

CITY OF AURORA
L.A. 20-85

ADDENDUM TO MASTER LICENSE AGREEMENT No. M.L.A. 19-79
FERGUSON ENTERPRISES, LLC
DATE OF ADDENDUM: July 22, 2020

Name of subdivision plat: **Lot 1, Block 1, Prologis Park 70 Subdivision Filing No. 11 in part of the South ½ of Section 36, Township 3 South, Range 66 West, of the 6th Principal Meridian, City of Aurora, County of Adams, State of Colorado**

1. The City of Aurora and Ferguson Enterprises, LLC., a Virginia limited liability company, entered into a Master License Agreement No. M.L.A. 19-79 recorded in the Adams County Clerk and Recorder's Office at Reception Number 2020000012001. When properly completed and approved, this Addendum shall constitute a License under the terms and conditions set forth in the License Agreement.
2. All construction contemplated or performed under this License shall comply with and conform to standards formulated by the Director of Utilities and/or Director of Public Works and/or Director of Parks and Open Space of the City of Aurora with respect to interference with City facilities. Construction permitted under this addendum includes: **those items depicted in the attached EXHIBIT A ILLUSTRATION, attached hereto and made a part hereof by reference.**
3. Licensee shall notify Public Improvements Inspections at telephone number 303-739-7420 at least three working days prior to the commencement of the construction or repair of its facilities so that the City may, at its discretion, inspect the operations.
4. All City roads, fencing, and other improvements which are disturbed by the construction of this installation shall be restored to their pre-existing condition within ten (10) days after the completion of construction in the area of this License.
5. If the Licensee does not use the rights herein granted for its installation for a period of one (1) year, or if the Licensee shall at any time fail or refuse to comply with or carry out any of the conditions of this License, and after written notice of failure to comply has been provided to the Licensee by the Licensor, which notice shall permit reasonable time to cure any failure to comply, the City may, at its sole discretion, revoke the License forthwith by written notice to the Licensee in person or by mail at Licensee's last known address. Upon termination of the License, the Licensee shall have ten (10) days to remove its installation from the City's property. In the event Licensee does not remove said installation within the ten (10) days, the City may remove said installation at Licensee's expense with all liability to Licensee.

6. The City shall provide two (2) hours inspection for each License issued. If the City requires further inspection, Licensee shall pay for additional inspection at the rate set forth in the City's annual service fee schedule for any specific year.

7. Except as expressly amended herein, all provisions of the License Agreement shall apply to the subject matter of the Addendum, including, without limitation, all rules and provisions regarding safety and installation of the additional facilities.

8. In the event Licensee's installation should interfere with the City's use or operation of its property to construct any City improvement, to build any City project or for any municipal purpose in which the city has a financial or ownership interest, at any time hereafter, License shall upon request by the City, and at Licensee's sole expense, relocate, rearrange or remove its installation within a reasonable amount of time so as not to interfere with any such City use.

9. The City may, at any time, by giving the Licensee thirty (30) days' written notice, terminate this Agreement. The City may, at any time, by giving the Licensee thirty (30) days' written notice, require Licensee to remove, replace, modify or otherwise relocate the Licensed Encroachment as part of a Public Project as that term is defined in City Code Section 126-501.

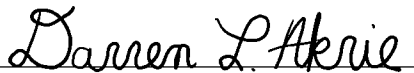
10. Gate installations shall be installed according to City specifications, at the expense of the Licensee. Licensee, its successors and assigns, shall be responsible for installation, maintenance and replacement of the access control gate or barrier system to ensure emergency vehicle access to within the site. If the above conditions are not met, Licensee, its successors and assigns, shall be required by the Aurora Fire Department Order Notice that all effected gates be chained and locked in the open position until repaired or replaced, and retested to all City standards at the time of the violation. If the access control gate is not maintained to the satisfaction of the City, this License for the encroachment of the access control gate into the fire lane easement will be revoked and the gating system must be removed. Where required, the gating system will include an approved Emergency Vehicle Gate Opening System utilizing a redundancy back-up system that consists of; A) siren operated system; B) automatic Knox key switch; C) an electrical or battery back-up system that opens the gate on the loss of the primary electrical power; AND/OR D) manual override (in the event of system failure). Licensee shall be required to obtain applicable building permits for the installation of the gating/barrier system prior to installation.

CITY OF AURORA

A handwritten signature in black ink, appearing to read "Victor Rachael", written over a horizontal line.

07/21/2020

Victor Rachael
City Engineer

A handwritten signature in black ink, appearing to read "Darren L. Akrie", written over a horizontal line.

Darren Akrie
Real Property

ACCEPTANCE

The undersigned authorized officer of Ferguson Enterprises, LLC, has read the foregoing License Addendum and agrees for and in behalf of said company that it will accept and will abide by all the terms and conditions thereof.

