

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 1015**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING WITH  
CONDITIONS THE WATERFRONT FILING NO. 1 FINAL PLAT**

**WHEREAS**, the Town of Mead (“Town”) is authorized pursuant to Title 31, Article 23, C.R.S. and the Town of Mead Municipal Code (“MMC”) to regulate the subdivision of land, streets and utilities within the Town for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

**WHEREAS**, Tharaldson Ethanol Plant I, L.L.C., a Nevada limited liability company (“Owner”) has submitted an application for the Waterfront Filing No. 1 Final Plat (the “Final Plat”) for the 586.07-acre property, known as the Waterfront Property, generally located west of I-25, north of the St. Vrain River, east of Third Street (CR 7), and south of State Highway 66, in the Town of Mead, County of Weld, State of Colorado, as more particularly described in the Final Plat (the “Property”); and

**WHEREAS**, a copy of the Final Plat is attached to this Ordinance as **EXHIBIT 1** and is incorporated herein by reference; and

**WHEREAS**, Owner is the current fee owner of record of the Property; and

**WHEREAS**, Section 16-4-70 of the Mead Municipal Code (“MMC”) authorizes administrative staff review and approval of the Final Plat, subject to adoption by ordinance of the Board of Trustees; and

**WHEREAS**, the Planning Commission held a public hearing on April 20, 2022, regarding the Waterfront Filing No. 1 Preliminary Plat (the “Preliminary Plat”) and, following the conclusion of the public hearing, recommended conditional approval of the Preliminary Plat to the Board of Trustees, subject to standard conditions, via Resolution No. 03-PC-2022; and

**WHEREAS**, the Final Plat generally conforms to the Preliminary Plat, which was reviewed and conditionally approved by the Board of Trustees by Resolution No. 38-R-2022, dated May 9, 2022; and

**WHEREAS**, the administrative record for this matter includes, but is not limited to, the Town of Mead Land Use Code, the Town of Mead Comprehensive Plan, all other applicable ordinances, resolutions and regulations, the staff files and reports of the Community Development Director and Town Engineer related to the Final Plat, any and all submittals by the Owner and members of the public, and the tape recordings and minutes of the Board of Trustees meeting at which the Final Plat was considered; and

**WHEREAS**, Town staff has determined that the Final Plat meets all applicable requirements of the Town of Mead Land Use Code and MMC and that the review criteria set forth in Section 16-4-70(b)(8) of the MMC have been satisfied; and

**WHEREAS**, based on Town staff’s recommendation regarding the Final Plat and the



administrative record for this matter, the Board of Trustees desires to approve the Final Plat, subject to the conditions set forth below; and

**WHEREAS**, the Subdivision Improvement Agreement (“SIA”) for the Final Plat has been prepared in accordance with the requirements of Section 16-4-130 of the MMC, and is presently on file with the Town Clerk; and

**WHEREAS**, the Board of Trustees has determined that approval of the Final Plat will advance the public health, safety, convenience and general welfare of the residents of the Town, subject to the conditions of approval as hereinafter set forth.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1.** That the Final Plat designated as Waterfront Filing No. 1 is hereby approved subject to the following conditions of approval:

- a. Prior to, and as a condition of recordation of the Final Plat, the Owner shall resolve/correct any and all minor technical issues as directed by Town Staff; and
- b. Prior to, and as a condition of recordation of the Final Plat, the Owner shall address all comments from the Town’s engineering consultant, JVA, INC., and utility providers and shall revise the construction plans and drainage report for the Property accordingly; and
- c. The Owners shall pay all fees and costs incurred by the Town and its consultants, including without limitation legal fees and costs, for review and processing of the Final Plat application within forty-five (45) days of receiving an invoice from the Town. If the fees and costs are not paid within forty-five (45) days of receiving an invoice, the Town may withhold issuance of building permits or further approvals until the invoices have been paid; and
- d. Prior to, and as a condition of recordation of the Final Plat, the Owner shall:
  1. Acquire and dedicate to the Town all right-of-way required for construction of Weld County Road 28 improvements and roundabout improvements at Third Street and Weld County Road 28, in accordance with the approved construction plans and SIA; and
  2. Finalize and execute license agreements with the Highland Ditch Company, as required by Highland Ditch Company, and provide the final executed agreements to the Town; and
  3. Finalize and execute license agreements regarding the Outlet No. 3 crossing, as required by the utility provider, and provide the final executed agreements to the Town; and
  4. Finalize and execute license agreements regarding Sanborn Crossing, as required by the utility provider, and provide final executed agreements to the Town; and
  5. Enter into easement and/or easement vacation agreements with Little Thompson Water District, Longs Peak Water District, and Saint Vrain



- Sanitation District, as those utility providers may require, and provide final executed agreements to the Town; and
6. Enter into easement and/or easement vacation agreements with oil and gas providers including Western Midstream and Kerr McGee, as those oil and gas providers may require, and provide final executed agreements to the Town; and
  7. Obtain from Colorado Department of Transportation all required permits and approvals for the improvements to Weld County Road 28, in accordance with the approved construction plans and SIA, and provide same to the Town; and
  8. Provide an updated mineral estate owner certificate in accordance with Section 24-65.5-101 *et seq.*, C.R.S.; and
- e. The fully executed SIA shall be recorded in the Weld County real property records with the Final Plat; and
- f. The Town shall not issue building permits for any of Lots 1-5, Block 12 and Lots 8-12, Block 12 of Waterfront Filing No. 1 until such time that the Town is provided documentation that the proximate oil and gas wells to those lots have been plugged and abandoned in accordance with state law.

**Section 2.** The SIA is hereby approved, in substantially the form presently on file with the Town Clerk. The Town Manager and Town Attorney shall be authorized to negotiate and make non-material changes to the SIA that do not increase the Town's obligations. The Town Manager shall be authorized to execute the SIA on behalf of the Town once the SIA has been finalized.

**Section 3.** Subject to review and approval of the Final Plat mylar by the Town Staff, and satisfaction of the conditions set forth in Section 1 above, the Mayor and other Town officials, as applicable, are hereby authorized to sign the Final Plat mylar.

