

**INTERGOVERNMENTAL AGREEMENT
AMONG
THE CITY OF EVANS, CITY OF GREELEY
TOWN OF JOHNSTOWN, TOWN OF KERSEY, COUNTY OF LARIMER,
CITY OF LOVELAND, COUNTY OF WELD, TOWN OF WINDSOR
AND
THE STATE OF COLORADO
DEPARTMENT OF TRANSPORTATION**

THIS AGREEMENT (hereinafter referred to as the "Agreement") is entered into effective as of the _____ day of _____ 2003, by and among the Cities and Towns of Loveland, Johnstown, Windsor, Greeley, Evans, and Kersey and the Counties of Larimer and Weld (hereinafter referred to collectively as the "Cities and Counties"), and the State of Colorado, Department of Transportation (hereinafter referred to as the "Department"), said parties being referred to collectively herein as the "Agencies."

RECITALS:

- A. The Agencies are authorized by the provisions of Article XIV, Section 18(2)(a), Colorado Constitution, and Sections 29-1-201, et. seq., C.R.S., to enter into contracts with each other for the performance of functions that they are authorized by law to perform on their own; and
- B. Each Agency is authorized by Section 43-2-147(1)(a), C.R.S., to regulate access to public highways within its jurisdiction; and
- C. The coordinated regulation of vehicular access to public highways is necessary to maintain the efficient and smooth flow of traffic, to reduce the potential for traffic accidents, to protect the functional level and optimize the traffic capacity, to provide an efficient spacing of traffic signals, and to protect the public health, safety and welfare; and
- D. The Agencies desire to provide for the coordinated regulation of vehicular access for the section of SH 34 between Interstate 25 (MP 96.25) and Weld County Road 55 (MP 120.23) (hereinafter referred to as the "Segment"), which is within the jurisdiction of the Agencies; and
- E. The Agencies are authorized pursuant to Section 2.12 of the 1998 State Highway Access Code, 2 C.C.R. 601-1 (the "Access Code") to enter into a written agreement adopting and implementing a comprehensive and mutually acceptable highway Access Control Plan for the Segment for the purposes recited above; and
- F. The development of this Access Control Plan adheres to the requirements of the Access Code, Section 2.12.

NOW THEREFORE, for and in consideration of the mutual promises and undertakings herein contained, the Agencies agree as follows:

1. The Access Control Plan, dated February 21, 2003, for the Segment (hereinafter referred to as the "Access Control Plan") is attached hereto as Exhibit A and incorporated herein. The Access Control Plan Illustration, dated February 24, 2003, is attached hereto as Exhibit B, and is incorporated herein by this reference. The Access Control Plan Amendment Process, dated February 20, 2003 is attached hereto as Exhibit C, and is incorporated herein by this reference.
2. The Agencies shall regulate access to the Segment in compliance with the Access Control Plan, section 43-2-147, C.R.S., (the "Access Law") and the applicable sections of the Access Code. Vehicular access to the Segment shall be permitted when such access is in compliance with this Agreement, the Access Control Plan, the Access Law and the applicable sections of the Access Code. Per section 2.12 (a) of the Access Code, design waivers necessary for access design and construction within state highway right-of-way, may be approved if agreed upon by the Department.
3. Accesses that were in existence in compliance with the Access Law prior to the effective date of this Agreement may continue in existence until such time as a change in the access is required by the Access Control Plan, the Access Law and the Access Code, in the course of highway reconstruction, or as determined appropriate in the course of development or subdivision actions which require local jurisdiction approval. When closure, modification, or relocation of access is necessary or required, the Agency(ies) having jurisdiction shall utilize appropriate legal process to effect such action.
4. Actions taken by any Agency with regard to transportation planning, transportation facilities and traffic operations within the areas described in the Access Control Plan shall be in conformity with this Agreement. The Cities, Towns, and Counties agree to develop and adopt, to the best of each Agency's ability considering legal, financial, and protocol constraints, such ordinances, official documents, plans and maps that are necessary to fulfill their responsibilities under this Agreement.
5. Parcels of real property created after the effective date of this Agreement that adjoin the Segment shall not be provided with direct access to the Segment unless the location, use and design thereof conforms to the provisions of this Agreement.
6. This Agreement is based upon and is intended to be consistent with the Access Law and the Access Code as now or hereafter constituted. An amendment to either the Access Law or the Access Code that becomes effective after the effective date of this Agreement and that conflicts irreconcilably with an express provision of this Agreement may be grounds for revision of this Agreement.
7. This Agreement does not create any current financial obligation for any Agency. Any future financial obligation of any Agency shall be subject to the execution of an appropriate encumbrance document, where required. Agencies involved in or affected by any particular or site-specific undertaking provided for herein will cooperate with each other to agree upon a fair and equitable allocation of the costs associated therewith, however, notwithstanding any provision of this Agreement, no Agency shall be required to expend its public funds for such undertaking without the express prior approval of its governing body or director. All financial obligations of the Agencies hereunder shall be

contingent upon sufficient funds therefore being appropriated, budgeted, and otherwise made available as provided by law.