LICENSEE:

Ferguson Enterprises, LLC

By: Kirk D. Wall

Kirk D. Wall

Senior Director of Facilities

STATE OF Virginia)
~~COLORADO~~) ss.
County of Newport News)

The above and foregoing instrument was subscribed and sworn to before me this 22 day of July, 2020, by Kirk D. Wall as Senior Director of Facilities for Ferguson Enterprises, LLC.

My Commission expires:

12-31-2023

Witness my hand and official seal.

Kayla Hogge
Notary Public

SEAL

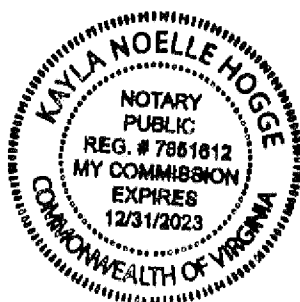


EXHIBIT A ILLUSTRATION

SHEET 1 OF 13

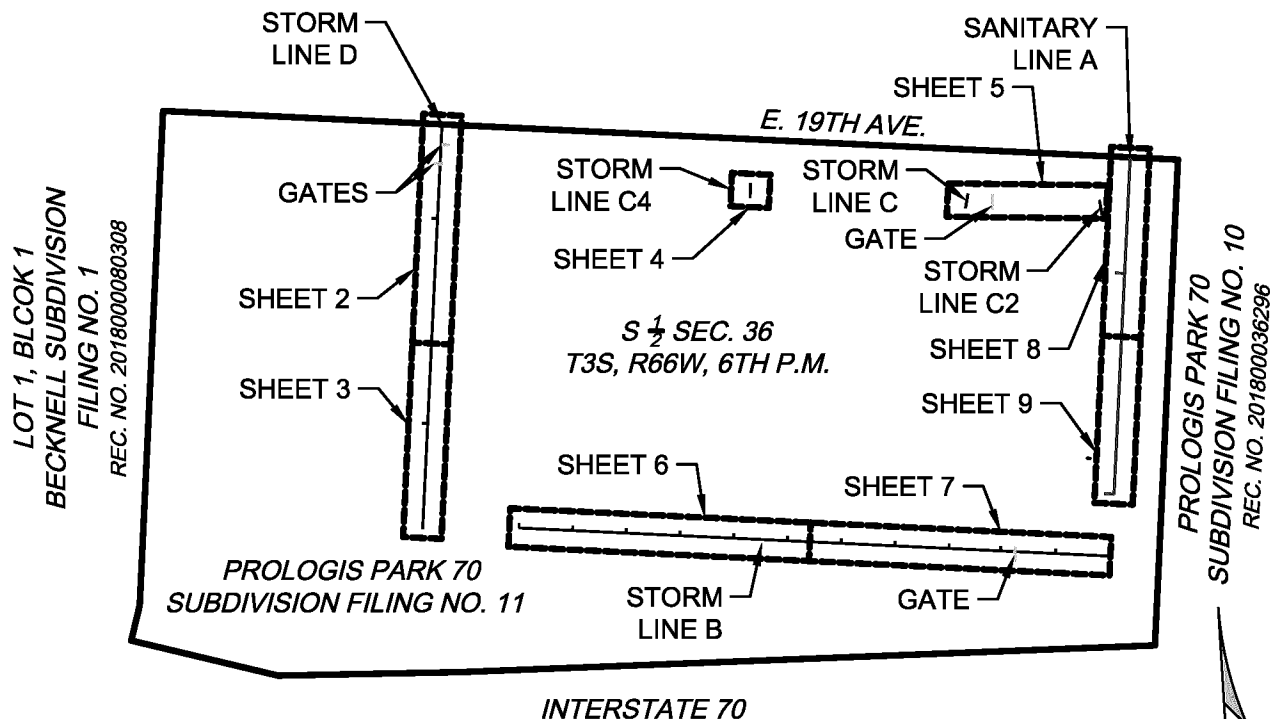
POINT OF COMMENCEMENT
FOUND 2-1/2" ALUMINUM CAP,
PLS 22088, IN RANGE BOX.
ACCEPTED AS THE WEST
QUARTER CORNER OF
SEC. 36, T3S, R66W, 6TH P.M.

FOUND 3-1/4" BRASS CAP,
PLS 23527, IN RANGE BOX.
ACCEPTED AS THE EAST
QUARTER CORNER, SEC. 36,
T3S, R66W, 6TH P.M.

(BASIS OF BEARINGS) N89°23'17"E 5316.63'

NORTH LINE SOUTH 1/2 SEC. 36, T3S, R66W, 6TH P.M.

PROLOGIS PARK 70
SUBDIVISION FILING NO. 9
REC. NO. 2017000007631



LICENSED ENCROACHMENT
— DRAINAGE PIPE
— SANITARY PIPE
— GATE

NOTE:

This exhibit does not represent a monument survey. It is intended only to depict the attached description.