**Section 4. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 5. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 6. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 7. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted ordinance available for inspection by the public during regular business hours.



**INTRODUCED, READ, PASSED AND ADOPTED THIS 1ST DAY OF NOVEMBER, 2022.**

**ATTEST:**

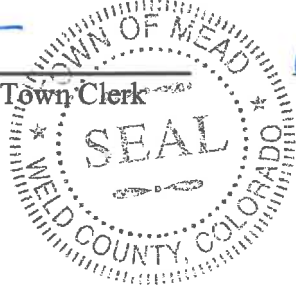
**TOWN OF MEAD:**



Mary E. Strutt, MMC, Town Clerk



Colleen G. Whitlow, Mayor







**EXHIBIT 1**  
**Waterfront Filing No. 1 Final Plat**  
**(Attached on the next page)**



CERTIFICATE OF OWNERSHIP AND DEDICATION

THE UNDERSIGNED IS THE OWNER OF CERTAIN LOTS IN THE TOWN OF MEAD, COLORADO, DESCRIBED HEREIN... THE UNDERSIGNED HEREBY CERTIFIES THAT THE LOTS DESCRIBED IN THIS CERTIFICATE ARE THE ONLY LOTS OWNED BY HIM...

- 1. TRACT A SOUTH 090'x20' WEST 1/4 SECTION 34, TOWNSHIP 3 NORTH, RANGE 68 WEST, COUNTY OF WELD, STATE OF COLORADO...
2. TRACT B SOUTH 090'x20' WEST 1/4 SECTION 34, TOWNSHIP 3 NORTH, RANGE 68 WEST, COUNTY OF WELD, STATE OF COLORADO...
3. TRACT C SOUTH 090'x20' WEST 1/4 SECTION 34, TOWNSHIP 3 NORTH, RANGE 68 WEST, COUNTY OF WELD, STATE OF COLORADO...

IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

THOMAS EMMETT PLANT, I, LLC, A NEVADA LIMITED LIABILITY COMPANY
BY COMMISSION EXPRESSES: \_\_\_\_\_
NOTARY PUBLIC

CERTIFICATE OF OWNERSHIP AND DEDICATION

THE UNDERSIGNED IS THE OWNER OF CERTAIN LOTS IN THE TOWN OF MEAD, COLORADO, DESCRIBED HEREIN... THE UNDERSIGNED HEREBY CERTIFIES THAT THE LOTS DESCRIBED IN THIS CERTIFICATE ARE THE ONLY LOTS OWNED BY HIM...

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THOMAS EMMETT PLANT, I, LLC, A NEVADA LIMITED LIABILITY COMPANY
BY COMMISSION EXPRESSES: \_\_\_\_\_
NOTARY PUBLIC

WATERFRONT FILING NO. 1

FINAL PLAT
LOCATED IN THE SOUTH HALF OF SECTION 27 AND SECTION 34, TOWNSHIP 3 NORTH, AND THE NORTH HALF OF SECTION 3, TOWNSHIP 2 NORTH, ALL OF RANGE 68 WEST 6TH P.M. TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO CONTAINING 586.072 ACRES± SHEET 1 OF 13

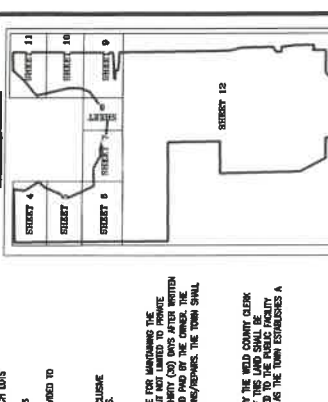
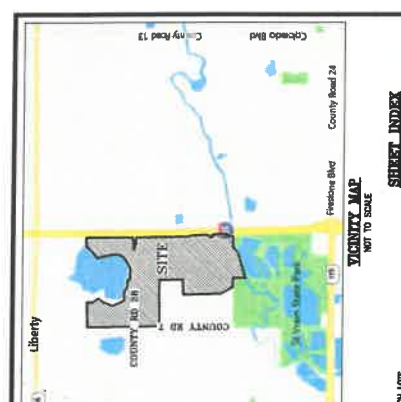
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IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

THOMAS EMMETT PLANT, I, LLC, A NEVADA LIMITED LIABILITY COMPANY
BY COMMISSION EXPRESSES: \_\_\_\_\_
NOTARY PUBLIC



CERTIFICATE OF FINAL STAFF REVIEW AND APPROVAL
THE FINAL PLAT SHOWN HEREON HAS BEEN REVIEWED AND APPROVED BY THE TOWN OF MEAD STAFF, WITH SUBMITTAL THEREAFTER TO THE BOARD OF TRUSTEES FOR ACCEPTANCE OF GRANTANCE, THIS 14th DAY OF \_\_\_\_\_, 2022.