8. Should any section(s) or provision(s) of this Agreement be judicially determined to be invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Agreement, the intention being that the various provisions hereof are severable unless such provision that is judicially determined to be invalid or unenforceable is such an essential portion of the agreement that the remaining provisions of the agreement do not support the original intent and objectives of the parties entering into the agreement.
9. This Agreement supersedes and controls all prior written and oral agreements and representations of the Agencies concerning regulating vehicular access to the segment. No additional or different oral representation, promise or agreement shall be binding on any Agency. This Agreement may be amended or terminated only in writing executed by the Agencies with express authorization from their respective governing bodies or legally designated officials.
10. By signing this Agreement, the Agencies acknowledge and represent to one another that all procedures necessary to validly contract and execute this Agreement have been performed, and that the persons signing for each Agency have been duly authorized to sign.
11. No portion of this Agreement shall be deemed to constitute a waiver of any immunities the parties or their officers or employees may possess, nor shall any portion of this Agreement be deemed to have created a duty of care that did not previously exist with respect to any person not a party to this Agreement.
12. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any entity other than the undersigned parties receiving services or benefits under this Agreement shall be an incidental beneficiary only.

IN WITNESS WHEREOF, the Agencies have executed this Agreement effective as of the day and year first above written.

City of Loveland , Colorado

ATTEST:

Mayor, City of Loveland

City Clerk

APPROVED AS TO FORM:

City Attorney

Town of Johnstown , Colorado

ATTEST:

Mayor, Town of Johnstown

City Clerk

APPROVED AS TO FORM:

Town Attorney

Town of Windsor, Colorado

ATTEST:

Mayor, Town of Windsor

City Clerk

APPROVED AS TO FORM:

Town Attorney

City of Greeley , Colorado

ATTEST:

Mayor, City of Greeley

City Clerk

APPROVED AS TO FORM:

City Attorney

City of Evans , Colorado

ATTEST:

Mayor, City of Evans

City Clerk

APPROVED AS TO FORM:

City Attorney

Town of Kersey , Colorado

ATTEST:

Mayor, Town of Kersey

City Clerk

APPROVED AS TO FORM:

Town Attorney

County of Larimer , Colorado

ATTEST:

Chairman, Board of County Commissioners,
County of Larimer

County Clerk

APPROVED AS TO FORM:

County Attorney

County of Weld , Colorado

ATTEST:

Chairman, Board of County Commissioners
County of Weld

County Clerk

APPROVED AS TO FORM:

County Attorney

**State of Colorado
Department of Transportation**

ATTEST:

Chief Engineer

Chief Clerk

CONCUR:

Regional Transportation Director

EXHIBIT A
(February 21, 2003)
ACCESS CONTROL PLAN
SH 34
INTERSTATE 25 TO WELD COUNTY ROAD 55
CITY OF EVANS, CITY OF GREELEY
TOWN OF JOHNSTOWN, TOWN OF KERSEY, LARIMER COUNTY,
CITY OF LOVELAND, WELD COUNTY, TOWN OF WINDSOR
AND THE STATE OF COLORADO DEPARTMENT OF TRANSPORTATION

I. PURPOSES

The purpose of this Access Control Plan is to provide the Cities, Towns, and Counties with a comprehensive roadway access control plan for SH 34 from the junction of Interstate 25 to the junction of Weld County Road 55 ("the segment").

II. AUTHORITY

The development of this Access Control Plan was completed pursuant to the requirements of the Access Code and adopted by the attached Agreement.

III. RESPONSIBILITIES

The costs of access improvements, closures and modifications shall be determined pursuant to section 43-2-147(6)(b) C.R.S., the Agreement, and this Access Control Plan.

