

**A RESOLUTION APPROVING SECOND CREEK VILLAGE, AMENDMENT NO. 6
FINAL SUBDIVISION PLAT TO CREATE THREE LOTS FROM TWO EXISTING
LOTS, CONSISTING OF 2.4 ACRES, LOCATED GENERALLY AT THE NORTHEAST
CORNER OF CHAMBERS ROAD AND EAST 104TH AVENUE**

NO. 2023-011

WHEREAS, the City of Commerce City has received an application for a subdivision plat for the property known as Second Creek Village, Amendment No. 6 (the “Subdivision”), located at the Northeast Corner of Chambers Road and East 104th Avenue and as depicted on Exhibit A, attached hereto and incorporated herein by reference;

WHEREAS, the City Council, consistent with its authority as stated in the City of Commerce City Land Development Code, Section 21-3241(4)(d), has requested that this Subdivision be reviewed through the public hearing process; and

WHEREAS, in accordance with Section 21-3180 of the City’s Land Development Code, all required notices of public hearings before the Planning Commission of the City of Commerce and the City Council regarding the requested subdivision plat was given, including by publication on December 22, 2022, and in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City, and in the Sentinel Express on January 26, 2023; mailing on December 16, 2022, through the United States Postal Service in the manner required by the Land Development Code; and posting placards on the property that is the subject of the application on December 21, 2022, and January 27, 2023, in the manner and for the duration required by the Land Development code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

1. The subdivision is consistent with the approved rezoning, concept plan or PUD Zone Document, including the Second Creek Village PUD Zone Document;
2. The subdivision is consistent with and implements the intent of the specific Second Creek Village PUD zone district in which it is located;
3. There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;
4. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the land development code;

5. The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;
6. Any adverse effect has been or will be mitigated to the maximum extent feasible;
7. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development, as the applicant will contribute to established fees in lieu for parks and schools;
8. A new development agreement between the city and the applicant which addresses the construction of required public improvements is not applicable; and
9. The phasing plan for development of the subdivision is not applicable.

SECTION 2. Approval. Second Creek Village, Amendment No. 6 Final Subdivision Plat, attached at Exhibit A., is hereby approved.

RESOLVED AND PASSED THIS 6TH DAY OF FEBRUARY 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

SECOND CREEK VILLAGE, AMENDMENT NO. 6

A REPLAT OF LOT 1, SECOND CREEK VILLAGE, AMENDMENT NO. 4 & LOT 2, SECOND CREEK VILLAGE, AMENDMENT NO. 5
IN THE SW 1/4 OF SECTION 8, T2S, R66W OF THE 6TH P.M.
CITY OF COMMERCE CITY, ADAMS COUNTY, STATE OF COLORADO

DEDICATION AND LEGAL DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT ADM PROPERTIES L.P., A CALIFORNIA LIMITED LIABILITY PARTNERSHIP (LIMITED PARTNER: SECOND CREEK VILLAGE, AMENDMENT NO. 4), AND 1750 COMMERCE CITY CO. LLC, A DELAWARE LIMITED LIABILITY COMPANY (LOT 2, SECOND CREEK VILLAGE, AMENDMENT NO. 5), BEING THE OWNERS OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 8, T2S, R66W OF THE 6TH P.M., CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

LOT 1, SECOND CREEK VILLAGE, AMENDMENT NO. 4, ACCORDING TO THE RECORDED PLAT THEREOF, RECORDED OCTOBER 17, 2019 UNDER RECEPTION NO. 2000000550, COUNTY OF ADAMS, STATE OF COLORADO.

AND

LOT 2, SECOND CREEK VILLAGE, AMENDMENT NO. 5, ACCORDING TO THE RECORDED PLAT THEREOF, RECORDED AUGUST 25, 2022 UNDER RECEPTION NO. 202200097177, COUNTY OF ADAMS, STATE OF COLORADO.

