

# NEXUS North at DIA

## E-470 Commercial Area General Improvement District

### Petition for Inclusion - PROJECT NARRATIVE

June 2018

Petitioner: Schuck Communities, Inc.  
2 N. Cascade Ave., Suite 1280  
Colorado Spring, Colorado 80903  
(719) 633-4500

Owner: Schuck DIA, LLC  
2 N. Cascade Ave., Suite 1280  
Colorado Springs, CO 80903  
(719) 633-4500

#### General Location and Size:

The parcel of land is 157.936 acres in size located at the southeast corner of Buckley Road and E. 88<sup>th</sup> avenue, approximately one half mile west of Tower Road. The parcel is in the process of being annexed into the City of Commerce City.

#### Proposed Uses:

The parcel is being zoned PUD with I-1, Light-intensity Industrial, Office and Flex Campus uses. Construction within the project will be governed by Design Standards and Guidelines in addition to the Commerce City standards and codes.

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**PETITION  
FOR THE INCLUSION OF PROPERTY INTO THE COMMERCE CITY  
E-470 COMMERCIAL AREA GENERAL IMPROVEMENT  
DISTRICT (ECAGID)**

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The undersigned owner(s) of the real property described in Exhibit A, attached hereto, and depicted on the site map in Exhibit B, attached hereto (the "Property"), hereby petition(s) the City Council of City of Commerce City, Colorado, as the *ex officio* Board of Directors (the "Board") of the Commerce City E-470 Commercial Area General Improvement District (the "District") for inclusion of the Property into the District, pursuant to § 31-25-618, C.R.S. The undersigned further request(s) that the Board hold a hearing in accordance with the requirements of § 31-25-618, C.R.S., at which all objections to this petition may be presented.

In support of this petition, the undersigned state(s) as follows:

1. The undersigned is/are the sole fee title owner(s) of the Property (see Exhibit C).
2. This petition is accompanied by a deposit of moneys to pay the costs of the inclusion proceedings.

WHEREFORE, the undersigned request the Board to take all steps and procedures required by law for the inclusion of the Property into the District, including the publication of notice of the filing of this petition, and to adopt an ordinance including the Property into the District.

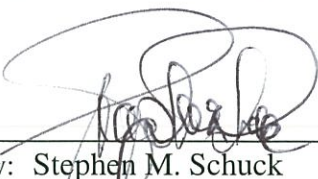
Schuck DIA, LLC

  
\_\_\_\_\_  
Signature

By: Stephen M. Schuck  
President of Schuck Communities, Inc.  
Manager of Schuck DIA, LLC

STATE OF COLORADO                    )  
  ) ss  
COUNTY OF EL PASO                 )

I, Stephen M. Schuck, being first duly sworn on oath, verify that the facts set forth in this petition are true to the best of my knowledge, information and belief.

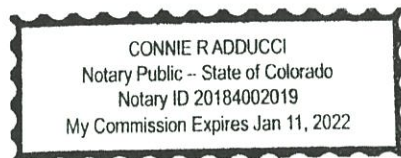
  
\_\_\_\_\_  
By: Stephen M. Schuck  
President of Schuck Communities, Inc.  
Manager of Schuck DIA, LLC

Subscribed and sworn to before me this 17 day of October ~~August~~, 2018

My commission expires: 11/11/2022\_\_\_\_\_

  
\_\_\_\_\_  
Notary Public

(SEAL)



## EXHIBIT A

Attach legal description for real property to be included within the limits of the  
Commerce City E-470 Commercial Area General Improvement District

### ANNEXATION DESCRIPTION:

A PARCEL OF LAND BEING THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 28, THENCE N 89°31'54" E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST LINE OF THE CITY OF COMMERCE CITY BOUNDARY, ACCORDING TO THAT ANNEXATION MAP NO. AN-102-89, RECORDED AT RECEPTION NO. B908599, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, ALSO BEING THE EAST LINE OF THE BUCKLEY ROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;

