



Lone Tree City Council Agenda Tuesday, September 1, 2015

Meeting Location: City Council Meeting Room, Lone Tree Civic Center, 8527 Lone Tree Parkway.
Meeting Procedure: The Lone Tree City Council and staff will meet in a public Study Session at 4:30pm. At 6:00pm and following the meeting, if necessary, the Council Meeting will adjourn and convene in Executive Session. If an Executive Session is not necessary, Council will recess for dinner. The Regular Session will be convened at 7:00pm. Study Sessions and Regular Sessions are open to the public, Executive Sessions are not. Following the conclusion of the Council Meeting the City Council will convene as the **Lone Tree Business Improvement District Board of Directors** and hold the inaugural meeting. Comments from the public are welcome at these occasions: 1. Public Comment (brief comments on items not scheduled for a public hearing) 2. Public Hearings. Contact the City Clerk if special arrangements are needed to attend (at least 24 hours in advance).

4:30pm Study Session Agenda

1. Introduction of Frank Ramsey, our new IT Support Specialist
 2. Colorado Department of Transportation (CDOT) Incident Management Response Report
 3. Parker Police Department Dispatch Overview
 4. Lone Tree Arts Center (LTAC) Grant Update
 5. Resolution of Support for the Scientific and Cultural Facilities District (SCFD)
 6. Parkway Drive Reconstruction Contract
 7. Lincoln Pedestrian Bridge Contract Update
-

6:00pm Executive Session Agenda

1. Roll Call
 2. Executive Session
-

7:00pm Regular Session Agenda

3. Opening of Regular Meeting/Pledge of Allegiance
4. Amendments to the Agenda and Adoption of the Agenda
5. Conflict of Interest Inquiry
6. Public Comment
7. Announcements
8. Presentations
 - a. Constitution Week Proclamation
9. Consent Agenda
 - a. Minutes of the August 18, 2015 Regular Meeting
 - b. Claims for the Period of August 10-24, 2015
10. Community Development
 - a. Public Hearing (continued from 8/18/15): General Motors replat, rezone (First reading) and SIP amendment
 - i. Parkway Filing 1, Block 3, Lot 1 and Tract H Project SB15-51 (subdivision replat)
 - ii. Ordinance 15-02, APPROVING THE REZONING OF CERTAIN TERRITORY KNOWN AND DESIGNATED AS A PORTION OF TRACT H, PARKWAY SUBDIVISION FILING NO. 1, IN THE CITY OF LONE TREE, COLORADO (GENERAL MOTORS) (First Reading) Project ZR15-37

- iii. Parkway Filing 1, Block 3, Lot 4, Project #SP15-36 SIP amendment for added parking and related changes
 - b. Approval of RidgeGate Filing 17, 1st Amdt Lot 6A Replat Project #SB15-42R
- 11. Administrative Matters
 - a. Public Hearing: Ordinance 15-05, AN EMERGENCY ORDINANCE FOR THE DISSOLUTION OF THE EXISTING LONE TREE ENTERTAINMENT BUSINESS IMPROVEMENT DISTRICT
 - b. Public Hearing: Ordinance 15-03, AMENDING PROVISIONS OF THE SALES TAX AND BUSINESS LICENSING ORDINANCES (Second Reading)
 - c. Public Hearing: Affirmation of Emergency Ordinance 15-04, ACCEPTING a Petition for the Organization of a Business Improvement District in the City of Lone Tree and Establishing, Creating and Organizing the Lone Tree Business Improvement District
 - d. Resolution 15-11, APPOINTING A REPRESENTATIVE TO THE DOUGLAS COUNTY HOUSING PARTNERSHIP (Bryant)
- 12. Council Comments
- 13. Adjournment

Lone Tree Business Improvement District Agenda
(Immediately following the 7:00 p.m. City Council meeting)

1. Opening of Inaugural Meeting
2. Roll Call
3. Resolution 15-01, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LONE TREE BUSINESS IMPROVEMENT DISTRICT, LONE TREE, COLORADO, CALLING FOR AN ELECTION SUBMITTING CERTAIN BALLOT QUESTIONS TO THE ELECTORS OF THE LONE TREE BUSINESS IMPROVEMENT DISTRICT
4. Other Business
5. Adjournment

City of Lone Tree Upcoming Events

More info available at www.cityoflonetree.com and www.lonetreeartscenter.org

- Seedlings: Bug Safari, September 1, 2015, 9:30 and 11:00 a.m., LTAC Event Hall
- Discover Lone Tree: 80's Night, Boogie Machine Band, Back to the Future Movie, September 4th at 6:00 pm, LTAC Terrace Theater. A Taste of Lone Tree, September 5th, 11:00 am to 7:00 pm, Lincoln Commons. Open House at LTAC, September 5th, 1:00 – 4:00 pm. Golf at Golf Club and Hotel, September 5th, 2:00 – 4:00 pm. Historic Tours at Schweiger Ranch, September 6th, 1:00 – 3:00 pm. Summer Concert in the Park, September 6th, 6:00 pm
- Baroque Chamber Orchestra of Colorado, Wednesday, September 9, 2015, 1:30 pm, Event Hall
- Wag N' Romp Dog Event, Saturday, September 12, 2015 10 am – 2:00 pm, Cook Creek Park
- CSO: Audrey the Amazing Violin, Sunday, September 13, 2015 at 1:30 pm, LTAC Event Hall
- SF Family Tree: Audrey the Amazing Violin, Sunday, September 13, 2015 at 4:00 pm, LTAC Event Hall



CITY OF LONE TREE

PROCLAMATION

WHEREAS, September 17, 2015 marks the two hundred and twenty-eight anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW THEREFORE, I, JAMES D. GUNNING, MAYOR, of the City of Lone Tree, Colorado, by virtue of the authority vested in me, do hereby officially proclaim September 17 through September 23, 2015 to be:

“CONSTITUTION WEEK”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Lone Tree to be affixed this 1st day of September 2015.

James D. Gunning
Mayor

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL OF THE
CITY OF LONE TREE
HELD
August 18, 2015**

A regular meeting of the Council of the City of Lone Tree was held on Tuesday, August 18, 2015, at 6:00 p.m., at the Lone Tree City Council Chambers located at 8527 Lone Tree Parkway, Lone Tree, Colorado 80124.

Attendance

In attendance were:

James D. Gunning, Mayor
Jacqueline Millet, Mayor Pro Tem
Harold Anderson, Council Member
Kim Monson, Council Member
Susan Squyer, Council Member

Also in attendance were:

Seth Hoffman, City Manager
Jennifer Pettinger, City Clerk
Steve Hebert, Deputy City Manager
Torie Brazitis, Assistant to the City Manager
Jeff Holwell, Economic Development Director
Chief Jeffery Streeter, Lone Tree Police Department
Kristin Baumgartner, Finance Director
Kelly First, Community Development Director
Neil Rutledge, City Attorney, White, Bear and Ankele, P.C.
John Cotten, Public Works Director, TTG Corp.

Call to Order

Mayor Gunning called the meeting to order at 6:00 p.m., and observed that a quorum was present.

Executive Session

Mayor Gunning announced City Council intends to convene in Executive Session. Neil Rutledge, City Attorney, stated the Executive Session is for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, personnel matters, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) concerning Argonaut Holdings. Council Member

Anderson moved, seconded by Council Member Squyer, for City Council to recess and convene in Executive Session for the reasons stated. The motion passed with a 5 to 0 vote.

Council adjourned to an Executive Session at 6:00 p.m.

Mayor Gunning convened the Executive Session at 6:17 p.m., following a short recess.

The Executive Session was adjourned at 6:36 p.m.

Mayor Gunning reconvened the meeting in Regular Session at 7:00 p.m., following a short recess.

Pledge of Allegiance

Mayor Gunning led those assembled in reciting the Pledge of Allegiance.

Amendments to the Agenda

There were no amendments to the agenda.

Conflict of Interest

There was no conflict of interest.

Public Comment

Bill Robertson, 9278 E. Aspen Hill Circle, shared with Council his experience with a new restaurant in town.

Announcements

Mayor Gunning announced upcoming events.

Consent Agenda

Mayor Gunning noted the following items on the Consent Agenda, which consisted of:

- Minutes of the August 4, 2015 Regular Meeting
- Minutes of the August 4, 2015 Liquor License Authority Meeting
- Claims for the Period of July 27 – August 10, 2015
- Treasurer's Report for June 2015

Mayor Pro Tem Millet moved, Council Member Squyer seconded, to approve the Consent Agenda. The motion passed with a 5 to 0 vote.

Community Development

Public Hearing: *General Motors replat, rezone (First reading) and SIP amendment*

Parkway Filing 1, Block 3, Lot 1 and Tract H Project SB15-51 (subdivision replat)

Public Hearing: *Ordinance 15-02, APPROVING THE REZONING OF CERTAIN TERRITORY KNOWN AND DESIGNATED AS A PORTION OF TRACT H, PARKWAY SUBDIVISION FILING NO. 1, IN THE CITY OF LONE TREE, COLORADO (GENERAL MOTORS) (First Reading) Project ZR15-37*

Parkway Filing 1, Block 3, Lot 4, Project SP15-36 SIP amendment for added parking and related changes

Mayor Gunning opened the public hearing at 7:03 p.m.

Jennifer Drybread, Senior Planner, introduced the items. Jim Fitzsimmons, representative for the applicant, spoke about the application. Melissa Reese-Thacker, South Suburban Parks & Recreation District, also spoke in favor of the application.

The public hearing was opened for comment at 7:16 p.m.

There was no public comment.

Council Member Anderson moved, Mayor Pro Tem Millet seconded, to continue the public hearing to the next scheduled council meeting to allow staff to work with the applicant on the proposed property conveyance. The motion passed with a 5 to 0 vote.

Administrative Matters

Ordinance 15-03, AMENDING PROVISIONS OF THE SALES TAX AND BUSINESS LICENSING ORDINANCES (First Reading)

Kristin Baumgartner, Finance Director, introduced the item.

Mayor Pro Tem Millet moved, Council Member Monson seconded, to approve Ordinance 15-03, **AMENDING PROVISIONS OF THE SALES TAX AND BUSINESS LICENSING ORDINANCES** on first reading. The motion passed with a 5 to 0 vote.

Public Hearing: *Emergency Ordinance 15-04, ACCEPTING A PETITION FOR*

THE ORGANIZATION OF A BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF LONE TREE AND ESTABLISHING, CREATING AND ORGANIZING THE LONE TREE BUSINESS IMPROVEMENT DISTRICT

Mayor Gunning opened the public hearing at 7:24 p.m.

Jeff Holwell, Economic Development Director, introduced the item.

Mayor Gunning opened the public hearing for comment at 7:32 p.m.

Brad Wiseman and Tony Nicholas, Park Meadows Business Trust, spoke in favor of the ordinance and establishing the District.

Ken Marsh, representative for Lone Tree Investments, LLC (who own the Panera Bread property), also spoke in favor of the establishing the District.

Pat McGaughran, Rio Grande Restaurant, stated the 49535 Park Meadows Group is in favor of establishing the BID. Mr. McGaughran thanked Steve Hebert and Jeff Holwell for their work on this project.

Mayor Gunning closed the public hearing for comment at 7:38 p.m.

Council Member Squyer moved, Council Member Anderson seconded, to approve Emergency Ordinance 15-04, **ACCEPTING A PETITION FOR THE ORGANIZATION OF A BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF LONE TREE AND ESTABLISHING, CREATING AND ORGANIZING THE LONE TREE BUSINESS IMPROVEMENT DISTRICT**. The motion passed with a 5 to 0 vote.

Council Comments

Council shared their comments.

