

Planning Division  
15151 E. Alameda Parkway, Ste. 2300  
Aurora, Colorado 80012  
303.739.7250



February 17, 2022

James Cochran  
Aspen Capital Partners  
4950 S Yosemite St F2 Ste 112  
Greenwood Village, CO 80111

**Re: Initial Submission Review – Aspen Business Park - Master Plan**  
Application Number: **DA-2304-00**  
Case Numbers: **2022-7001-00**

Dear Mr. Cochran:

Thank you for your initial submission, which we started to process on January 24, 2022. We have reviewed your plans and attached our comments along with this cover letter. The first section of our review highlights our major comments. The following sections contain more specific comments, including those received from other city departments and outside agencies.

Since several important issues remain, you will need to make another submission. Please revise your previous work and send us a new submission on or before March 11, 2022.

Note that all our comments are numbered. When you resubmit, include a cover letter specifically responding to each item. The Planning Department reserves the right to reject any resubmissions that fail to address these items. If you have made any other changes to your documents other than those requested, be sure to also specifically list them in your letter.

As always, if you have any comments or concerns, please let me know. I may be reached at 303-739-7261 or [dbickmir@auroragov.org](mailto:dbickmir@auroragov.org).

Sincerely,

Deborah Bickmire, Senior Planner  
City of Aurora Planning Department

Attachments: E-470 ROW Map, CDOT Comments, Mineral Rights Notification, Buckley Avigation Easement Form and Art Guidelines

cc: Catherine Wilkinson - Grey Wolf Architecture, 17301 W Colfax Avenue #140 Golden, CO 80401  
Scott Campbell, Neighborhood Services  
Brit Vigil, ODA  
Filed: K:\\$DA\2304-00rev1



## *Initial Submission Review*

### **SUMMARY OF KEY COMMENTS FROM ALL DEPARTMENTS**

#### **PLANNING DEPARTMENT COMMENTS**

##### **1. Community Questions, Comments and Concerns**

1A. Referrals were sent to 7 adjacent property owners, 9 outside agencies, and 6 registered neighborhood organization within one mile of the site. Written comments were received from Arapahoe County, CDOT, E-470 Public Highway Authority and Mile High Flood District and can be found within or attached to this letter. Please respond to their comments within the response letter for your next submission. No other comments were received.

##### **2. Completeness and Clarity of the Application**

2A. An invoice for the application fee of \$32,234.00 was sent on January 27, 2022. Please remit payment prior to the second submission.

2B. The owner authorization is not signed. Please provide the form with all required signatures.

2C. You have indicated there are severed mineral rights. Mineral Rights Notification must be sent to all mineral rights owners 30 days prior to approval of the Master Plan. Please see the attached example form. You are responsible for identifying the owners and sending the notice.

2D. An Avigation Easement is required for the entire site. Please complete the attached form and return it to your case manager along with a legal description with an illustration. The City will send it to the county for recordation.

2E. Please submit a legal description with an illustration. Include the monument records and closure sheet for the description.

##### **3. Zoning and Land Use Comments**

###### **Tab #1: Letter of Introduction**

3A. Briefly discuss the proposed development consists of three Planning Areas.

3B. Include a discussion about the items that have not been included, ie. Landscape, Architecture, Urban Design Standards. You are strongly encouraged to include them with your next submittal. Please be advised, if you wait to submit the standards, it will require a major amendment to the Master Plan. The standards must be submitted prior to or concurrent with any proposed Site Plan.

###### **TAB #3: Context Map**

3C. Label Master Plans, Site Plans, Subdivision Plats and within ½ mile radius.

3D. Show and label dedicated right-of-way. Include the right-of-way width and street classification.

3E. Increase label sizes and make linework more distinctive. Consider using colored lines/symbols.

3F. Add labels shown on the redlines.

3G. Add a bar scale.

###### **TAB #4: Site Analysis Narrative, Existing Conditions and Natural Features Map**

3H. Flatten the pdf so text is not selectable.

3I. Revise the narrative to be more specific. Why is a feature an asset or a restriction?

