
Hi there my name is Alex Payan and I live in the Dunes. In fact I live right off of a 112th and I definitely wouldn't want a gas station across the street from my place. It's loud enough as it is I've had semi's park in the field across the street from me and i hear the engine all night and do not get any sleep. I have had to call the police several times because of that.

It would drastically reduce the value of the housing market around my area and cause a bigger traffic jam then we already have. The stop light is already ridiculous as is and with the bridge closed it is almost impossible to get anywhere. I'd really appreciate it if we could work together on this and figure something else to put there other than a gas station.

I do believe we can all work together on this and make a difference in the community. I was one of the people who signed the petition to and I will definitely try to be there October 7th.

Sincerely yours Alex Payan.

Andrew G. Cook
9631 E 112th Place
Henderson, CO 80640

September 16, 2021

Jason Rogers - jrogers@c3gov.com
City Council
Commerce City
7887 E. 60th Ave
Commerce City, CO 80022

Dear Jason Rogers,

I am writing to you in opposition to the requested annexation and development of the QuikTrip fueling center being proposed by the QuikTrip Corp at US HWY 85 and East 112th Ave. Having lived in the area (Dunes Park) for the past 20+ years I have witnessed the increased population to the area, and I feel strongly that the proposal will do little to boost the image that the city is trying to portray. We are already dealing with increased traffic congestion issues at 112th and Hwy85 along with increasing vehicle accidents at that intersection. Having this fueling center installed will only exacerbate the issue. Air pollution is another problem that would get worse with the proposed development affecting ground level ozone in addition to the dust, exhaust and other noxious fumes emanating from US HWY85. We have fueling center(s) near the proposed location (2+/- miles) to the North and South on US HWY 85.

A better use of the land in question would be a lite commercial development with amenities like a restaurant, grocery, or perhaps a shared office space development with low density residential surrounding it. This is something that would be more in line with what the surrounding area is built as, and further the city's goal to produce a "Quality Community for a Lifetime". I am in no way proposing that nothing occur on the land in question, but I do feel the current proposal falls short of what is "needed" in the area.

Please contact me at the above address if you have any questions or need additional information. I can also be contacted by phone at (303)288-2128. An e-mail can be sent to andrew.cook@msn.com.

Sincerely,



Andrew G. Cook

I currently reside in the River Run neighborhood in Commerce City. Recently I became aware that the city is considering rezoning the area on Highway 85 and 112th Ave (Case Z-964-20-21) and that there was an application submitted to the city by Quiktrip Corporation in an effort to build a fueling station at the intersection. I was extremely disappointed to hear that this is something that the city is considering. As a resident directly impacted by this decision, I am highly concerned for my family's safety and the burden placed on the local community with the increase of traffic and increase of environmental contaminants due to the influx of cars and trucks in such close proximity to family homes. I understand that some level of growth is inevitable and that this growth must be accommodated; however, this is not a solution that is advantageous for the community and it's members. There are fueling stations located on Highway 85 and 104th as well as Highway 85 and 120th. It seems excessive to think that another is needed on 112th.

The intersection is already highly unsafe and several accidents occur there with extreme back-ups being compounded due to train traffic. When my family moved into the area 6 years ago the location was zoned for agriculture use and that is one of the reasons that we moved to the neighborhood. This rezoning would also increase the amount of transient individuals in the neighborhood (and neighborhoods of close proximity like River Run) which can compromise the safety of your constituents. Allowing a fueling station to be built on this parcel will also undoubtedly decrease air quality for those who already reside near a highway and are subjected to poor air quality. It seems that in evaluating Environmental Justice factors one would find that it does not make sense to have decreased air quality, especially in an area with a high concentration of townhomes, condominiums, and apartments where income rates are presumably lower than in other areas of the city. The citizens that reside in these communities do not deserve to have these negative environmental factors compounded. It is my belief that if this is allowed to proceed, that the hard-working families in the area will relocate (if they can afford to) to not have their residencies located in such close proximity to a fueling station as it will negatively impact their quality of life.

Also, as a resident of a neighboring community we were never presented with the opportunity to provide thoughts or input into this decision-making which is very concerning. River Run is the first neighborhood located across the highway and will be impacted similarly to Belle Creek and the Dunes. I believe that the public comment process and community engagement was not thorough and lacked input from the actual community members that will have to live with the decisions made by the City Council. As a representative of the people of the city, please do not allow this to move forward. Thank you for your time.

[Anna Mariotti](#)

From: brittney white <brittney.loryn.white@gmail.com>

Sent: Monday, September 27, 2021 4:08 PM

To: Rogers, Jason - CM <jrogers@c3gov.com>; Tinklenberg, Roger - CM <rtinklenberg@c3gov.com>

Subject: Public Hearing for HWY 85 & 112th

Dear Sirs,

My name is Brittney White, I live on 113th ave in the Dunes Park Neighborhood. I'm very concerned about the proposed truck stop and gas station. The traffic and light pollution alone would be devastating for our neighborhood. I find it also very convenient that the developer did a traffic evaluation that showed no major impacts during a stay at home order. Their study doesn't show typical traffic patterns, we actually have traffic backed up on 112th to the west from hwy 85 to past Florence St. You can sit through 3-6 lights just to get on the highway. (literally over a half mile of backups) The road needs to be widened. Additionally, high density apartments is not the answer either. The apartments in belle creek have brought terrible crime and parking issues. And given the drought were in, high density is also not the answer. Can they stick with just single family homes? Either way, the light and road need major work.

At the very least, please do not allow for the gas station/truck stop to proceed.

Thank you,

--
Brittney
White
--
Brittney
White



Dear Mayor Huseman, Mr. Rogers, Mr. Tinklenber, Councillor Oscar Madera and other members of the council,

RE: Build of Quiktrip

I live in the Belle Creek subdivision. I have read that there is a proposal for a project to build a Quiktrip and other structures. I have read many pros and cons for specifically the Quiktrip gas station. I am under the impression that this is not just a gas station for the public but is also designed as a station for large rigs (semis).