THENCE N 00°31'44" W, ALONG SAID EAST LINE OF THE CITY OF COMMERCE CITY AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 2620.38 FEET, TO A PROPERTY CORNER BEING MONUMENTED BY A 1-1/2 INCH ALUMINUM CAP STAMPED "PLS 30109", ALSO BEING A POINT ON THE SOUTH LINE OF THE 88TH AVENUE RIGHT-OF-WAY AND BEING A POINT ON THE SOUTH LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO SAID ANNEXATION MAP NO. AN-102-89;

THENCE N 89°20'26" E, ALONG SAID SOUTH LINE OF THE CITY OF COMMERCE CITY BOUNDARY AND ALONG SAID SOUTH LINE OF THE 88TH AVENUE RIGHT-OF-WAY, A DISTANCE OF 2621.64, TO A PROPERTY CORNER BEING MONUMENTED BY A YELLOW PLASTIC CAP STAMPED "PLS 6973", ALSO BEING A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28 AND A POINT ON THE WEST LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO THAT ANNEXATION MAP NO. AN-169-02, RECORDED AT RECEPTION NO. 20050119000060540, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE;

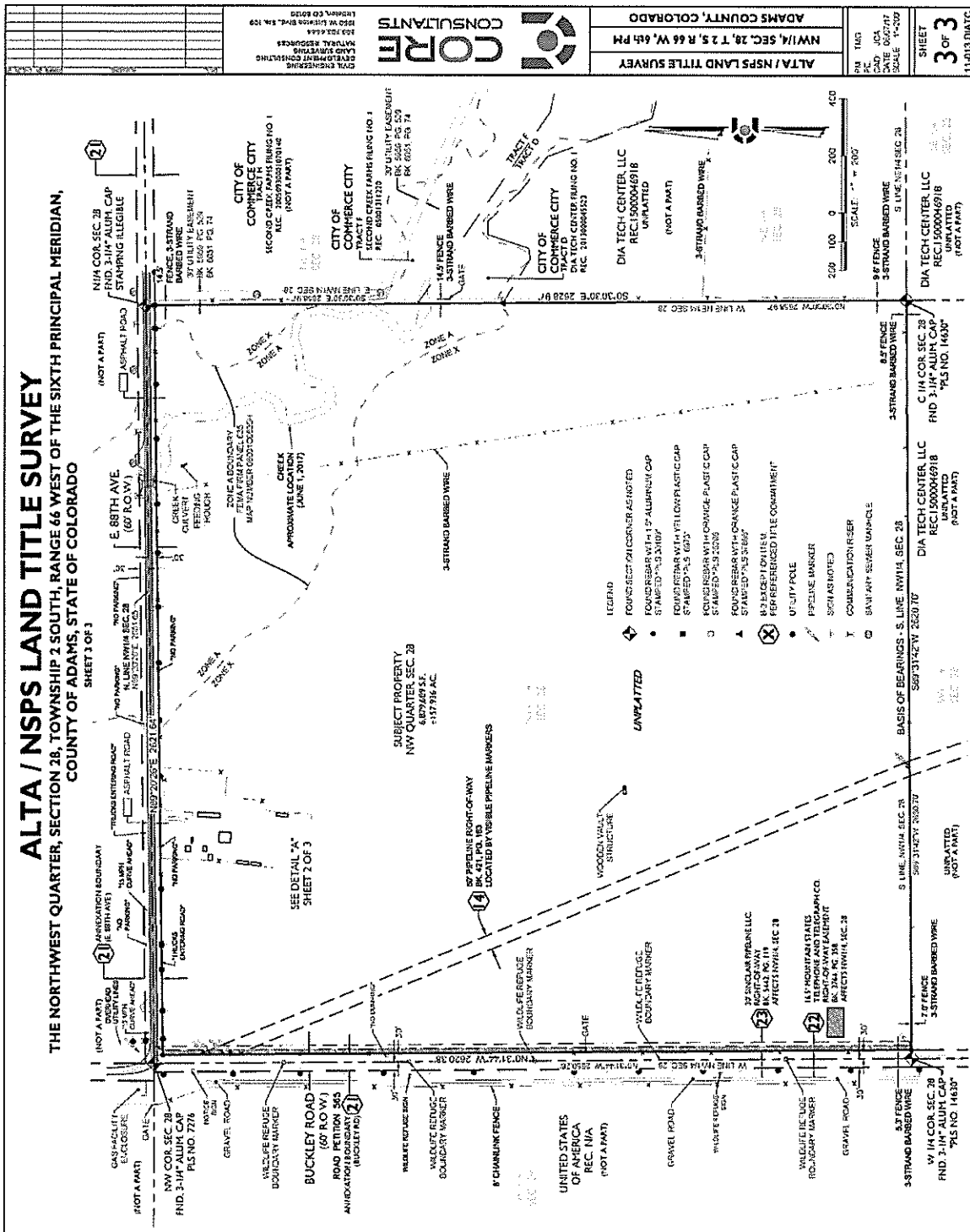
THENCE S 00°30'30" E, ALONG SAID WEST LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO SAID ANNEXATION MAP AN-169-02, A DISTANCE OF 918.62 FEET, TO A POINT ON SAID EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28, ALSO BEING THE SOUTHWEST CORNER OF SAID ANNEXATION MAP AN-169-02;