All signatories are encouraged to acquire dedicated right-of-way for future interchange construction when the opportunities exist. Jurisdictions agree to reserve necessary right-of-way for future purchase toward the construction of an interchange to the extent of their legal abilities. Said right-of-way may be usable for the interim time frame for minor considerations such as excess parking, landscape, and signing, but no permanent buildings of any kind or storm water detention would be allowed within the reserved right-of-way area.

The Department's Region 4 Access Unit will be responsible for arranging meetings with the signatory jurisdictions (Access Plan Advisory Committee) at least once every six months. Jurisdictions agree to inform impacted property owners and interested developers about the Access Control Plan and any amendments that are made to the Access Control Plan.

IV. ACCESS REVISIONS

Accesses described in Section V, below, may be closed, relocated, or consolidated, or turning movements may be restricted, or the access may be brought into conformance with this Access Control Plan, when in the opinion of the Cities and Counties with Department concurrence, or in the opinion of the Department, any of the following conditions occur: a) the access is determined to be detrimental to the public's health, safety and welfare, b) the access has developed an accident history that is correctable by restricting the access, or c) the access restrictions are necessitated by a change in road or traffic conditions, or d) there is a change in the use of the property that would result in a change in the type of access operation, or e) a highway reconstruction project provides the opportunity to make highway and access improvements in support of this access control plan. Access construction shall be consistent with the design and specifications of the Access Code.

V. ACCESS LOCATIONS

The following is a description of all existing and future access points along the Segment including their current status and required changes. All access locations are defined by the approximate milepoint (in hundredths of a mile) along SH 34 to the centerline of the access as further illustrated on Exhibit B.

Access Control Plan

Individual Access Point Descriptions

The following is a description of all existing and future access points, including their current status and changes, which are included in the Access Control Plan. All locations are defined by the approximate milepost (in hundredths of a mile) along SH 34 at the centerline of the access.

- Frontage Road (MP 96.48): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the turn movements in this intersection may be restricted. Ultimately, the north access will be removed when property is re-developed and alternate access is available. The south access will be relocated into Thompson Ranch and the access to SH 34 will be closed.
- MP 96.49 (south): Existing private access with median opening. Access will be removed when property re-develops.
- MP 96.55 (south): Existing private access without median opening. Access will be removed when property re-develops.
- MP 96.55 (median): Existing median opening. Access will be closed immediately by the Department.
- MP 96.63 (south): Existing private access without median opening. Access will be removed when property re-develops.
- MP 96.79 (south): Existing private access with median opening. Access will be removed when adjacent property develops and/or a future public road is established on both sides of

SH 34. Before the establishment of a public road at this location, turn lanes would be added in accordance to current Access Code standards to improve U-turn operations and safety.

- LCR 5 (MP 96.79): A future public road access on both sides of SH 34. In the interim, this access will be a signalized intersection once signal warrants are met. The new intersection shall be constructed in accordance with current Access Code standards. Ultimately, a split diamond interchange with LCR 3E requiring the west ramps to be braided with flyover ramps from the I-25/SH 34 interchange will be allowed based on the availability of funding and approval of the Department and the local authority.
- MP 96.86 (south): Existing private access without median opening. Access will be removed when property re-develops.
- MP 96.99 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 97.08 (south): Existing private access without median opening. Access will be removed when property re-develops.
- MP 97.27 (north): An existing private access with median opening. Access will be removed when adjacent property develops and/or a future public road is established on both sides of SH 34.
- MP 97.28 (south): An existing private access with median opening. Access will be removed when adjacent property develops and/or a future public road is established on both sides of SH 34.
- LCR 3E (MP 97.28): A future public road access on both sides of SH 34. The new intersection shall be constructed in accordance with current Access Code standards. In the interim, this public road will be allowed to function as a full movement signalized intersection once signal warrants are met. Ultimately, a split diamond interchange with LCR 5 will be allowed based on the availability of funding and approval of the Department and the local authority.
- MP 97.29 (south): An existing private access with median opening. Access will be removed when adjacent property develops and/or a future public road is established on both sides of SH 34.
- MP 97.30 (north): An existing private access with median opening. Access will be removed when adjacent property develops and/or a future public road is established on both sides of SH 34.
- MP 97.33 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 97.46 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 97.60 (south): Existing private access without median opening. Access will be removed when property re-develops.