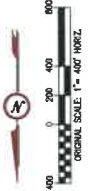
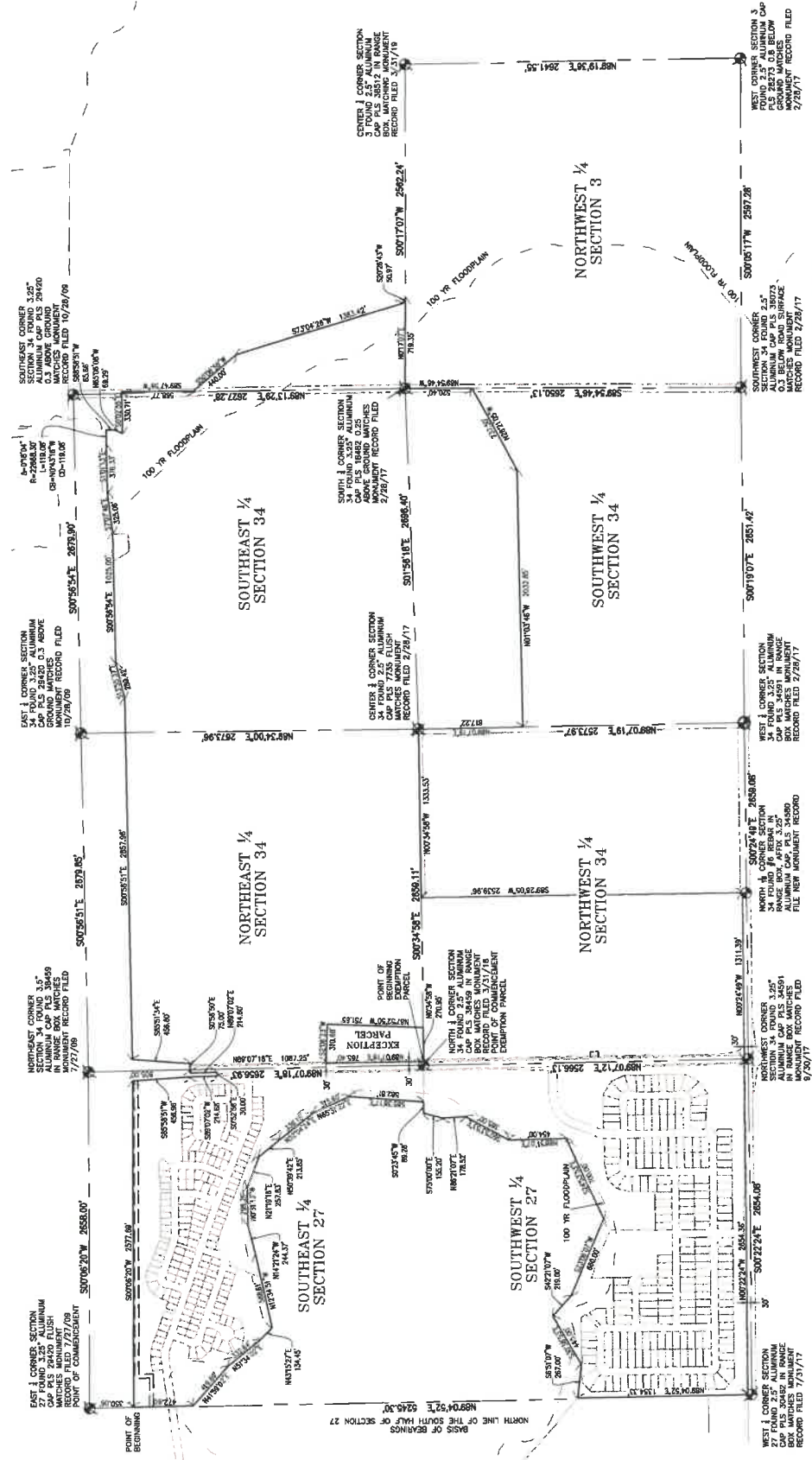
Table with columns: LAND USE, AREA (ACRES), and AREA (SQ FT). Rows include: OPEN SPACE, PUBLIC ACCESS, UTILITY, METRO DISTRICT, DEVELOPER, and METRO DISTRICT.

ROBERT J. HENNESSY, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE SURVEYING IN THE STATE OF COLORADO... ENGINEERING COMPANY

# WATERFRONT FILING NO. 1

FINAL PLAT

LOCATED IN THE SOUTH HALF OF SECTION 27 AND SECTION 34, TOWNSHIP 3 NORTH, AND THE  
NORTH HALF OF SECTION 3, TOWNSHIP 2 NORTH, ALL OF RANGE 68 WEST 6TH P.M.  
TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO  
CONTAINING 586.072 ACRES  
SHEET 2 OF 13



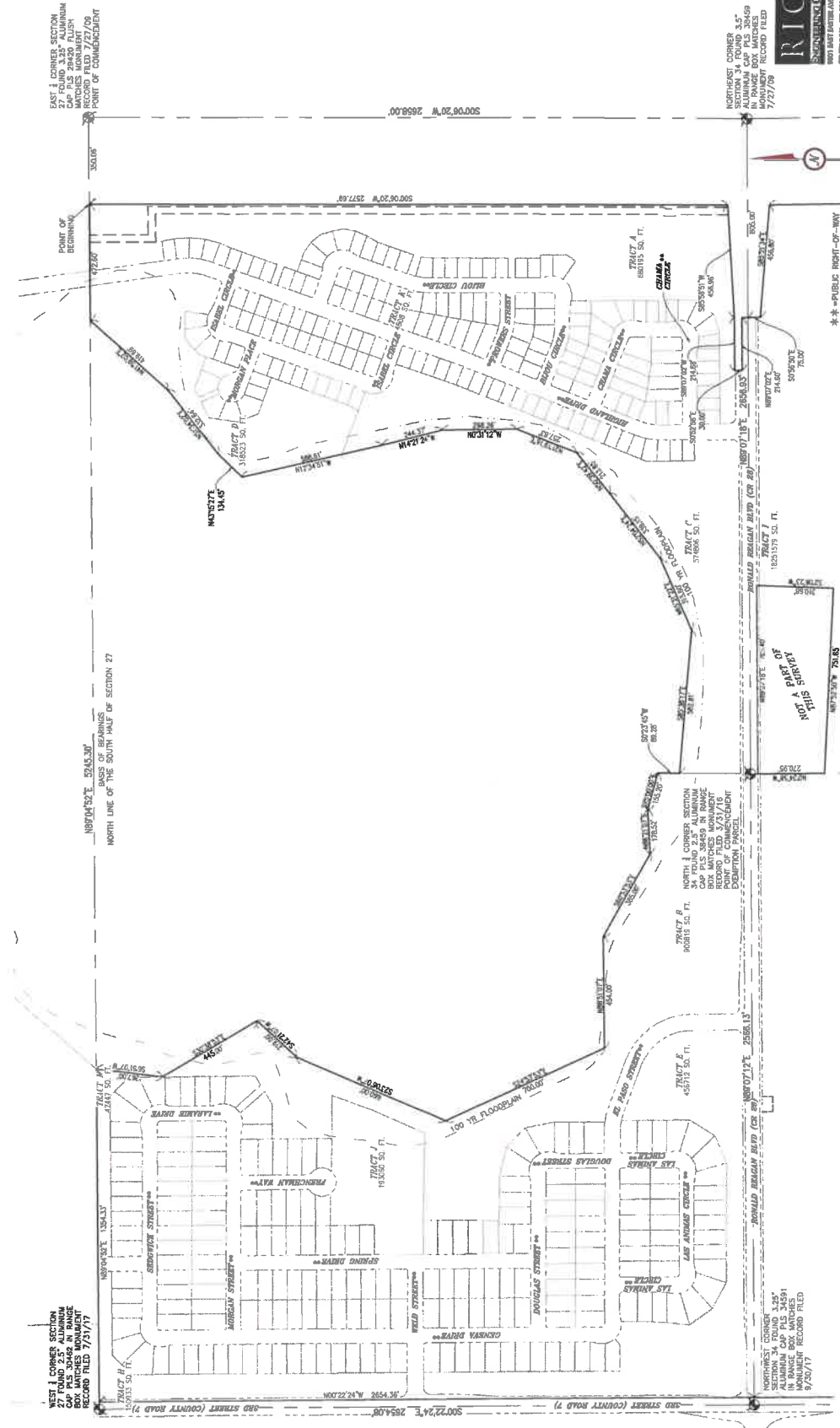
1000 COLOREDGE AVENUE, WATKINSVILLE, GA 30750, PHONE: 706.336.1111, FAX: 706.336.1112, WWW.RICKSURVEYING.COM, LICENSE NO. 11000, PROFESSIONAL SURVEYOR, STATE OF GEORGIA