This has been presented as fuel fill ups and food stops, but no overnight stops.

My Cons:

The noise from Hwy 85 and also the train are plenty. Yes, I bought my home fully aware of these two factors. The added noise from the diesel trucks vacuum release and startup is not a welcome change.

The other is the possible crime, drugs, prostitution or human trafficking, the TV and real happenings of a "truck stop".

Build something great on the corner of Hwy 85 and 112 Ave. Grocery Store, a nice sit down restaurant. Retail like Prairie Center.

Regards,

Colleen Ramos

10556 Akron Street

Commerce City, CO 80640

colleenramos35@gmail.com

303.437.3169

July 19, 2021

Ms. Patty Lee
Rocky Mountain Arsenal
6550 Gateway Road
Commerce City, CO. 80022
303_289_0300
Patty.l.lee6.civ@mail.mil

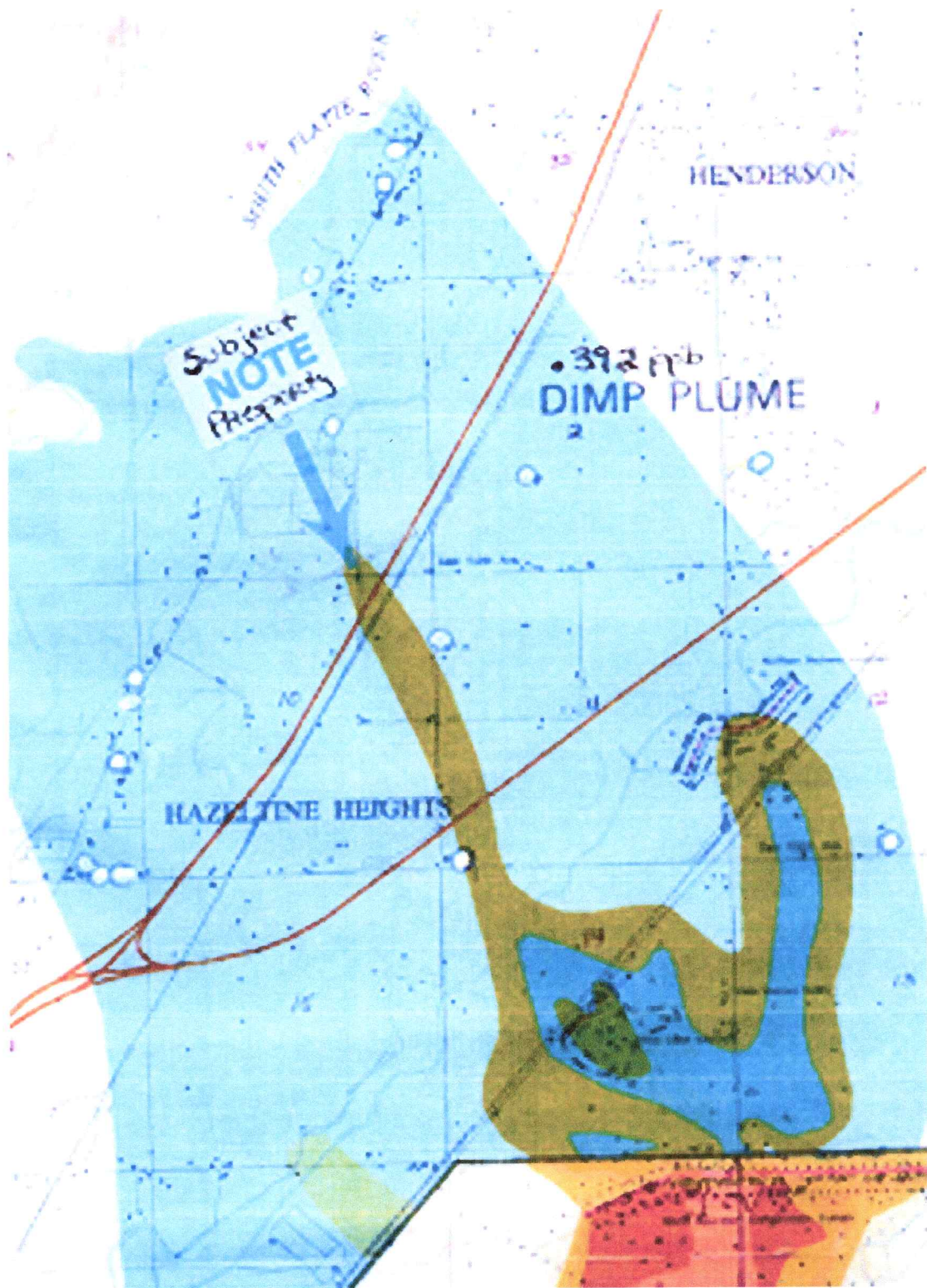
Re: Comments; 5th Five Year Review Period: April 1, 2015 – March 31, 2020

The Environmental Protection Agency (EPA) “considers the Five-Year Review (FYR) effort to be a critical element of the CERCLA process...to ensure that the Report adequately address the three fundamental questions posed by the Review. These questions are:

1. Is the remedy functioning as intended by the decision documents?
2. Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives used at the time of the remedy still valid?
3. Has any other information come to light that could call into question the protectiveness of any of the remedies?”

Current and future land use of the Off-Post OU surface area has not been restricted, although groundwater use has been restricted in the Off-Post Record of Decision (ROD). Land use controls, in the form of institutional controls, were established as part of the selected remedy for the Off-Post ROD to prevent the future use of groundwater exceeding remediation goals.

“In 2011, the Off-Post Well Notification Program was modified to include both the potential Containment System Remediation Goals (CSRGs) exceedance area and the historic area of contamination as defined as the area of diisopropylmethyl phosphonate (DIMP) contamination based on the 0.392 parts per billion detection limits identified in the Off-Post ROD. These notification areas will be used until off-post groundwater is deleted from the NPL....