OWNER INFO:

FERGUSON ENTERPRISES LLC
12500 JEFFERSON AVE.
NEWPORT NEWS, VA 23602

0 200 400
SCALE: 1" = 400'
ORIGINAL GRAPHIC SCALE

CITY OF AURORA, COLORADO

LOT 1, BLOCK 1 PROLOGIS PARK 70 SUBDIVISION FILING NO. 11
A PORTION OF THE SOUTH 1/2 SECTION 36, TOWNSHIP 3 SOUTH,
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO.

By: J.P.

Scale: 1"=400'

R.O.W. File No.

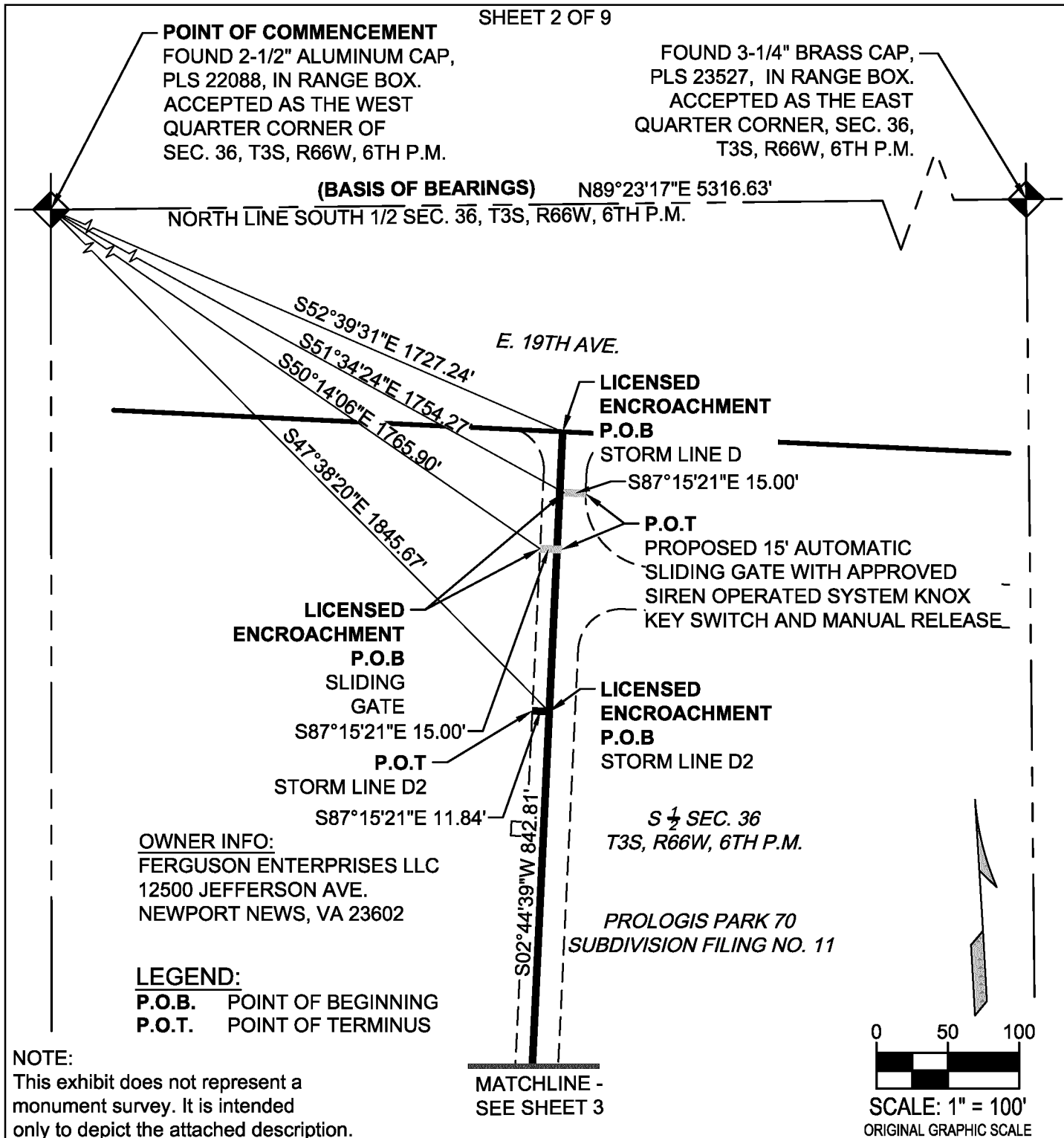
Ck'd By: T.S.

Date: 08/07/19

Job No. DEN19-0017

EXHIBIT A ILLUSTRATION

SHEET 2 OF 9



CITY OF AURORA, COLORADO

A LICENSE FOR PRIVATE STORM SEWER AND SECURITY GATE
LOT 1, BLOCK 1 PROLOGIS PARK 70 SUBDIVISION FILING NO. 11
A PORITON OF THE SOUTH 1/2 SECTION 36, TOWNSHIP 3 SOUTH,
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN
CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO.

By: J.P.

Scale: 1"=100'

R.O.W. File No.