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SHEET 3 OF 13



**RICK**  
 ENGINEERING & CONSULTING  
 8001 EAST EASTMAN AVE  
 CENTENNIAL, CO 80112  
 303.427.7200  
 www.rickeng.com

1" = 200'  
 0 100 200 300 400  
 FEET  
 GRAPHIC SCALE: 1" = 200' HORZ.

--- PUBLIC RIGHT-OF-WAY  
 --- 4' PUBLIC RIGHT-OF-WAY

NOT A PART OF THIS SURVEY

NORTHWEST CORNER SECTION 34 FOUND 1.22" ALUMINUM CAP PLS 38459 MONUMENT RECORD FILED 9/27/77

NORTHWEST CORNER SECTION 34 FOUND 1.22" ALUMINUM CAP PLS 38459 MONUMENT RECORD FILED 9/27/77

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NORTHWEST CORNER SECTION 34 FOUND 1.22" ALUMINUM CAP PLS 38459 MONUMENT RECORD FILED 9/27/77

WEST 1/4 CORNER SECTION 27 FOUND 2.5" ALUMINUM CAP PLS 38459 MONUMENT RECORD FILED 7/31/77

TRACT H 15,650 SQ. FT. 18°04'32"E 5845.30'

TRACT G 15,650 SQ. FT. 18°04'32"E 5845.30'

TRACT F 15,650 SQ. FT. 18°04'32"E 5845.30'

TRACT E 15,650 SQ. FT. 18°04'32"E 5845.30'

TRACT D 15,650 SQ. FT. 18°04'32"E 5845.30'

TRACT C 15,650 SQ. FT. 18°04'32"E 5845.30'

TRACT B 15,650 SQ. FT. 18°04'32"E 5845.30'

TRACT A 15,650 SQ. FT. 18°04'32"E 5845.30'

POINT OF BEGINNING

500°00'20" W 2585.00'

500°06'23" W 2377.68'

500°00'20" W 2585.00'

500°00'20" W 2585.00'

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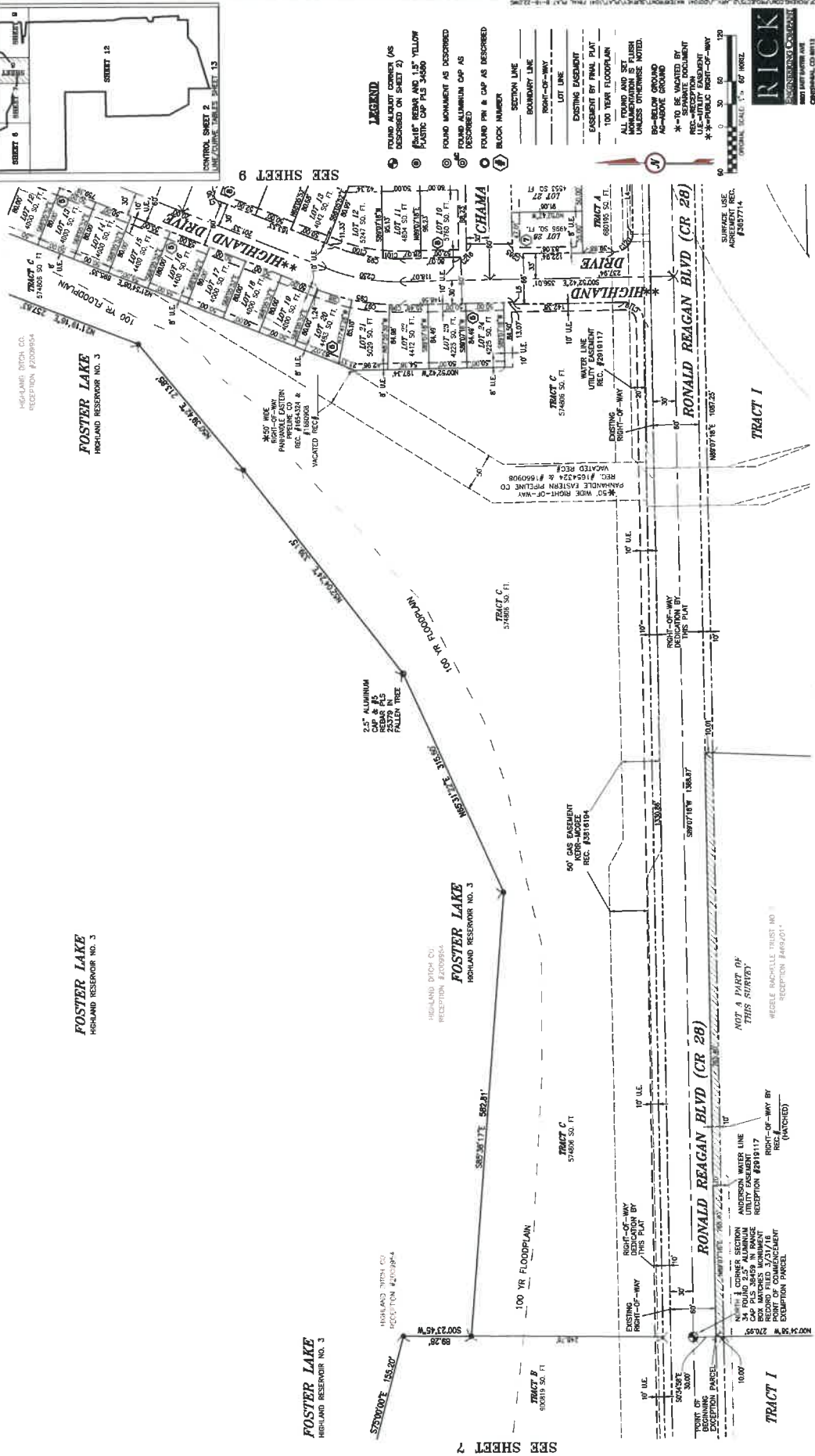
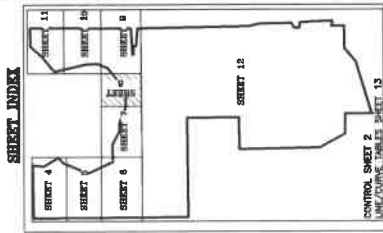