Any user of a domestic well within the Off-Post OU that contains groundwater contaminants derived from RMA at concentrations that exceed the

remediation goal or Applicable or Relevant and Appropriate Requirement (ARARs) will be provided an alternate water supply. This commitment applies to both users of existing domestic wells and users of wells that are lawfully drilled in the future." [2 (redacted)].

SACWSD was provided 4,000-acre feet of water valued (1995) at \$16 Million Dollars (ROD), and hook-ups to facilitate water- tap-connections to properties within the DIMP detection footprint – valued (1995) at \$28 Million Dollars. Pursuant to the *June 11, 1996 SACSWD*, the U.S. Army, and the Shell Oil Company signed *Memorandum of Agreement Regarding a Supplemental Water Supply for SACWSD*: ...water tap recipients were to receive 2,000 gallons per month for \$7.00, with usage greater than 2,000 gallons charged at a rate of \$1.85 per additional 1,000 gallons. SACWSD failed to meet this obligation and assessed tap holders for water, in amounts greater than this commitment.

Request to Implement: Monitoring Sampling Accessibility

Monitoring Well

1 message

Greene, Scott E CIV USARMY USAG (USA) <scott.e.greene.civ@mail.mil>

Fri, Jan 10, 2020 at 4:35 PM

To: "johnyelenick@gmail.com" <johnyelenick@gmail.com>

Cc: "Carol Rieger [rieger@navarro-inc.com]" <rieger@navarro-inc.com>, Scott Ache <Ache@navarro-inc.com>

Hi John:

Thanks for the call earlier this week. We are still evaluating our off-post wells to determine which ones are necessary for us to retain in the program. My understanding is that the monitoring well on your property (37353) is currently only used for evaluating water elevations. Please clarify if that is the well that you are concerned about establishing an easement/access agreement for. The other well on your property (494c) is sampled by Tri-County Health Department (TCHD). My understanding is that well was not installed by the Army. We would need to coordinate with TCHD to determine if they would like to retain sampling capability for that well. I am out of the office for most of next week, but will touch base again later this month.

Thanks

Scott E. Greene
Environmental Engineer
Rocky Mountain Arsenal
(303) 289-0137

Commerce City, Colorado ROD violations

The ROD, the FFA, and the Refuge Act prohibit transfers of land outside the federal government other than the five land transfers specifically provided for in the Refuge Act. On August 20, 2007, the Federal government allowed to be transferred ownership of a portion of land in the northeast corner of the RMA (Section 20 Lands, 14.388 acres adjacent to 96th Avenue and Buckley Road) to Commerce City. The Federal government and Commerce City government failed to comply with the provisions of CERCLA 120(h), the Colorado Executive Order D-013-98 dated June 18, 1998, and the incorporated Colorado Statewide Defense Initiatives/CDPHE Joint Policy dated June 19, 1998, in transferring ownership without notifying the State of Colorado of the transfer, and without ensuring the appropriate remedial covenants appear on title.

Land use controls are applicable to property transferred from the Army to Commerce City (referencing its Prairie Gateway development) where the Army incorporated deed restrictions required by the Federal Facilities Agreement (FFA) and the ROD Land Use Controls. However, the Prairie Gateway Planned Unit Development (PUD) and Amendment #1 included development uses inconsistent with the residential/gardening deed restriction [3].

On March 31, 2016, the U.S. Army notified Commerce City of Land Use Control Violations of the "Refuge Act". On Sept. 14, 2017, the Colorado Dept. of Public Health and Environment files Civil Action No. 17CV2223 reading sale to Commerce City in violation of Rocky Mountain Arsenal Institutional Controls.

City of Commerce City, Colorado REISBECK SUBDIVISION violations

Reisbeck Subdivision (Reisbeck) was subdivided in Adams County in 1966 and zoned Industrial-1 in 1968 {Pursuant to C.R.S. 24-68-103 creating a vested property right} [4]. On November 10, 1982, the SACWSD District agreed to serve the Reisbeck property. On August 20, 1985, Reisbeck was included in the service area of the South Adams County Water and Sanitation District (SACWSD) recorded August 29, 1985, in Adams County Book 3042 at Page 529.

Notwithstanding C.R.S. 31-12-105, Commerce City illegally annexed the Reisbeck Subdivision rail-spur to facilitate a Commerce City 'residential' development north of Reisbeck upon the RMA Off-Post groundwater Superfund site. Commerce City alleges Reisbeck petitioned for annexation in Book 3412 Page 880 which was not true [5].

On November 15, 1996, the "Riverdale Dunes Metropolitan District No. 2", was created in conformance with the Service Plan and Resolution Approval of the City Council of the City of Commerce City, Colorado to be known as the "City of Commerce City Northern Infrastructure General Improvement District" [6]. This District PETITION incorporated the "District Improvements" of "Water improvements, including but not limited to transmission and distribution lines, reservoirs, hydrants, meters, pumping stations, water taps, and all necessary, incidental and appurtenant properties and facilities" which were provided by the Army under the Off-Post ROD dated December 19, 1995 [7].

On August 18, 1997, the City of Commerce City Northern Infrastructure General Improvement District incorporates Reisbeck under the false pretext of the Enterprise Corridor Land association ownership (Quit Claim Deed) of the Reisbeck "rail spur" [8].

On December 23, 1997, Reisbeck Subdivision was included in the service boundaries of the South Adams County Water and Sanitation District [9].

On February 19, 1998, the *ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS* confirms (document ODG/0114/98) that DIMP is a Scheduled 2 B chemical pursuant to the *Chemical Weapons Convention (CWC)* prohibiting release into the environment {Note: On December 22, 2003, Laura Williams, USEPA Region 8 Team Leader for RMA confirmed (Ref: 8EPR-F) that "... The Army did not identify the CDC as a consideration for development of the groundwater treatment requirements....".