- UP Railroad Crossing (MP 97.64): Existing at-grade railroad crossing. In the interim, this crossing will remain. Ultimately, the highway would be constructed over the railroad depending on the availability of funding and approval of the Department and UP Railroad.
- LCR 3 (MP 97.79): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the access will be modified to become a full movement, signalized intersection once signal warrants are met. In the ultimate condition, an interchange will be allowed based on the availability of funding and approval of the Department, the local authority and the UP railroad. The interchange ramps will be right-in/right-out accesses on both sides of SH 34 and will be located west of LCR 3. Before signalization, intersection improvements in accordance with current Access Code standards may be necessary to address capacity and safety concerns.
- MP 98.04 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 98.25 (north): Existing private access with median opening. Median access will be closed and turn movements will be restricted. Ultimately, access will be removed when property re-develops.
- MP 98.26 (south): Existing private access with median opening. Median access will be closed and turn movements will be restricted.
- MP 98.36 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 98.37 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 98.50 (south): Existing private access with median opening. Median access will be closed and turn movements will be restricted.
- MP 98.51 (north): Existing private access with median opening. Median access will be closed and turn movements will be restricted. Ultimately, access will be removed when property re-develops.
- County Line Road (MP 98.83): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, this access will allowed to be upgraded to a signalized intersection once signal warrants are met. Ultimately, a diamond interchange will be allowed based on the availability of funding and approval of the Department and the local authority. Before signalization, intersection improvements in accordance with current Access Code standards may be necessary to address capacity and safety concerns.
- MP 99.03 (north): Existing private access without median opening. Access will be closed when property re-develops.
- Great Western Railroad Crossing (MP 99.09): Existing at-grade railroad crossing. In the interim, this crossing will remain. Ultimately, the highway would be constructed over the

railroad depending on the availability of funding and approval of the Department and UP Railroad.

- MP 99.18 (north): Existing private access without median opening. Access will be closed when property re-develops.
- MP 99.22 (south): Existing private access without median opening. Access will be closed when property re-develops.
- MP 99.28 (south): Existing private access without median opening. Access will be closed when property re-develops.
- MP 99.38: Median opening to be closed.
- WCR 15 (MP 99.81): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. An immediate improvement at this access is a westbound left turn acceleration lane. In the interim, this intersection will continue to function as a full movement, unsignalized intersection. Ultimately, this access will be modified to function as a $\frac{3}{4}$ movement intersection if a parallel roadway connection is provided between WCR 13 and WCR 15. Intersection improvements in accordance with current Access Code standards may be necessary to address capacity and safety concerns.
- MP 100.09 (south): Existing private access without median opening. Access will be removed when property re-develops.
- MP 100.22 (south): Existing private access without median opening. Access will be removed when property re-develops.
- MP 100.31 (north): Existing private access with median opening. Median access will be closed and turn movements will be restricted. Ultimately, access will be removed when property re-develops.
- MP 100.32 (north): Existing private access with median opening. Median access will be closed and turn movements will be restricted. Ultimately, access will be removed when property re-develops.
- MP 100.58 (south): Existing private access without median opening. Access will be removed when property re-develops.
- MP 100.63 (north): Existing private access without median opening. Access will be removed when property re-develops.
- WCR 17 (MP 100.87): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, this access will allowed to be upgraded to a signalized intersection once signal warrants are met. Ultimately, a diamond interchange will be allowed based on the availability of funding and approval of the Department and the local authority. Before signalization, intersection improvements in accordance with current Access Code standards may be necessary to address capacity and safety concerns.

- MP 100.93 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 101.17 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 101.22 (north): Existing private access without median opening. Access will be removed when surrounding property develops and alternative access is provided.
- MP 101.30 (north): Existing private access with median opening. Access will be removed when surrounding property develops and alternative access is provided.
- MP 101.30 (south): Existing private access with median opening. Median access will be closed and turn movements will be restricted. Ultimately, access will be removed when property re-develops.
- MP 101.78 (north & south): Existing private access on both sides of SH 34, with median opening. Access will be a full movement, unsignalized intersection until land re-develops, then access will be closed or an overpass will be provided.
- MP 102.07 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 102.28 (north): Existing private access without median opening. Access will be removed when property re-develops.
- SH 34 Business (MP 102.48): Existing interchange to remain.
- SH 257 (MP 102.80): Existing diamond interchange to remain.
- MP 103.05 (north): Existing private access without median opening. Access will be removed at first opportunity.
- MP 103.30 (north): Existing private access without median opening. Access will be removed at first opportunity.
- MP 103.30 (south): Existing private access without median opening. Access will be closed when property re-develops.
- Promontory Parkway (MP 103.79): An existing public road access on the north side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, this access will be allowed to be upgraded to a signalized intersection once signal warrants are met. Ultimately, a diamond interchange will be allowed based on the availability of funding and approval of the Department and the local authority. Before signalization, intersection improvements in accordance with current Access Code standards may be necessary to address capacity and safety concerns.
- MP 103.79 (south): Existing private access with median opening. Access will be closed when property redevelops and/or a public road is established at this location.

