windsor Severance Fire Rescue ("WSFR").

1. Our engineer will adhere to the Development and Construction Manual when moving forward with design of the subdivision.
2. All proposed street names will be provided to WSFR for review once determined.
3. All commercial lots will be reviewed as individual site plans. WSFR will be included in the referral process during their independent reviews.
4. Phasing plan will be provided to WSFR for review and approval.
5. We will reach out to Sandra Friedrichsen with any questions and clarifications during the development process.

Should you have any questions about the foregoing do not hesitate to contact me.

Sincerely,


Morgan A Kidder

cc: Nicholas Wharton

Winter Farms



Date: May 5, 2022

Subject: Journey Homes Proposed Development – W/2, Sec 35, T7N, R67W

Dear Mr. Barzak.

I am writing to you on behalf of the Winter Family, that has been landowners, farmers, and residents of Severance since 1919; regarding Journey Homes' proposed development that abuts our property to the west and north, as shown in the image below.



We have concerns about Journey Homes' proposed development and the negative impacts that it will inflict, which we wanted to bring to the attention of the Planning Department and the Town Council.

Winter Farms



As shown in the image above, our property listed as the Winter Severance Family Partnership L.P., has the largest common perimeter with Journey Homes' proposed development. As such, we will suffer the greatest impact from the proposed development unless improvements and restrictions are imposed by the Town of Severance, and changes are made by Journey Homes.

We are not "anti-development" or "anti-progress", but over 100-years of occupying our property has taught us the only sustainable method of advancement is "controlled, reasonable and responsible development".

Specifically, we have serious concerns about the negative environmental, safety, health, security, operational and financial impacts that the Journey Home's proposed development will impose on our property, but also that of all adjacent parcels and landowners. I will briefly elaborate on each topic to highlight our concerns.

Environment – We are concerned about solid and liquid wastes and debris from the proposed development being carried onto our property and contaminating the soil from which we raise produce for human consumption. Whether said encroachment is caused by wind, gravity, poor housekeeping or inattention, the result is the same and our property, our crops and our livelihood will be negatively affected.

Safety – We are concerned about the safety of workers and residents of the proposed development both during and after such a development is completed. Our property is an active, working farm operation that utilizes large machinery to conduct activities such as plowing, planting, cultivating, spraying, and harvesting various agricultural products. Our uneven ground and large equipment pose a significant safety risk to anyone venturing onto our property without proper knowledge and authorization.

Health – We are concerned about the health risk to individuals through exposure to chemical products used in farming operations, both during and after construction of the proposed development. Specifically, our farm operations involve the application of specialty chemicals that we are licensed and approved to use. These include but not are not limited to fertilizers and pesticides in solid, liquid, aerosol and gaseous forms that may be applied by any number of methods including but not limited to aerial spraying, ground spraying, water dosing, soil enrichment, and direct application.

Security – We are concerned about the security of our farming operations and the risks our activities pose to individuals and vehicles entering our property without authorization and proper awareness of the risks. Specifically, individuals and vehicles that encroach on our property during construction and individuals that encroach onto our property after construction, whether intentionally or accidentally place not only themselves but also our personnel and our operations at risk.

Operations – We have concerns about the impacts of the proposed development on our continued operations. Specifically, a primary water supply pipeline transverses the proposed development from the Eaton Ditch to our property and provides legal access to our water rights. Impacts to, or outages on this critical water supply caused by construction or post construction activities would seriously impact or even destroy our



ability to maintain operations, depending on the timing, extent, and duration of the damage. Also of specific concern, is infringement by the developer or the residents of the development on our right-to-farm (C.R.S. Sec. 35-3.5-101). In the 100-years we have been farming our property we have observed on countless occasions where similar developments have encroached on existing operations, whether agricultural, industrial, or other and then demanded those existing operations limit or even cease activities.

Financial – We have concerns about the proposed development’s direct and negative impact on our operational costs, liabilities, and revenues. Specifically, all the concerns we have briefly expressed above, namely, environmental, safety, health, security, and operational, if not properly and adequately addressed and resolved will negatively impact our operations and financial stability, through no fault of our own.

As stated above, we are pro-development when that development is controlled, reasonable and responsible and does not injure or negatively impact adjacent property owners. We do not believe the Journey Homes’ proposed development adjacent to our property meets this definition. As the landowners and residents with the largest common border to the development, request the Town of Severance Town Council and Planning Department take immediate action to safeguard its current property owners and residents from the list of threats this development as initially put forward for approval, or any subsequent variation thereof, will inflict.

Properly and effectively addressing the wide range of negative impacts and issues noted above will require restrictive measures and security provisions that include but are not limited to the following:

- relocation of our water supply pipeline by the developer before construction begins;
- perimeter 8ft-high containment fencing during construction;
- permanent 8ft-high barrier fencing after construction, with no through access, along our property
- increased setback for all homes that border our property, so no homes or yards abut the perimeter fencing;
- aggressive housekeeping and proactive waste management requirements on the developer
- neighborhood covenants acknowledging our right-to-farm and preventing residents from nuisance protests;
- neighborhood covenants acknowledging that our adjacent property is private, an active agricultural operation, poses a potential risk to anyone trespassing, and is off-limits to all residents;
- education of Journey Homes’ contractors and staff as to the requirements above; and
- enforcement by the Town of Severance of the above

We understand the challenges in addressing such a wide range of negative consequences and impacts. As such, we kindly request a meeting with the Planning Department to further explain our concerns, and

Winter Farms



to work together to draft acceptable and appropriate safeguards for the proposed development, or any future development requests that abut our property.