On April 27, 1998, the Northern Infrastructure General Improvement District and South Adams County Water and Sanitation District agreed to a mandate of Commerce City Annexation for SACWSD service.

On May 22, 1998, Reisbeck applied (application 000241) for an Off-post ROD water connection with SACWSD as provided in the RMA Off-post ROD which was granted December 31, 1998 [10].

On July 19, 1999, "Dunes Development" petitions for residential development in Commerce City, utilizing the Northern Infrastructure General Improvement District for its improvements, 'abandoning' the use of the Reisbeck rail spur [11].

Upon the Commerce City municipal steps, post-election evening of April 3, 2001, where Scott Jaquith (Past RAB Chairwoman Sandy's Jaquith's brother) ousts Rene Bullock from the Commerce City Council, Larry Ford and Mayor Busby tells the undersigned that they will never let me develop Reisbeck Subdivision in Adams County – only in Commerce City. I asked if that was a threat and Larry responded: "No, a promise – your Title is already sullied".

On December 4, 2001, Reisbeck gives its "Notice of Intent to Preserve an (its) Interest in the aforementioned rail spur [12]. On October 9, 2002, SACWSD dedicated 54 "Equivalent Residential Units" (ERU's) to the Reisbeck property; 1.5 ERU's per each of Reisbeck's 36 "Industrial" acres.

On March 4, 2004, the City of Commerce City acknowledged that the Commerce City road construction supervision of June 23, 1997, and September 25, 2001 on 112th avenue, changed the 112th historical road grade – removing two (2) lanes of asphalt, without restoration, and thereafter negligently buried SACWSD installed fire hydrants (June-July 2004) creating major property drainage problems for Reisbeck.

On April 28, 2004, SACWSD and the City of Commerce City crafted an *Intergovernmental Agreement*, paragraph 13, wherein SACWSD agreed that: "City Approval of Development. South Adams hereby agrees that it shall only issue water and sewer taps to property within the GSA or the RMA Lands with prior City approval of development of those lands...."

On June 14, 2004, Reisbeck received its *"No Action Determination Approval for Property at 9940-9982 East 112th Avenue, Henderson, CO"* (VCUP) **requiring** "...this approval applies only for the land use specified in the application, which is Adams County Industrial-1...."[13]. On November 4, 2004, USEPA gives Notice to Reisbeck that EPA retains its "Statutory right of access" (3rd Party Access Easement) over Reisbeck.

Notwithstanding Reisbeck's VCUP requirements, on February 7, 2005, the City of Commerce City attorney Timothy J. Beaton advised Reisbeck that "... in any event, annexation of the property (Reisbeck) into Commerce City is required under the 2004 IGA between the District and the City" {Note: Mr. Beaton reaffirmed the City's position in its December 8, 2010, SACWSD Board meeting}.

Beginning January 11, 2006, SACWSD refers all Reisbeck development plans for any Adams County project(s) to Commerce City {See: Adams County Development Review Planner-i Abel M. Montoya letter dated October 6, 2004 regarding Reisbeck PRE2004-00091; and, SACWSD Minutes, Pg. 1 lines 29-31 and Pg 2 lines 1-2 and, City of Commerce City Regional Projects Manager Tom Acre letter dated May 10, 2006}.

Notwithstanding C.R.S. 31-12-115, on November 21, 2007, Commerce City Planner Brian Garner confirms that although the Reisbeck rail-spur was annexed, Commerce City refuses to apply its' city zoning designation to the Reisbeck parcel.

On March 24, 2008, Colorado Senate Bill 08-037 (SB08-037) passes, legalizing the application of "Notice of Environmental Use restrictions" in Colorado. During 2010 and 2011, ignoring SB08-037 and Reisbeck's VCUP , Commerce City revises its Comprehensive Land Development Plan identifying Reisbeck (Adams County I-1) as a "Residential-High" USE in Commerce City. On April 26, 2011, Commerce City Engineer Daren A. Sterling attempted to close 2 of the 3 Reisbeck property access points predicated upon the Commerce City annexation.

The City of Commerce City tortiously interfered (asserting jurisdictional USE control over Adams County) with Reisbeck negotiations regarding its real estate sales transactions, dismissing the Reisbeck VCUP requirement of Adams County I-1 zoning development, on the following occasions:

December 10, 2002	<i>KINGDOM HOMES</i> Adams Co. Permit BDP03-1798
April 20, 2018	SITE RECON
April 21, 2018	<i>MAVERIK</i>
July 10, 2018	<i>STINKER OIL</i>
June 6, 2019	<i>QUIK TRIP</i>

Generally, from Dec. 2002 through May 2021, over 3,681 real estate transactions valued at more than \$1,340,154,890, have occurred upon the RMA Off-post Superfund site, as annexed by Commerce City (Henderson). No disclosure was given to Grantee's (Buyers) regarding the RMA Off-post USEPA statutory right of access; undermining the transaction *Deeds* which covenant full-disclosure of any third-party access easement upon the Off-Post ROD properties; resulting in transaction fraud.

Specifically, the *Quik Trip* tortious interference by Commerce City, attempted to undermine Reisbeck's 54 ERU alternate water supply dedication as provided by the ROD; undermining the protections of Reisbeck by the State's VCUP; and costing Reisbeck \$150,000.00 in minimum damages.



John Yelenick <johnyelenick@gmail.com>

FW: File #NCS-965375-CO; 112th and Hwy 85, Henderson CP

1 message

Jordan C. May <jordan@frascona.com>

Mon, Sep 14, 2020 at 10:44 AM

To: Ron Wilcox <Ron@wilcox.legal>, John Yelenick <johnyelenick@gmail.com>

Fyi.

From: Thomas J. Wolf <TWolf@irelandstapleton.com>

Sent: Saturday, September 12, 2020 10:51 AM

To: 'Ron Wilcox' <Ron@wilcox.legal>; Jordan C. May <jordan@frascona.com>

Cc: James Silvestro <JSilvestro@irelandstapleton.com>

Subject: FW: File #NCS-965375-CO; 112th and Hwy 85, Henderson CP

Jordan and Ron:

See below. I advised Ron of this yesterday.

