

CONDITIONAL USE PERMIT

FOR A TRANSPORTATION TERMINAL

CASE #CU-106-14

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit for the operation of a transportation terminal (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case #CU-106-14 for that property described in exhibit “A” attached hereto and made a part hereof, located at 5601 Holly Street, Commerce City, Colorado; and

WHEREAS, the City of Commerce City believes that this Conditional Use Permit is only appropriate if certain conditions are met; and

WHEREAS, the City of Commerce City desires to set to writing the conditions of the Conditional Use Permit.

NOW THEREFORE, the Conditional Use Permit applied for in Case #CU-106-14 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. Landscaping shown as part of Phase 1 on the approved landscape plan shall be installed prior to issuance of a Certificate of Occupancy for the IT room addition.
- B. A landscape escrow shall be paid for landscaping shown as part of Phase 2 prior to issuance of a Certificate of Occupancy for the IT room addition.
- C. Landscaping shown as part of Phase 2 on the approved landscape plan shall be installed prior to issuance of a Certificate of Occupancy for any future expansions on the property, or within 18 months of the date of landscape plan approval, whichever occurs first.

Failure to comply with the above conditions shall constitute basis for revocation by the City of Commerce City, after public hearing, of the Conditional Use Permit authorized for the above-described property, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case #CU-106-14 is not proper in the absence of compliance with the conditions herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the conditions herein imposed or issue a summons and complaint in the Commerce City municipal court for violation of the aforesaid conditions, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of the condition set forth in this Conditional Use Permit, the municipal court may impose any penalty authorized by the Land Development Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

IN WITNESS WHEREOF, the undersigned have set their hands effective the 6th day of October, 2014.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit "A"
LEGAL DESCRIPTION
Case #CU-106-14

Parcel 1:

**Lot 1, Block 1,
NW Transport Subdivision Filing No. 3,
County of Adams,
State of Colorado.**

NOTE: Affidavit of Correction to Plat recorded May 11, 1999 in Book 5749 at Page 778.

EXCEPT that portion conveyed to South Adams County Water and Sanitation District by Warranty Deed recorded October 24, 2007 at Reception No. 2007000099984.

Parcel 2:

**A Parcel of Land Located in the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 3 South, Range 67 West of the 6th P.M., being further described as follows:
Beginning at a point 33 feet east of the Northwest corner of the Northwest 1/4 of Section 17, Township 3 South, Range 67 West of the 6th P.M. and on the north line of said Northwest 1/4;
Thence South, a distance of 40 Rods;
Thence East, a distance of 18 Rods;
Thence North, a distance of 40 Rods to a point in the North line of said Northwest 1/4;
Thence West, a distance of 18 Rods to the Point of Beginning,**

EXCEPT the North 35 feet Thereof,

**County of Adams,
State of Colorado.**