

EXCERPT FROM DEVELOPMENT AGREEMENT

fcgov.com/forestry. The use of heavy construction equipment, including but not limited to excavators, backhoes, and bulldozers, to remove trees is not allowed without prior Forestry Division written permission, which permission shall not be unreasonably withheld, conditioned, or delayed.

3. During construction, prior to either DCP issuance or of any demolition, grading, excavation, or site work commencing on the Property, whichever occurs earlier, tree protection must be installed around all trees that are shown to be preserved and protected on the Final Development Plan Documents and an arborist licensed by the City of Fort Collins must provide written confirmation to the City that such tree protection has been installed. Required tree protection measures are set forth in Land Use Code Section 3.2.1(G) and include, but are not limited to, the requirement that a minimum 4-foot-high barrier be erected no closer than six (6) feet from the trunk or one-half ($\frac{1}{2}$) the length to the drip line (i.e. the canopy edge), whichever is greater.

Prior to landscape work commencing on the Property, the Developer shall schedule a meeting between City Forestry Division staff and the landscapers who will perform the work required hereunder.

Tree protection must be maintained throughout the duration of construction activities on the Property. At any time during construction, and upon City Forestry Division written notice that tree protection is not adequate for one or more trees, the Developer shall cease construction activities adjacent to such tree or trees until required tree protection measures are in place to the satisfaction of the City Forestry Division.

H. Park Planning

1. The Developer has identified Public Access & Trail Easements (Easements) suitable for future construction of a paved recreational trail on the Plat and the Utility Plan. The Easements are adequate to construct and maintain a minimum of a ten-foot-wide paved trail surface approximately parallel to the existing BNSF railroad tracks. The easement width identified on the final plat have been approved by the Park Planning & Development Department.

2. The City will construct the paved recreational trail when funds are appropriated for this project. The schedule for construction has not been finalized.

3. Finalizing connection of the public access trail depicted in the South College Avenue Access Control Plan located on the Property is of regional significance. The trail connection is not the sole responsibility of Developer; rather, the Developer has a responsibility proportionate to the US 287 frontage impacted by the platting of the Property. The Developer is dedicating a portion of the trail easement along the BNSF Railroad. In addition, the Developer agrees to contribute its proportionate share of the public access trail project in the amount of thirty-five thousand dollars (\$35,000.00) to be paid to the City at or before issuance of the first building permit for the Project.