The 3rd contract amendment is attached. It contains a \$150,000 price reduction. QuikTrip learned that they needed to do a PUD for the back part of the property that might take another six months. QuikTrip offered to close without PUD approval for a \$480,000 price reduction. Ultimately, after negotiation, a \$150,000 price reduction was arrived at.

Let me know if you have any questions.

Sincerely,

Tom Wolf

Thomas J. Wolf
Attorney at Law

Ireland Stapleton Pryor & Pascoe, PC
717 17th Street, Suite 2800
Denver, CO 80202

Commerce City's June 2021 establishment of its *Environmental Policy Advisory Committee* [Res 2021-38] in tandem with its *Comprehensive Plan Update* [Pres 21-302] is suspect at best – given Commerce City's decades-long mis- behaviors of self-interest, and irresponsible decision-making, concerning the Rocky Mountain Arsenal Off-Post contamination pathways.

I seek a written response addressing the City of Commerce City's continual and willful violations of RMA Off-Post Institutional Controls which were implemented pursuant to Colorado Statutes and the RMA Off-post ROD.

Regards,
John Yelenick
Property Owner
Reisbeck Subdivision

Office Address:
3650 South Dahlia Street
Denver, Colorado 80237

- [1] Greg Hargreaves letter to Bruce Huenefeld dated September 26, 2005, EPA Ref: 8EPR-F;
- [2] Land Use Control Monitoring Report for Fiscal Year 2020, Revision1 dated February 11, 2021, U.S. Department of the Army/Shell Oil Company as prepared by Navarro Research and Engineering, Inc.
- [3] U.S. District Court for the District of Colorado, Civil Action 19CV1105 and U.S. Army RMA Program Manager C. Scharmann to Commerce City Manager B. McBroom dated March 31, 2016, Re: Prairie Gateway Planned Unit Development (PUD) Zone Document;
- [4] Reisbeck Subdivision Dedication per Adams County File 12 Map 37 and Zoning Map 19.
- [5] Commerce City Ordinance #827 as recorded in Book 3388 Page 109 [Section 2 "That the owners of 100% of the property described on attached Exhibit A have petitioned for annexation"], Annexation Map recorded November 12, 1987 at reception #B781151 (File 16 Map 679 Pgs. 5 & 6) and Ordinance 827 (AN-82-87) recorded February 2, 1988 in Book 3412 Page 880 [Section 2 "That the owners of 100% of the property described on attached Exhibit A have petitioned for annexation"];
- [6] Adams County District Court, Civil Action No. 96 CV 1413A, recorded in Book 4897 Pg. 0188-0193 dated 12/10/96 and Commerce City Resolution No. 96-25 dated August 19, 1996; and, Ordinance No. 1212, Series 1997 recorded in Book 5100 Page 0285-0315;
- [7] Commerce City Ordinance August 18, 1997 transmitted to Adams County for filing on August 29, 1997;
- [8] Adams County reception #C0316487;
- [9] Adams County reception #C0350418; as parcel 28 in District Court Civil Action No. 5750; recorded December 31, 1997;
- [10] Adams County reception #C0486762;
- [11] Commerce City case # Z-698-99;
- [12] Adams County reception #C0895212. {See: March 10, 2014 U.S. Supreme Court: The General Railroad R.O.W. Act gives railroads only a temporary right of easement with abandonment reversionary interest transferring to Landowner}. December 4, 2014, Colorado Court of Appeals 2014COA167 affirms Reisbeck ownership of the rail-spur;
- [13] EPA Registry Id. 110022512912.

**Summary of Annexation Requirements under Existing IGAs
Between Commerce City and South Adams County Water and Sanitation District**

Updated: April 8, 2016

The following is a summary of the circumstances under which properties are required to annex into Commerce City to receive water and wastewater services from the South Adams County Water and Sanitation District ("South Adams") under the provisions of existing Intergovernmental Agreements ("IGAs") between South Adams and Commerce City or a General Improvement District of Commerce City.

The requirements are different for specific geographical areas within the South Adams service area, depending in part on whether Commerce City or a General Improvement District of Commerce City helped finance infrastructure needed to provide the water and/or wastewater service. The geographical areas include:

- 1) General Service Area ("GSA") of South Adams
 - Generally areas north of Sand Creek to 112th Avenue and east of the South Platte River to that portion of Quebec Street extending north to 78th Avenue and then northerly along Highway 2 to 112th Avenue.
- 2) Rocky Mountain Arsenal property ("RMA Lands")
 - Approximately 917 acres located on the western tier of the Rocky Mountain Arsenal.
- 3) The Northern Range Area, also known as the inclusion area for the Northern Infrastructure General Improvement District ("NIGID").
- 4) The inclusion area for the E-470 Commercial Area General Improvement District ("ECAGID") or the E-470 Residential Area General Improvement District.

ANNEXATION REQUIREMENTS

1) Properties within General Service Area of South Adams or the RMA Lands

- *Annexation Requirements under the April 28, 2004 IGA between Commerce City and South Adams, as Amended by April 7, 2014 IGA for Implementation of 2004 IGA:*
 - All properties in the GSA and RMA Lands to be served with water or wastewater services by South Adams must be annexed into Commerce City, to the extent allowed by law.

• *Exceptions:*

- As to properties included into South Adams prior to April 28, 2004, but not annexed into Commerce City, application of the annexation requirement to such properties might "result in some cases which must be individually reviewed and determined by South Adams and Commerce City."
- Commerce City retains authority to make the final determination as to whether any particular property for which annexation is sought will be annexed
- Properties shall not be required to annex into Commerce City in order to receive water and wastewater services from South Adams if the proposed development is less than one acre in size or the new use, or expanded portion of the existing use, proposed would utilize four equivalent residential units ("ERUs") or fewer, provided that
 - South Adams shall not provide ERUs in excess of the City's standard allocation to such properties without the City's prior written consent regardless of annexation status.
 - If, in order to serve such properties, the use by South Adams of facilities financed by any General Improvement District ("GID Facilities") is required, the owner of such property enters into a reimbursement agreement with the applicable GID for use of the GID Facilities.