- MP 103.95 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 104.12 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 104.14 (north): Existing private access without median opening. Access will be removed at first opportunity.
- MP 104.29 (north): Existing private access without median opening. Access will be removed at first opportunity.
- MP 103.29 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- 95th Avenue (MP 104.77): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, this access will be modified to a $\frac{3}{4}$ movement intersection if a parallel roadway connection is provided to Promontory Parkway.
- MP 105.02 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 105.41 (north): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 105.42 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 105.65 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- Two Rivers Parkway (MP 105.91): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, this access will be allowed to be upgraded to a signalized intersection once signal warrants are met. Ultimately, a diamond interchange will be allowed based on the availability of funding and approval of the Department and the local authority. Before signalization, intersection improvements in accordance with current Access Code standards may be necessary to address capacity and safety concerns.
- MP 106.08 (north): Existing private access without median opening. Access will be removed when property re-develops.
- MP 106.49 (north): Existing private access without median opening. Access will be removed when properties re-develop and cross access to adjacent parcels is available.

- MP 106.49 (south): Existing private access without median opening. Access will be removed when properties re-develop and cross access to adjacent parcels is available.
- MP 106.51 (north): Existing private access without median opening. Access will be removed when properties re-develop.
- 71st Avenue (MP 107.10): An existing public road access on the south side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, this access will be modified to function with $\frac{3}{4}$ movements on the north side and right-in/right-out movements on the south side with cross access to 65th Avenue. In addition, intersection improvements in accordance with current Access Code standards would be necessary to address capacity and safety concerns. Ultimately, this access would continue to function with $\frac{3}{4}$ movements on the north side and right-in/right-out movements on the south side.
- MP 107.13 (south): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 107.32 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 107.42 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- 65th Avenue (MP 107.61): An existing public road access on both sides of SH 34. This access currently functions as a full movement, signalized intersection. In the interim, this access will remain a signalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, a diamond interchange will be allowed based on the availability of funding and approval of the Department and the local authority.
- MP 107.70 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 107.92 (north): Existing private access without median opening. Access will be removed at first opportunity.
- MP 107.92 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 107.96 (south): Existing private access with median opening. Median access will be closed and turn movements will be restricted. Ultimately, access will be removed when property re-develops.
- MP 108.10 (north): Existing private access with median opening. Access will remain open for single family residence.
- MP 108.10 (south): Existing private access with median opening. Access will be removed when properties re-develop.

- MP 108.32 (north): Existing private access without median opening. Access will be removed at first opportunity.
- MP 108.32 (south): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 108.44 (north): Existing private access with median opening. Median access will be closed and turn movements will be restricted. Ultimately, access will be removed when property re-develops.
- MP 108.44 (south): Existing private access with median opening. Median access will be closed and turn movements will be restricted. Ultimately, access will be removed when property re-develops.
- MP 108.55 (north): Existing private access without median opening. Access will remain for existing use.
- 47th Avenue (MP 109.11): An existing public road access on both sides of SH 34. This access currently functions as a full movement, signalized intersection. In the interim, this access will remain a signalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, a diamond interchange will be allowed based on the availability of funding and approval of the Department and the local authority.
- MP 109.26 (south): Existing private access with median opening. Access will be removed at first opportunity.
- MP 109.42 (north): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 109.54 (north): Existing private access without median opening. Access will be removed when properties re-develop.
- MP 109.62 (north): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 109.62 (south): Existing private access with median opening. Access may remain open as emergency access only, if needed.
- MP 109.80 (north): Existing private access without median opening. Access will be removed when properties re-develop.
- 35th Avenue (MP 110.23): An existing public road access on both sides of SH 34. This access currently functions as a full movement, signalized intersection. In the interim, this access will remain a signalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, an interchange will be allowed based on the availability of funding and approval of the Department and the local authority.