Adjournment

There being no further business, Mayor Gunning adjourned the meeting at 7:49 p.m.

Respectfully submitted,

Jennifer Pettinger, CMC, City Clerk



STAFF REPORT

To: Mayor Gunning and City Council

From: Kelly First, Director of Community Development
Jennifer Drybread, Senior Planner

Date: August 26, 2015

SUBJECT: Parkway Filing 1, a replat of Block 3, Lot 1 and Tract H
Project SB15-51

Parkway Filing 1, rezoning from POS to C1
Project ZR15-37

Parkway Filing 1, Block 3, Lot 4, site improvement plan
Project SP15-36

Owner:
Argonaut Holdings, LLC
300 Renaissance Center, 19th Floor
Detroit, Michigan 48265

Representative:
JR Engineering, Jim Fitzmorris
7200 S. Alton Way, Suite C400
Centennial, CO 80112

Planning Commission Hearing Date: July 28, 2015
City Council Hearing Date: September 1, 2015 **(continued from August 18th)**

A. BACKGROUND:

The City Council continued the replat, rezoning and site improvement plan applications on the above mentioned property at their meeting on August 18, 2015 until September 1, 2015. The purpose of the continuance was to provide time for the applicant and the City to further evaluate the equity of the land swap – either through an adjustment in land area (between Argonaut Holdings, LLC and the City), an assessment of land value, or both.

In response, the applicant has evaluated the issue and prepared a position paper for City Council's consideration (attached). The applicant now proposes:

- To increase the size of Tract A (proposed for dedication to the City) by 0.0069 acres from the original proposal of 0.2543 acres to 0.2612 acres
- To reduce the size of Tract H (proposed for conveyance to the applicant) by 0.0317 acres from the original proposal of 0.3973 acres to 0.3656 acres

The difference in land area between Tract H and Tract A is now 0.1044 acres

Based on the appraiser's estimated valuations:

Tract A @ \$5.00/sq. ft. x 11,377.9 sq. ft. = \$56,889.50 + \$5,420 (value of area of adjacent buffer) = \$62,309.50

Tract H @ \$2.00/sq. ft. x 15,925.5 sq. ft. = \$31,851.00

The applicant is suggesting that the value of what Argonaut is giving to the City compared to what they are receiving from the City is a deficiency of \$30,458.50, although they are not seeking compensation for that difference. Further, the applicant suggests that even if the value of the City's property were reduced to \$3.00/sq. ft., there would still be a deficiency to Argonaut (\$7,702.70).

B. COUNCIL ACTION:

Due to the short turnaround between the Council's last meeting on these applications on July 18th, staff and the applicant did not have time to change the associated exhibits. Should City Council act to approve the replat, rezoning (and associated ordinance), and site improvement plan, we ask that approvals be conditioned based upon changing the acreage on the exhibits as necessary.

END

Position Paper
General Motors Auto Mall
Exchange of Properties to Advance Re-plat
August 26, 2015

For the purpose of reference, Exhibit A attached hereto shows Tract A and Tract H. Exhibit A also shows the relative location of Tract A and Tract H to the Lone Tree General Motors Auto Mall ("Auto Mall"). Both tracts are contiguous to what is known as Lot 4 of the Auto Mall, on which is located Bozarth Chevrolet. Currently, all of the property in the Auto Mall is owned by Argonaut Holdings LLC ("Argonaut"), including Tract A. Currently, Tract H is owned by the City of Lone Tree.

The bike path / trail which is located on Tract A and the subject of this discussion was originally built by the South Suburban Recreation District ("District") on land owned by Argonaut without consent or consideration. During a previous attempt to re-plat the Auto Mall approximately two years ago, this encroachment was discovered. After lengthy discussions between the District, the City and Argonaut, and in order to avoid the potentially disastrous result of having the bike path / trail removed due to the encroachment, Argonaut is agreeable to giving enough land to the City of Lone Tree so that the bike path / trail remains in place for the benefit of the City of Lone Tree, the District, and the residents and citizens who use this bike path / trail. Further, the District will now be able to improve the condition of the bike path / trail at this location, which improvement had previously been cancelled due to the question of rights of use. This agreement by Argonaut to convey property to the City resulted in the creation of Tract A. In exchange for this agreement by Argonaut to convey Tract A to the City of Lone Tree, Argonaut is willing to accept from the City of Lone Tree the property created and known as Tract H, which is an open space unimproved grass area between the Auto Mall (and what is known as Lot 4 of the Auto Mall) and Willow Creek.

Without further consideration, at the request of the District and the City, Argonaut has agreed to move the easternmost parking area of Lot 4 of the Auto Mall, which is contiguous to Tract A, approximately 4 feet further away from the bike path / trail so that the back of the parked vehicles on Lot 4 do not come so close to the bike path / trail, thus effectively rendering this area of the land owned by Argonaut as unusable. The contiguous line between Tract A on which the bike path / trail is located and Lot 4 is approximately 271 feet, therefore, a 4 foot reduction would contain approximately 1,084 square feet, or approximately 0.025 acres. This is a buffer zone that is being created at the request of the District and the City, and is not being conveyed as a part of Tract A. The curbs and parking area will be moved to create this buffer zone so there is more space between the boundary of Tract A and the parked vehicles.

In an original proposal by Argonaut for the addition of Tract H, the tract was smaller than what is currently being requested. The development of Tract H, by itself, had met the requirement of the City of Lone Tree of having 15% green space. However, the City of Lone Tree requested that additional land be added to the Tract H so that the entire Lot 4 after the addition of Tract H met the goal of 15% green space. Lot 4 was developed under county requirements in the late 1990s and conformed to all regulations, ordinances, and requirements at the time. In the current request, the original Lot 4 was not

being changed or altered in any way, therefore, not being subject to the current City of Lone Tree requirements of 15% green space. The development only affected Tract H and under the original plans by Argonaut it had met the 15% requirement. However, without argument or discussion, Argonaut agreed to the request of the City to expand the boundaries of Tract H. This made Tract H larger than what was originally proposed by Argonaut.

Regarding vehicular access to the tracts, Tract A fronts on and is contiguous to Parkway Drive, which makes Tract A much more valuable. On the other hand, Tract H has no frontage on any street or public right of way, and can only be accessed through Lot 4 of the Auto Mall.

The development of Tract H is extremely limited due to the flood plain area of Willow Creek, the non-existent vehicular access to Tract H by the public, and due to the fact that a 30 foot Sanitary Sewer Easement is located on the western side of Tract H, as highlighted on Exhibit B. The existence of the easement effectively cuts the usable area of Tract H to approximately 65.5% of its size. The only use allowed over this easement area is parking, with no structures being allowed on the easement. With no vehicular access to any street, the property is unusable except for an extension of the parking area to the dealership located on Lot 4. No other person or entity would be able to access or develop this area.

The value of land in the developed auto mall (more particularly Lot 3 as indicated on Exhibit A) is approximately \$20 per square foot as was determined by an appraisal dated June 26, 2015 by CBRE on behalf of Argonaut. The appraisal was performed by Mr. Guy DiRienzo, MAI, MRICS, a Colorado Certified General Appraiser and Managing Director of Cushman & Wakefield of Colorado, Inc. This appraised land (Lot 3) is highly improved property. Tract A, except for the bike path / trail, is undeveloped. Further, Tract A is relatively small and is not amenable to future development. It is estimated by Mr. DiRienzo that the value of Tract A is approximately \$5 per square foot, which, by way of comparison, is considerably less than the value of the land in the developed Lot 3. Tract H is an open space unimproved grass area and is not subject to any development as previously mentioned, has no vehicular access to any roadway, and approximately 34.5% of Tract H is burdened with the Sanitary Sewer Easement. Additionally, there are flood plain repercussions regarding any attempted development of the property not in the easement. Therefore, it is estimated by Mr. DiRienzo that the value of Tract H is approximately \$2 per square foot. The valuations of Tract A and Tract H were confirmed by Mr. DiRienzo on a telephone call with Argonaut on August 24, 2015. It must be noted that Mr. DiRienzo felt that the \$2 per square foot value of Tract H was very generous due to all the restrictions previously discussed.

After receiving the comments from the City Council at the hearing on August 18, 2015, Argonaut undertook to have the sizes of the properties altered in order to bring the acreage of the two tracts closer together. Tract A previously contained 0.2543 acres. By adding a triangular section on the northwest corner of the property (as indicated on Exhibit A), the size of Tract A was increased to 0.2612 acres. This is an increase of a little more than 300 square feet, or 0.0069 acres. Tract H previously contained 0.3973 acres. By moving the eastern line of Tract H by 4 feet to the west, and by moving the southern line of Tract H by 6.7 feet to the north, the size of Tract H was reduced to 0.3656 acres. The moving of the southern line establishes a setback of 15 feet, although the minimum setback required is 10 feet. Argonaut needed 15 feet to encompass the new retaining wall and have room to plant trees.

These changes result in a reduction of Tract H of a little more than 1,380 square feet, or .0317 acres. Therefore, the acreage difference between the two tracts is reduced in accordance with the following:

	PREVIOUSLY	CURRENTLY	DIFFERENCE
Tract A	0.2543 ac	0.2612 ac	+0.0069
Tract H	0.3973 ac	0.3656 ac	-0.0317

Tract A will contain 11,377.9 square feet, and Tract H will contain 15,925.5 square feet. Based on the valuations discussed above, the value of Tract A is approximately \$56,889.50. Adding the value of the land now unusable by the movement of the parking area of Lot 4 next to Tract A (thus creating the buffer zone, which would be approximately \$5,420) the effective cost to Argonaut is \$62,309.50. The value of Tract H is approximately \$31,851.00. Therefore, the valuation difference between the two tracts is as follows:

Tract A	\$56,889.50	Conveyed to City
Tract H	\$31,851.00	Conveyed to Argonaut
Difference	\$25,038.50	
Value Buffer Zone	\$ 5,420.00	
Total Difference	\$30,458.50	Cost to Argonaut

Therefore, the value of what Argonaut is giving and what Argonaut is receiving is a deficiency of \$30,458.50 to Argonaut. However, Argonaut is willing to accept Tract H without compensation for this difference in valuation.

Note that even if the value of Tract A was dropped to \$4.00 per square foot, the deficiency to Argonaut would be \$19,080.60. Even dropping the value of Tract A to \$3.00 per square foot would result in a deficiency to Argonaut of \$7,702.70. Argonaut firmly believes that the value of Tract A is certainly higher than Tract H, if for no other reason than the lack of access to a public right of way, plus the other factors mentioned. How much higher the value of Tract A is over Tract H is always subject to subjective conjecture as is true with any valuation, but as shown, no matter the difference, the result is still the same – a deficiency to Argonaut which Argonaut is willing to accept.

By way of note, Argonaut has already spent over \$100,000 in planning for Tract H, and it is estimated that Argonaut will spend an additional \$600,000 to \$750,000 to develop Tract H. This will add a valuable piece of property to the tax rolls of the Library District, the Fire Department District and the County of Douglas, thus taking a non-productive area and replacing it with a productive property for the benefit of all concerned.

For the past 4 years, I personally, on behalf of Argonaut and General Motors, have worked with various members of the staff of the City of Lone Tree on many different aspects of the Auto Mall, including but

not limited to the above ground retention area, the underground retention area, parking and in some cases the restriction of parking on the roads in the Auto Mall, irrigation, improvements and other matters. During this entire time, there have been many discussions, meetings, emails, proposals and considerations, all of which were carried out with a spirit of cooperation, and with the goal of the betterment of the City of Lone Tree, it's residents, it's customers, and the Auto Mall. With all of these matters, there has been compromise, give and take, and respect given to both sides, and I believe in all cases the correct results have been reached to accomplish the goals mentioned. We believe what is being proposed today continues in the same spirit, with the same goals and the same understandings.