3J. Include features around the site to a distance of approximately 500 feet.

3K. Show the Buckley Air Force Accident Potential Zone and the Airport Influence Area on the map. Clarify whether there will be any restrictions enforced by Buckley on the site development.

3L. Label major contours and identify the general slope on the site.

3M. Show underlying and/or adjacent lot lines and existing structures.

3N. Show and label the overhead transmission lines southeast of the site.

3O. Label adjacent landfills.



#### **TAB #6: Narrative**

3P. Flatten the pdf so text is not selectable.

3Q. How will the development have a unique character? Provide some details and/or description as to how that will be implemented.

3R. Identify the Comprehensive Plan designation, the zoning and subarea for the site. Outline how the proposed plan will be consistent with the vision for those areas.

3S. Rephrase or expand on the narrative based on the redline comments.

#### **TAB #8 Land Use Map, Matrix, and Standard Notes**

3T. Show existing/proposed uses around the site, including structures, lot lines, rights-of-way, and contours.

3U. The alignment of “Future” Yale Ave. has not been reviewed or approved by the City or CDOT. The proposed alignment subject to approval.

3V. Show access arrows that match the TIS for future driveways/private streets. Clarify how access will be provided to PA-3.

#### **4. Landscaping** (Kelly Bish / 303-739-7189 / [kbish@auroragov.org](mailto:kbish@auroragov.org) / Comments in bright teal)

4A. No comments provided. You are encouraged to submit the Landscape Standards with your next submittal.

#### **5. Addressing** (Phil Turner / 303-739-7357 / [pcturner@auroragov.org](mailto:pcturner@auroragov.org))

5A. Please submit a preliminary digital addressing .SHP or a .DWG file as soon as possible. This digital file is used for street naming, addressing and preliminary GIS analysis. Include the following layers as a minimum:

- Parcels
- Street lines
- Building footprints (If available)

Please ensure that the digital file is provided in a NAD 83 feet, State plane, Central Colorado projection so it will display correctly within our GIS system. Please provide a CAD .dwg file that is a 2013 CAD version. Please eliminate any line work outside of the target area. More information can be found at: [tinyurl.com/3xe6ds46](http://tinyurl.com/3xe6ds46) or by contacting [CADGIS@auroragov.org](mailto:CADGIS@auroragov.org).

#### **REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES**

#### **6. Civil Engineering** (Kristin Tanabe / 303-739-7306 / [KTanabe@auroragov.org](mailto:KTanabe@auroragov.org) / Comments in green)

##### **Public Improvement Plan**

6A. The Master Plan will not be approved by Public Works until the Master Drainage Study is approved.

6B. Does the traffic study support only constructing the Gun Club improvements along the planning areas individually rather than the full frontage?

6C. The alignment for “Future” Yale has not been vetted or approved by the City.

6D. A cul-de-sac or adequate public turnaround is required for the dead-end street.

6E. Street curves need to meet COA standards

6F. Show required easements to be dedicated with private roads with the section on Sheet PIP-2.

6G. What is the “additional travel lane” shown on the Proposed Private Road Section?

6H. There was proposed storm for the private road shown on the overall exhibit. This would need to be constructed with this roadway.

6I. Include the required outfall for the detention pond.

#### **7. Traffic Engineering** (Steven Gomez / 303-739-7300 / [segomez@auroragov.org](mailto:segomez@auroragov.org) / Comments in amber)

##### **Traffic Impact Study**

7A. Parklands TIS has only gone through a single review. Future comments/revision on the Parklands MTIS may dictate changes that affect this MTIS.

7B. Provide signal warrant analysis for intersection of Yale & Gun Club.



- 7C. The 2026 and 2040 background traffic volumes need more specific clarification. See comments in body of report for more info.
- 7D. See comments throughout the report.

#### **Public Improvement Plan**

- 7E. Access restriction on Gun Club may be required in the interim condition pending Yale Ave. realignment timing.
- 7F. Provide a raised median in Gun Club Road per the City typical section.
- 7G. This site will be constructing the southbound lanes of Gun Club, typically shown on the left side of typical sections.
- 7H. Address comments and notations on redlines.