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SHEET 8 OF 13



SEE SHEET 12

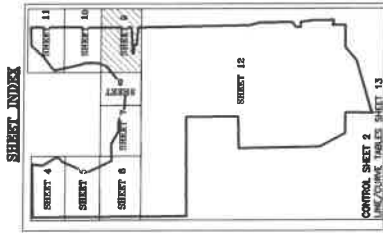
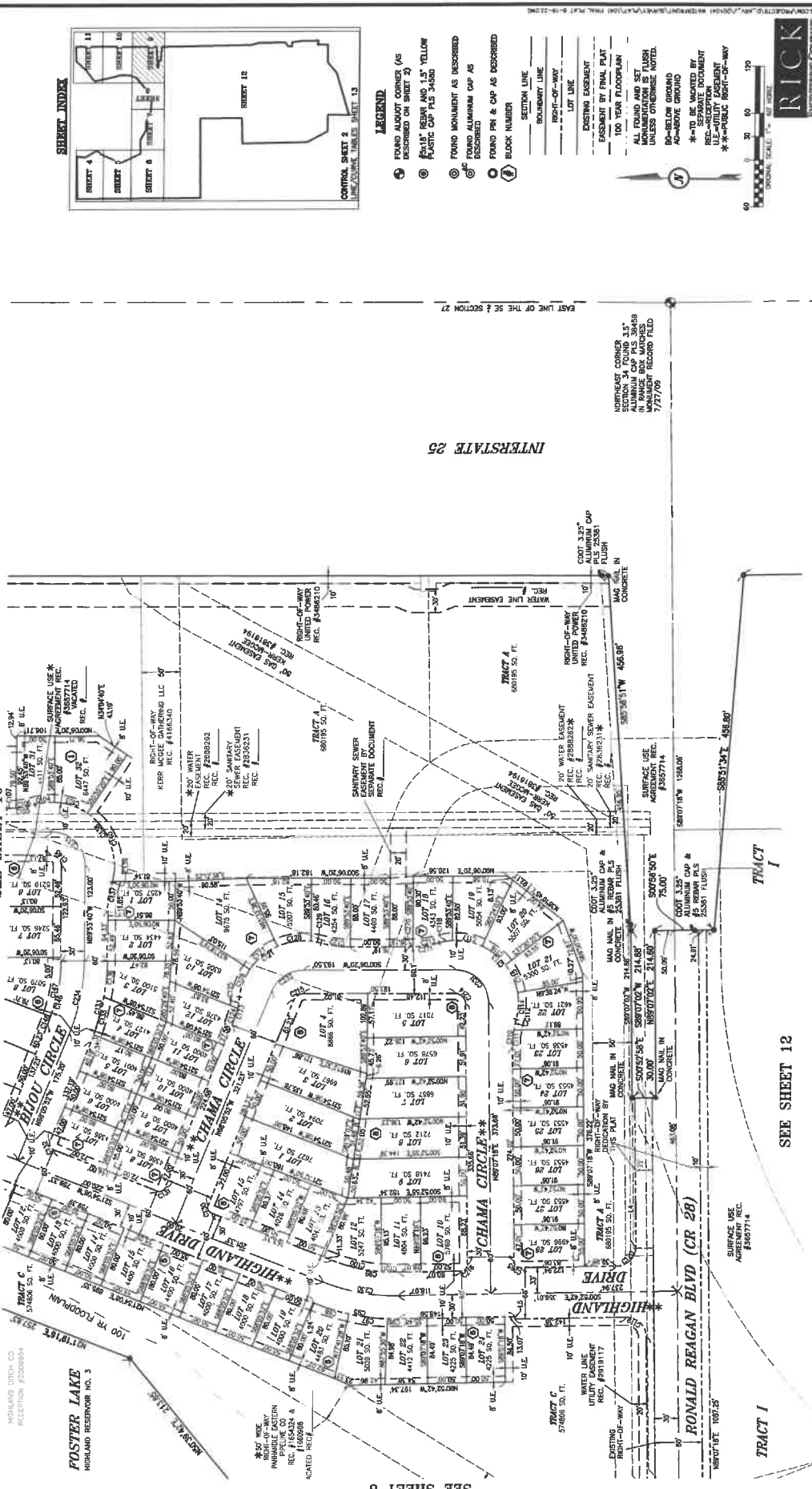
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TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO  
CONTAINING 586.072 ACRES

SHEET 9 OF 13

SEE SHEET 10



### LEGEND

- ④ FOUND ALMOST CORNER (AS DESCRIBED ON SHEET 2)
- ⑤ FOUND REBAR AND 1.5" YELLOW PLASTIC CAP PAS 3488
- ⑥ FOUND MONUMENT AS DESCRIBED
- ⑦ FOUND ALUMINUM CAP AS DESCRIBED
- ⑧ FOUND PIN & CAP AS DESCRIBED
- ⑨ BLOCK NUMBER

- SECTION LINE
- BOUNDARY LINE
- RIGHT-OF-WAY
- LOT LINE
- ENDING EASEMENT
- EASEMENT BY FINAL PLAT
- 100 YEAR FLOODPLAIN
- ALL FOUND AND SET MONUMENTATION IS FLUSH UNLESS OTHERWISE NOTED
- BE-BELOW GROUND
- AS-BEFORE GROUND
- \*-TO BE WANTED BY RECORDING OFFICE
- REC-RECEPTION
- U.S.-UTILITY EASEMENT
- \*-PUBLIC RIGHT-OF-WAY

N

ORIGINAL SCALE: 1" = 40' HORIZ.