2) Properties within the Northern Range Area, also known as the inclusion area for the Northern Infrastructure General Improvement District.

- *Annexation requirements under the April 27, 1998 Agreement between NIGID and South Adams and its Enterprise for the Purpose of Construction, Installation and Maintenance of Water Lines, Wastewater Lines, Accessories and Appurtenances Therein, including the June 12, 2013 Second Amendment*
 - No land may receive water or wastewater services from or through any facilities or capacity constructed as part of the Project (as defined in the Agreement) without approval by NIGID or the ECAGID and South Adams. The landowner must agree to be bound by the "Agreement Regarding Annexation and Rebate of Costs Expended for Water and Wastewater Main Extension Lines" between Commerce City and South Adams, dated January 10, 1996 (the "1996 Agreement").

- The 1996 Agreement provides that if Commerce City provides any financial consideration or credit enhancement for construction or installation of water or wastewater main extension lines to any property located within the boundaries of South Adams and within the Growth Area (as defined in the 1996 Agreement), and South Adams has agreed to serve that property with potable water and sanitary wastewater treatment, South Adams shall require annexation as a condition of the property receiving any water or wastewater service.

- *Exceptions:*

- Annexation is not required upon written notification from Commerce City to the landowner that Commerce City waives its right to require annexation under the 1996 Agreement.

3) Properties within the inclusion area for the E-470 Commercial Area General Improvement District or the E-470 Residential Area General Improvement District

- *Annexation Requirements under 2013 IGA among South Adams and its Enterprise, Commerce City, the ECAGID, and DIATC Metropolitan District*

- a. No land may receive water or wastewater services from or through any facilities or capacity constructed as part of the Project (as defined in the Agreement) without approval by ECAGID and South Adams.
- b. To receive approval, the landowner must agree to be bound by “[t]he terms and conditions required by the ECAGID and [South Adams] for such services, which may include, but not be limited to, payment of rebate and recapture costs to the ECAGID for construction and installation of the Project.” Annexation is not expressly required, but the ECAGID require annexation as a term and condition.

having some help on the small presence in Seattle. spaces for a

Legal/Public Notice

DenverPost.com

**NOTICE OF PUBLIC HEARING
PLANNING COMMISSION
COMMERCE CITY, COLORADO**

Notice is hereby given that a public hearing will be conducted on **Tuesday, September 07, 2021 at 6:00 p.m.** at the Commerce City Civic Center, 7887 East 60th Avenue. The Planning Commission will consider:

1. Z-964-20-21: Quiktrip Corporation is requesting approval of an annexation Zone Change from ADCO (Unincorporated Adams County) to Commerce City PUD (Planned Unit Development). The proposed development includes a fueling plaza and other commercial and multi-family residential uses for the properties located on the southwest corner of 112th Avenue and US 85, generally located at 9940 E. 112th Ave. The two properties to be zoned total 37.9 acres.

The case file and a copy of the Land Development Code of the City are on file in the office of Community Development and are open for inspection. Any interested person may appear and be heard at this hearing.

Johnathan Popiel
Planning Commission Chairman

Published in *the Denver Post*
Published on August 31, 2021

From: J C <jrcerullo@comcast.net>

Sent: Tuesday, September 28, 2021 11:40:50 PM

To: Rogers, Jason - CM <jrogers@c3gov.com>

Subject: Petition and opposition to the the proposed QT fuel station at 112th & Highway 85

Hello Jason Rodgers,

My name is Joseph Cerullo and I reside at the Dunes Park subdivision in Henderson, CO. I'm writing you to voice that I'm opposed to the development of a QT or any fuel station on the property located at SW corner of 112th Ave & Highway 85 between the Belle Creek and Dunes Park subdivisions. I have lived in the Dunes Park subdivision with my wife (an elementary educator) for over 20 years. We also have 2 children ages 15 and 12.

We are one of the first Dunes Park residents in the over the 20 years we have lived here off 113th Ave. since 2001. We've seen the good and the not so good decisions passed for development plans that eventually were built. From new subdivisions and schools to supersized warehouses, water storage lakes, parks, fracking plots, recreational centers and even retail.

The development of housing and possibly well planned retail could be of benefit to this area, but the increase in traffic, pollution and crime of another fuel facility at an already saturated area is of no benefit to the 112th/85 west location.

The area just to the east of this proposed development already has over 4 incredibly large warehouse buildings. When all these warehouse buildings are fully utilized in combination with this new proposed development (residential AND retail), it will increase the "LOCAL" traffic to an already hemeraging propotion. The deaths, injuries and overall costs due to accidents and road maintenance at 120th, 112th and also 104th on highway 85 is already way too high.

Development and financial growth is important in the growth of our county, but the addition of another fuel or convenience facility at the 112th ave. & highway 85 location is not a wise decision to move forward. The increase in residential and retail population and traffic already planned for that plot is already way too much when you consider the traffic increase that has been added from the warehouses that have already been developed last year.

Please do not approve the propsed QT or any other fuel/convenience store at the 112th and highway 85 location.

Respectfully,

Joseph Cerullo

Dear Sirs,

My name is Rachel Troyer. My home is on 112th Drive in Commerce City by Hwy 85. Our backyard faces south toward an old farmer's field.

Recently I heard that Commerce city is considering putting a truck stop in that area. (SW corner of 112th St and Highway 85).

I am emailing you to beg you to consider putting it somewhere else. We and most of our neighbors on this street have small children still in grade school. Most of our neighborhood children go to the schools in Belle Creek (Belle Creek charter school) and Riverrun (Thimmig). Our little children play together outside, climbing trees, visiting each other's back yards, etc.