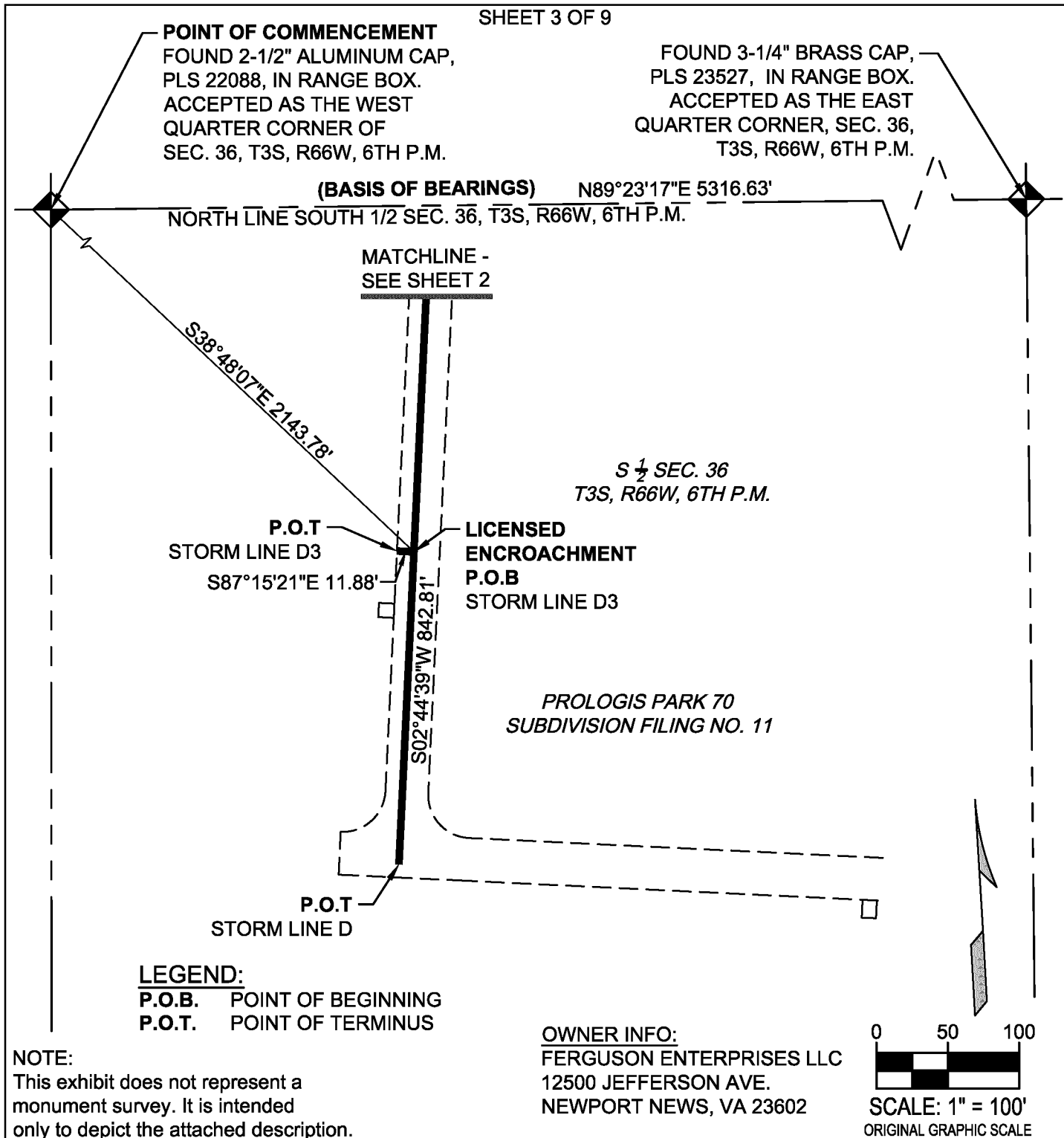
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EXHIBIT A ILLUSTRATION

SHEET 3 OF 9



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By: J.P.

Scale: 1"=100'

R.O.W. File No.