#### **8. Fire / Life Safety** (Mark Apodaca / 303-739-7656 / [mapodaca@auroragov.org](mailto:mapodaca@auroragov.org) / Comments in blue)

##### **TAB #8 Land Use Map, Matrix, and Standard Notes**

- 8A. Add the Whelen Warning System Requirements and revise Note 8 with language provided on the redlines.

#### **Public Improvement Plan**

- 8B. Add the note provided on Page 4.
- 8C. Water lines typically are within street right-of-way. Relocate water main to Gun Club to provide fire hydrants on west side of Gun Club.
- 8D. Remove the fire station notes on Sheet PIP-2.
- 8E. Is the arterial street section supposed to be Gun Club Road?

#### **Master Utility Report**

- 8F. Provide a data table showing fire flow demands by land use type for the system modeling.

#### **9. Aurora Water** (Nina Khanzadeh / 303-739-7382 / [nkhanzad@auroragov.org](mailto:nkhanzad@auroragov.org) / Comments in red)

##### **Master Utility Report**

- 9A. Please contact Nina to attain MUS checklist at [nkhanzad@auroragov.org](mailto:nkhanzad@auroragov.org).
- 9B. As a first-time reader, please provide all information to get a clear picture of the development and the different entities.
- 9C. Send all calculations in Excel format.
- 9D. Include a narrative on City requirements. Refer to the MUS checklist.
- 9E. Provide the City water demands information.
- 9F. Discuss coordination efforts with E-470.
- 9G. Include a table with the Conclusions to indicate the sizes of water and sanitary proposed and for which project areas.
- 9H. Address all comments and notations on the redlines.

#### **10. PROS** (Alex Grimsman / 303-739-7154 / [agrimisma@auroragov.org](mailto:agrimisma@auroragov.org) / Comments in purple)

##### **Tab #8: Land Use Map**

- 10A. Per the annexation agreement, 2% of non-residential land shall be dedicated for open space/public purposes. This can be noted as PA-5 (see Tab 9 comments for clarity) and include the detention area if the detention area can meet a 24-hour recovery period after a storm event and enhanced with open space features.

##### **Tab #9: Open Space, Circulation, and Neighborhood Plan**

- 10B. Per the Annexation (86-167 & 86-168) for this area, a minimum of 2% non-residential land shall be dedicated for public purpose/open space. This 2% of non-residential land can be included within the required detention for your site so long as the area is intended for Open Space, has a 24-hour recovery period after any storm event, and must be designed as a park-like feature. The detention area should be labeled as PA-4. You could also break the detention and open space into two different planning area for ease of reference and clarity.



Detention can be PA-4 and Open Space PA-5.

10C. Form J is only for inventory of open space and recreation facilities. Fill in the form for PA4/5. See redlines.

10D. Revise the signature block to state, "Director of Parks, Recreation and Open Space."

### **Public Improvement Plan**

10E. Include Open Space Improvements and additional planning areas.

10F. Include PA-4 and 5. Include language noting Open Space improvements shall be completed at time of detention pond construction.

### **11. Real Property** (Maurice Brooks / 303-739-7294 / [mbrooks@auroragov.org](mailto:mbrooks@auroragov.org) / Comments in magenta)

11A. No comments at this time. We will review the legal description and illustration upon receipt.

### **12. Public Art** (Roberta Bloom / 303-739-6747 / [rbloom@auroragov.org](mailto:rbloom@auroragov.org))

12A. A Public Art Plan is required for the proposed development. Please see the attached ART Guidelines for an outline of our expectations. Please contact me directly with any questions.

### **13. CDOT Region 1** (Marilyn Cross / 303-514-5992 / [marilyn.cross@state.co.us](mailto:marilyn.cross@state.co.us))

13A. See attached comment letter.

### **14. Mile High Flood District** (Mark Schutte / [submittals@udfcd.org](mailto:submittals@udfcd.org))

14A. Please see the attached comment letter.