- MP 110.56 (south): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 110.75 (median opening): Existing median opening to remain open.
- 23rd Avenue (MP 111.23): An existing interchange with SH 34 to remain with enhancements to ramps and the cross street to improve operations.
- 17th Avenue (MP 111.74): An existing public road access on both sides of SH 34. This access currently functions as a full movement, signalized intersection. Interim improvements may be necessary to address capacity and safety concerns. Ultimately, this access will remain a signalized intersection.
- MP 112.00 (south): Existing private access without median opening. Access will be removed at first opportunity.
- MP 112.08 (south): Existing private access without median opening. Access will be removed at first opportunity.
- 11th Avenue (MP 112.23): An existing public road access on both sides of SH 34. This access currently functions as a full movement, signalized intersection. Interim improvements may be necessary to address capacity and safety concerns. Ultimately, this access will remain a signalized intersection.
- US 85 Bypass / SH 34 Bypass (MP 112.59): An existing interchange with SH 34. See ultimate plan for potential modifications at this interchange. Modifications would be dependent on the availability of funding and approval of the Department and the local authorities.
- 1st Avenue (MP 113.82): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. In addition, a connection to Balsam Avenue would be provided. Ultimately, this access will be modified to a $\frac{3}{4}$ movement intersection (both sides of highway).
- MP 114.50 (north): Existing private access with median opening. Access and median opening will be removed at first opportunity.
- MP 114.50 (south): Existing private access with median opening. Access and median opening will be removed at first opportunity.
- MP 114.51 (south): Existing private access without median opening. Access will be removed at first opportunity.
- WCR 45 (MP 115.20): An existing public road access on the south side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, this access will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and

safety concerns. Ultimately, the median opening will be closed and this access will be converted to a right in/right out intersection when cross access is provided to the SH 34 Business Route.

- SH 34 Business (MP 115.41): An existing public road access on the north side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, this access will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, the intersection would be signalized and a new public road would be established on the south side of SH 34.
- MP 115.47 (south): Existing private access with median opening. Access will be removed when property re-develops.
- MP 115.50 (north): Existing private access with median opening. Access will be removed when property re-develops.
- MP 115.68 (south): Existing private access with median opening. Access will be removed when property re-develops.
- MP 115.74 (north): Existing private access with median opening aligning with WCR 45.5. Ultimately, access will remain open. Intersection improvements in accordance with current Access Code standards may be necessary to address capacity and safety concerns.
- WCR 45.5 (MP 115.74): An existing public road access on the south side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, this access will be modified to a $\frac{3}{4}$ movement intersection.
- MP 115.85 (north): Existing emergency only access with median opening. Access will remain as such, if necessary.
- MP 116.00 (south): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 116.17 (south): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 116.21 (south): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 116.25 (north): Existing private access with median opening. Access aligns with WCR 47 and will remain open.
- WCR 47 (MP 116.25): An existing public road access on the south side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, this access will be modified to a $\frac{3}{4}$ movement intersection.

- MP 116.26 (north): Existing private access with median opening. Access will be combined with private access located at MP 116.25 (north).
- MP 116.29 (south): Existing private access with median opening. Access will be closed when property re-develops.
- MP 116.34 (south): Existing private access with median opening. Access will be closed when property re-develops.
- MP 116.49 (north): Existing private access with median opening. Access will be closed when property re-develops.
- WCR 47.5 (MP 116.74): An existing public road access on the north side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, this access will be modified to a ¾ movement intersection.
- MP 116.74 (south): Existing private access with median opening. Access aligns with WCR 47.5 and will remain open.
- MP 116.78 (south): Existing private access with median opening. Access will be removed when properties re-develop and use access across from WCR 47.5 at MP 116.74.
- MP 116.80 (south): Existing private access with median opening. Access will be removed when properties re-develop and use access across from WCR 47.5 at MP 116.74.
- MP 116.95 (north): Existing private access with median opening. Access will be removed when property re-develops.
- MP 117.25 (north): Existing private access with median opening. Access aligns with WCR 49 and will remain open.
- WCR 49 (MP 117.25): An existing public road access on the south side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, this access will function as a full movement, signalized intersection.
- MP 117.27 (north): Existing private access with median opening. Access will be removed at first opportunity.
- MP 117.27 (south): Existing private access with median opening. Access will be removed at first opportunity.
- MP 117.32 (north): Existing private access with median opening. Access will be closed when property re-develops and cross access provided to WCR 49.