Respectfully Submitted August 26, 2015

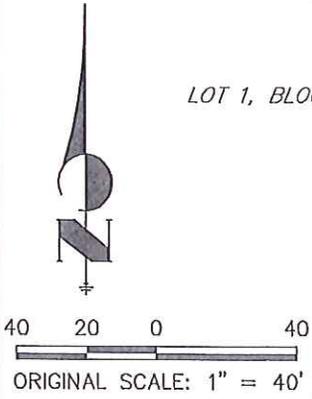
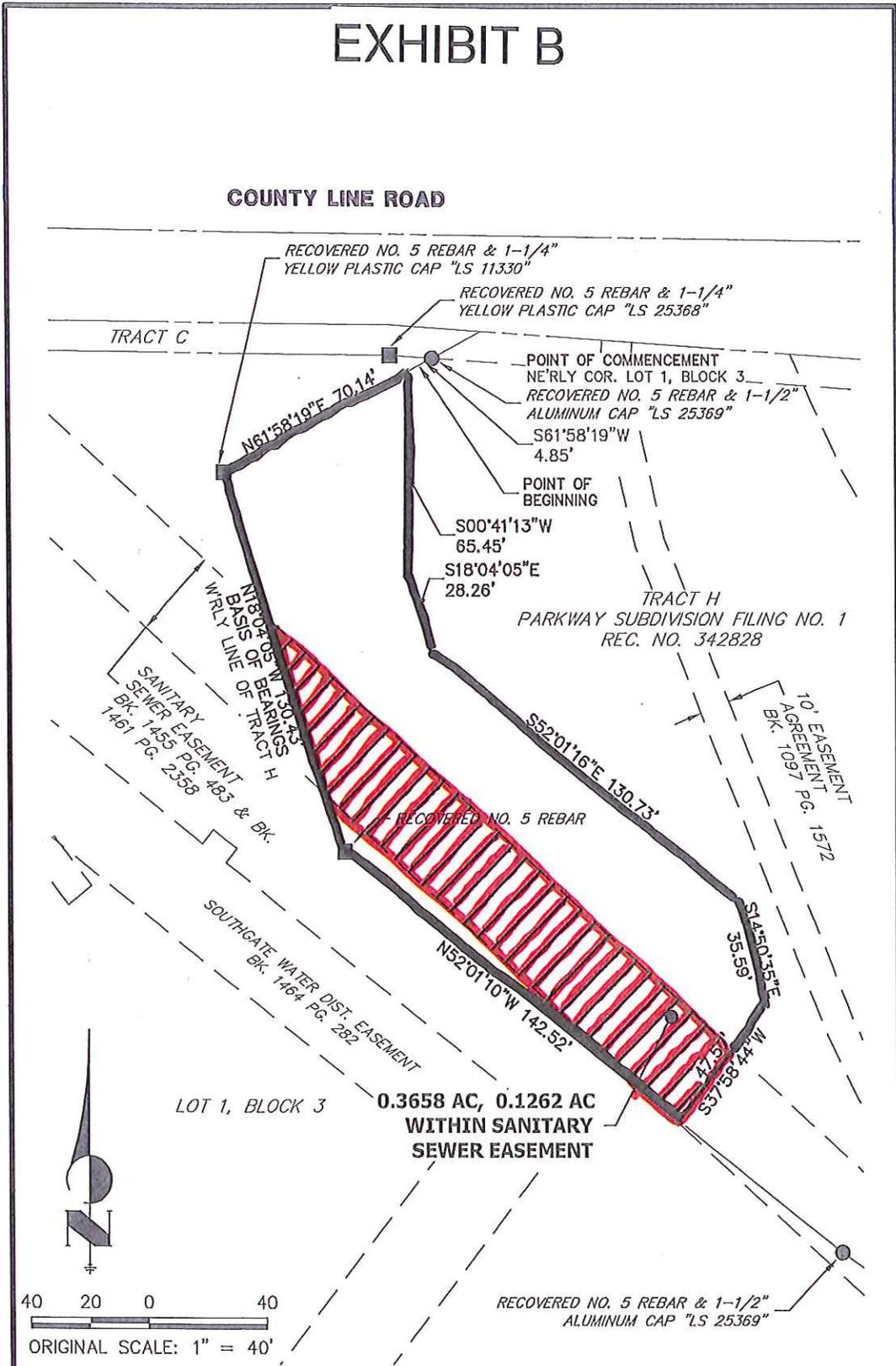
Argonaut Holdings LLC

By 

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15-08-26

EXHIBIT B



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

ZONING EXHIBIT
 GM PLAT
 PROJECT NO.: 15637.00
 DATE: 08/24/15

SHEET: 1 OF 1



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CITY OF LONE TREE STAFF REPORT

Project Summary

Date: September 1, 2015 City Council Meeting

Project Name: RidgeGate Section 15, Filing 17, 1st Amendment
(Replat, RidgeGate III)

Location: The property is located in RidgeGate between Chatham Drive and Sky Ridge Avenue and between Park Meadows Boulevard and Train Station Circle.

Project Type / #: Replat, Project #SB15-42R

Staff Contacts: Kelly First, Community Development Director
Jennifer Drybread, Senior Planner

Meeting Type: Public Meeting

Summary of Request:

Approval of a replat allowing 1 lot to be subdivided into 2 lots and also setting aside an area for a vehicular drop off (Tract A) on Train Station Circle associated with the future Sky Ridge Station. The northern-most lot will accommodate an apartment building approved by City Council on August 4, 2015 (RidgeGate III, SP15-29R). There are no development plans at this time in process with the City for the southern-most lot.

Planning Commission Recommendation:

Not applicable.

Suggested Action:

Approval, subject to final approval by Lone Tree Public Works Department.



**CITY OF LONE TREE
STAFF REPORT**

TO: Mayor Gunning and City Council

FROM: Kelly First, Community Development Director
Jennifer Drybread, Senior Planner

DATE: August 26, 2015

FOR: September 1, 2015, City Council Meeting

SUBJECT: RidgeGate Section 15, Filing 17, 1st Amendment
Replat (RidgeGate III), Project #SB14-29R

Owner:
RidgeGate Investments, Inc.
10270 Commonwealth St., Suite B.
Lone Tree, CO 80124

Representative:
Keith Simon
10270 Commonwealth St., Suite B
Lone Tree, CO 80124

Planning Commission Meeting Date:
City Council Meeting/Hearing Date:

Not applicable
September 1, 2015

A. REQUEST:

Approval of a replat allowing 1 lot to be subdivided into 2 lots and the accommodation of land for a vehicular drop off (Tract A) on Train Station Circle associated with the future Sky Ridge Station.

B. LOCATION:

The property is located in RidgeGate between Chatham Drive and Sky Ridge Avenue and between Park Meadows Boulevard and Train Station Circle.

C. BACKGROUND:

This property is currently subdivided into one large lot (Lot 6) as part of RidgeGate Section 15, Filing 17, approved by the City Council on July 19, 2011. This application proposes further subdivision of Lot 6 into 2 lots. This will allow for the sale and construction of an apartment building (Martin Fein Interests, aka, RidgeGate III), approved by City Council on August 4, 2015. As this is a replat, the Planning Commission did not hear this application.

The proposed replat is processed in accordance with Section 17-7-70 of the City Subdivision Code, which requires City Council approval of a replat where any new lots are created for uses other than single-family detached residential.

D. DESCRIPTION:

Zoning. The approved residential use is permitted by zoning. The property is zoned PD and is within a Commercial-Mixed Use (C/MU) Planning Area in the RidgeGate Planned Development.

E. SITE CHARACTERISTICS:

The property had been overlot graded, and consists largely of grasses and weeds. The property gently slopes down from south to north.

F. SERVICE PROVIDERS:

Water:	Southgate Water District
Sanitation:	Southgate Sanitation District
Police:	Lone Tree Police
Fire:	South Metro Fire Rescue Authority
Metro District:	Rampart Range Metropolitan District

G. REFERRALS:

Referral responses from agencies ranged from no comment to notification of issues that are primarily procedural or technical in nature and will be addressed to the satisfaction of Lone Tree Public Works prior to final plat approval and recordation.

H. STAFF FINDINGS AND RECOMMENDATION:

Staff finds that the application is in conformance with the Subdivision Code, the Zoning Code, the Comprehensive Plan, and the RidgeGate RidgeGate Sky Ridge Station TOD Sub-Area Plan.

Staff recommends approval of replat, subject to final approval by the Public Works Department.

END

City of Lone Tree

Department of Community Development
9220 Kimmer Drive Suite 100
Lone Tree, CO 80124
Ph: 303-708-1818 Fax 303-225-4949

DEVELOPMENT APPLICATION FORM

◆ OFFICE USE ONLY ◆

PROJECT NAME: Ridge Gate Sec. 15, Flg 17, 1st Amndt PROJECT FILE # SB15-42R

REQUEST: Replat

SITE LOCATION: RidgeGate

(Nearest Intersections) Park Meadows Boulevard & Chatham Drive

OWNER:

Name: Ridgegate Investments, Inc
Address: 1041 Third Ave
New York, New York 10021
Phone: 212-752-6164 FAX: 212-752-5407

DATE SUBMITTED: 5/5/15

#500 #5880
FEES: #500.#1822

(Engineering fees are not included)

AUTHORIZED REPRESENTATIVE:

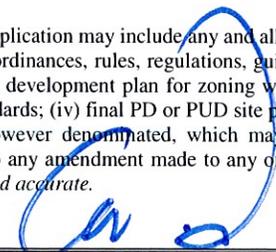
Name: Keith Simon Fax: 720-279-2582
Address: 10270 Commonwealth Street, Ste B Email: ksimon@ridgegate-colorado.com
Lone Tree, Colorado 80124
Phone: 720-279-2582 Business/Project Name: RidgeGate Development Corporation

LEGAL DESCRIPTION (site address):

PROJECT INFORMATION:

Subdivision Name: Ridgegate – Section 15	Filing #: 17, 1st	Lot # (if appropriate):	Block #:
Planning Area # (if PD)	Amendment		
PRESENT ZONING: Commercial/Mixed Use	(When rezoning) – PROPOSED ZONING		
GROSS ACREAGE: 5.943 Acres	# of units (residential)		
	Unit type:		
FIRE DISTRICT: South Metro Fire Rescue Authority	METRO DIST: Rampart Range Metropolitan District		
WATER: Southgate Water District	ELEC: Xcel Energy		
SEWER: Southgate Sanitary District	GAS: Xcel Energy		

Further submissions pursuant to this application may include any and all development proposals, submissions, applications and procedures that may be made or initiated under the City of Lone Tree Charter, ordinances, rules, regulations, guidelines or policies including, without limitation, those for any of the following: (i) annexation; (ii) zoning or re-zoning, including any development plan for zoning within the Planned Development (PD) District; (iii) preliminary PD or PUD site plan, or related design guidelines or development standards; (iv) final PD or PUD site plan; (v) Site Improvement Plan; (vi) any master or general development plan, sub-area plan, site plan or similar development plan, however denominated, which may be provided for under any PD development plan or any other zoning; (vii) Sketch Plan, Preliminary Plat or Final Plat; or (viii) any amendment made to any of the foregoing, as applied for or as approved. *To the best of my knowledge, the information contained on this application is true and accurate.*

APPLICANT SIGNATURE: 

Date: 10-1-2014

Public Works
Department
9222 Teddy Lane
Lone Tree, CO 80124



CITY OF
LONE TREE

(303) 662-8112 Fax: (303) 792-9489

August 17, 2015

Jennifer Drybread
City of Lone Tree Community Development Dept.
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124

Via: e-mail

Re: Ridgeway – Section 15 Filing No. 17, 1st Amendment (SB15-42R)
TTG Proj. No. 061-406

Dear Ms. Drybread,

On behalf of the City of Lone Tree, we have completed our review of the Subdivision Replat referenced above and have the following comments for the applicant (note: any references to Articles and Sections refer to the City of Lone Tree Subdivision Regulations):

Sheet 1

- 1) Please add the remainder of the Dedication Statement, noting that Tract A (being revised from A1 as currently labeled) as being: "... dedicated and conveyed to the City of Lone Tree ... ". [Article VIII Section 17-8-40]
- 2) To Note 6, please add: " and Tracts " in the first line and: " or Tract owner " in line four per the General Overlot Drainage Note. [Article VIII, Section 17-8-47]
- 3) Please add a note regarding Tract A being dedicated as public street right-of-way as part of Trainstation Circle. [Article V, Section 17-5-60 (14)]
- 4) Under the Title Verification, in the signature please switch the labels: "Title" and "By" and add a line for the Date.
- 5) Under the City Council approval, in the second line of the first paragraph, please add the sentence: "The dedication of Tract A is accepted." [Article VIII Section 17-8-70 (3)]
- 6) FYI: "Hereon" is misspelled in the third line of the Surveyor's Certificate, please correct.