### **15. Arapahoe County Planning Division** / [referrals@arapahoegov.com](mailto:referrals@arapahoegov.com))

15A. Thank you for the opportunity to review and comment on this project. The Arapahoe County Planning Division has no comments; however, other Arapahoe County Departments and/or divisions may submit comments.

### **16. E-470 Public Highway Authority** (Chuck Weiss / 303-537-3420 / [cweiss@E-470.com](mailto:cweiss@E-470.com))

16A. Thank you for allowing the E-470 Public Highway Authority the opportunity to review and respond to the Aspen Business Park application. E-470 Public Highway Authority has the below listed comments with attached AER-028-PLAN.

- Occupying space for utility work, access, and any construction within the E-470 ROW, Multi Use Easement (MUE), and property owned in fee is subject to and will be in compliance with the E-470 Public Highway Authority Permit Manual, April 2008, as may be amended from time to time (the "Permit Manual") and will require an E-470 Construction or Access Permit. The administration fee is \$75,000 per acre for construction, and \$750 for permitting.
- A permit will be required from E-470 for any encroachment or disturbance to E-470 ROW or MUE prior to construction.
- Here is a link to our permit: <https://www.e-470.com/Pages/WorkingWithUs/Permits.aspx>
- Clearly identify the E-470 ROW, MUE, and E-470 property on all applicable drawings.
- An ownership map is attached for reference.
- E-470 TBMS (fiber) is located along the ROW and MUE. This line is to be protected in place.
- A dig watch is required for construction near the TBMS.
- Survey monuments along and within the E-470 ROW/MUE which are disturbed shall be reset and conform to the E-470 coordinate system.
- The proposed sanitary sewer crossing shall extend from outside of ROW on each side of the highway.
- Provide details on deflection monitoring for both the pavement surface and utilities on the proposed sanitary sewer crossing.



- The City may consider a Common Use Agreement for the proposed sewer construction.
- Revegetation of disturbed areas within the E-470 property will need to meet E-470 seed mix specifications.
- Any fencing disturbed will need to be reset meeting E-470 specifications.
- Sheets PIP-1 and PA-3, the private roadway should not extend into the MUE. Vehicle circulation is not an allowed use in the MUE.
- The highway will be widened to 4 lanes each direction in the future.
- Future construction plans will need to provide additional information on water, sewer, and circulation improvements. The toll plaza will be redeveloped in the near future and we want to ensure the proposed improvements won't adversely impact the redevelopment.
- Please provide a comment response letter to confirm comments are addressed.
- Additional comments will be issued as design progresses.

For any question concerning the comments listed below or any other questions please contact the reviewing engineer Chuck Weiss at 303.537.3420 or [cweiss@E-470.com](mailto:cweiss@E-470.com).

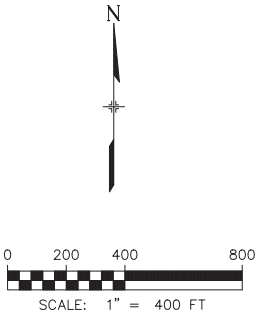


File: M:\DCS\Projects\TRN\60522278\_E470\_T04\900-CAD-GIS\910-CAD\OWNER\100\AER-08\ACDM-updates\AECOM-AER-028-PLAN.dwg, Lost saved: 4/4/2017 8:30 AM Plotted: 4/6/2017 1:42 PM



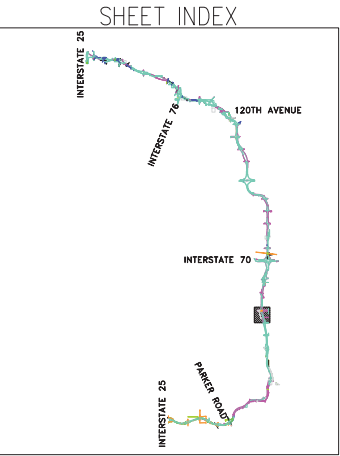
SECTION: 25  
TOWNSHIP: 4 SOUTH  
RANGE: 66 WEST