We also kindly request to be directly notified at jadowinter@q.com of any changes, modifications, revisions, or new submissions in regards to the above subject Journey Homes Proposed Development, and to be notified of any the new activity, filings, proposals, or new development requests that abut our property.

Thank you for this opportunity to share our concerns about the impacts to our property and agricultural operations, but also our concerns for the health, safety, and well-being of future Severance residents.

Please feel free to contact me for additional information and to schedule a meeting.

Best regards,

A handwritten signature in blue ink that reads "Jack E. Winter". The signature is fluid and cursive.

Jack E. Winter
General Partner
Winter Severance Family Partnership L.P.

Hidden Lake Investments, LLC
7251 W. 20th Street, L-200
Greeley, CO 80634
(970) 352-7072

July 27, 2022

Via Email: abarzak@townofseverance.org

Town of Severance
Attn: Abdul Barzak
3 S. Timber Ridge Parkway
P.O. Box 339
Severance, CO 80546

RE: Moody Annexation Winter
Farms Referral

Dear Abdul:

We are in receipt of the referral letter from Winter Farms ("WF"). Our response is as follows:

1. Environment: Per Colorado Department of Public Health and Environment ("CDPHE") standards, construction debris and soil erosion are regulated by the state and the developer/builder is required to clean any offsite discharges within 24 hours of release. The developer/builder will make every reasonable effort to insure any and all releases are monitored and cleaned up accordingly.
2. Safety: Workers and/or residents would have no lawful reason to enter the WF property.
3. Health: Potential buyers will have full knowledge of existing farm operations. There are many existing residencies directly south of the WF property in Settlers Landing with buildings as close as 53'. The current nearest home is 115' from the WF property. This is not an issue.
4. Security: Again, workers and/or residents would have no lawful reason to enter the WF property.
5. Operations: The concern about impacts to their water rights is unfounded. The pipeline outlined in the letter is within a recorded easement. The developer understands the pipeline shall remain in place. However, should relocation of the pipeline be required the developer will work with the WF partnership to complete relocation of this pipeline with no impact to water deliveries. We 100% agree Weld County is a Right to Farm County. Such language shall be included within the Annexation Agreement.

The developer and their consultant engineers will work with WF to design a relocation of the non-potable water supply line.

An 8' tall perimeter fence during construction and a permanent 8' barrier fence between the properties is unreasonable. The developer will work with the Town on reasonable border fencing.

No homes are proposed to abut the WF property line. Increased setbacks are not necessary. Outlots are proposed between the WF property and proposed lots.

“Housekeeping” operations will be met per the requirements of CDPHE and the Town.

Weld County Right to Farm language will be included in the Annexation Agreement.

Should you have any questions about the foregoing do not hesitate to contact me.

Sincerely,


Morgan A Kidder

From: [Mike Harris](#)
To: [Abdul Barzak](#)
Cc: [REDACTED]
Subject: Moody Project - Additional Concerns by Winter Farms
Date: Monday, August 22, 2022 1:13:00 PM

Hello Abdul.

Thank you and the Planning Commission for all your efforts to review the Moody Project and ensure development is in the best interests of the city and residents.

Based on last week's meeting held on August 17 where we learned the developer plans to expand the Eaton-Law reservoir to hold 584 acre-feet, we would like to raise some additional concerns with the proposed Moody Project, specifically:

1. proposed size of the reservoir and the security of the dam
2. overflow or drainage onto our property (i.e., Winter Farm)
3. underground seepage raising the local ground water table level
4. catastrophic events (e.g., 100-yr and 500-year storms)
5. public personal safety

We understand the developer will follow applicable regulations under the oversight of the Colorado Division Water Resources, however please allow me to briefly explain our concerns:

Reservoir Size and Dam Security - The current reservoir capacity is significantly less than the 584 acre-feet, proposed. We have a long and direct experience with the Eaton-Law reservoir due to its proximity to and periodic integration to our operations. As the aerial extent of the reservoir cannot be enlarged due to planned housing the depth will have to be significantly increased. This creates issues of sealing, increased dam height/size and hold-back pressure, emergency release mechanisms and overflows; risk of erosion, breach or failure, etc. As we are immediately downstream of this dam we want to be involved in any planning, redesign, permit application, and approval processes whether local, state or federal.

Overflow or Drainage onto our Property - If for any reason water needs to be released or overflow the dam, it must flow through an existing ditch that runs to and traverses our property (west to east) that has a current maximum capacity when totally "clean and clear" of 1,350 gals per minute (GPM). This capacity cannot be easily increased without significant modifications. Any attempt to push more water through the ditch, such as in the case of release of overflow from a heavy rain storm will cause flooding and damage to our property.

Underground Seepage Raising the Ground Water Level - The reservoir will have to be significantly deepened to 30ft to 50ft, depending on bottom contour and emergency reserve free-board space. This excavation will expose underground strata that is more porous, difficult to seal, and will allow increased seepage into the ground water, raising the local water table and causing farming operational difficulties, crop impacts, and basement flooding of an occupied home located on the property.