THENCE S 00°30'30" E, CONTINUING ALONG SAID EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28 AND ALONG THE WEST LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO THAT ANNEXATION MAP NO. AN-226-11, RECORDED AT RECEPTION NO. 2012000006487, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 1710.50 FEET, TO THE CENTER 1/4 CORNER OF SECTION 28, BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 14630";

THENCE S 89°31'54" W, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 28, ALSO BEING THE NORTH LINE OF THE CITY OF COMMERCE CITY BOUNDARY ACCORDING TO THAT ANNEXATION MAP NO. AN-246-17, RECORDED AT RECEPTION NO. 2018000015941, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 2620.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,879,698 SQUARE FEET, OR 157.936 ACRES, MORE OR LESS.

**EXHIBIT B**





**Special Warranty Deed**  
(Pursuant to 38-30-115 C.R.S.)

State Documentary Fee

Date: 8-7-18  
\$ 210.00

THIS DEED, made on 8-7-18 by **ROARTY FAMILY LIMITED PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP** Grantor(s), of the County of **PIMA** and State of **ARIZONA** for the consideration of **(\$2,100,000.00) \*\*\* Two Million One Hundred Thousand and 00/100 \*\*\*** dollars in hand paid, hereby sells and conveys to **SCHUCK DIA, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantee(s), whose street address is **2 N CASCADE AVE #1280 COLORADO SPRINGS, CO 80903**, County of **EL PASO**, and State of **COLORADO**, the following real property in the County of **Adams**, and State of **Colorado**, to wit:

**THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO**

FOR INFORMATION ONLY – APN IS 0172300000106

also known by street and number as: **17010 E. 88TH AVE., COMMERCE CITY CO 80022**

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s) except **GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2018 AND SUBSEQUENT YEARS AND SUBJECT TO THOSE ITEMS AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.**

*THIS SECTION INTENTIONALLY BLANK*

*SEE ATTACHED SIGNATURE PAGE AND NOTARY ACKNOWLEDGEMENT*

**ROARTY FAMILY LIMITED PARTNERSHIP, A COLORADO LIMITED  
PARTNERSHIP**

Kathleen Autret, General Partner  
KATHLEEN AUTRET, GENERAL PARTNER

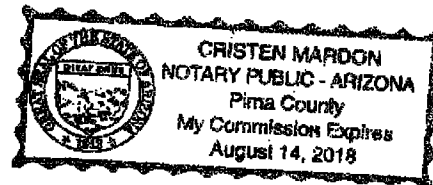
Regis Autret, General Partner  
REGIS AUTRET, GENERAL PARTNER

State of Arizona )  
County of Pima ) ss.