Sheet 2

- 7) Please revise: "Tract A1" to: "Tract A".
- 8) Since the "10' PSCO Easement Rec. No. 2012028845" is being vacated from Lot 6A, but remaining in Lot 6B, that portion of the easement will need to be labeled. [Article V, Section 17-

5-60 (11)]

- 9) At the Northwest corner of Lot 6A the labels for the North and East lines of the 25' X 31' Easement are reversed, please correct. [Article V, Section 17-5-60 (11)]
- 10) Along Park Meadows Boulevard please add the "right-of-way widths at each point of curve and point of tangent". [Article V, Section 17-5-60 (10)]
- 11) Schedule B – Section 2 of the title commitment Exception number 24 indicates a PSCO Easement (Reception No. 2011073313) that isn't shown. Please explain. [Article V, Section 17-5-60 (11)]

Please have the applicant address the above comments and submit a full size print reflecting the revisions to my attention at the address on page 1. Feel free to call me with any questions or comments at 303-662-8112.

Respectfully,



Michael C. Cregger, P.L.S.
TTG Engineers, Inc.

cc: Greg Weeks, P.E. – Engineering Dept.

Jennifer Drybread

From: Jennifer Drybread
Sent: Monday, July 27, 2015 2:27 PM
To: 'AT & T-Thomas Jakse (tjakse@clearwaterconsulting.net)'; 'AT & T-Van DeCastro'; 'Comcast-Scott Moore'; 'Douglas County (Boyd, Chris)'; 'DC Assessors - Marianne Woodward'; 'Qwest- Charles Place (Charles.Place@qwest.com)'; 'Rampart Range Metro District- Denise Denslow (denise.denslow@cliftoncpa.com)'; 'RTD - Chris Quinn'; 'South Metro Fire Protection District- Vikki Seela'; 'Southeast Public Improvement District- Bob Brooks (Bob.Brooks@CliftonCPA.com)'; 'Southgate Water and San - Dave Irish'; 'U. S. Post Office - Brent Todd (brent.o.todd@usps.gov)'; 'Xcel Energy - Donna George'; Matt Archer; David E. Brown
Subject: Lone Tree eReferral (SB15-42R) Is Ready For Review
Attachments: RG Sec 15 Flg 17 1st Amdt Replat - ref resp form.doc

Greetings,

There is an eReferral for your review. Please click on the link below to review this referral:

<http://www.cityoflonetree.com/DocumentCenter/View/6524>

Project Name:	RidgeGate, Sec. 15, Flg 17, 1 st Amendment (Fein III)
Project File #:	SB15-42R
Project Summary:	Replat application for a 2-lot split on 5.94 acres. The proposal is located between Commonwealth Street and Sky Ridge Avenue in RidgeGate.

Please forward any comments to me by **August 17, 2015** via email, fax or postal mail at the addresses below. You may use the Referral Request form attached if you prefer. If you would like a hard copy of the review materials or if you would like to request additional review time, please contact me.

Thank you for your time and please feel free to contact me with any questions.

Jennifer Drybread

Lone Tree Community Development Department
9220 Kimmer Drive, #100
Lone Tree, CO 80124
Phone: 303.708.1818
Fax: 303.225.4949
jennifer.drybread@cityoflonetree.com



CITY OF LONE TREE
Community Development Department

REFERRAL REQUEST

Today's date: July 27, 2015

Project Name and File Number: RidgeGate Sec. 15, Fil 17, 1st Amdt
Project Type: Replat, to accommodate a lot split and a revision to the public right of way to accommodate bus turn around
Comments Due By: August 17, 2015
If you are unable to respond by the due date, please contact the project planner

Dear Referral Organization:

Information on the above referenced proposal in the City of Lone Tree is provided for your review and comment. Please submit your response no later than the due date to ensure adequate time to consider comments and enter them into the public record.

If you have difficulty viewing or understanding any of the information or have questions, please contact me at 303-708-1818. Printed materials and extra sets of materials are available upon request. Plans may also be viewed at the City offices from 8am-5pm.

We have no comments regarding this proposal

Please note the following concerns this organization has:

See attached letter for comments regarding this proposal

Organization Name: SMFR

Your name: CHIP KENKHOVE

Your signature: [Signature] Date: 8/5/15

This project may be subject to public meetings. Please check the City's web site (www.cityoflonetree.com) for posted agendas or contact this office.

Thank you for your consideration.

Jennifer Drybread

Senior Planner

PLEASE RETURN THIS PAGE AND ANY COMMENTS TO:

City of Lone Tree Community Development Dept.
9220 Kimmer Drive Suite 100
Lone Tree, CO 80124
Ph: 303-708-1818
Fx: 303-225-4949
jennifer.drybread@cityoflonetree.com



CITY OF LONE TREE
Community Development Department

REFERRAL REQUEST

Today's date: July 27, 2015

<p><u>Project Name and File Number:</u> RidgeGate Sec. 15, Fil 17, 1st Amdt</p> <p><u>Project Type:</u> Replat, to accommodate a lot split and a revision to the public right of way to accommodate bus turn around</p> <p><u>Comments Due By:</u> August 17, 2015</p> <p>If you are unable to respond by the due date, please contact the project planner</p>

Dear Referral Organization:

Information on the above referenced proposal in the City of Lone Tree is provided for your review and comment. Please submit your response no later than the due date to ensure adequate time to consider comments and enter them into the public record.

If you have difficulty viewing or understanding any of the information or have questions, please contact me at 303-708-1818. Printed materials and extra sets of materials are available upon request. Plans may also be viewed at the City offices from 8am-5pm.

We have no comments regarding this proposal

Please note the following concerns this organization has:

See attached letter for comments regarding this proposal

Organization Name: Southgate Water & Sanitation Districts

Your name: Christina Baca, District Project Engineer

Your signature:  **Date:** 8/18/15

This project may be subject to public meetings. Please check the City's web site (www.cityoflonetree.com) for posted agendas or contact this office. Thank you for your consideration.

Jennifer Drybread

Senior Planner

PLEASE RETURN THIS PAGE AND ANY COMMENTS TO:

City of Lone Tree Community Development Dept.
9220 Kimmer Drive Suite 100
Lone Tree, CO 80124
Ph: 303-708-1818
Fx: 303-225-4949
jennifer.drybread@cityoflonetree.com



CITY OF LONE TREE
Community Development Department

REFERRAL REQUEST

Today's date: July 27, 2015

Project Name and File Number: RidgeGate Sec. 15, Fil 17, 1st Amdt

Project Type: Replat, to accommodate a lot split and a revision to the public right of way to accommodate bus turn around

Comments Due By: August 17, 2015
If you are unable to respond by the due date, please contact the project planner

Dear Referral Organization:

Information on the above referenced proposal in the City of Lone Tree is provided for your review and comment. Please submit your response no later than the due date to ensure adequate time to consider comments and enter them into the public record.

If you have difficulty viewing or understanding any of the information or have questions, please contact me at 303-708-1818. Printed materials and extra sets of materials are available upon request. Plans may also be viewed at the City offices from 8am-5pm.

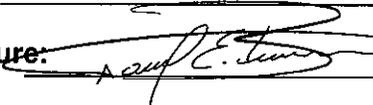
We have no comments regarding this proposal

Please note the following concerns this organization has:

See attached letter for comments regarding this proposal

Organization Name: City of Lone Tree Police Dept.

Your name: David E. Brown

Your signature:  **Date:** 7-28-15

This project may be subject to public meetings. Please check the City's web site (www.cityoflonetree.com) for posted agendas or contact this office. Thank you for your consideration.

Jennifer Drybread

Senior Planner

PLEASE RETURN THIS PAGE AND ANY COMMENTS TO:

City of Lone Tree Community Development Dept.
9220 Kimmer Drive Suite 100
Lone Tree, CO 80124
Ph: 303-708-1818
Fx: 303-225-4949
jennifer.drybread@cityoflonetree.com

Jennifer Drybread

From: Jeremy Hirsch <JHirsch@douglas.co.us>
Sent: Monday, August 17, 2015 11:53 AM
To: Jennifer Drybread
Subject: RE: Lone Tree eReferral (SB15-42R) Is Ready For Review

Jennifer,

Our office has "no comments" for this project.

Thank you,
Jeremy

Jeremy Hirsch
GIS Specialist II | Douglas County Assessor
301 Wilcox Street | Castle Rock, CO 80104
303-660-7450 ext. 4228 | 303-479-9751 Fax

From: Marian Woodward
Sent: Monday, July 27, 2015 8:22 PM
To: Jeremy Hirsch; Brooke Decker
Subject: Fwd: Lone Tree eReferral (SB15-42R) Is Ready For Review

Sent from my iPhone

Begin forwarded message:

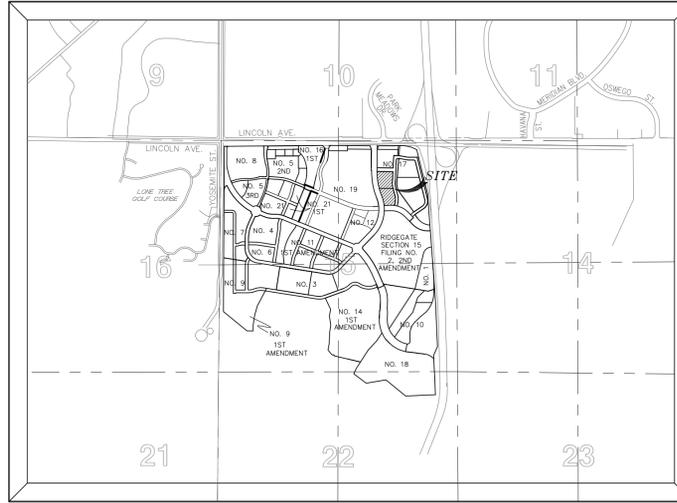
From: Jennifer Drybread <>
Date: July 27, 2015 at 1:26:46 PM PDT
To: "AT & T-Thomas Jakse (tjakse@clearwaterconsulting.net)" <tjakse@clearwaterconsulting.net>, AT & T-Van DeCastro <vdecastro@att.com>, Comcast-Scott Moore <Scott_Moore@cable.comcast.com>, "Douglas County (Boyd, Chris)" <cboyd@douglas.co.us>, DC Assessors - Marianne Woodward <mwoodwar@douglas.co.us>, "Qwest- Charles Place (Charles.Place@qwest.com)" <Charles.Place@qwest.com>, "Rampart Range Metro District- Denise Denslow (denise.denslow@cliftoncpa.com)" <denise.denslow@cliftoncpa.com>, "RTD - Chris Quinn" <chris.quinn@rtd-denver.com>, "South Metro Fire Protection District- Vikki Seela" <vikki.seela@southmetro.org>, "Southeast Public Improvement District- Bob Brooks (Bob.Brooks@CliftonCPA.com)" <Bob.Brooks@CliftonCPA.com>, Southgate Water and San - Dave Irish <dirish@southgatedistricts.org>, "U. S. Post Office - Brent Todd (brent.o.todd@usps.gov)" <brent.o.todd@usps.gov>, Xcel Energy - Donna George <Donna.L.George@xcelenergy.com>, Matt Archer <Matt.Archer@cityoflonetree.com>, "David E. Brown" <David.Brown@cityoflonetree.com>
Subject: Lone Tree eReferral (SB15-42R) Is Ready For Review