CONTAINING 105,857 SQUARE FEET OR 2.430 ACRES, MORE OR LESS.

THE RESURVEY REVEALS THAT THE OTHER SURVEYORS BEING REFERRED TO IN THIS SURVEY AND THE RECORDS OF THE PUBLIC RECORDS REVEAL THAT THERE ARE UNRESOLVED EASEMENTS, RIGHTS OF WAY, AND EASEMENTS THAT AFFECT THE PROPERTY DESCRIBED HEREIN. THE SURVEYOR HAS IDENTIFIED THESE EASEMENTS AND RIGHTS OF WAY AND HAS REPRESENTED THEM ON THIS SURVEY. THE SURVEYOR HAS IDENTIFIED THESE EASEMENTS AND RIGHTS OF WAY AND HAS REPRESENTED THEM ON THIS SURVEY. THE SURVEYOR HAS IDENTIFIED THESE EASEMENTS AND RIGHTS OF WAY AND HAS REPRESENTED THEM ON THIS SURVEY. THE SURVEYOR HAS IDENTIFIED THESE EASEMENTS AND RIGHTS OF WAY AND HAS REPRESENTED THEM ON THIS SURVEY. THE SURVEYOR HAS IDENTIFIED THESE EASEMENTS AND RIGHTS OF WAY AND HAS REPRESENTED THEM ON THIS SURVEY. THE SURVEYOR HAS IDENTIFIED THESE EASEMENTS AND RIGHTS OF WAY AND HAS REPRESENTED THEM ON THIS SURVEY.

SURVEY NOTES:

- FIELD WORK WAS COMPLETED ON MARCH 12, 2023.
- BASIS OF BEARING, CONSIDERING THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, WITH AN ASSUMED BEARING OF NORTH 07°05'05" WEST, MONUMENTED BY A 1-1/4" ALUMINUM CAP IN RANGE BOOK FILE 8877, AT THE NORTH AND MONUMENTED BY A NO. 5 REBAR WITH A 3/4" ALUMINUM CAP IN RANGE BOOK LES 30088, AT THE SOUTH, AND WITH ALL BEARINGS CONTAINED HEREIN HELD AS TRUE.
- THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY REGISTERED ENGINEERING AND SURVEYING FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS OF WAY, OR TITLE OF RECORD, REGISTERED ENGINEERING AND SURVEYING HELD ON THE PROPERTY INFORMATION BINDER UNDER MAP NO. 198120047, ISSUED BY LAND TITLE GUARANTEE COMPANY, EFFECTIVE MAY 04, 2022 AT 5:00 P.M.
- PER THE FEMA FLOOD INSURANCE RATE MAPS (FIRM), MAP NO. 080203433I (ISSUED A MAP REVISION DATE OF MARCH 5, 2009), INDICATES THE SUBJECT PROPERTY TO BE DESIGNATED AS ZONE A (THE ANNUAL CHANCE FLOOD HAZARD) AND ZONE X (ONE-TO-FIVE PERCENT ANNUAL CHANCE OF FLOOD). THIS SURVEY MAKES THIS STATEMENT BY GRAPHIC PLOTTING ONLY. THE SURVEYOR RECOMMENDS A FLOOD SURVEY IF MORE INFORMATION IS REQUIRED.
- THE FINAL UNIT LISTS IN THE PREPARATION OF THIS SURVEY IS THE U.S. SURVEY FOOT AS OBTAINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- ANY CONSTRUCTION ACROSS AN EXISTING SUBDIVISION LOT LINE IS IN VIOLATION OF THE SUBDIVISION REGULATION OF THE CITY, EXCEPT HEREIN AUTHORIZED.
- ANY DIVISION OF AN EXISTING LOT, OR CONVEYANCE OF PART OF AN EXISTING SUBDIVISION LOT, IS IN VIOLATION OF THIS ARTICLE UNLESS: (1) APPROVED BY THE CITY OF COMMERCE CITY; OR (2) IS EXCEPTED FROM THE DEFINITION OF "SUBDIVISION" AS PROVIDED BY THE SUBDIVISION REGULATIONS.
- THIS PLAT DOES NOT ESTABLISH WATER AVAILABILITY FOR THE SUBJECT PROPERTY. WATER AND WASTEWATER SERVICE IS PROVIDED BY THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT. INVESTIGATION OF THE CURRENT WATER AVAILABILITY FOR THE PROPERTY AND ACQUISITION OF ANY ADDITIONAL WATER REQUIRED FOR THE DEVELOPMENT OF THE PROPERTY SHALL BE THE SOLE RESPONSIBILITY OF THE DEVELOPER. ITS SUCCESSORS AND ASSIGNS. DEVELOPMENT APPROVALS WILL NOT BE GRANTED WITHOUT PROOF OF WATER AVAILABILITY.
- NEW EASEMENTS CREATED BY THIS PLAT IS INTENDED TO RE-ESTABLISH EASEMENTS DEFINED IN PAVOR PLANS.