**TRICK**

ENGINEERING CONSULTANTS

1001 EAST 11TH AVE

DENVER, CO 80218

TEL: 303.733.8888

WWW.TRICKENGINEERING.COM

SEE SHEET 8

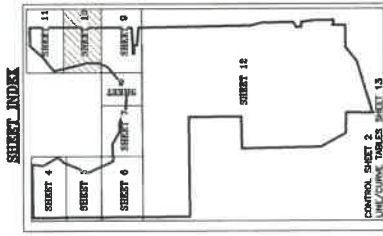
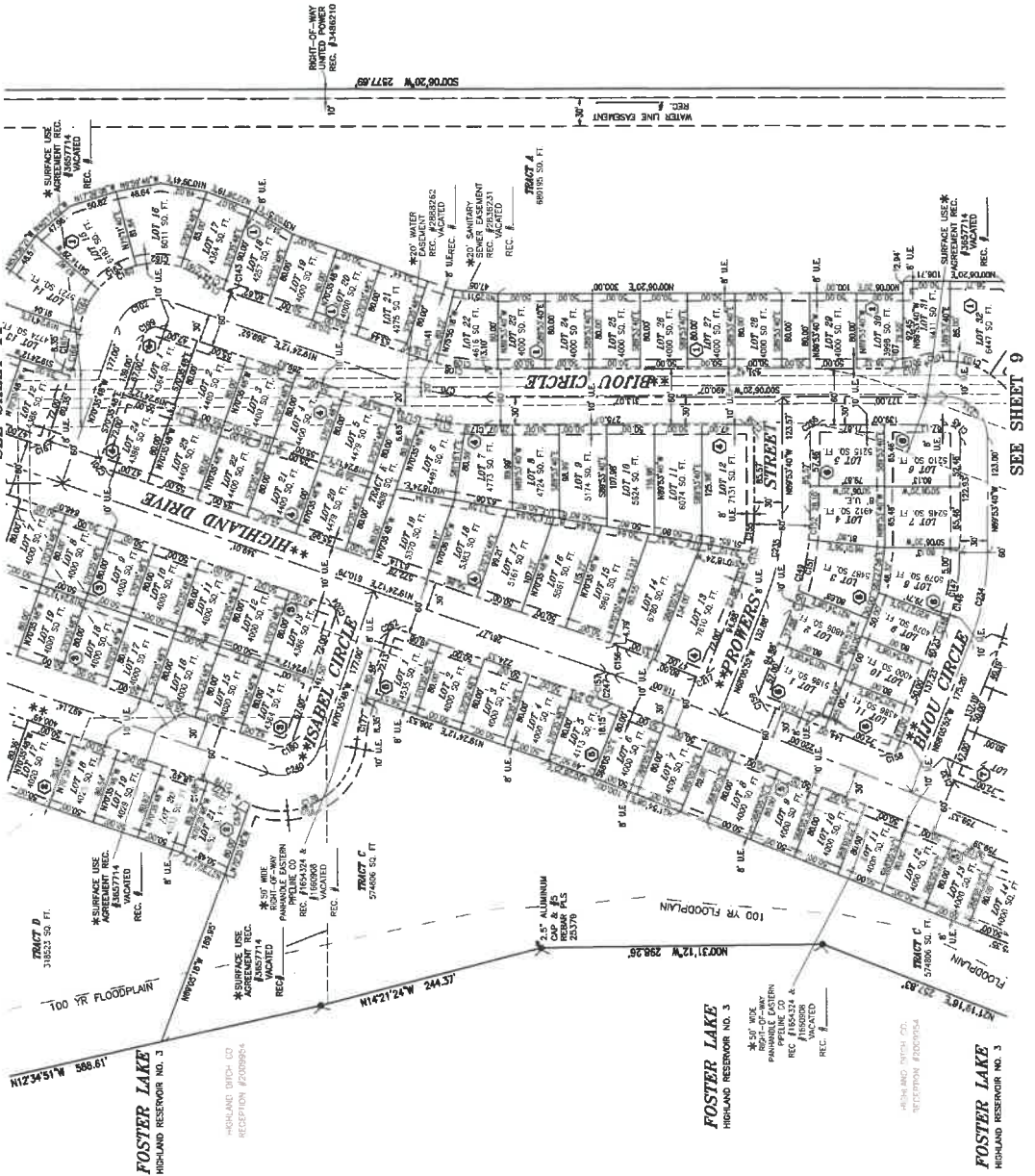
SEE SHEET 12

# WATERFRONT FILING NO. 1

FINAL PLAT

LOCATED IN THE SOUTH HALF OF SECTION 27 AND SECTION 34, TOWNSHIP 3 NORTH, AND THE NORTH HALF OF SECTION 3, TOWNSHIP 2 NORTH, ALL OF RANGE 68 WEST 6TH P.M. TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO CONTAINING 586.072 ACRES

SHEET 10 OF 13



### LEGEND

- ⊕ FOUND ALUMINUM CORNER (AS DESCRIBED ON SHEET 2)
- ⊙ 1/2" REBAR AND 1.5" YELLOW PLASTER CAP PLS. 3/8" DIA.
- ⊙ FOUND MONUMENT AS DESCRIBED
- ⊙ FOUND ALUMINUM CAP AS DESCRIBED
- ⊙ FOUND PIN & CAP AS DESCRIBED
- ⊙ BLOCK NUMBER
- SECTION LINE
- BOUNDARY LINE
- RIGHT-OF-WAY
- LOT LINE
- EXISTING EASEMENT
- EASEMENT BY FINAL PLAT
- 100 YEAR FLOODPLAIN
- ALL FOUND AND SET MONUMENTATION IS FLUSH UNLESS OTHERWISE NOTED
- \* TO BE WANTED BY SEPARATE INSTRUMENT
- \*\* PUBLIC RIGHT-OF-WAY



ORIGINAL SCALE 1" = 80' N.T.S.