Catastrophic Events - We are concerned the reservoir should to be designed to have a reserved free-board space of minimally 100 acre-feet to accommodate a catastrophic event such as a 100-year or 500-year rain storm. The property is approximately 300 acres and a severe event could easily drop 2 inches or more of rain in 30-minutes, which if it all drains

into the reservoir is an increase of 50 acre-feet in 30 minutes or 100 acre-feet-per-hour, depending on how long the storm intensity prevails. Direct-drainage is not an option as an increase of 50 acre-feet in 30 minutes is equivalent to a rate of 11,000 GPM that is greatly in excess of the existing outlet ditch capacity of 1,350 GPM.

Public Personal Safety - We have concerns about the safety risks (specifically drowning) this reservoir may present to the high density population of the development and the open access to the public. All too frequently we hear of a local loss of an animal and or person due to drowning, such as in the case of a dog falling through winter ice with attempted retrieval by the owner. While the reservoir usage rule can be "use at your own risk" we are concerned more proactive measures are warranted (e.g., possibly a decorative perimeter barrier, or restricted access into the water, life saving equipment located around the reservoir), especially given the reservoir's close proximity to an elementary school and the expected large population of children that will live in the Moody Project.

Mr. Buckendorf of Journey Homes indicated at the August 17 meeting that they plan to meet with the Winter Family to discuss our concerns. We welcome and look forward to such an engagement. However, as of this date we have not any any contact from Journey Homes regarding the Moody Project.

Thank you for the opportunity to share these concerns.

Best regards,

Mike Harris on behalf of the Winter Family

[REDACTED]

From: [Mike and Janet Harris](#)
To: [Abdul Barzak](#)
Subject: Moody Project - Journey Homes - Recommendation
Date: Tuesday, September 6, 2022 4:22:38 PM

Hello Mr. Barzak.

On behalf of the Winter Farm that abuts the eastern and northern sides of the proposed Moody Project, we would like to offer the following recommendation in regard to any Annexation Agreement between Journey Homes and the Town of Severance. Specifically:

- *We recommend that any annexation agreement for the Moody Project should contain an expiration date of three (3) years from the date of execution that would terminate and nullify the agreement in case the applicant has been unable or unwilling to proceed with the project, where "proceed" is defined as actively constructing a Town of Severance approved development plan.*

The annexation agreement is a contract between the Town of Severance and the applicant that specifies the responsibilities of each party. Unless an expiration date to this agreement is specifically and explicitly prohibited by law then such a provision is allowed and should be a mandatory part of this, and any future annexation agreements. An expiration provision would serve to ensure timely execution of projects by applicants and preserve the Town's options when such advancement does not occur for whatever reason.

At the August 23rd meeting, the Town Council intimated they planned to approve the applicant's request for annexation. However, no approval was issued during the meeting as the applicant postponed their petition via a continuation request because a mutually agreed annexation agreement had not been reached between the Town of Severance and the applicant. Consequently, the annexation is still an open and undecided issue.

We do not believe that granting an annexation in which development cannot proceed within a few years (e.g., a reasonable period) is in the best interests of the residents of Severance, nor supportive of the Town of Severance growth and expansion plan. Currently, as Council is aware, there are a number of issues that would prevent the Moody Project annexation applicant from being able to develop the project in a reasonable period. Among these issues, and most notably is delivery of the required potable water volume to the proposed project for which no solution currently exists and resolution is estimated at 5 to 10 years.

We believe any annexation of the Moody property should result in a timely development of the property that commences within three (3) years of the agreement and is based on a Town of Severance approved development plan. We do not believe, and we sincerely doubt that any Severance resident would believe that a multi-year delay is appropriate or a reasonable period.

We are also concerned that annexing property into the Town that cannot be:

- developed as proposed, or
- developed in a reasonable period of time, or
- approved with an appropriate expiration date,

may be considered a violation of the Town Council's fiduciary responsibility.

We appreciate your consideration of this recommendation and look forward to seeing you and the Town Council at the meeting on September 13.

Best regards,

Mike Harris, on behalf of Mr. Jack E. Winter and the Winter Family

From: [Jerome Rouser](#)
To: [Abdul Barzak](#)
Subject: RE: Moody Annex/Zoning/Concept Plan -REVISED (Town of Severance Planning Referral)
Date: Monday, May 16, 2022 4:48:43 PM
Attachments: [image003.png](#)
[image004.png](#)

Good afternoon,

The development in question is nearby the Great Western Trail which is a Regional Active Transportation Corridor (RATC). The property concept plan does not seem to show any trail connections to the nearby trail. I would suggest amending the plan to either add bike paths and/or pedestrian paths or delegate space for future bike paths and/or pedestrian paths to connect to the nearby trail.

Thank you,

Jerome Rouser

Transportation Planner I

Pronouns: he/him



419 Canyon Ave, Suite 300 | Fort Collins, CO 80521



From: Becky Karasko [REDACTED]
Sent: Friday, April 1, 2022 3:37 PM
To: Jerome Rouser <jrouser@nfrmpo.org>
Subject: FW: Moody Annex/Zoning/Concept Plan -REVISED (Town of Severance Planning Referral)

Please see the development review request below.