- MP 117.57 (south): Existing private access with median opening. Access will be removed when property re-develops and cross access provided to WCR 49 or WCR 49.5.
- MP 117.62 (south): Existing private access with median opening. Access will be removed when property re-develops and cross access provided to WCR 49.5.
- MP 117.71 (south): Existing private access with median opening. Access will be removed when property re-develops and cross access provided to WCR 49.5.
- MP 117.74 (north): Existing private access with median opening. Access aligns with WCR 49.5 and will remain open as a $\frac{3}{4}$ movement intersection.
- WCR 49.5 (MP 117.74): An existing public road access on the south side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, this access will be modified to a $\frac{3}{4}$ movement intersection.
- MP 117.76 (south): Existing private access with median opening. Access will be removed when property re-develops and cross access provided to WCR 49.5.
- MP 117.87 (north): Existing private access with median opening. Access will be removed when property re-develops.
- MP 117.89 (south): Existing private access with median opening. Access will be removed when property re-develops.
- MP 118.03 (south): Existing private access with median opening. Access will be removed when property re-develops.
- MP 118.09 (south): Existing private access with median opening. Access will be removed when property re-develops.
- MP 118.14 (south): Existing private access with median opening. Access will be removed when property re-develops.
- MP 118.16 (north): Existing private access with median opening. Access will be removed when property re-develops and cross access provided to WCR 51.
- MP 118.20 (north): Existing private access with median opening. Access aligns with WCR 51 and will remain open.
- WCR 51 (MP 118.20): An existing public road access on the south side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Ultimately, this access will function as a full movement, signalized intersection.

- MP 118.44 (south): Existing private access with median opening. Access will be closed when property develops and/or a public road is established at this location.
- New Public Road (MP 118.44): A future public road access on the south side of SH 34. The new intersection shall be constructed in accordance with current Access Code standards. In the interim, this public road will be allowed to function as right-in/right-out intersection. Ultimately, this access will continue to function as a right-in/right-out intersection.
- MP 118.48 (north): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 118.67 (south): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 118.70 (north): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 118.71 (south): Existing private access with median opening. Access will be removed when properties re-develop.
- MP 118.74 (north): Existing private access with median opening. Access will be removed when properties re-develop.
- Kersey Road Business Route (MP 118.86): An existing public road access on the south side of SH 34. This access currently functions as a one-way movement, unsignalized intersection. In the interim, intersection improvements may be necessary to address capacity and safety concerns. Ultimately, this access will remain a one-way movement, unsignalized intersection.
- SH 37/1st Street (MP 119.17): An existing public road access on both sides of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, this access will allowed to be upgraded to a signalized intersection once signal warrants are met. Before and after signalization, intersection improvements in accordance with current Access Code standards may be necessary to address capacity and safety concerns. Ultimately, this access will function as a full movement, signalized intersection.
- MP 119.69 (north): Existing private access with median opening. Access will be removed when property re-develops and/or a public road is established at this location.
- 9th Street (MP 119.69): An existing public road access on the south side of SH 34. This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access Code standards to address capacity and safety concerns. Also, a future public road from the north will be allowed to access SH 34 at this intersection. Ultimately, this access will be allowed to function as a full movement signalized intersection.
- WCR 56/WCR 55 (MP 120.02): This access currently functions as a full movement, unsignalized intersection. In the interim, the intersection will continue to function as a full movement, unsignalized intersection with improvements in accordance with current Access

Code standards to address capacity and safety concerns. Ultimately, this access will be closed when a new intersection to the east (MP 120.02) is provided.

- New WCR 55 Intersection (MP 120.22): A future public road access on both sides of SH 34 that provides a connection to WCR 56. In the interim, this access does not exist. Ultimately, the new intersection shall be constructed in accordance with current Access Code standards and would be allowed to function as a full movement unsignalized intersection once signal warrants are met.

EXHIBIT B: ACCESS PLAN ILLUSTRATED

The attached Exhibit B is for general illustration and only for the ease of locating access points. Refer to the text of Exhibit A for accurate access location information.