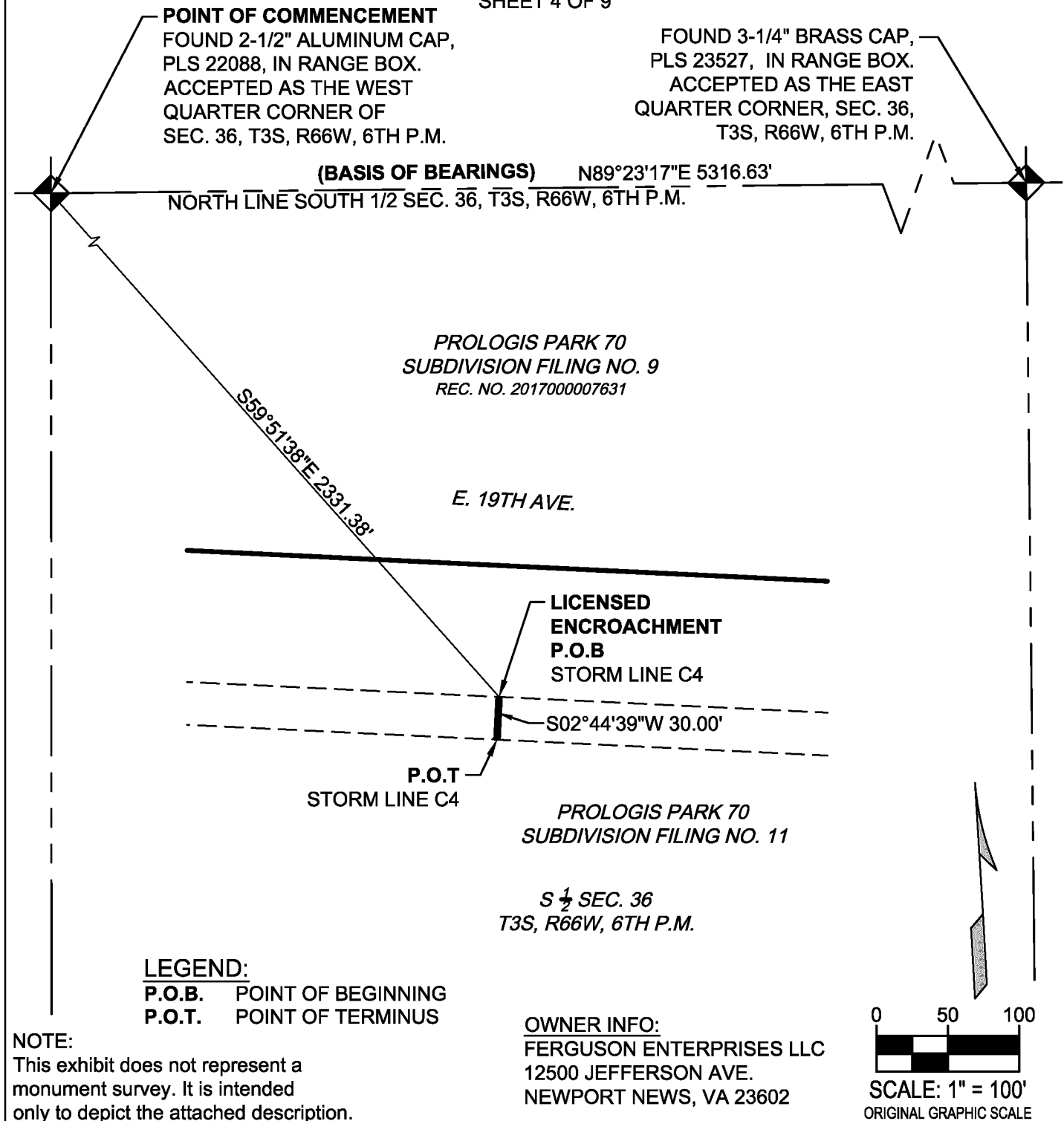
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EXHIBIT A ILLUSTRATION

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Scale: 1"=100'

