

CONDITIONAL USE PERMIT

TO CONSTRUCT ONE ADDITONAL ABOVE GROUND STORAGE TANK

CASE # CU-002-87-19

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit to construct one additional above ground storage tank (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case #CU-002-87-19 for that property described in exhibit “A” attached hereto and made a part hereof, located at 3960 E. 56th Avenue, 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-002-87-19 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. The applicant shall remain compliant with all standards regulating their operations.
- B. The applicant shall provide any updates to the Emergency Response and Management Manual to the City within 30 days of a change.
- C. This Conditional Use Permit approves the bulk storage of petroleum products. Any change in either of the following shall require an amendment to this Conditional Use Permit:
 - i. The storage of any other product that requires a Conditional Use Permit as identified in the Land Development Code as it may be amended.
 - ii. The bulk storage of any product by the permittee that is in excess of the latest approved development plan.

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-105-14-18 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 conditions 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 7th day of January, 2019.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit "A"

Case # CU-002-87-19

Legal Description

Part of the North One-Half (N½) of the Northeast Quarter (NE¼) of Section Thirteen (13), Township Three (3) South, Range Sixty-eight (68) West and more particularly described as follows: Commencing at a point on the North line of said North Half (N½) of the Northeast Quarter (NE¼) of Section Thirteen (13), Township Three (3), South, Range Sixty-eight (68) West, which is thirty (30) feet East of the Union Pacific Railway Company's right of way, thence East along said North line seven hundred one and sixty-five hundredths (701.65) feet; thence South four hundred eighty (480) feet; thence West nine hundred ninety-one (991) feet more or less to a point which is thirty (30) feet East of said Union Pacific Railway Company's Right of Way; thence Northeast and parallel to said Right of Way, five hundred twenty (520) feet, more or less, to the point of beginning. Said tract of land containing nine and one-third (9-1/3) acres, more or less.

A parcel of land located in the NW¼ of Section 18, Township 3 South, Range 67 West, Adams County, Colorado, containing 13.68 acres more or less, and being more particularly described as follows, to wit:

Commencing at, the point of intersection of the East line of the C. B. & Q. Ry. right-of-way with the South line of County Road No. 129, said point being 75.0 ft. East and 50.0 ft. South of the Northwest corner of said Section 18; thence East and parallel with the North line of said Section 18, along said South line of County Road 129, a distance of 16.1 ft. to point of curve; thence Southeasterly along said South line of County Road No. 129, on a 10° curve to the right, a distance of 347.4 feet to point of tangent; thence S.52°31'E. along said Southwesterly line of County Road No. 129 a distance of 269.22 ft.; thence S37°29'W. a distance of 418.3 ft.; thence S.55°36'E. a distance of 461.9 ft. to a point on the Northwesterly line of 30.0 ft. road lying Northwest of and adjacent to Northwesterly right-of-way line of State Highway No. 2; thence S.30°54'W. along the Northwesterly line of said 30.0 ft. road, a distance of 446.90 ft.; thence S34°45'W. along the Northwesterly line of said 30.0 ft. road, a distance of 183.7 ft.; thence N55°15'W. a distance of 425.5 ft more or less to a point on the East line of the C. B. & Q. Ry. right-of-way; thence N.0°03'E. along the East line of the C. B. & Q. Ry. right-of-way a distance of 1156.8 ft. more or less to the point of beginning. Together with and including whatever water rights, if any, the party of the first part may have in the above described property.

Less and except the following three parcels of land:

Tract I.

All that part of the Northwest 1/4 of Section 18, Township 3 South Range 67 West described as follows: Beginning at the Northwest corner of said Section 18; thence South 0 degrees, 03 minutes West along the West line of Section 18, 50 feet to the South line of County Road No. 129; Thence North 89 degrees, 26 minutes East along said South line of said County Road No. 129, 91.1 feet to a point of curvature; thence along the Southerly line of County Road No. 129 on a curve to the Right, having a radius of 529.97 feet and a central angle of 38 degrees, 03 minutes, 351.94 feet to a point of tangency; thence continuing on the Southerly line of County Road No. 129 on said tangency, South 52 degrees, 31 minutes East, 267.49 feet; thence South 37 degrees, 29 minutes West, 418.3 feet; thence South 55 degrees, 36 minutes East, 200 feet to the true point of beginning; thence Continuing South 55 degrees, 36 minutes East. 208.54 feet to the Westerly line of a public road; thence South 40 degrees, 46 minutes, 30 seconds West and along the Westerly line of said public road, 113.61 feet to a point of curvature; thence on a curve to the Left, having a radius of 2010 feet and along the Westerly line of said public road. 37.5 feet; thence North 55 degrees, 36 minutes West,

Tract II

A tract of land containing 2.68 acres, more or less, situated in the Northwest Quarter (NW $\frac{1}{4}$) of Section 18, Township 3 South, Range 67 West of the Sixth Principal Meridian, in Adams County, Colorado, said tract being more particularly described as follows:

Beginning at a 1" iron pin set in the east line of the right of way of the Chicago, Burlington and Quincy Railroad Company, which right of way line is parallel with and 75' east of the west line of the NW $\frac{1}{4}$ of said Section 18, said 1" iron pin being 1206.8' south of the north line of said Section 18 measured along said right of way line;

Thence S 55° 15' E along the Southerly line of the property of Phillips Petroleum Company 374.59' to a 1" iron pin set for the beginning corner of a tract of 1.23 acres conveyed by Phillips

Petroleum Company to the State Highway Department of the State of Colorado for highway purposes;

Thence N 10° 09' 30" E along the northwesterly line of said State Highway Department tract 107.23' to a 1" iron pin set at the beginning of a curve to the right:

Thence continuing along the northwesterly line of said State Highway Department tract in a northeasterly direction along said curve to the right having a radius of 2,010' a distance of 264.20' (the chord of said curve bearing N 33° 29' E 264.00') to a 1" iron pin;

Thence N 76° 43' W 218.27' to a 1" iron pin set at the beginning of a curve to the left;

Thence along said curve to the left having a radius of 3899.62' a distance of 264.98' (the chord of said curve bearing N 78° 40' W 264.94') to a 1" iron pin set in the east line of the right of way of the Chicago, Burlington and Quincy Railroad Company;

Thence S 0° 03' W along said east right of way line 214.48' to the place of beginning.

Tract III

A Tract of land containing 1.23 acres, more or less, situated in the Northwest Quarter (NW $\frac{1}{4}$) of Section 18, Township 3, South, Range 67 West of the Sixth Principal Meridian, in Adams County, Colorado, said tract being more particularly described as follows:

Beginning at a 1" iron pin set in the east line of the right of way of the Chicago, Burlington and Quincy Railroad Company, which right of way line is parallel with and 75' east of the west line of the NW $\frac{1}{4}$ of said Section 18, said 1" iron pin being 1206.8' South of the North line of said Section 18 measured along said right of way line; thence S. 55° 15' E. along the Southerly line of the property of Phillips Petroleum Company 374.59' to a 1" iron pin set for the beginning corner of the tract herein conveyed;

Thence continuing S. 55° 15' E. 50.91' along said Southerly property line to a 1" iron pin set in the northwesterly line of a 30' road lying Northwest of and adjacent to the northwesterly right of way line of U. S. Highway No. 6 (State Highway No. 2);

Thence N. 34° 45' E. along the Northwesterly line of said 30' road 183.7' to a 1" iron pin;

Thence N. 30° 54' E. along the Northwesterly line of said 30' road 446.9' to a 1" iron pin;

Thence N. 55° 36' W. along the Northerly line of the property of Phillips Petroleum Company 53.36' to a 1" iron pin;

Thence S. 40° 46' 30" W. 113.61' to a 1" iron pin set at the beginning of a curve to the left;

Thence along said curve to the left having a radius of 2010' a distance of 419.51' (the chord of said curve bearing E. 34° 47' 30" W. 418.75') to a 1" iron pin;

Thence S. 10° 09' 30" W. 107.23' to the beginning corner of the tract herein conveyed.

situate in the

County of Adams, State of Colorado, to wit:

The North $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Section 13, Township 3 South Range 68 West lying East of Right of Way of Denver Pacific Railway and Telegraph Company except that part described in Book 963 Page 524 Recorded December 7, 1894, and Book 202 Page 566 Recorded March 23, 1932, and Book 227 Page 585 Recorded November 21, 1935, and Book 232 Page 348 Recorded July 6, 1936, containing 33.03 acres, more or less.

Also less and except the following described parcel of land:

A tract of land containing 12.32 acres, more or less, situated in the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 13, Township 3 South, Range 68 West, of the Sixth Principal Meridian, in Adams County, Colorado, said tract being more particularly described as follows:

Beginning at a 1" iron pin set for the Southeast corner of the $N\frac{1}{2}$ of the $NE\frac{1}{4}$ of said Section 13; thence Westerly along the South line of the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of said Section 13, a distance of 1432.90' to a 1" iron pin set for the Southeast corner of a tract of land conveyed to R. A. Husted by deed Recorded in Book 384, Page 416 of the Deed Records of Adams County, Colorado; thence Northerly along the East line of said last mentioned tract of land a distance of 379.23' to a 1" iron pin; thence S89° 55' E a distance of 877.16' to a 1" iron pin set at the beginning of a curve to the right; thence in an Easterly direction along said curve to the right having a radius of 3899.62', a distance of 557.00' (the chord of said curve having a length of 556.48') to a 1" iron pin set in the East line of said Section 13; thence Southerly along the East line of said Section 13, a distance of 340.52' to the place of beginning.