To place a truck stop will damage our children's environment.

Please know that we have a high respect for truck drivers and for the job they do. My own brother who lives on 112th Drive is currently a truck driver for a regional trucking service. He has worked in this occupation for over a decade. He also is adamantly opposed to this truck stop.

But, I can't begin to tell you how many adverse effects will come from this poorly planned measure. Our air quality due to diesel exhaust, our disturbing levels of noise (from truck engines idling, shouting, loud music, backup beepers, etc.) , excessive truck traffic on 112th street (which already has suffered extensive damage from Denver trucks using it AND cost the city large amounts of money), the release of benzene and other compounds from the pumps and/or gasoline storage tank vents, and the damage that it could do to our water- the Fulton Ditch and some of the water reservoirs on 112th street. Consider the vast amounts of trash that pile up and spread. There is plenty of scientific evidence regarding the environmental effects and testimonies from families who have suffered due to truck stops.

Another reason to oppose this is that the crime rates increase for families who live among truck stops. Not necessarily due to the truckers themselves but due to the lack of homes and stability that neighborhoods bring. Transient life brings instability to our neighborhoods. Individuals who catch rides from truck drivers tend to stay in the area also. Please also strongly consider our recent problems with human trafficking, which is also a large problem in CO.

My children and the children of these families will not be able to play outside in our backyards due to the noise pollution, the air pollution, and the dangers of having large trucks zooming down 112th street. Before the Fulton ditch bridge was out, we had horrible

Denver trucks driving down that road at 45+ miles per hour. It was so bad that our homes would shake due to the vibrations and wind propulsion.

As far as financially, we bought our home about 8 years ago. Even if we wanted to sell today, we struggle with finding a home that we can afford in Colorado. Putting this truck stop here will decrease our property value by 8% to 10%. We would sell because I will not allow my children to be in danger due to bad city council planning. BUT, please strongly consider the families who live in this neighborhood who can NOT sell. They have recently bought and are unable to afford a home in other areas. They have come to this neighborhood to give their children a good home, a clean environment, and a good education. They have moved here trying to escape exactly what you want to bring to our backyards.

As far as financially for the city. Please consider that you are increasing crime rates- thus police officer and security costs increase. The streets that are being used by the trucks cost the city millions of dollars.

If you planned a community in that area, along with a park, you could increase the number of children who are attending the schools, increase jobs and workers in the area, increase the tax revenue through property values and homes, and keep your constituents happy.

But, overall, please consider our families both young and old. Consider our well-being. Consider how you would feel if they took your neighbors' homes and put up a truck stop by you. Instead of seeing green grass and seeing friendly neighbors, you see trashed streets, air pollution, and are unable to hear anything but truck noises.

Sincerely yours,
Rachel Troyer

Hello,

My name is Raina Bridge and I am a resident of the River Run neighborhood on hwy 85 and 112th. I have heard about the new truck stop that is coming so close to my neighborhood and I am asking you to oppose this for the residents of my community. Please think about this issue as if you lived in these neighborhoods. We do not want the increased traffic nor the atmosphere to change in our neighborhood.

Thank you.

Raina

Hello Mr. Jason Rodgers,

My name is Rhett Martinez.

I've owned a home in the Dunes Park neighborhood for going on 5 years. This is a great community. It's private and for now is a decent place to raise children.

The news of Quiktrip cooperation attempting to build an oversized gas station right across the street has caused a lot of frustration among our residents. I'm well known in my neighborhood and have close relationships with at least 10 neighbors and probably know close to 50 in total.

In my conversations with these people I haven't heard anyone that desires a gas station in this location. It will turn into a homeless hangout. It will increase traffic and crime. Cause additional pollution and affect our home values. The only good that will come from this is revenue and padding the pockets of those that don't even reside in this area. There's more to life than just revenue. There are good people trying to raise families over here. We want to be safe and this is counter intuitive to everything we work so hard for.

I understand this an extension of "commerce city" which happens to be one of the ugliest cities and most crime ridden cities in the state. I apologize for being straight forward, I don't mean to offend anyone but this is just simple fact. The statistics don't lie. We moved north of old commerce city territory for a reason.

Just because we live under the the commerce city umbrella doesn't mean we want what comes with it.

Please consider the extreme importance of this matter as I'm sure your getting plenty of emails providing you with this same message.

Thank You for your time,

Rhett Martinez

Hello there,

My name is Ryan Quintal, a resident of the neighborhood in which QuickStop is planning to develop its new location at 120th and highway 85.

In reference to case number Z-964-20-21, I would like to formally protest the development of that land for the intents of a fueling station.

The planned intersection is already fraught with large trucks, and high speed highway traffic, as well as frequent traffic interruptions due to train activity in the area.