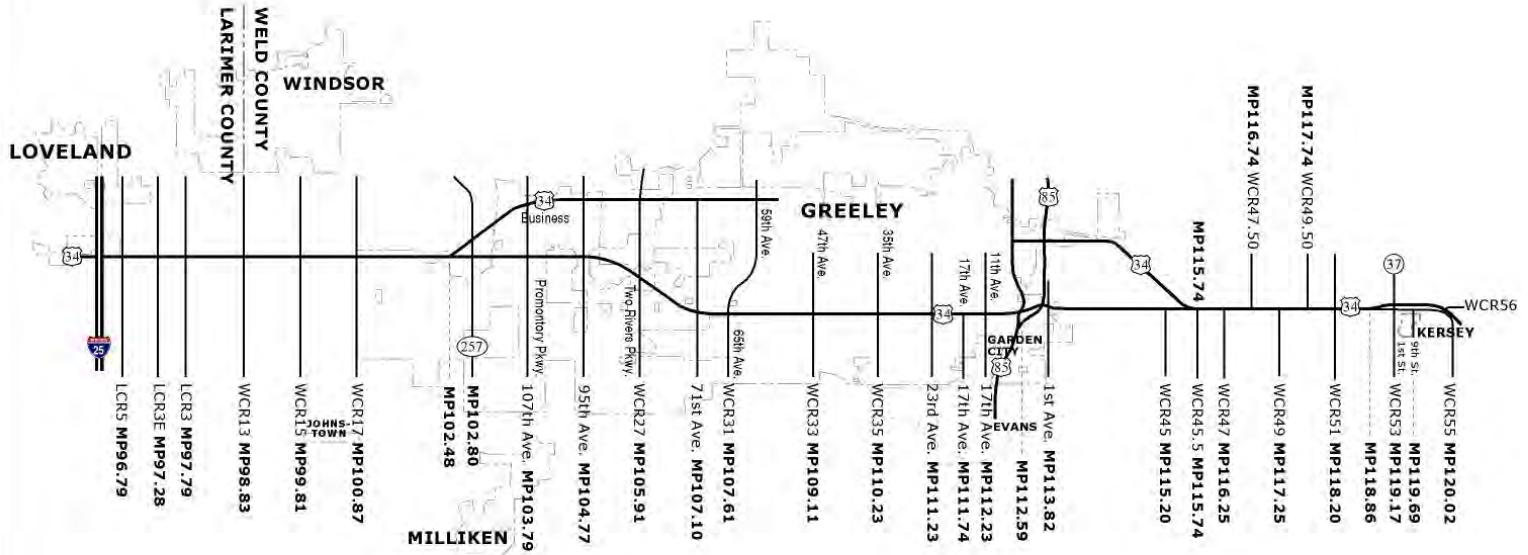


Exhibit B
(February 21, 2003)

US 34 Corridor Map



EXHIBIT C
(February 20, 2003)
ACCESS CONTROL PLAN
SH 34
INTERSTATE TO WELD COUNTY 55
CITY OF EVANS, CITY OF GREELEY
TOWN OF JOHNSTOWN, TOWN OF KERSEY, LARIMER COUNTY,
CITY OF LOVELAND, WELD COUNTY, TOWN OF WINDSOR
AND THE STATE OF COLORADO DEPARTMENT OF TRANSPORTATION

ACCESS PLAN AMENDMENT PROCESS

1. Any request for amendment must be submitted to the Department by a signatory of the IGA (an Agency). The amendment must be located within the jurisdiction and have the written support of the submitting signatory. The amendment request shall include the following documents:
 - Description of Access
 - Justification for Amendment
 - Supporting Traffic Analysis
 - A List of Design Waivers and Corresponding Action
 - A Plan Clearly Depicting the Access Modification including Dimensions as Appropriate
2. The Department shall review the submittal for completeness and for consistency with the Access Control Plan and the Access Code.
3. If the amendment request is found to be complete, it will be forwarded to all members of the Advisory Group designated below with a brief report prepared by the Department.
 - The Advisory Group will be comprised of one representative from each signatory.
 - With all amendment requests, the Department will schedule a meeting within 45 days of receiving a complete amendment request. At that meeting, the sponsoring signatory will be given an opportunity to present its request. Also, the Department will present a review of the request, addressing technical features, operational issues and resulting design waivers. All signatories will have the opportunity to comment on the request and ask questions.
4. After the Advisory Group has reviewed and discussed the amendment request, each signatory will have 30 days to make a decision on whether to accept or decline the amendment. The signatories of the Advisory Group will submit their vote to the Department in writing, and an affirmative vote of 2/3 or more of the signatories will be necessary to approve the amendment. The lack of response of an Advisory Group signatory within the 30-day period will be interpreted as a "decline" decision. The Department will notify all signatories within 35 days of the meeting relative to the Group's decision; a tally sheet documenting each signatory's vote will be provided. Any amendment request that results in a violation of the Access Code or is not an improvement of a substandard situation will not be considered. Further, any amendment request that relaxes the restrictive nature of the Access Control Plan must include an affirmative Department vote as part of the 2/3 signatories' approval.