Becky Karasko, AICP

Transportation Planning Director



From: Abdul Barzak <abarzak@townofseverance.org>
Sent: Friday, April 1, 2022 2:39 PM

Hidden Lake Investments, LLC
7251 W. 20th Street, L-200
Greeley, CO 80634
(970) 352-7072

July 27, 2022

Via Email: abarzak@townofseverance.org

Town of Severance
Attn: Abdul Barzak
3 S. Timber Ridge Parkway
P.O. Box 339
Severance, CO 80546

RE: Moody Annexation North
Front Range MPO Referral

Dear Abdul:

We are in receipt of the referral comments from North Front Range Metropolitan Planning Organization. The developer intends to build an internal trail network that will connect to existing sidewalks and trails within the Town's greater network that provides connection to the Great Western Trail.

Should you have any questions about the foregoing do not hesitate to contact me.

Sincerely,



Morgan Kidder



Weld RE-4 School District

**1020 Main Street
Windsor, Colorado 80550
970-686-8000
weldre4.org**

June 14, 2022

Town of Severance Planning Department
3 South Timber Ridge Parkway
Severance, CO 80546

RE: Moody Development

Dear Planning Department Staff:

The above referenced major subdivision application is now proposed for a total of 795 single family homes and an undisclosed number of multi-family units. This letter summarizes the implications for school sites and facilities, solely based on the planned single family units.

The Town of Severance and Weld County School District RE-4 entered into an initial Intergovernmental Agreement Concerning Fair Contribution For Public School Sites on April 11, 2001. Since that time the exhibits of the agreement have been updated with both parties to include current land values, and will once again be updated very shortly.

Weld RE-4 School District has three schools within the Town of Severance, RangeView Elementary School, Severance Middle School, and Severance High School. All three of these schools have exceeded their capacity. There are subdivisions within the Town of Severance that are within 1.5 miles of the elementary school, however, due to space and capacity limitations students are bussed approximately 6 miles to Windsor to attend school and unable to attend their local school within the Town of Severance.

The proposed Moody Development is estimated to bring approximately 262 elementary students to the boundaries of RangeView Elementary, with a core capacity of 600 students and enrollment currently at 713. The proposed development will also bring an estimated 293 secondary students to Severance Middle and Severance High Schools respectively. All three schools are already beyond their capacity limits due to accelerated residential growth within the Town of Severance.

With the proposed development numbers and estimated growth and calculations, Weld RE-4 School District is requesting a 10 acre parcel dedicated to the district for a future elementary school to meet the needs of the Town of Severance. The developer has presented in their 4th submittal a location for a future school which is 10 acres. This 10 acre parcel will meet the requirement of the district if the plan includes a continuous road at the southeast corner.

The calculations call for a 14.7 acre site based on a buildout of 795 single family homes. By providing this 10 acres, this meets the site dedication requirements for 544 of the single family homes. For the remaining 251 single family homes a cash-in-lieu in the amount that is agreed



Weld RE-4 School District

**1020 Main Street
Windsor, Colorado 80550
970-686-8000
weldre4.org**

upon with the Town of Severance at time of permitting is provided. None of these calculations include any future multi-family housing in the development.

Accelerated residential growth and strong growth potential heighten the School District's concern regarding its ability to provide adequate educational opportunities. Approved development far exceeds the District's current capacity to fund educational facilities. Consequently, continual approval of new residential projects can create expected seat (capacity) shortages. All of the schools that serve this area are over or near capacity.

Inadequate bonding capacity is the direct result of residential growth occurring at a pace that well exceeds the District's statutorily limited ability to fund school construction.

Recommendations

The School District remains very concerned about residential activity and the ensuing enrollment that will follow as well as the District's physical and financial abilities to serve that growth. Without the developer dedicating land within the development for a future school site, the school district cannot adequately plan for the number of students that this development will bring and strongly suggests that this development not move forward.

In addition, the School District requests to be notified of any proposed land use changes associated with either lot. Cooperation of all parties is necessary in offsetting the adverse fiscal impacts of rapid residential growth upon the School District's statutorily limited resources.

Your continuing cooperation is sincerely appreciated, as is the opportunity to comment upon issues of interest to the County, the School District and our mutual constituents. Should you have questions or desire further information, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Seybert", is written over a light blue horizontal line.

Jason Seybert
Chief Operating Officer

Loup Reservoir Company

c/o Weld RE-4 School District
180 North 8th Street
Windsor, CO 80550
Email: LoupReservoirCompany@gmail.com
Phone: 970-302-2668

October 14, 2021

Abdul Barzak
Assistant Town Planner
Town of Severance
PO Box 339
Severance, CO 80546

Re: Moody Annexation/Zoning/Concept Plan

The Loup Reservoir Company ("Ditch Company") has received a referral from the Town of Severance ("Town") for the above-referenced application for annexation.

The Ditch Company owns and operates a ditch and reservoir system with decreed water rights for drainage flows captured by the system. The proposed project appears to be located on property from which, at least in part, water historically drains into the Ditch Company's system.

As such, the Company received notice of the proposed project and, at this time and upon its review, the Company has not identified an issue upon which to comment.

We request the Town of Severance keep us on the referral list for the proposed project in case it evolves in such a way as to change the Company's assessment. The Town or developer may contact me with any questions or concerns.