Greetings,

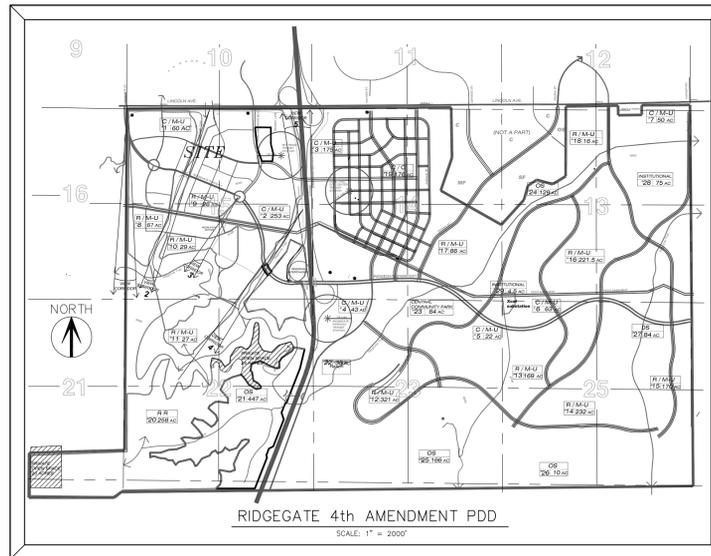
There is an eReferral for your review. Please click on the link below to review this referral:

RIDGEGATE - SECTION 15 FILING 17, 1ST AMENDMENT

A PORTION OF PLANNING AREA 2 OF THE RIDGEGATE PLANNED DEVELOPMENT
 ALL OF LOT 6, RIDGEGATE - SECTION 15 FILING NO. 17
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 15,
 TOWNSHIP 6 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 CITY OF LONE TREE, COUNTY OF DOUGLAS, STATE OF COLORADO
 5.94 ACRES, 2 LOTS AND 1 TRACT
 #SB15-42R



VICINITY MAP
 SCALE: 1" = 2000'



RIDGEGATE 4th AMENDMENT PDD
 SCALE: 1" = 2000'

NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
3. BEARINGS ARE ASSUMED AND ARE BASED UPON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR N89°27'22"E AND IS MONUMENTED AS SHOWN HEREON.
4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY MERRICK & COMPANY TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY, AND TITLE OF RECORD MERRICK & COMPANY RELIED UPON COMMITMENT NUMBER 097-C2013308-058-058, PREPARED BY CHICAGO TITLE INSURANCE COMPANY, EFFECTIVE DATE: JUNE 4, 2015 AT 7:00 A.M.
5. THE CITY OF LONE TREE REQUIRES THAT MAINTENANCE ACCESS BE PROVIDED TO ALL STORM DRAINAGE FACILITIES TO ASSURE CONTINUOUS OPERATIONAL CAPABILITY OF THE SYSTEM. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE FACILITIES INCLUDING INLETS, PIPES, CULVERTS, CHANNELS, DITCHES, HYDRAULIC STRUCTURES AND DETENTION BASINS LOCATED ON THEIR LAND UNLESS MODIFIED BY THE SUBDIVIDER'S AGREEMENT. SHOULD THE OWNER FAIL TO ADEQUATELY MAINTAIN SAID FACILITIES, THE CITY OF LONE TREE SHALL HAVE THE RIGHT TO ENTER SAID LAND FOR THE PURPOSES OF OPERATIONS AND MAINTENANCE. ALL SUCH MAINTENANCE COSTS WILL BE ASSESSED TO THE PROPERTY OWNER.
6. LOTS AND TRACTS AS PLATTED HEREIN MAY BE REQUIRED TO CONVEY SURFACE DRAINAGE FROM OTHER LOTS IN THIS FILING, IN ACCORDANCE WITH CITY OF LONE TREE REQUIREMENTS AND THE APPROVED DRAINAGE PLAN FOR THIS FILING. NO ALTERATIONS TO THE GRADING OF THE LOTS MAY BE MADE THAT WOULD DISRUPT THE APPROVED DRAINAGE PLAN, WITHOUT PRIOR APPROVAL FROM THE CITY OF LONE TREE. ALL NATURAL AND IMPROVED DRAINAGE WAYS OR DRAINAGE SYSTEMS IN SAID LOTS SHALL BE MAINTAINED BY THE LOT OR TRACT OWNER IN ACCORDANCE WITH CITY OF LONE TREE CRITERIA. SHOULD THE OWNER FAIL TO ADEQUATELY MAINTAIN SAID FACILITIES, THE CITY OF LONE TREE SHALL HAVE THE RIGHT TO ENTER SAID LAND FOR THE PURPOSES OF OPERATIONS AND MAINTENANCE OF THE DRAINAGE WAYS OR DRAINAGE SYSTEMS. ALL SUCH MAINTENANCE COSTS WILL BE ASSESSED TO THE PROPERTY OWNER.
7. THE OWNER/DEVELOPER IS RESPONSIBLE FOR INSTALLATION OF ALL ROADWAY SIGNAGE, INCLUDING NO PARKING/FIRE LANE SIGNAGE, AS REQUIRED BY THE CITY PUBLIC WORKS DEPARTMENT AND FIRE DISTRICT.
8. TRACT A IS DEDICATED AS PUBLIC STREET RIGHT-OF-WAY AS PART OF TRAINSTATION CIRCLE.

TITLE VERIFICATION:

WE, CHICAGO TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

BY: _____ DATE: _____

TITLE: _____

STATE OF _____ } SS
 COUNTY OF _____ }

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 2015,

BY: _____, TITLE _____ OF CHICAGO TITLE INSURANCE COMPANY

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

CITY COUNCIL:

THIS PLAT WAS APPROVED FOR FILING BY THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO, ON THE ____ DAY OF _____, 2015, SUBJECT TO ANY CONDITIONS SPECIFIED HEREON. THE DEDICATION OF TRACT A IS ACCEPTED.

LOT 6, RIDGEGATE-SECTION 15 FILING NO. 17 IS AMENDED BY THIS PLAT SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLATS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, RECEPTION NO. 2011047892.

ALL EXPENSES INCURRED WITH RESPECT TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE CITY.

THIS ACCEPTANCE DOES NOT GUARANTEE THAT THE SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUNDWATER CONDITIONS OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT, WELL PERMIT OR SEWAGE DISPOSAL PERMIT CAN OR WILL BE ISSUED.

 JAMES GUNNING, MAYOR, CITY OF LONE TREE

SURVEYOR'S CERTIFICATE:

I, KENNETH G. OUELLETTE, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON THE 15 DAY OF SEPTEMBER 2014, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE CITY SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS _____



KENNETH G. OUELLETTE, PLS 24673
 DATE: AUGUST 18, 2015
 JOB NO. 03015767
 FOR AND ON BEHALF OF
 MERRICK & COMPANY

DEVELOPER

COVENTRY DEVELOPMENT CORPORATION
 10270 COMMONWEALTH STREET
 LONE TREE, COLORADO 80124
 KEITH SIMON, VICE PRESIDENT
 (720) 279-2581

OWNER/APPLICANT

RIDGEGATE INVESTMENTS, INC.
 C/O COVENTRY DEVELOPMENT CORPORATION
 1041 THIRD AVENUE, 2ND FLOOR
 NEW YORK, NY 10021

SCALE	N/A	<p>MERRICK & COMPANY 5970 Greenwood Plaza Blvd., Greenwood Village, CO 80111 Phone: 303-751-0741</p>
DRAWN	KGO	
CHECKED	JAW	
APPROVED	KGO	
JOB 03015767		DATE 08/18/15 SH 1 OF 2

PROPERTY DESCRIPTION:

ALL OF LOT 6, RIDGEGATE - SECTION 15 FILING NO. 17, A PLAT RECORDED AT RECEPTION NO. 2011047892 IN THE OFFICE OF THE DOUGLAS COUNTY CLERK AND RECORDER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LONE TREE, COUNTY OF DOUGLAS, STATE OF COLORADO.

CONTAINING 258,879 SQUARE FEET (5.943 ACRES), MORE OR LESS.

DEDICATION STATEMENT:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, RIGHTS-OF-WAY AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF RIDGEGATE - SECTION 15 FILING NO. 17, 1ST AMENDMENT. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE COMMUNICATION SYSTEMS, AND OTHER EASEMENTS ARE HEREBY DEDICATED FOR THE PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES. THE TRACT A RIGHT-OF-WAY SHOWN HEREON IS DEDICATED AND CONVEYED TO THE CITY OF LONE TREE, COLORADO, IN FEE SIMPLE ABSOLUTE, WITH MARKETABLE TITLE, FOR PUBLIC USES AND PURPOSES. THE SIGNATURE OF ANY REPRESENTATIVE OF ANY PARTNERSHIP OR CORPORATE ENTITY INDICATES THAT ALL REQUIRED PARTNERSHIP OR CORPORATE APPROVALS HAVE BEEN OBTAINED.

OWNER:

RIDGEGATE INVESTMENTS, INC.

BY: _____
 ROBERT E. ASSELBERGS, PRESIDENT

ATTEST: _____

TITLE: _____

STATE OF _____ } SS
 COUNTY OF _____ }

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 2015,

BY: ROBERT E. ASSELBERGS

AS: PRESIDENT, AND

BY: _____
 AS: _____ OF RIDGEGATE INVESTMENTS, INC.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

CLERK AND RECORDER:

STATE OF COLORADO
 COUNTY OF DOUGLAS

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS ____ DAY OF _____, 2015 A.D., AT _____ A.M./P.M., AND WAS RECORDED AT RECEPTION NUMBER _____