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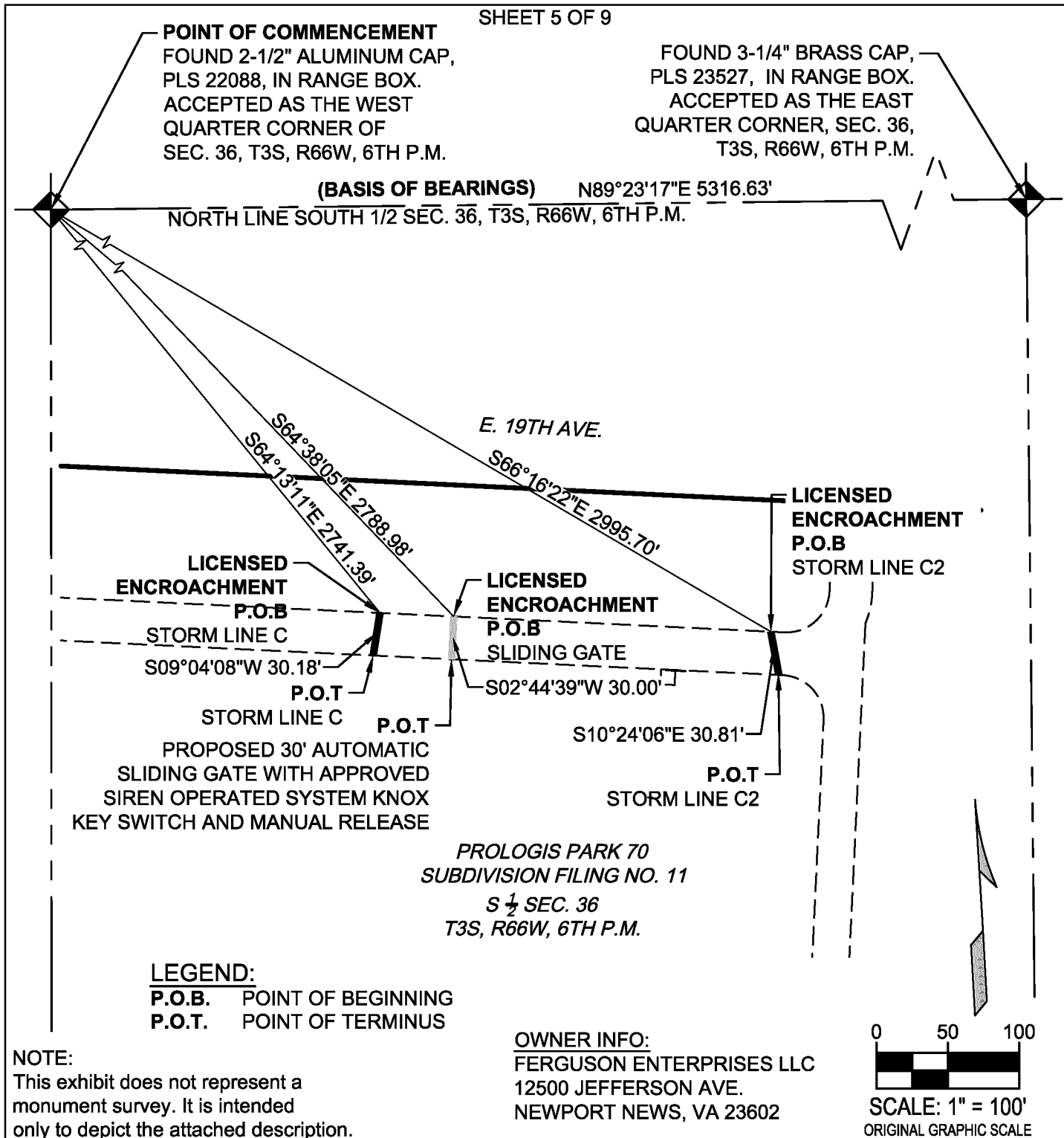
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EXHIBIT A ILLUSTRATION

SHEET 5 OF 9



CITY OF AURORA, COLORADO

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By: J.P.

Scale: 1"=100'

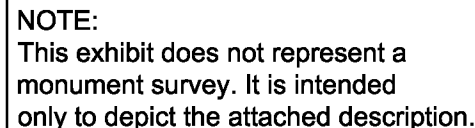
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SHEET 6 OF 9



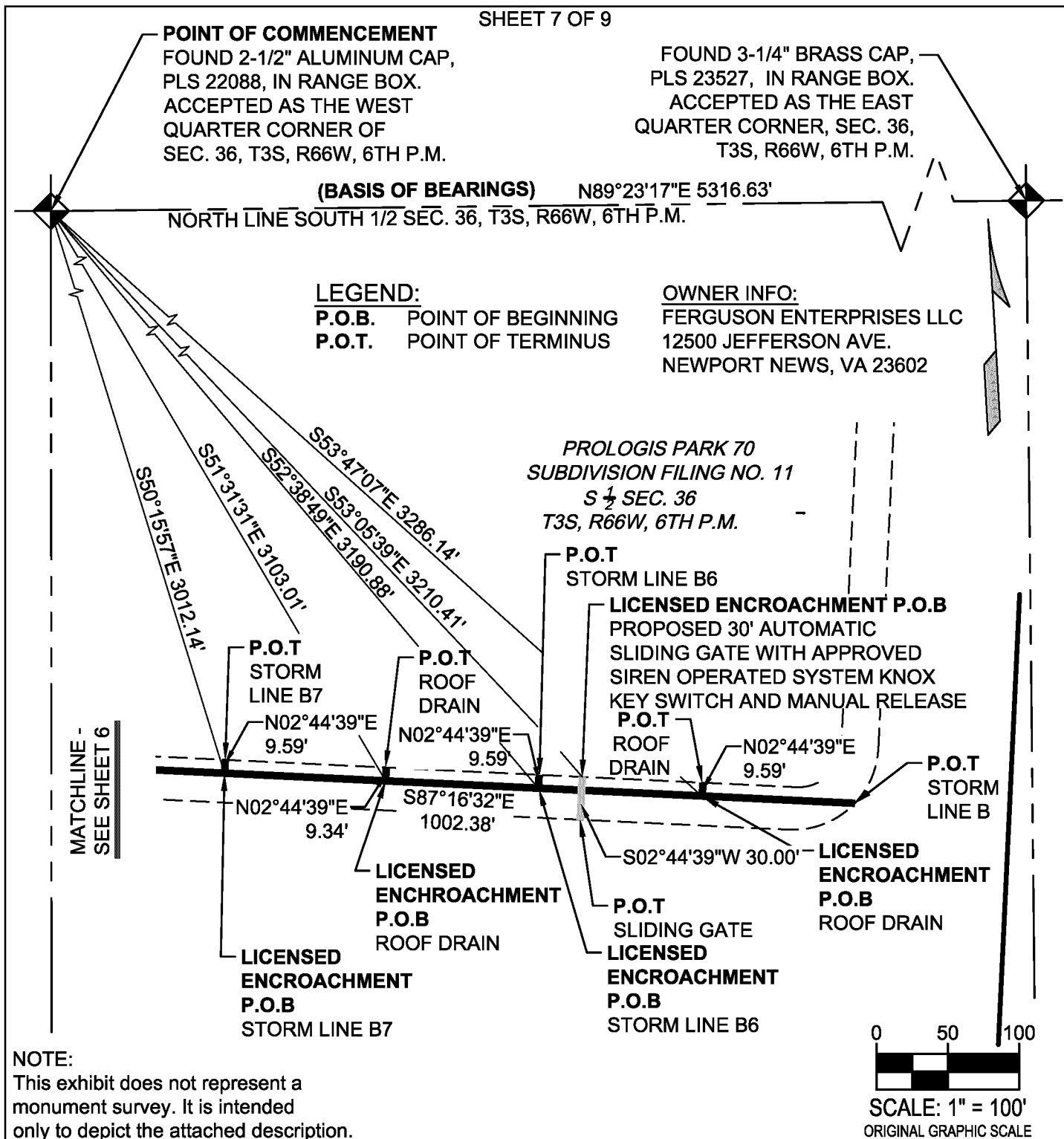
A LICENSE FOR PRIVATE STORM SEWER
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A PORITON OF THE SOUTH 1/2 SECTION 36, TOWNSHIP 3 SOUTH,
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R.O.W. File No.