Sincerely,



Julie Rothe, General Manager
Executive Board Member
Loup Reservoir Company

LAWRENCE CUSTER GRASMICK JONES & DONOVAN LLP
ATTORNEYS AT LAW

5245 RONALD REAGAN BLVD., SUITE 1
JOHNSTOWN, COLORADO 80534
TELEPHONE: 970-622-8181

WWW.LCWATERLAW.COM
rebecca@lcwaterlaw.com

Bradley C. Grasmick • David P. Jones • Ryan M. Donovan
Wesley S. Knoll • Rebecca E. Spence • David L. Strait

May 18, 2022

Mr. Abdul Barzak
Town Planner
3 South Timber Ridge Parkway
P.O. Box 339
Severance, CO 80546
via Email: abarzak@townofseverance.org

RE: Moody Annexation/Zoning (REVISED) - Larimer & Weld Irrigation Company's Third
Comment Letter

Dear Mr. Barzak:

Thank you for forwarding the revised Moody Annexation & Zoning & Concept Plan. Previously, in the letter from our firm on October 12, 2021 and the letter from our client on February 15, 2022, Larimer & Weld Irrigation Company expressed its concerns regarding the improvements and relocation of the Finley Lateral as Larimer & Weld owns the headworks (water delivery structure) that connect the Finley Lateral to the Larimer & Weld Canal. In the aforementioned comment letters, Larimer & Weld Irrigation Company has requested that the Town of Severance require Hidden Lake Investments to obtain an agreement with Larimer & Weld addressing items of concern as a condition of zoning/annexation approval. The purpose of this comment letter is to reiterate, for the third time, that the Town of Severance should require Applicants to obtain an agreement with Larimer & Weld Irrigation Company.

According to *Roaring Fork Club, L.P. v. St. Jude's Co.*, the owner of property burdened by a ditch easement may not move or alter that easement unless that owner (1) has the consent of the owner of the easement or (2) obtains a declaratory determination from a court that the alteration would not damage the benefited owners. *City of Boulder v Farmer's Reservoir and Irrigation Co.*, 214 P.3d 563, 566 (Co. Ct. App. 2009); *Roaring Fork Club, L.P. v. St. Jude's Co.*, 36 P.3d 1229, 1231, 1237-38 (Colo. 2001). Applicants have not filed and have not indicated that they are planning to file, a case to unilaterally alter the ditch easement, so they must be required to obtain consent, by way of agreement, from Larimer & Weld Irrigation Company. At this time, because Larimer & Weld Irrigation Company's comments have been unaddressed, they are unable to evaluate what

impact, if any, the zoning or annexation has on the Finley Lateral, Larimer & Weld Canal, and their associated easements.

In the revised petition, the Town of Severance has directed Applicants to address Larimer & Weld Irrigation Company's comments, to which Applicants have replied "Noted". There has not been contact from Applicants in an attempt to enter into an agreement with Larimer & Weld Irrigation Company or address its concerns displayed in previous comment letters. Additionally, Applicants have stated that the existing ditches will be "accommodated during the preliminary and final plat development." This response is vague and does not certify that Applicants will enter into an agreement with Larimer & Weld Irrigation Company regarding the potential impact of the proposed annexation to the Larimer & Weld Canal and its easements as required by *St. Jude's Co.* The above-described responses and the inaction of Applicants to address Larimer & Weld Irrigation Company's comments are unacceptable, and Larimer & Weld Irrigation Company does not give consent to the potential alteration of the Larimer & Weld Canal or its associated easements. Additionally, any future extension of CR 76, as described in the original version of the application, requires an additional agreement to address Larimer & Weld Irrigation Company's separate concerns regarding such extension and their easements.

Larimer & Weld Irrigation Company hereby demands that the Town of Severance require Hidden Lake Investments to obtain an agreement with Larimer & Weld Irrigation Company to address its concerns as a condition of zoning/annexation approval. Please reach out to either Ryan Donovan or I by phone at 970-622-8181 or by email at ryan@lcwaterlaw.com and rebecca@lcwaterlaw.com.

Sincerely,

LAWRENCE CUSTER GRASMICK JONES &
DONOVAN LLP



Rebecca E. Spence
Attorney for Larimer & Weld Irrigation Company

From: [Jared Rauch](#)
To: [Abdul Barzak](#)
Cc: [Eric Reckentine](#)
Subject: Moody Annexation/Zoning/Concept Plan
Date: Tuesday, August 2, 2022 10:20:16 AM

Hi Abdul,

Hope you are doing well. We received the Moody Annexation/Zoning/Concept Plan packet in the mail recently. I responded to a referral for this development a couple of months ago, but wanted to reiterate our response to ensure that it is included in the Town's records:

We understand that the Town of Severance will be providing water service to the proposed Moody development. However, the District is currently under a moratorium on new development and therefore we are unable to commit any additional Plant Investments to the Town at this time, nor can we guarantee the availability of Plant Investments in the future.

Let me know if you have any questions.

Thanks,

Jared Rauch

Development Review Engineer

North Weld County Water District

PO Box 56 ~ 32825 WCR 39

Lucerne, CO 80646



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From: [Russ Weber](#)
To: [Abdul Barzak](#)
Subject: RE: Moody Annexation/Zoning/Concept Plan (Town of Severance Planning Referral)
Date: Thursday, September 16, 2021 4:28:24 PM
Attachments: [image001.png](#)
[image009.emz](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

No comments on this one

Russ Weber
Regional Operations Manager
3755 Precision Dr, STE 140
Loveland, CO 80538
SAFEbuilt.com


From: Abdul Barzak <abarzak@townofseverance.org>
Sent: Thursday, September 16, 2021 4:05 PM

To: 




























DEPARTMENT OF PLANNING SERVICES

1555 N. 17th Ave

Greeley, CO 80631

Website: www.weldgov.com

Via email to abarzak@townofseverance.org

May 13, 2022

Abdul Barzak, Town Planner
PO Box 339
Severance, CO 80546

Subject: Moody Annexation resubmittal

Dear Abdul:

The Weld County Department of Planning Services has reviewed this proposal and submits the following comments for your consideration.