**RICK**  
 ENGINEERS & ARCHITECTS  
 1001 EAST WATSON AVE  
 CENTENNIAL, CO 80112  
 303.949.8888

INTERSTATE 25

EAST LINE OF THE SE 1/4 SECTION 27

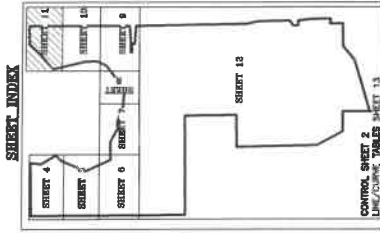
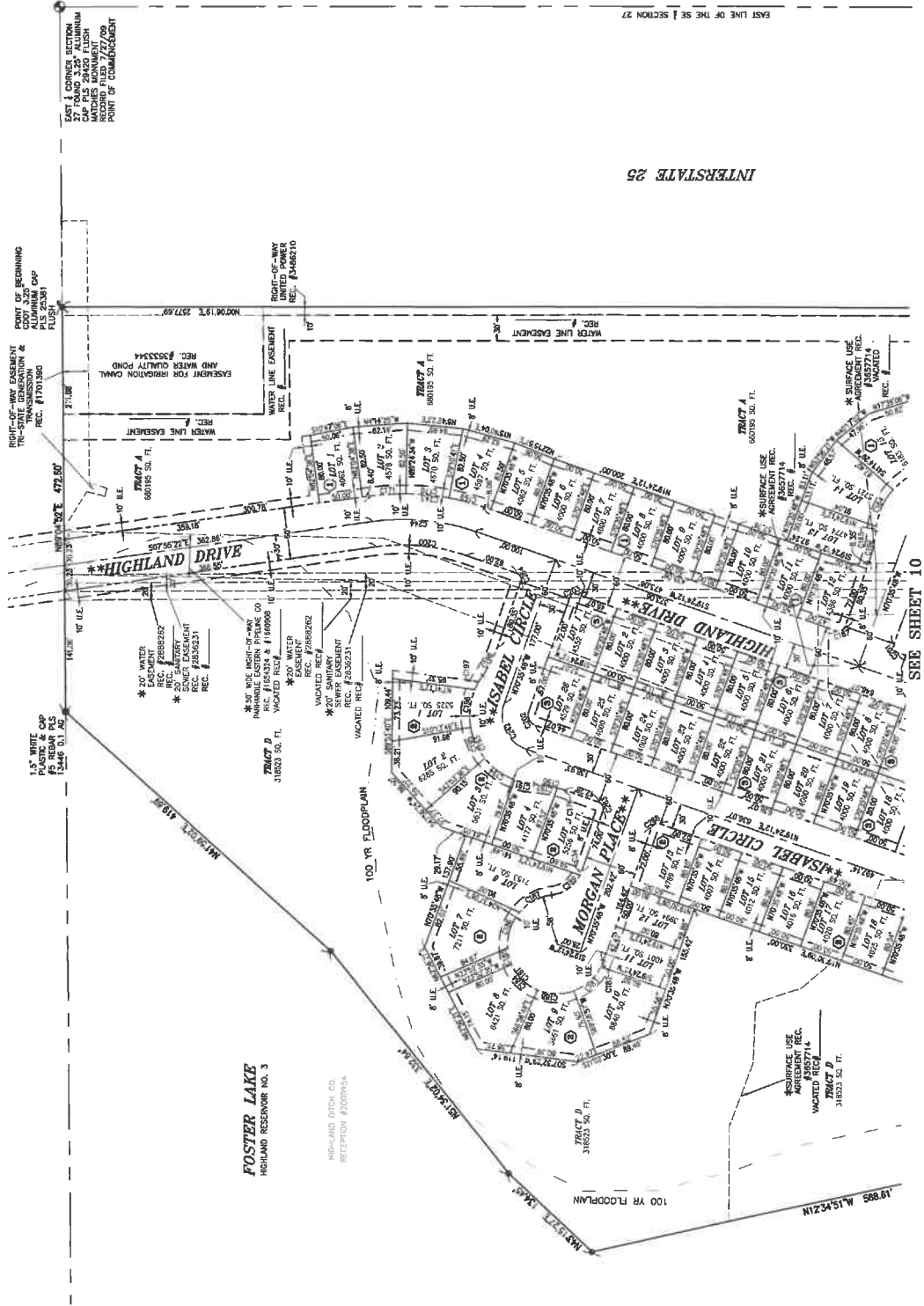


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SHEET 11 OF 13



- LEGEND**
- ⊕ FOUND ALUMINUM CAP (AS DESCRIBED ON SHEET 2)
  - ⊙ 18" BARS AND 1/2" YELLOW PLASTIC CAP (AS DESCRIBED)
  - ⊙ FOUND MONUMENT AS DESCRIBED
  - ⊙ FOUND ALUMINUM CAP AS DESCRIBED
  - ⊙ FOUND P.W. & C.W.P. AS DESCRIBED
  - ⊙ BLOCK NUMBER
  - SECTION LINE
  - BOUNDARY LINE
  - RIGHT-OF-WAY
  - LOT LINE
  - EXISTING EASEMENT
  - EASEMENT BY FINAL PLAT
  - 100 YEAR FLOODPLAIN
  - FOUND AND SET FLOODPLAIN AND SET FLOODPLAIN UNLESS OTHERWISE NOTED.
  - BE-BELOW GROUND
  - AG-ABOVE GROUND
  - \* TO BE VACATED BY RECORDING THIS DOCUMENT
  - \* UTILITY EASEMENT
  - \* PUBLIC RIGHT-OF-WAY