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EXHIBIT A ILLUSTRATION

SHEET 7 OF 9



CITY OF AURORA, COLORADO

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By: J.P.

Scale: 1"=100'

R.O.W. File No.

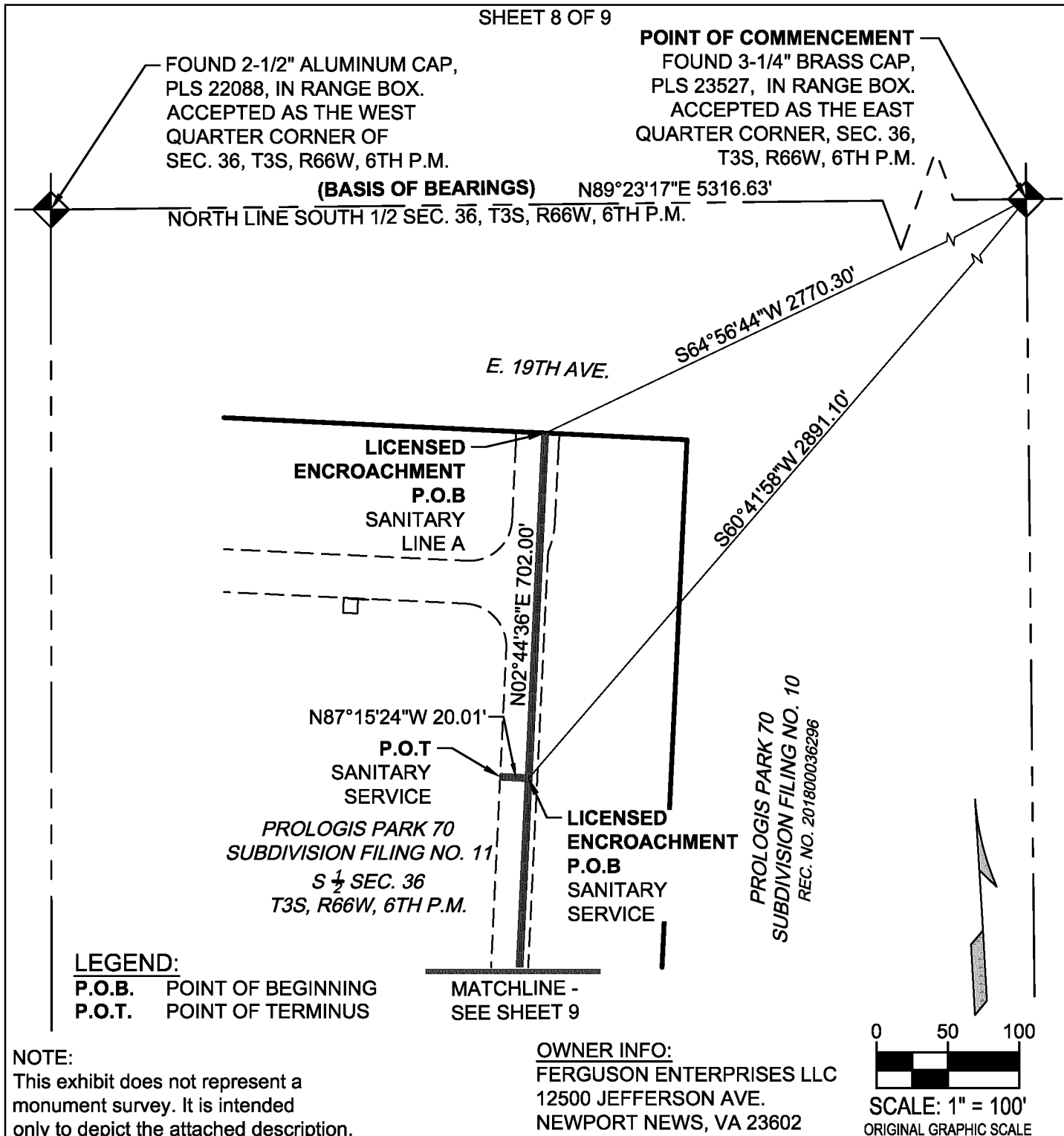
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EXHIBIT A ILLUSTRATION