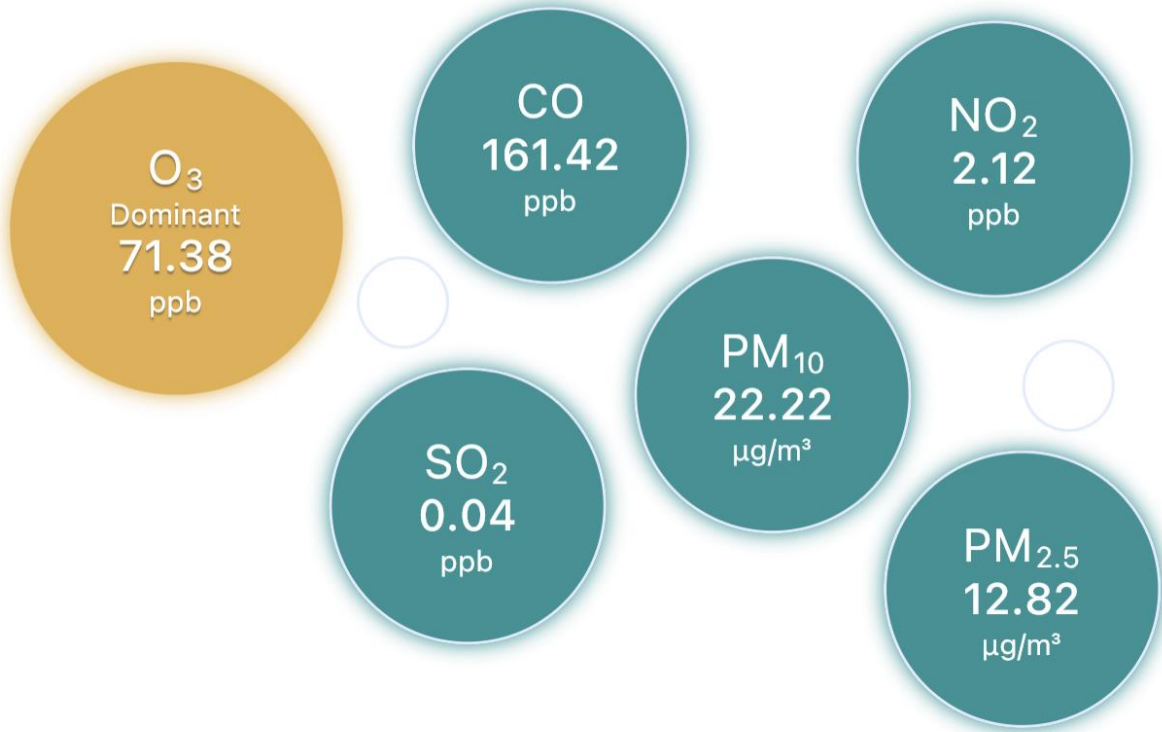
But more importantly, our part of Colorado consistently tests high on the Air Quality Index, and it's putting the residents and their children here at risk for serious lung disease and respiratory illness.

The air were breathing coupled with growing wild fires from Colorado and the western United States can't afford to add idling vehicles, and fueling truck visits to the already oxygen-choked area. Our county or state should put the tax revenue from a single chain above the health of the people who live here.

I've attached a visual of the estimated pollution in the immediate area. And would like to request that an official environmental impact report on what this development means for the area and the health of the surrounding residents.

- Ryan Quintal
Resident, Commerce City

What Am I Breathing right Now



Sent from my iPhone

Dear Jason & Roger,

My name is Stephanie Fernandez and I am a resident living in the Riverdale Dunes neighborhood, directly across from the proposed construction site for the QuikTrip Truck Stop. I signed a petition asking to STOP the construction of QuikTrip for several reasons.

I have lived in the neighborhood with my husband for 5 years, and now have our baby daughter's future to think about. As we have watched the community grow and develop over the last 5 years we can't help wonder how allowing QuikTrip benefits OUR community-that of Riverdale Dunes and neighboring Belle Creek. We purchased our home in this area because we loved the proximity to Denver/E470 but we also loved how close we are to local parks and less industrial development/smaller residential area.

As more semi truck traffic has increased in the area I cannot stress enough how UNSAFE the intersection of 112th and 85 has become. Countless mornings and afternoons I can almost guarantee that there is at least one semi truck that blows through the red light creating a seriously and deadly situation. I warn any family or friends that have come to visit to NOT immediately go when the light turns green due to this safety hazard. By allowing a truck stop right on this corner this will only exponentially increase the number of trucks disregarding the light when it turns red. This blatant disregard of the potential accident that those truck drivers could create is appalling and very concerning, especially now that I am a mother and am transporting my baby around. The merge lane also continuing onto 85 south from 112th is too short for a semi truck to properly merge into traffic. This will cause increased traffic delays as well as the risk of more accidents.

How does this benefit our communities? In short, it doesn't. This will only line the pockets of QuikTrip who want to profit on passerby's and NOT help the local community. It's shameful that Commerce City wants to know what the residents want development wise, only to turn back on what the community wants. What's wrong with a small business development that would allow a local family owned restaurant (NOT another chain restaurant)? A pet store/groomer to serve all of the families with pets (we ourselves have 2 wonderful rescue dogs)? Even a grocery store would be more beneficial (and more welcomed) to our communities!

Another issue that could arise is the increase in local crime to our communities. QuikTrip will only serve passerby's and not the local community, which could attract people who don't care about the residential areas surrounding. A quick Google search shows that truck stops can (not in every case but it still exists) attract armed robberies, sex traffickers, kidnappers, drugs, prostitutes...etc. with thousands of calls/complaints to police about activities. We have felt safe living here, safe enough to have a family and raise our daughter here. But just reading through different articles on Google have me troubled and concerned what that would bring to our community. I don't want my child (or any of the other kids in our kid-friendly neighborhood) to fear being anywhere near the truck stop.

As a native Coloradoan I also take pride in the beauty of our state and the wonderful access residents have to green spaces. These green spaces help offset the pollution, and after how awful the smog has

been this summer (though I understand most of the smog came from the forest fires out West), I think it's important for Commerce City to continue to focus on developments that somehow incorporate green spaces or greener initiatives. The light/noise/pollution that would be generated from the QuikTrip truck stop would be a detriment to the environment. The houses and condos that directly face the site will lose their value-nobody wants their backyard view to be a truck stop. The noise and bright lights from the semi trucks will make those houses difficult to sell for the people wanting to get away from the truck stop. The trucks idling in the parking lot will add to the pollution in the air/ozone. A beautiful locally owned little café with trees and a small park for residents to bike/walk their furry pals/bring their family would bring the best of both worlds-bringing local businesses to the community while keeping with the surrounding nature (like the paths along the Platte nearby).

I fear that the development of the QuikTrip truck stop would bring so many negatives to our communities that I plead the council members to seriously reconsider allowing QuikTrip to build a truck stop between our neighborhoods. We as a community want LESS industrial development in the area and MORE development that benefits the residents. My husband and I are not against developing the proposed area, but we are strongly against the development of a QuikTrip truck stop and think it is not the right fit.

Thank you for your time,
Stephanie Fernandez