Weld County discourages annexations that create unincorporated enclaves and recommends including Lot A of RE-1022 if at all possible.

The Town may wish to ensure the enclave lot has access to the extension of Timber Ridge Parkway in order to potentially move its access from Harmony Road in the future.

Thank you for the opportunity to comment on this proposal. This response addresses general requirements, concerns, or issues and is intended to assist in your community's decision-making process regarding this land use proposal. Weld County respectfully reserves the right to make further comment on information or issues as they are discovered.

Sincerely,

Jim Flesher, AICP
Long-Range Planner
Weld County

**TOWN OF SEVERANCE
ORDINANCE NO. 2022-19**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, ANNEXING THE PROPERTY KNOWN AS THE MOODY
ANNEXATION TO THE TOWN OF SEVERANCE, COLORADO; AND APPROVING
THE ASSOCIATED ANNEXATION AGREEMENT**

WHEREAS, the Town Council previously adopted Resolution 2022-30R, finding substantial compliance and initiating annexation proceedings for the Moody Annexation, as described therein and as described below; and

WHEREAS, the Town Council previously adopted Resolution 2022-34R, setting forth findings of fact and determinations regarding the eligibility of Moody Annexation for annexation; and

WHEREAS, Hidden Lake Investments, LLC, Journey Homes, LLC, and Eaton Law Reservoir Company, who submitted the petition relating to the Moody Annexation, and the Town wish to agree to certain terms pertaining to the Moody Annexation; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town of Severance to annex the property to be known as Moody Annexation (the “Property”) to the Town.

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

Section 1. The Town Council makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The Town Council hereby incorporates the findings of Resolution 2022-30R and Resolution 2022-34R; the Town Council further finds that the annexation of the Property is in compliance with the Municipal Annexation Act of 1965 and that it is in the best interests of the Town to annex the Property to the Town.

Section 3. The Property, as more particularly described in **Exhibit A**, attached hereto and incorporated herein, is hereby annexed to the Town and made a part of the Town, to be known as the Moody Annexation, which annexation shall become effective upon completion of the conditions contained in C.R.S. § 31-12-113, including, without limitation, all required filings for recording with the Weld County Clerk and Recorder.

Section 4. The Annexation Agreement between Hidden Lake Investments, LLC, Journey Homes, LLC, and Eaton Law Reservoir Company and the Town of Severance regarding the Moody Annexation is approved in substantially the same form as the copy attached hereto as **Exhibit B**. Upon the effective date of this Ordinance, the Mayor is authorized to execute such Agreement on behalf of the Town.

Section 5. That in annexing the Property to the Town, the Town does not assume any obligation regarding the construction of water mains, sewer lines, gas mains, electrical service lines, streets or any other service or utilities in connection with the Property hereby annexed, except as may be provided by ordinances of the Town.

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

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??? (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(±).

EXHIBIT B

(Annexation Agreement)



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Agreement for Outside Agencies to Hire Severance Police Department	Jim Gerdeman, Chief of Police	James Gerdeman
ACTION REQUESTED		
Approve the Special Detail Assignment Agreement for Severance Police Officers.		<u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
On several occasions, the Severance Police Department has received requests for an off-duty officer to work on special events. The Severance Police Department has refused these requests due to liability to the Town. The special detail assignment agreement covers the Town and the Officer while working these off-duty events.		
PUBLIC SUPPORT/CONCERN		
N/A		
ANALYSIS AND RECOMMENDATION		
Management recommends that the Town Council take action and move to approve the Special Detail Assignment Agreement for Severance Police Officers.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet:		
1. Agreement for Special Detail Assignment		



SPECIAL DETAIL ASSIGNMENT AGREEMENT FOR
SEVERANCE POLICE OFFICERS

THIS AGREEMENT is made and entered into this _____ day of _____ 202__
by and between the Town of Severance, a Colorado home rule municipality, 3 S.
Timber Ridge Parkway, Severance CO 80550 ("Town") and _____
_____, and whose address is _____
_____ ("Service Recipient").

WHEREAS, the Service Recipient desires to contract with the Town to
obtain the service of its Police Officers seeking voluntary special detail
assignments to provide law enforcement and security services; and

WHEREAS, the Service Recipient acknowledges that since the police
officers' participation in special detail assignments is strictly voluntary, the Town
cannot guarantee it can fulfill the Service Recipient's request.

NOW, THEREFORE, in consideration of the mutual promises and
covenants herein appearing, the parties agree as follows:

1. Assignment of Police Officers. The Service Recipient desires to
utilize special detail assignment Police Officers ("Officers") at the following
facilities and/or functions for the following dates and times.