 CLERK AND RECORDER

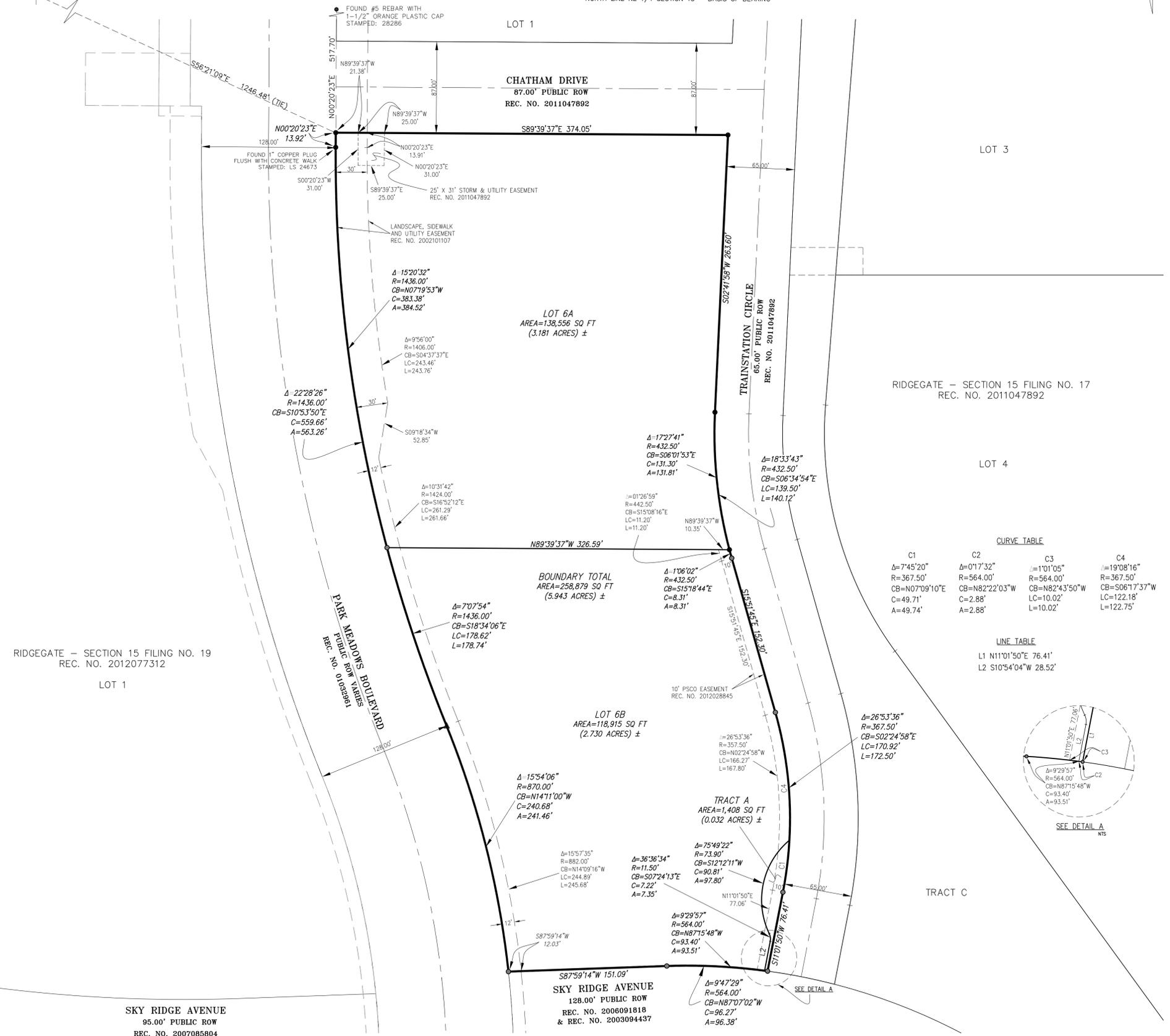
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 CITY OF LONE TREE, COUNTY OF DOUGLAS, STATE OF COLORADO
 5.94 ACRES, 2 LOTS AND 1 TRACT
 #SB15-42R

POINT OF COMMENCEMENT
 N 1/4 COR SEC 15
 T6S, R67W, 6TH P.M.
 FND: #6 REBAR W/ 3 1/4" ALUM CAP
 STAMPED LS# 22103

NE COR SEC 15
 T6S, R67W, 6TH P.M.
 FND: 2 3/8" ALUM PIPE
 W/ 3 1/4" ALUM CAP
 STAMPED LS# 13485

N89°27'22"E 2566.49'
 NORTH LINE NE 1/4 SECTION 15 - BASIS OF BEARING



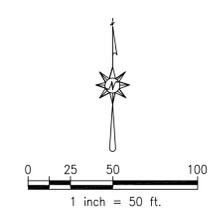
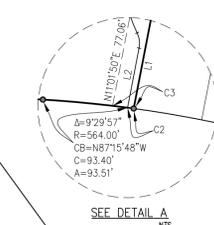
- MONUMENT LEGEND**
- ◆ FOUND ALIQUOT CORNER AS SHOWN HEREON
 - SET #5 REBAR 18" LENGTH WITH 2" ALUM CAP STAMPED: LS 24673
 - ▲ FOUND #5 REBAR WITH 1-1/2" ORANGE PLASTIC CAP STAMPED: PLS 28286
 - FOUND #5 REBAR WITH 2" ALUM CAP STAMPED: LS 24673, UNLESS OTHERWISE NOTED.

CURVE TABLE

C1	C2	C3	C4
Δ=7°45'20"	Δ=0°17'32"	Δ=1°01'05"	Δ=19°08'16"
R=367.50'	R=564.00'	R=564.00'	R=367.50'
CB=N07°09'10"E	CB=N82°22'03"W	CB=N82°43'50"W	CB=S06°17'37"W
C=49.71'	C=2.88'	LC=10.02'	LC=122.18'
A=49.74'	A=2.88'	L=10.02'	L=122.75'

LINE TABLE

L1 N11°01'50"E 76.41'
L2 S10°54'04"W 28.52'



COLORADO REGISTERED SURVEYOR
 24673
 KENNETH G. QUAINETTE, PLS 24673
 DATE: AUGUST 18, 2015
 JOB NO. 03015767
 FOR AND ON BEHALF OF
 MERRICK & COMPANY

RIDGEGATE - SECTION 15 FILING NO. 19
 REC. NO. 2012077312

LOT 1

LOT 6B
 AREA=118,915 SQ FT
 (2.730 ACRES) ±

TRACT A
 AREA=1,408 SQ FT
 (0.032 ACRES) ±

TRACT C

SKY RIDGE AVENUE
 95.00' PUBLIC ROW
 REC. NO. 2007085804

SKY RIDGE AVENUE
 128.00' PUBLIC ROW
 REC. NO. 2006091818
 & REC. NO. 2003094437

SCALE 1"=50'
 DRAWN KGO
 CHECKED JAW
 APPROVED KGO

MERRICK & COMPANY
 5970 Greenwood Plaza Blvd.,
 Greenwood Village, CO 80111
 Phone: 303-751-0741

JOB 03015767 DATE 08/18/15 SH 2 OF 2



**CITY OF LONE TREE
STAFF REPORT**

TO: Mayor Gunning and City Council

FROM: Seth Hoffman, City Manager
Jeff Holwell, Economic Development Director

DATE: August 20, 2015

FOR: September 1, 2015 City Council Meeting

**SUBJECT: Approval of Ordinance 15-05, Dissolving the Lone Tree
Entertainment Business Improvement District (BID)**

Summary

The City of Lone Tree has received a petition requesting the dissolution of the "Lone Tree Entertainment Business Improvement District," which includes a variety of parcels but generally located south of Park Meadows Drive and east of Yosemite. This should not be confused with the new Lone Tree BID, which is located entirely north of Park Meadows Drive and would become official after the existing district is dissolved.

The property owners/petitioners request that the Lone Tree City Council dissolve the District via ordinance, which has not been operational since 2012, but would require an official action of City Council to discontinue its existence.

This is introduced as an emergency ordinance because it will be adopted after a single reading, allowing the new Lone Tree BID to incorporate and submit November ballot questions under the required timelines. Because there is an overlapping property, dissolution of the existing BID is required before the new BID can move forward.

Background

The Lone Tree Entertainment Business Improvement District was established in 1999 and today consists of 19 lots and approximately \$12.5 million in assessed value. Petitioners include DSMC Ventures (Go Putt), Rocky Mountain Law Enforcement Credit Union, Stonybook Investments, Maticota LLC, DA&D LLC, LOUDECO LLC (Brewery Bar), MJR Holdings LLC (Treo), John and Connie

Turnock (Miyama), Colorado Real Estate LLC (Dr. Angela Osborne), Park Meadows LLC (U of C Medical Office Building), Teddy LN LLC, and Teddy Lane LLC. These petitioners represent 21.55 acres and \$7,407,909 in assessed value, greater than the 50% acreage and greater than the 50% real and personal property threshold required for a valid petition.

The Lone Tree Entertainment Business Improvement District has not been operational since 2012, when its bonds were paid off via its assessment revenues. That said, it remains an organized district and the BID has been filing zero based budgets/operational plans per statutory requirements. The district is no longer necessary and dissolution would end these filing requirements and would allow the new Lone Tree BID to move forward, as there is one overlapping property between the two districts.

Cost and Budget

Except for the staff time already invested in this process, there is no cost to the city to dissolve the district.

Suggested Motion or Recommended Action

I move to adopt Ordinance 15-05, an Emergency Ordinance for the Dissolution of the Existing Lone Tree Entertainment Business Improvement District.

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2015

Ordinance No. 15-05

**AN EMERGENCY ORDINANCE FOR THE DISSOLUTION OF THE EXISTING
LONE TREE ENTERTAINMENT BUSINESS IMPROVEMENT DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998 and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to the Charter, the Municipal Code and the authority given home rule cities, the City may adopt and amend Ordinances.

ARTICLE 2 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

ARTICLE 3 – EMERGENCY ORDINANCE

This Ordinance is being adopted pursuant to the provisions of Article V, Section 8 of the City Charter, adopted May 5, 1998. The City Council finds that there exists an immediate threat to the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience, welfare and property. The urgency and need for passing this Ordinance is that there is currently a Lone Tree Entertainment Business Improvement District that has fulfilled its purpose and is no longer necessary (the "Dormant BID"), and the continued existence of the Dormant BID is preventing the organization of a new business improvement district (the "Proposed BID"). A petition for the Proposed BID has been received, but its planned boundaries would overlap with a portion of the Dormant BID. Pursuant to Section 31-25-1208(1) of the Colorado Business Improvement District Act (the "Act"), no business improvement district may be organized wholly or partly within an existing business improvement district. Since the Dormant BID would overlap with the Proposed BID, the Dormant BID must be dissolved before the organization of the Proposed BID. The Proposed BID is to be

created and organized no later than September 4, 2015, in order for a ballot certification and subsequent November election to occur to authorize the various powers that are integral to the Proposed BID's purpose and functionality.

ARTICLE 4 – FINDINGS OF FACT

A. The City Council established the Dormant BID on October 19, 1999 with the passage of Ordinance No. 99-08.

B. A Petition for the Dissolution of the Dormant BID (the "Petition") has been filed in the office of the City Clerk of the City of Lone Tree.

C. The Petition has been reviewed by the City Clerk and a public hearing was held by the City Council, after proper notice, on September 1, 2015, at which time the petitioners and other interested parties gave testimony.

D. The evidence presented in the Petition and at the public hearing on the matter demonstrated that all conditions imposed by Colorado Statutes for the dissolution of a business improvement district were met.

E. Pursuant to Section 31-25-1225 and 31-25-1205(2), C.R.S. of the Act, the signatures on the Petition are genuine, and the Petition has been signed by persons who own real or personal property in the service area of the District having a valuation for assessment of not less than fifty percent (50%) of the valuation for assessment of all real and personal property in the service area of the District and who own at least fifty percent (50%) of the acreage in the District.

F. The Petition is duly signed and presented in conformity with the requirements of the Business Improvement District Act and the allegations in the Petition are true.

G. The dissolution of the District will serve a public use and will promote the health, security and general welfare of the inhabitants of the City and the property owners of the District.

H. Pursuant to the authority to dissolve business improvement districts under the Act, Section 31-25-1225, C.R.S., the City Council desires to accept the Petition and dissolve the business improvement district described in the Petition for Dissolution of the Lone Tree Entertainment Business Improvement District.

ARTICLE 5 – DISSOLUTION

Based upon the findings and determinations set forth herein and at the public hearing, the City Council, by this Ordinance, hereby authorizes the dissolution of the Lone Tree Entertainment Business Improvement District and any special improvement districts created within the Lone Tree Entertainment Business Improvement District's boundaries, specifically including Special Improvement District No. 2000-1.