The foregoing instrument was acknowledged before me on this day of August 2, 2018  
by **KATHLEEN AUTRET AND REGIS AUTRET, GENERAL PARTNERS OF ROARTY FAMILY LIMITED  
PARTNERSHIP, A COLORADO LIMITED PARTNERSHIP**

Witness my hand and official seal  
My commission expires August 14, 2018

Cristen Mardon  
Notary Public



When Recorded Return to: **SCHUCK DIA, LLC, A COLORADO LIMITED LIABILITY COMPANY**  
**2 N CASCADE AVE #1280 COLORADO SPRINGS, CO 80903**

**EXHIBIT "A" TO SPECIAL WARRANTY DEED**

**Property Address: 17010 E. 88TH AVE. COMMERCE CITY CO 80022**

**EXISTING LEASES AND TENANCIES, IF ANY.**

**ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF SECOND CREEK AS DISCLOSED ON MAP. SAID INSTRUMENT IS REFERENCED AS ESI 32824094.**

**RIGHTS OF OTHERS AND THE PUBLIC, IN AND TO ANY ROADS UPON SUBJECT PROPERTY, AS DISCLOSED ON MAP. SAID INSTRUMENT IS REFERENCED AS ESI 32824094.**

**RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED MAY 14, 1892 IN BOOK A24 AT PAGE 180.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS TO THE INTERESTS SET FORTH AND GRANTED IN DEED RECORDED DECEMBER 18, 1948 IN BOOK 367 AT PAGE 242.**

**ANY AND ALL RIGHTS OF ANY DITCH COMPANY RELATING TO HIGH LINE CANAL, SYSTEMS AND LATERALS DITCH, WHICH TRAVERSES SUBJECT PROPERTY OR IS DESCRIBED AS A BOUNDARY OF SUBJECT PROPERTY, INCLUDING BUT NOT LIMITED TO DITCH MAINTENANCE AND ACCESS RIGHTS TO LANDS ADJOINING THE DITCH OR CANAL, AS DISCLOSED BY DEED RECORDED DECEMBER 18, 1948 IN BOOK 367 AT PAGE 242.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN COLORADO WYOMING GAS COMPANY RIGHT OF WAY CONTRACT RECORDED MAY 25, 1951 IN BOOK 421 AT PAGE 163.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN COLORADO INTERSTATE GAS COMPANY RIGHT OF WAY AGREEMENT RECORDED JULY 09, 1955 IN BOOK 557 AT PAGE 430.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICE OF DISSOLUTION AND ANNEXATION OF SCHOOL DISTRICTS BY COUNTY SCHOOL PLANNING COMMITTEE RECORDED NOVEMBER 29, 1968 IN BOOK 1479 AT PAGE 195.**

**ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE SABLE-ALTURA FIRE PROTECTION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED JANUARY 27, 1972, UNDER RECEPTION NO. 948861 AND OCTOBER 3, 1972 UNDER RECEPTION NO. 975694.**

**OIL AND GAS LEASE BETWEEN JOHN P. MCHUGH AND ERNEST F. FOX, JR, RECORDED JUNE 26, 1972 IN BOOK 1803 AT PAGE 728, AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.**

**NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.**

**OIL AND GAS LEASE BETWEEN JOHN P. MCHUGH AND NIGAS, RECORDED FEBRUARY 27, 1981 IN BOOK 2534 AT PAGE 438 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.**

**NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICE OF GENERAL**



**DESCRIPTION OF AREA SERVED BY PANHANDLE EASTERN PIPELINE COMPANY RECORDED JUNE 25, 1986  
IN BOOK 3162 AT PAGE 961.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ANNEXATION  
ORDINANCE NO. AN-102-89 RECORDED OCTOBER 13, 1989 IN BOOK 3611 AT PAGE 825, AND THAT  
ANNEXATION MAP RECORDED OCTOBER 13, 1989 UNDER RECEPTION NO. 908599.**

**EASEMENT GRANTED TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, FOR RIGHT OF  
WAY, UTILITIES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED APRIL 04, 1991, IN BOOK 3764  
AT PAGE 358.**

**TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND  
GRANTED IN PERMANENT PIPELINE EASEMENT RECORDED AUGUST 25, 1998 IN BOOK 5442 AT PAGE 119.**

**ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE  
FOLLOWING FACTS SHOWN ON ALTA/NSPS LAND TITLE SURVEY CERTIFIED JUNE 07, 2017 PREPARED BY  
CORE CONSULTANTS, JOB #11-013  
SAID DOCUMENT STORED AS OUR ESI 35866994  
A. FENCE LINES DO NOT COINCIDE WITH PROPERTY LINES**