Facility and or Functions:

Dates and Times:

The following special conditions/considerations (such as special equipment
required and/or extraordinary hazards or safety conditions) may be encountered
Special Conditions and or Considerations

_____.



2. Provision of Services. The following shall apply to all services performed pursuant to this Special Detail Assignment Agreement (“Agreement”):

a. Officers assigned shall be responsible for the enforcement of municipal and state law and any arrests or other activities related thereto shall be within the regular course of the officer’s assigned duties. Officers assigned shall perform such other security related duties as Service Recipient may request however Officers shall not enforce Service Recipients’ rules and regulations which are not violations of local or state law.

b. Officers shall wear the official uniform of the Severance Police Department. Officers shall be responsible for completing the required reports and forms necessary to related assignments.

c. The Town Administrator, the Chief of Police, or their authorized designees may authorize the use of Town equipment by Officers engaged in special detail assignments when such use is determined to be in the best interests of public safety and necessary for the assignment.

d. The on-duty Severance Police Department has the responsibility to oversee the activities of Officers while they are engaged in special detail assignments.

e. Officers assigned to special detail assignments shall always remain Town employees and be bound by the rules, regulations and policies of the Town and the Severance Police Department.

f. In the event of an emergency, as determined in the sole discretion of the Town, requiring the on-duty services of any Officer on a special detail assignment, such Officer shall be released immediately from the special detail assignment. If practicable, and if the public health, safety, and welfare are not endangered, the Severance Police Department may notify the Service Recipient of the special detail Officer’s call to active duty. An Officer’s call to active duty shall not be deemed a breach of this Agreement and thus no liability shall fall upon the Town for such occurrence.

3. Payment for Services. For each Officer assigned to the Service Recipient, the Service Recipient will remit to the Town a sum equal to 115% of that officer’s overtime rate per hour of assignment. There is a _____ hour minimum charge for each Officer assigned to a special detail assignment. An additional fee will be assessed if a police vehicle is required as part of the requested service. The amount of such fee shall be established at the time



service is requested. Payment in full is due the Town within 30 days after completion of the special detail assignment.

4. Indemnification. The Service Recipient agrees to indemnify, defend and hold harmless the Town and its Officers participating hereunder from and against all suits, claims, and demands, liabilities and expenses including court costs and attorney fees which arise from or are in any manner related to the services provided by the Town and its Officers pursuant to this Agreement, if such injury, damage or loss is caused in whole or in part by any act, error, omission, mistake or other fault of the Service Recipient or any officer, agent or employee of Service Recipient. Nothing herein this Agreement shall be deemed a waiver by the Town of the immunities, protections and limitations afforded it by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq. as same may be amended from time to time.

5. Insurance. The Service Recipient agrees to secure and maintain, during the period of this Agreement, general liability insurance in the minimum amount of \$1,000,000 per occurrence naming the Town as an additional insured which insurance shall provide the Town and participating Officers coverage from claims for bodily injury, death, property damage or personal injury which may arise from the performance by the Town and its Officers under this Agreement. Service Recipient further agrees to provide the Town with certification evidencing such insurance and providing that coverage afforded under the policies shall not be cancelled or materially changed unless a thirty (30) day written notice has been given to the Town. The certificate of insurance, additional insured coverage and associated notices shall be filed with the Town's Finance Director.

6. Failure to Furnish Special Detail Officers. Service Recipient agrees that the Town shall incur no liability for failure to furnish Officers, for any event or occasion, and the sole and exclusive remedy by Service Recipient against the Town for failure of the Town to comply with the terms of this Agreement shall be the termination of this Agreement.

7. Police Officers Not Employees of Services Recipient. Nothing herein shall be deemed to make any Officer participating hereunder an employee of the Services Recipient for any purpose, including but not limited to, coverage under the Colorado Worker's Compensation Act (C.R.S. 8-14.5-101 et seq.).

8. Assignment. This Agreement shall not be assigned by either party.

8. Notices. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by regular mail, postage and fees prepaid, addressed to the party to whom



such notice is to be given at the address set forth on the first page of this Agreement, or at such other address as has been previously furnished in writing, to the other party. Such notice shall be deemed to have been given when deposited in the United States mail or upon personal service of a party.

9. Integration and Amendment. This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

10. Waiver of Breach. A waiver of any provision of this Agreement by either party shall not constitute or be considered as a waiver of any subsequent provision by a party.

11. Governing Law. This Agreement shall be governed by the laws of the State of Colorado and venue shall be in Weld County.

12. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs and assigns; provided, however, that nothing in this paragraph shall be construed an assignment of this Agreement.

TOWN OF SEVERANCE, COLORADO

By: _____
Chief of Police, Severance

Date: _____

SERVICE RECIPIENT:

By: _____

Date: _____



REQUEST FOR SPECIAL DETAIL ASSIGNMENT

Date: _____

Service Recipient _____

Name and title of person with authority to make this request:

Address: _____

Telephone: _____

Requested Services: _____

Location of Event: _____

Date(s) of Special Detail Assignment: _____

-

Hours of Special Detail Assignment: _____

-

Number of Officers Requested: _____

Supervisor Required? Yes ☐ No ☐



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Resolution 2022-38R: A resolution of the Town Council of the Town of Severance, Colorado, amending the Town of Severance Town Council policy regarding electronic participation for Town Council meetings	Nicholas Wharton, Town Manager	Keith Martin and Nicholas J. Wharton
ACTION REQUESTED		
Management asks the Town Council to discuss Resolution 2022-38R: A resolution of the Town Council of the Town of Severance, Colorado, amending the Town of Severance Town Council policy regarding electronic participation for Town Council meetings and take action: • Actions that may be taken: ○ Move to approve Resolution 2022-38R ○ Move to approve Resolution 2022-38R with Amendments ○ Take no action		<u>Resolution</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
The Town Council reviewed and discussed potential amendments to the Policy Regarding Electronic Participation regarding ongoing remote public participation at its meeting on July 26, 2022. The Town Council desires to amend the Policy Regarding Electronic Participation to establish protocols and reasonable requirements for remote public participation at its meetings and finds that such requirements will serve the purposes of facilitating continued public engagement in the Town government while preserving the Town Council's ability to conduct necessary town business.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Management recommends that the Town Council take action and move to approve Resolution 2022-38R: A resolution of the Town Council of the Town of Severance, Colorado, amending the Town of Severance Town Council policy regarding electronic participation for Town Council meetings.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet:		

1. 2022-38R - Adoption of Amendment to Electronic Participation Policy
2. Amendment to Policy Regarding Electronic Participation For Town Council Meetings (final)

**TOWN OF SEVERANCE
RESOLUTION NO. 2022-38R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, AMENDING THE TOWN OF SEVERANCE TOWN COUNCIL POLICY
REGARDING ELECTRONIC PARTICIPATION FOR TOWN COUNCIL MEETINGS**

WHEREAS, the Town Council reviewed and adopted a Policy Regarding Electronic Participation at its meeting on May 24, 2022; and

WHEREAS, Town Council recognizes that virtual and hybrid public meetings have allowed municipalities to continue operations during the pandemic, and have the added benefit of improving equity in access, public participation and transparency in government operations; and

WHEREAS, the Town Council reviewed and discussed potential amendments to the Policy Regarding Electronic Participation regarding ongoing remote public participation at its meeting on July 26, 2022; and

WHEREAS, the Town Council desires to amend the Policy Regarding Electronic Participation to establish protocols and reasonable requirements for remote public participation at its meetings and finds that such requirements will serve the purposes of facilitating continued public engagement in the Town government while preserving the Town Council's ability to conduct necessary Town business; and

WHEREAS, the Town Council finds that it is in the best interest of the public health, welfare, and safety of the residents of the Town to amend the Policy Regarding Electronic Participation.

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

Section 1. Section II.E, of the Policy Regarding Electronic Participation for Town Council Meeting is hereby repealed in its entirety and re-enacted in substantially the same form as the copy attached hereto and made a part of this Resolution.

RESOLVED AND APPROVED this 13th day of September, 2022.

TOWN OF SEVERANCE

BY: _____
Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, Town Clerk

AMENDMENT TO POLICY REGARDING ELECTRONIC PARTICIPATION FOR TOWN COUNCIL MEETINGS

II. Policy.

E. Public Participation.

For meetings where it is practical for Town Council to utilize an electronic communication platform (e.g. Zoom, WebEx), members of the public may participate in such meetings and make comments at such times as are designated by the Mayor.

1. Requirements for participation through virtual meeting platforms.

- Pre-registration by 5:00 p.m. the day prior to the meeting is required for anyone wanting to make remote public comments.
- A participant who wants to display any material during such person's public comments must send an email to the Town Clerk by 5:00 p.m. the day prior to the meeting.
- Participants must have the ability to log in to the virtual meeting platform using their own computer equipment. In order to speak, participants must use their computer's microphone, a headset, or call in on their phone for sound.
- Participants must be on time and must dress appropriately.
- Before joining the meeting, participants should silence all other communication devices to prevent any feedback or interruptions during the meeting.
- A participant's video feed will not be displayed to Town staff or other meeting participants upon joining the meeting.
- A participant will be unmuted by the meeting host, moved to the panelist list, and called upon in the order received.
- Participants must use their full name as a screen name or identifier.
- Participants must turn on their video and state their full name before speaking just like an in-person meeting.
- Participants must keep their microphones muted unless they are actively speaking, just like an in-person meeting.
- When a participant has completed their comments, such person will be removed from the panelist list and placed back as a participant.

2. "Zoom" web portal settings.

- All participants will be muted and without video automatically when joining the meeting. Participants will not be able to mute or unmute manually.
- Participants will not be able to chat amongst one another while the public meeting is in progress nor share files through the in-meeting chat, as the private chat and file transfer functions will be disabled.
- Participants will not be able to annotate or markup content during screen share, as the annotation function will be disabled.
- At the time that the Mayor determines that it is a participant's turn to speak, the Mayor will request that the Town Clerk:
 - unmute the participant and move them to the panelist list; and
 - share the document that the presenter wishes to display.
- Once a participant's public comment has ended, the participant will be removed from the panelist list and placed back as a participant.
- A participant who becomes so disruptive as to interfere with meeting business will be removed by the presiding officer to a waiting room, and will be allowed to rejoin upon requesting to do so through the "raise hand" function. Upon rejoining the meeting, if the participant continues to engage in disruptive behavior, the participant will be removed and will not be allowed to rejoin.
- Disruptive participants will be reported to Zoom's internal security team.

3. The Town may impose other requirements on public participation by electronic means, such as requiring a member of the public to send an email to the Clerk prior to the meeting if they desire to present on an item not on the agenda or requiring a member of the public to give notice to Town staff in advance or during the meeting of their desire to comment on a specific agenda item.