**RICK**  
 REGISTERED PROFESSIONAL SURVEYOR  
 1801 EAST WYOMING AVE  
 CENTENNIAL, CO 80112  
 303.777.8800

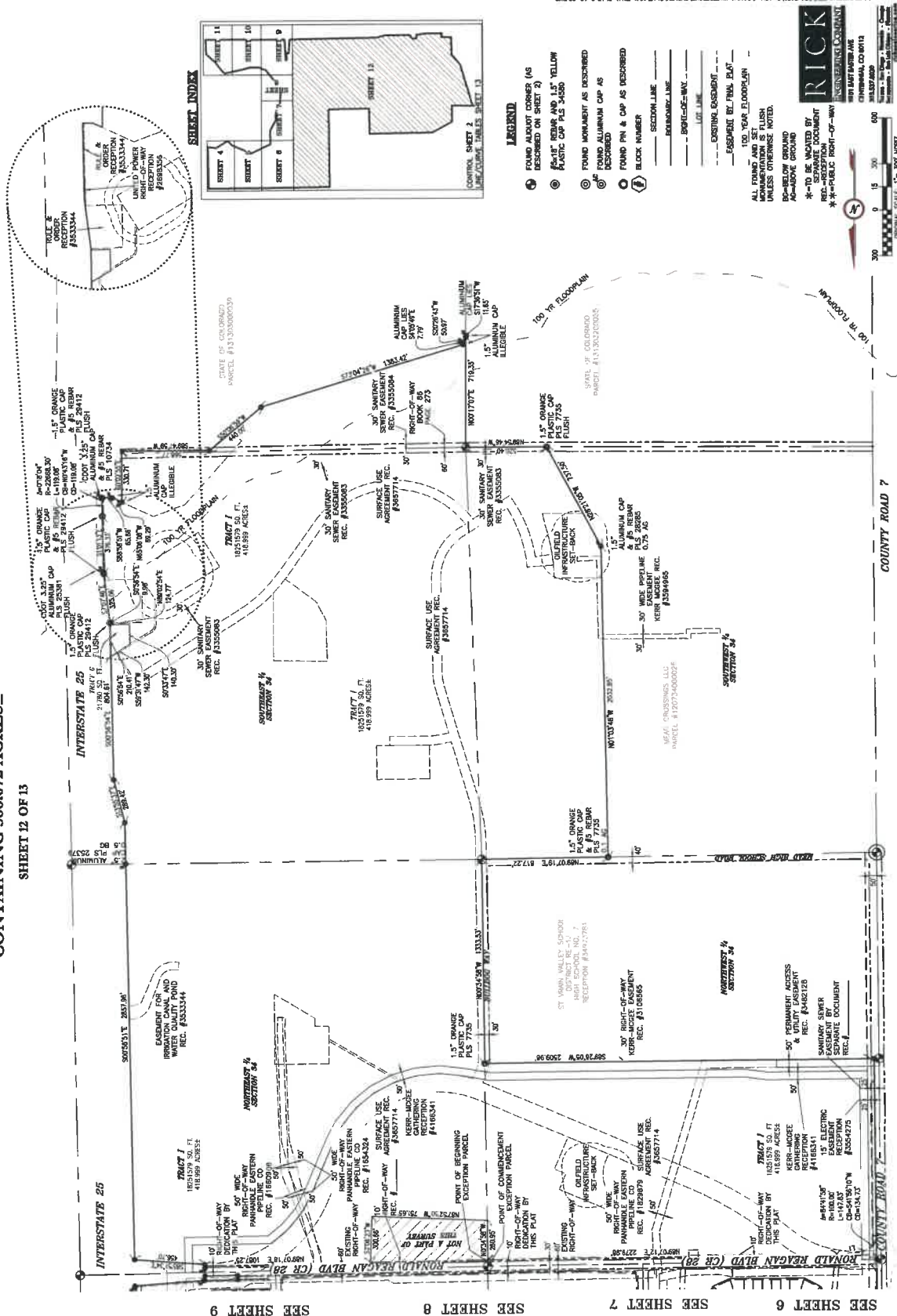
\\P020302\DRAWINGS\273\273\01\WATERFRONT\WATERFRONT\_FINAL\_PLAT\_8-19-2008

# WATERFRONT FILING NO. 1

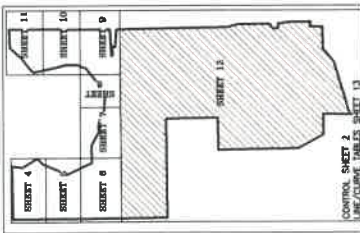
FINAL PLAN

LOCATED IN THE SOUTH HALF OF SECTION 27 AND SECTION 34, TOWNSHIP 3 NORTH, AND THE NORTH HALF OF SECTION 3, TOWNSHIP 2 NORTH, ALL OF RANGE 68 WEST 6TH P.M. TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO CONTAINING 586.072 ACRES

SHEET 12 OF 13



## SHEET INDEX



## LEGEND

- ④ FOUND ALUMINUM CORNER (AS DESCRIBED ON SHEET 2)
- ⑤ 1/2\"/>
- ⑥ FOUND ALUMINUM CAP AS DESCRIBED
- ⑦ FOUND PIN & CAP AS DESCRIBED
- ⑧ BLOCK NUMBER
- SECTION LINE
- REVISION LINE
- RIGHT-OF-WAY
- LOT LINE
- EXISTING EASEMENT
- EASEMENT BY FINAL PLAN
- 100 YEAR FLOODPLAIN

**ALL FOUND AND SET POINTS UNLESS OTHERWISE NOTED.**

BOUNDARY GROUND AS SHOWN ON DRAWING

\*-TO BE LOCATED BY SEPARATE DOCUMENT

REC-SEPARATE DOCUMENT

R-REAR

R-FLUSH

R-PUBLIC RIGHT-OF-WAY

**RICK**  
REGISTERED SURVEYOR  
1000 W. 10TH ST., SUITE 100  
WELLS, CO. 80550  
PHONE: 303.791.1111  
FAX: 303.791.1112



SEE SHEET 9

SEE SHEET 8

SEE SHEET 7

SEE SHEET 6



