

**CONDITIONAL USE PERMIT**  
**FOR A TRANSPORTATION TERMINAL**  
**CASE #CU-115-16**

**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-115-16 for that property described in exhibit “A” attached hereto and made a part hereof, located at 10381 Havana 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-115-16 is granted by the City of Commerce City subject to the following condition:

**CONDITIONS:**

A. The applicant shall pay a percentage of the costs of design and installation of a traffic signal, reflecting the percent change in traffic caused by the development, at the intersection of East 104th Avenue and Joliet Street.

Failure to comply with the above condition 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-115-16 is not proper in the absence of compliance with the condition herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the condition herein imposed or issue a summons and complaint in the Commerce City municipal court for violation of the aforesaid condition, 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 19<sup>th</sup> day of December, 2016.

***CITY OF COMMERCE CITY, COLORADO***

By: \_\_\_\_\_  
Sean Ford, Mayor

**ATTEST:**

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Laura J. Bauer, City Clerk

***Exhibit "A"***  
***Case # CU-115-16***

**Legal Description**

That part of the Northeast One-Quarter of Section 15, Township 2 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, County of Adams, State of Colorado, described as:

Commencing at the Northeast corner of said Section 15; Thence South 00 degrees 01 minutes 40 seconds West along the East Line of said Northeast One-Quarter along distance of 662.30 feet to a point on the North Line of a Public Service Company of Colorado Right of Way as described in Book 985 at page 450, Adams County Records;

Thence South 89 degrees 54 minutes 44 seconds West along the North Line a distance of 30.00 feet to the Point of Beginning, thence continuing North 89 degrees 54 minutes 44 seconds West along said North Line a distance of 1571.57 feet to a point on the Southeasterly right of way line of Interstate as described in Book 616 at Page 468, Adams County Records, said point being a point of non-tangent curve to the left, the radius of said curve is 5855.00 feet, the delta of said curve is 00 degrees 12 minutes 00 seconds, the chord of said curve bears North 54 degrees 52 minutes 53 seconds East, 20.44 feet; Thence along the arc of said curve and along said Southeasterly Right of Way Line a distance of 20.44 feet to the end of said curve; thence along said Southeasterly Right-of-Way Line as follows:

North 54 degrees 47 minutes 00 seconds East a distance of 919.60 feet; thence North 85 degrees 30 minutes 30 seconds East a distance of 680.20 feet; thence South 49 degrees 13 minutes 00 seconds East a distance of 165.98 feet, to a point 30.00 feet West of the East line of said Northeast One-Quarter; thence South 00 degrees 01 minutes 40 seconds West parallel with said East Line a distance of 484.51 feet to the Point of Beginning.

Excepting therefrom those portions in deeds recorded March 27, 2012 at Reception No. 2012000022427 and June 5, 2012 at Reception No. 2012000040433.

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