SHEET 8 OF 9



CITY OF AURORA, COLORADO

A LICENSE FOR PRIVATE SANITARY SEWER
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By: J.P.

Scale: 1"=100'

R.O.W. File No.

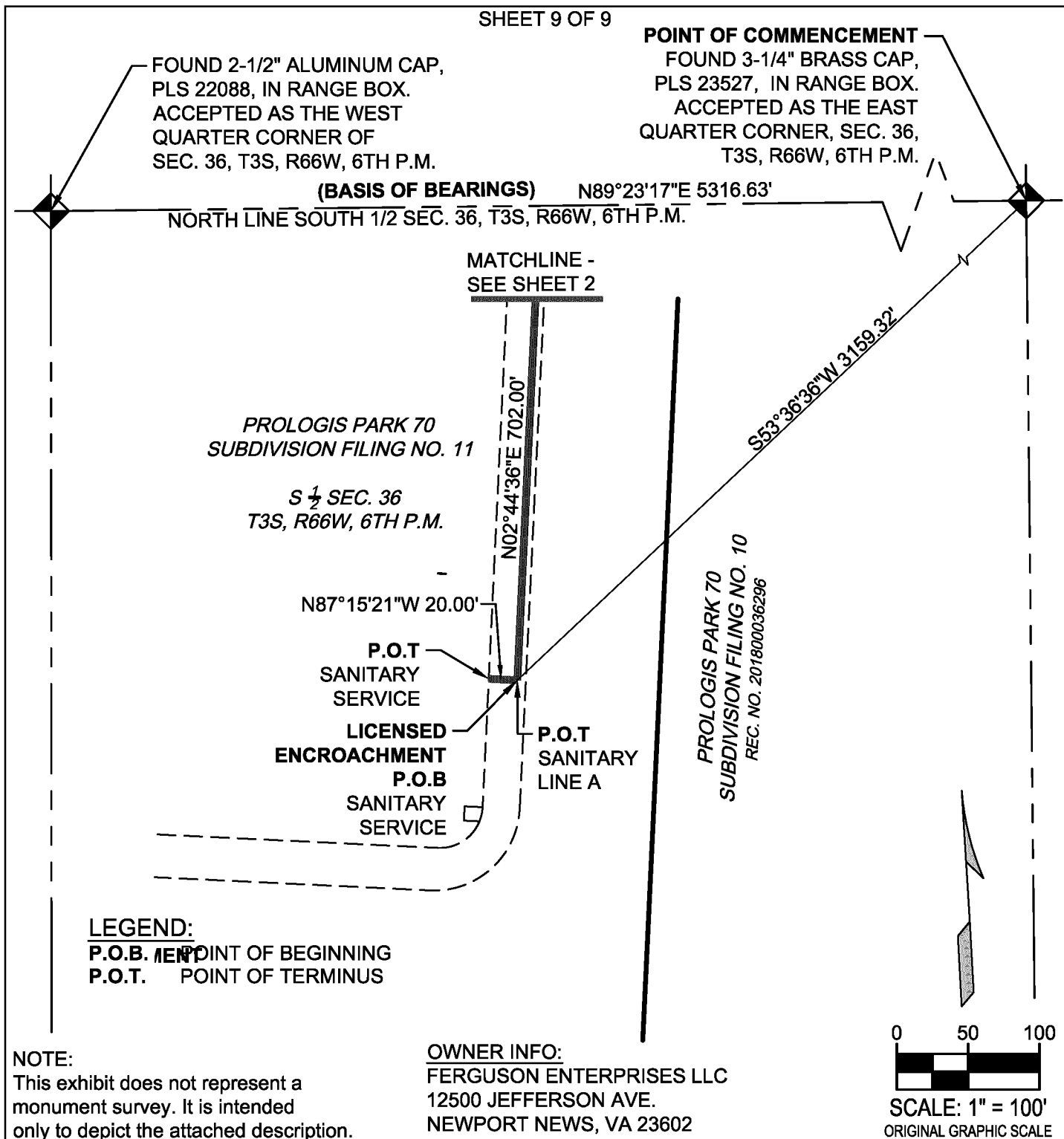
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EXHIBIT A ILLUSTRATION

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TOP VIEW



ELEVATION VIEW