ARTICLE 6 – RATIFICATION AND APPROVAL OF PRIOR ACTION

All actions heretofore taken by the officers of the City and the members of the Council consistent with the provisions of this Ordinance and relating to the dissolution of the District are hereby ratified, approved, and confirmed.

ARTICLE 7 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 8 – REPEALER

All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

ARTICLE 9 – RECORDING AND AUTHENTICATION

Pursuant to Section 31-25-1225 C.R.S., a certified copy this Ordinance shall be filed in the office of the county clerk and recorder in Douglas County. Immediately on its passage this Ordinance shall be kept and maintained by the City Clerk or City Manager in such form as is sufficient to assure reasonable access to the public. It shall be the duty of the Mayor and City Clerk to authenticate such records by their official signatures thereon, but the failure to so record and authenticate this Ordinance shall not invalidate it or suspend its operation.

ARTICLE 10 – EFFECTIVE DATE

This Ordinance shall take effect upon adoption on first reading and shall be published in full immediately after adoption. This Ordinance shall not be in effect longer than ninety (90) days after adoption unless the City Council shall affirm the same by re-adoption of said Ordinance on second reading and publication on a non-emergency basis within said ninety (90) day period.

INTRODUCED, READ AND ORDERED PUBLISHED ON SEPTEMBER 1, 2015.

CITY OF LONE TREE

James D. Gunning, Mayor

ATTEST:

Jennifer Pettinger, CMC, City Clerk

(SEAL)



Lone Tree Entertainment Business Improvement District



09/01/15



Original Business Improvement District Parcels

City Council Packet

STAFF REPORT

TO: Mayor Gunning and City Council

FROM: Kristin Baumgartner, Finance Director

DATE: August 19, 2015

FOR: September 1, 2015, City Council Meeting

SUBJECT: Ordinance 15-03, AMENDING PROVISIONS OF THE SALES TAX AND BUSINESS LICENSING ORDINANCES

Summary

In an effort to continue to help promote a business friendly environment in the City, staff is recommending City Council extend the sales tax licensing period from one year to two years to promote efficiency and align the City's procedures with those of the State of Colorado.

The new ordinance will change the sales tax license to a biennial license with a fee of \$15 due on or before the first day of business or the first day of January of each even numbered calendar year. For example, business licenses issued at the end of 2015 will be for the January 2016- December 2017 period.

Additionally, clarification was made to the ordinance that for business licenses, a one-time \$10 fee is required with the initial application and the business license does not have an expiration date.

Cost

N/A

Suggested Motion or Recommended Action

I move to approve **Ordinance 15-03, AMENDING PROVISIONS OF THE SALES TAX AND BUSINESS LICENSING ORDINANCES** on second reading.

Background

All businesses in Lone Tree are required to get a business license and register with the City. This allows the City to know who is doing business in the City and track the number, type, location, size, contact information, etc., of all City businesses. Currently the City issues two types of business licenses, a general business license and a retail sales tax license. A general business license is a one-time fee of \$10 and does not expire. With this ordinance change, the City is

recommending changing the retail sales tax license to a biennial license with a \$15 fee (previously there was a \$10 annual fee). City staff feels with the reduced administrative time involved with processing fees annually as well as the implementation of the online process, the City is able to reduce the fee at this time as well as decrease the administrative burden of processing renewals annually.

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2015

Ordinance No. 15-03

**AN ORDINANCE AMENDING PROVISIONS
OF THE SALES TAX AND BUSINESS LICENSING ORDINANCES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998 and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to the Charter, the Municipal Code and the authority given home rule cities, the City may adopt and amend Ordinances.

ARTICLE 2 – DECLARATIONS OF POLICY

- A. The City Council periodically reviews its sales tax licensing policies and procedures to help promote a business friendly environment in the City.
- B. The City Council recognizes the advantages of extending the sales tax licensing period from one year to two years to promote efficiency and align the City's procedures with those of the state licensing authority.
- C. The City Council also desires that the duration of a business license be extended so that it has no expiration date, thereby eliminating the need for businesses to renew or pay additional licensing fees.
- D. The City Council believes these amendments will simplify, clarify and strengthen the City's sales tax licensing and business licensing procedures and reduce fees to those doing business in the City.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

ARTICLE 4 – ADOPTION

A. Section 4-3-310 of the Code is repealed and replaced by the following:

Sec. 4-3-310. Biennial sales tax license required.

(a) No person shall engage in business within the City, including transactions or the exercise of privileges subject to sales or use tax, whether said business is in a fixed location or conducted door-to-door, from movable carts, wagons, vehicles or other mobile devices, or from locations used from time to time on street curbs, medians, sidewalks or otherwise, without having first obtained a biennial retail sales tax license and paid a biennial sales tax licensing fee to the City in the amount of fifteen dollars (\$15.00) on or before the first day of business or the first day of January of each even numbered calendar year.

(b) Failure of a person to pay the stated sum by February 28 of each even numbered calendar year shall result in the loss of that person's privilege to operate a business within the City, including suspension or revocation of existing licensing. For those engaged in business who fail to comply with licensing requirements, the City Manager may issue an order to cease and desist business operations, to be enforced in accordance with the law in such case made and provided.

(c) In instances in which the business of selling at retail is conducted or transacted at two (2) or more separate locations by one (1) person, separate licenses for each location of such business shall be required.

B. Section 4-3-510 of the Code is repealed and replaced by the following:

Sec. 4-3-510. Licensing violations.

It shall be a violation of this Article for a retailer to engage in business within the City from a location within the City without having first obtained from the City Manager by January 1 of each even numbered calendar year or the first day of operations, a biennial retail sales tax license and a biennial renewal thereof by January 1 of each even numbered calendar year. For each violation, a penalty of one hundred dollars (\$100.00) shall be imposed. This penalty shall be in addition to any other applicable penalties and interest imposed under the taxing power for tax deficiencies. Operating without a license for each twenty-four-hour period shall be considered a separate and distinct violation. The penalty shall not be imposed for renewals of the license if the biennial fee is paid on or before February 28 of each even numbered calendar year.

C. Section 6-3-60 of the Code is repealed and replaced by the following:

Sec. 6-3-60. Fees and term of business license.

Each application for a business license shall be accompanied by payment of a one-time fee in the amount of ten dollars (\$10.00). A business license does not have an expiration date. A business license remains active until cancelled by the license holder, suspended or revoked by the City. This fee is subject to adjustment by the City Manager based upon actual administrative costs and expenses.

ARTICLE 5 - SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given the effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 6 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 7 - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days after publication following second reading if changes are made upon second reading.

INTRODUCED READ AND ORDERED PUBLISHED ON AUGUST 18, 2015.

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON AUGUST 27, 2015
LEGAL NOTICE NO. 927633.**

**APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING ON
SEPTEMBER 1, 2015, TO BECOME EFFECTIVE ON SEPTEMBER 26, 2015.**

CITY OF LONE TREE:

James D. Gunning, Mayor

ATTEST:

(SEAL)

Jennifer Pettinger, CMC, City Clerk

- **Sec. 4-3-310. ~~–Sales–~~ Biennial sales tax license required.**

(a)

No person shall engage in business within the City, including transactions or the exercise of privileges subject to sales or use tax, whether said business is in a fixed location or conducted door-to-door, from movable carts, wagons, vehicles or other mobile devices, or from locations used from time to time on street curbs, medians, sidewalks or otherwise, without having first obtained a biennial retail sales tax license and paid ~~an annual~~ a biennial sales tax licensing fee to the City in the amount of ~~ten~~ fifteen dollars (\$~~10~~15.00) on or before the first day of business or the first day of January of each even numbered calendar year.

(b)

Failure of a person to pay the stated sum by February 28 of each even numbered calendar year shall result in the loss of that person's privilege to operate a business within the City, including suspension or revocation of existing licensing. For those engaged in business who fail to comply with licensing requirements, the City Manager may issue an order to cease and desist business operations, to be enforced in accordance with the law in such case made and provided.

(c)

In instances in which the business of selling at retail is conducted or transacted at two (2) or more separate locations by one (1) person, separate licenses for each location of such business shall be required.

- **Sec. 4-3-510. - Licensing violations.**

It shall be a violation of this Article for a retailer to engage in business within the City from a location within the City without having first obtained from the City Manager by January 1 of each even numbered calendar year or the first day of operations, a biennial retail sales tax license and a biennial renewal thereof by January 1 of each ~~succeeding~~ even numbered calendar year. For each violation, a penalty of one hundred dollars (\$100.00) shall be imposed. This penalty shall be in addition to any other applicable penalties and interest imposed under the taxing power for tax deficiencies. Operating without a license for each twenty-four-hour period shall be considered a separate and distinct violation. The penalty shall not be imposed for renewals of the license if the ~~annual~~ biennial fee is paid on or before February 28 of each even numbered calendar year.

- **Sec. 6-3-60. - Fees and term of business license.**

Each application for a business license shall be accompanied by payment of a one-time fee in the amount of ten dollars (\$10.00). A business license does not have an expiration date. A business license remains active until cancelled by the license holder, suspended or revoked by the City. This fee is subject to adjustment by the City Manager based upon actual administrative costs and expenses.



**CITY OF LONE TREE
STAFF REPORT**

TO: Mayor Gunning and City Council

FROM: Seth Hoffman, City Manager
Jeff Holwell, Economic Development Director

DATE: August 20, 2015

FOR: September 1, 2015 City Council Meeting

**SUBJECT: Approval of Emergency Ordinance 15-04, ACCEPTING A
PETITION FOR THE ORGANIZATION OF A BUSINESS
IMPROVEMENT DISTRICT IN THE CITY OF LONE TREE
AND ESTABLISHING, CREATING AND ORGANIZING THE
LONE TREE BUSINESS IMPROVEMENT DISTRICT
SUMMARY**

The City of Lone Tree has received a petition for the creation of the Lone Tree Business Improvement District (BID), located north of Park Meadows Drive, east of Yosemite, and south of C-470 in the Entertainment District. The property owners/petitioners request that the Lone Tree City Council establish the District via ordinance and submit questions to its electors that would authorize a 20 mill property tax to financially support the BID and to authorize the issuance of bonds for potential infrastructure enhancements within its boundaries.

This is the second public hearing regarding the BID ordinance and referendum. The first occurred on August 18th, and if accepted the BID would be created and ballot questions would appear before the property owners of the district (electors) for the November 3rd election.

Background

The proposed Lone Tree Business Improvement District consists of 28.74 acres, 12 lots (i.e. real property owners), 23 personal property owners, and \$11,026,250 in assessed value. Petitioners include the Park Meadows Business Trust (UA Movie Theatre Property), Pat and Mike Lone Tree LLC (Rio Grande), Herzman Niece's Exempt Trust (Sweet Tomatoes Property), Park Meadows and Merchants LLC (India's Clay Oven Property), and TCF National Bank Colorado. These

petitioners represent 17.539 acres and \$5,534,070 in assessed value, greater than the 50% acreage and greater than the 50% real and personal property threshold required for a valid petition.

In the petition, activities the BID has proposed includes 1) parking lot and landscape improvements and common area maintenance, 2) marketing and directional signage, and 3) larger infrastructure improvements potentially including, but not limited to, those suggested in the 2013 “Lone Tree Plaza Vision Book.” In addition, the BID Board of Directors would be, de facto, the Lone Tree City Council. Although the BID Board would ultimately be responsible for revenue and expenditure decisions, it is suggested that the budget be dedicated to parking lot/landscape common area maintenance and to marketing, signage, and enhancements. All of these activities are consistent the BID statute and other BID’s across Colorado.