SURVEYOR'S CERTIFICATE

I, MICHAEL DAVID LANG, A REGISTERED LAND SURVEYOR LICENSED IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THERE ARE NO ROADS, PIPELINES, IRRIGATION DITCHES, OR OTHER ENCUMBRANCES IN EVIDENCE OR KNOWN BY ME TO EXIST ON OR ACROSS THE HEREIN BEFORE DESCRIBED PROPERTY EXCEPT AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT I HAVE PERFORMED THE SURVEY SHOWN HEREON, OR SUCH SURVEY WAS PERFORMED UNDER MY SUPERVISORY RESPONSIBILITY AND SUPERVISED THAT THIS PLAT ACCURATELY REPRESENTS SAID SURVEY, AND THAT ALL ELEMENTS EXIST AS SHOWN HEREIN.

CITY STAFF CERTIFICATE:

APPROVED BY THE CITY ENGINEER OF THE CITY OF COMMERCE CITY, CITY COUNCIL THIS _____ DAY OF _____, 20____.

CITY ENGINEER

APPROVED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT OF THE CITY OF COMMERCE CITY THIS _____ DAY OF _____, 20____.

DIRECTOR, COMMUNITY DEVELOPMENT

ADAMS COUNTY CLERK AND RECORDERS CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER IN THE STATE OF COLORADO AT _____ M. ON THE _____ DAY OF _____, 20____.

AD, 90____

COUNTY CLERK AND RECORDER

BY: _____ DEPUTY

RECEPTION NO. _____

SECOND CREEK VILLAGE, AMENDMENT NO. 6

A REPLAT OF LOT 1, SECOND CREEK VILLAGE, AMENDMENT NO. 4 & LOT 2, SECOND CREEK VILLAGE, AMENDMENT NO. 5
IN THE SW 1/4 OF SECTION 8, T2S, R66W OF THE 6TH P.M.
CITY OF COMMERCE CITY, ADAMS COUNTY, STATE OF COLORADO

LEGEND:

- SECTION LINE
- ADAMS COUNTY LINES
- LOT LINE ESTABLISHED BY THIS PLAT
- LOT BOUNDARY
- EXISTING LOT LINE
- NEW BOUNDARY ESTABLISHED BY THIS PLAT
- SEE PLAT FOR FULL LEGAL DESCRIPTION
- PROPERTY WITHIN THIS PLAT IS NOT BEING OFFERED FOR SALE UNLESS THE LEGAL DESCRIPTION IS COMPLETED

SECOND CREEK VILLAGE, AMENDMENT NO. 6

DATE: 2023-03-12
PROJECT: REPLAT
SHEET: 2 OF 2

SECOND CREEK VILLAGE, AMENDMENT NO. 6

DATE: 2023-03-12
PROJECT: REPLAT
SHEET: 2 OF 2