Cost and Budget

City organizational costs in 2015 have been supported, as budgeted, through the economic development appropriation. In addition, will continue offering support relative to the BID election and related start-up activities.

Once the BID is operational, and assuming the 20 mill property tax is approved, it will generate \$220,526 annually under current assessed values. The City is considering a \$75,000 start-up contribution in 2016 to the BID as well, which will together (and depending upon taxes revenue available to the BID in 2016) create the 2016 BID budget, to be adopted by the BID board later this year. We also expect to seat an independent board of directors, whose first responsibility will be to set the mill levy for the district and determine its 2016 operational plan.

Long term, landscape and snow plow services have been quoted at \$152,354. This would suggest that \$68,172 is remaining annually for marketing and enhancements. In addition, it is anticipated that the BID will look for other revenue sources and members, become the beneficiary of other city investments (such as the Kimmer intersection and the Kimmer park), and attract new private investment to fully realize the Lone Tree Entertainment District vision. The Lone Tree BID is a first step in this redevelopment effort.

Suggested Motion or Recommended Action

I move to affirm by readoption Ordinance #15-04, an Emergency Ordinance Accepting a Petition for the Organization of a Business Improvement District in the City of Lone Tree and Establishing, Creating and Organizing the Lone Tree Business Improvement District.

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2015

Ordinance No. 15-04

**AN EMERGENCY ORDINANCE ACCEPTING A PETITION FOR THE
ORGANIZATION OF A BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF
LONE TREE AND ESTABLISHING, CREATING AND ORGANIZING
THE LONE TREE BUSINESS IMPROVEMENT DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998 and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to the Charter, the Municipal Code and the authority given home rule cities, the City may adopt and amend Ordinances.

ARTICLE 2 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

ARTICLE 3 – EMERGENCY ORDINANCE

This Ordinance is being adopted pursuant to the provisions of Article V, Section 8 of the City Charter, adopted May 5, 1998. The City Council finds that there exists an immediate threat to the preservation of public health, welfare, peace, safety and property and that this Ordinance is necessary for the protection of public convenience, welfare and property. The urgency and need for passing this Ordinance is that the Lone Tree Business Improvement District must be created and organized no later than September 4, 2015, for a timely ballot certification and subsequent election to occur to authorize various powers that are integral to the District's purpose and functionality.

**ARTICLE 4 – PETITION FOR ORGANIZATION OF A BUSINESS IMPROVEMENT
DISTRICT**

A. Petition for the Organization of a Business Improvement District in the City (the "Petition") has been filed in the office of the City Clerk of the City of Lone Tree.

B. The Petition for the proposed district, named the Lone Tree Business Improvement District (the “District”), has been reviewed by the City Clerk.

C. The Petition was accompanied by a cash deposit in an amount which has been determined by the City to be sufficient to cover all expenses connected with the proceedings in case the organization of the District is not effected in accordance with law.

D. Pursuant to its authority to organize Business Improvement Districts under the Business Improvement District Act, Section 31-25-1201, *et seq.* C.R.S. (the “Act”), the City Council of the City of Lone Tree (the “City Council”) desires to accept the Petition and organize the District described in the Petition within the City, contingent upon dissolution of the existing Lone Tree Entertainment Business Improvement District.

ARTICLE 5 – FINDINGS OF FACT

A. The City Council may, pursuant to its authority to organize Business Improvement Districts, Section 31-25-1207(5), in its sole discretion, declare the District organized, describe the boundaries and service area of the district, and give it the corporate name specified in the petition.

B. Based on the tax rolls of Douglas County, the total valuation for the assessment of the taxable real and personal property in the service area of the District, and the classification of taxable property is as follows:

<u>Classification</u>	<u>Assessed Valuation</u>
Commercial Real Property	\$10,102,900.00
Personal Property	\$ 923,350.00
<u>Total:</u>	<u>\$11,026,250.00</u>

C. The signatures on the Petition are genuine, and the Petition has been signed by persons who own real or personal property in the service area of the District, having a valuation for assessment of not less than fifty percent of the valuation for assessment of all real and personal property in the service area of the District, and who own at least fifty percent (50%) of the acreage in the District.

D. The Petition is duly signed and presented in conformity with the requirements of the Business Improvement District Act; the allegations of the Petition are true; and the types of services or improvements to be provided by the District are those services or improvements which best satisfy the purposes set forth in the Act.

E. The organization of the District will serve a public use and will promote the health, security and general welfare of the inhabitants of the City and the property owners of the District.

F. Organization of the District in compliance with Section 32-1-107(2), C.R.S. is contingent upon dissolution of the Lone Tree Entertainment Business Improvement District.

G. The District is located entirely within the boundaries of the City; no property is included within its boundaries which is residential or agricultural property or which is not commercial property; upon dissolution of the Lone Tree Entertainment Business Improvement District no part of such property is within an existing business improvement district; and the District does not include any personal property which is situated upon real estate not included in the boundaries of the District.

ARTICLE 6 – ADOPTION

A. Based upon the findings and determinations set forth herein, the City Council, by this ordinance, hereby adjudicates all questions of jurisdiction to find that it has full jurisdiction under the law to adopt this Ordinance, that the District for which the Petition has been filed is hereby declared organized contingent upon dissolution of the existing Lone Tree Entertainment Business Improvement District, and that the District shall be known as the Lone Tree Business Improvement District, by which, in all subsequent proceedings, it shall hereafter be known. The District shall be a quasi-municipal corporation and political subdivision of the State of Colorado with all of the powers and responsibilities thereof.

B. The City Council shall hereby constitute ex officio the board of directors of the District (the “Board”). The presiding officer of the City Council shall be ex officio the presiding officer of the Board, the clerk of the City shall be ex officio the secretary of the Board, and the Finance Director of the City shall be ex officio the treasurer of the Board.

ARTICLE 7 – BOUNDARIES AND SERVICE AREA OF THE PROPOSED DISTRICT

A. Pursuant to Section 31-25-1205(2)(b), C.R.S., a general description of the boundaries of the District or the territory to be included therein is as follows: Park Meadows Drive to the south, South Yosemite Street to the west, C-470 to the north and the western boundary of 9985 Park Meadows Drive to the east. A detailed legal description (**Exhibit A**) and map (**Exhibit B**) of the District are attached hereto and incorporated herein by this reference.

B. The service area of the proposed District is identical to the boundaries of the proposed District.

ARTICLE 8 – SERVICES AND IMPROVEMENTS TO BE PROVIDED

Pursuant to Section 31-25-1205(2)(c), C.R.S., a general description of the improvements to be acquired, constructed, installed, operated, or maintained or the services to be provided within and for the District include 1) parking lot and landscaping improvements and common area maintenance; 2) marketing and directional signage and 3) larger infrastructure improvements potentially including, but not limited to, those suggested in the 2013 “Lone Tree Plaza Vision Book”.

ARTICLE 9 – SERVICE AREA DESIGNATION

The City Council hereby designates the property within the service area and boundaries of the District as a location for business and commercial development.

ARTICLE 10 – RATIFICATION AND APPROVAL OF PRIOR ACTION

All actions heretofore taken by the officers of the City and the members of the City Council consistent with the provisions of this Ordinance and relating to the formation of the District are hereby ratified, approved, and confirmed.

ARTICLE 11 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 12 – REPEALER

All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

ARTICLE 13 – ORDINANCE CONCLUSIVE

This Ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this Ordinance. Thereafter, any such action shall be perpetually barred.

ARTICLE 14 – RECORDING AND AUTHENTICATION

Immediately on its passage this Ordinance shall be kept and maintained by the City Clerk or City Manager in such form as is sufficient to assure reasonable access to the public. It shall be the duty of the Mayor and City Clerk to authenticate such records by their official signatures thereon, but the failure to so record and authenticate this Ordinance shall not invalidate it or suspend its operation.

ARTICLE 15 – PROVISIONS BECOME EFFECTIVE

The provisions of this Ordinance shall become effective immediately upon the dissolution of the Lone Tree Entertainment Business Improvement District.

ARTICLE 16 – EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect upon adoption on first reading and shall be published in full immediately after adoption. This Ordinance shall not be in effect longer than ninety (90) days after adoption unless the City Council shall affirm the same by re-adoption of said Ordinance on second reading and publication on a non-emergency basis within said ninety (90) day period.

INTRODUCED, READ AND ORDERED PUBLISHED ON AUGUST 18, 2015.

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON AUGUST 27, 2015,
LEGAL NOTICE NO. 927634.**

AFFIRMED BY RE-ADOPTION ON SEPTEMBER 1, 2015.

CITY OF LONE TREE

James D. Gunning, Mayor

ATTEST:

Jennifer Pettinger, CMC, City Clerk

(SEAL)

EXHIBIT A
LEGAL DESCRIPTION
LONE TREE BUSINESS IMPROVEMENT DISTRICT

LOTS 1, 2 AND 3, APPLEBEES AT LONE TREE SUBDIVISION FILING NO. 1,
ACCORDING TO THE RECORDED PLAT THEREOF, DOUGLAS COUNTY, COLORADO

LOT 1, PARK MEADOWS - FILING NO. 2, ACCORDING TO THE RECORDED PLAT
THEREOF, DOUGLAS COUNTY, COLORADO, EXCEPTING THEREFROM THE
PORTION CONVEYED IN THE DEED RECORDED AT RECEPTION NO. 2001023338

LOTS 4, 5, 7 AND 8, PARK MEADOWS - FILING NO. 2, ACCORDING TO THE
RECORDED PLAT THEREOF, DOUGLAS COUNTY, COLORADO

LOTS 6 AND 6A, PARK MEADOWS - FILING NO. 2 – 1ST AMENDMENT, ACCORDING
TO THE RECORDED PLAT THEREOF, DOUGLAS COUNTY, COLORADO

LOTS 2A AND 3A, PARK MEADOWS - FILING NO. 2 – 14TH AMENDMENT,
ACCORDING TO THE RECORDED PLAT THEREOF, DOUGLAS COUNTY, COLORADO

ALL TOGETHER CONTAINING 28.74 ACRES, MORE OR LESS

THIS LEGAL DESCRIPTION WAS PREPARED BY, OR UNDER THE DIRECT
SUPERVISION OF, MICHAEL C. CREGGER, PROFESSIONAL LAND SURVEYOR,
COLORADO REGISTRATION NO. 22564 FOR AND ON BEHALF OF TTG ENGINEERS,
INC. ON AUGUST 5, 2015.

EXHIBIT B Map



**CITY OF LONE TREE
RESOLUTION NO. 15-11**

**A RESOLUTION APPOINTING A REPRESENTATIVE
TO THE DOUGLAS COUNTY HOUSING PARTNERSHIP**

WHEREAS, The City of Lone Tree has entered into an Intergovernmental Agreement with the jurisdictions of Castle Rock, Parker, and Douglas County to establish a multi-jurisdictional housing authority known as the Douglas County Housing Partnership, a Multi-jurisdictional Housing Authority (DCHP) ; and

WHEREAS, said Agreement provides that the membership of the Douglas County Housing Partnership, a Multi-jurisdictional Housing Authority, be comprised of two individuals per entity; and

WHEREAS, there is currently one vacancy due to the resignation of Donna Russell, whose term expires on May 17, 2016; and

WHEREAS, Council desires to appoint Shelly Bryant to the Douglas County Housing Partnership, a Multi-jurisdictional Housing Authority.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONE TREE, COLORADO:

Shelly Bryant is hereby appointed
to the Douglas County Housing Partnership
for a term which expires on May 17, 2016.

APPROVED AND ADOPTED THIS 1st DAY OF SEPTEMBER, 2015

CITY OF LONE TREE

James D. Gunning, Mayor

ATTEST:

Jennifer Pettinger, CMC, City Clerk

(S E A L)