ARAPAHOE COUNTY



SEQ	PARCEL ID	NAME
73	197525300002	GUN CLUB ROAD REAL ESTATE PROGRAM AND GEORGE HOFFMAN
74	197525300001	DANIEL CRIPPEN, ETAL
75	197525100003	DANIEL & LAREESE CRIPPEN
76	197525100002	GUN CLUB PARK LTD

- LEGEND
- (TK) PARCEL ID (ORIGINAL PARCEL)
  - (L47) PARCEL ID (MODIFIED PARCEL)
  - (RE): E470 PHA REMNANT
  - (TK): FEE TAKE RIGHT-OF-WAY
  - (PE): PERMANENT EASEMENT
  - (MUE): MULTI-USE EASEMENT
  - (UE): UTILITY EASEMENT
  - (SE): SLOPE EASEMENT
  - (DIT)/(DRI)/(FE): DITCH COMMON USE AREA OR DRAINAGE/FLOOD EASEMENT
  - (CUA): COMMON USE AREA
  - (IE): INGRESS/EGRESS EASEMENT
  - SECTION LINE
  - PROPERTY LINE
  - FENCE LINE
  - SNOW FENCE
  - FIBER OPTIC TOLL BOOTH LINE
  - E470 R.O.W. MONUMENT
  - ▲ E470 PRIMARY CONTROL MONUMENT
  - ▲ E470 CONSTRUCTION CONTROL MONUMENT
  - BENCHMARK MONUMENT
  - E470 MILE POST



E470 PHA RIGHT OF WAY		Scale: 1" = 400 FT
DATE: March 31, 2017	BY	DATE
	Field Book:	
	Surveyed by:	
	Calculated by: LEL	
JOB NO:	Drawn by: LEL	
	Checked by: LEL	
SHEET: AER-028-PLAN		



# STATE OF COLORADO

## Traffic & Safety

Region 1

2829 W. Howard Place

Denver, Colorado 80204



COLORADO  
Department of Transportation

Project Name: **Aspen Business Park**

Print Date: 2/14/2022

Highway:

030

Mile Marker:

### Environmental Comments:

For ANY ground disturbance/work within CDOT ROW---

#### **Required:**

We will need to see the plans with the CDOT ROW lines clearly defined and to know what is taking place within the ROW. Ground disturbance? Drainage? Landscaping? etc...

#### Arch/History/Paleo:

Since this is a permit, a file search for Arch and History is required. If the file search identifies anything, a more extensive report will be required. If nothing is identified, then the file search should be sufficient. For the file search contact:

Cultural/History File Search: <http://www.historycolorado.org/oahp/file-search>

email: [hc\\_filesearch@state.co.us](mailto:hc_filesearch@state.co.us)

Paleo File Search: <https://www.colorado.edu/cumuseum/research-collections/paleontology/policies-procedure> and  
<https://www.dmns.org/science/earth-sciences/earth-sciences-collections/>

The ECIS will be used to support HazMat requirements.

Non-historic 4f does not apply.

If any non-historic 6f properties will be impacted or disturbed applicant shall coordinate with Veronica McCall  
[veronica.mccall@state.co.us](mailto:veronica.mccall@state.co.us)

#### **Info for Applicant/Contractor:**

The Permittee shall complete a stormwater management plan (SWMP) which must be prepared with good engineering, hydrologic, and pollution control practices and include at a minimum the following components: qualified stormwater manager; spill prevention and response plan; materials handling; potential sources of pollution; implementation of control measures; site description; and site map.

In addition, the Permittee shall comply with all local/state/federal regulations and obtain all necessary permits. Permittee shall comply with CDOT's MS4 Permit. When working within a local MS4 jurisdictional boundary, the permittee shall obtain concurrence from the local MS4 that the local MS4 will provide construction stormwater oversight. The local MS4 concurrence documentation shall be retained with the SWMP.

Clear Zone: It is the responsibility of the engineer/architect who stamps the plans to ensure that: any new landscaping/trees are outside of the clear zones for any State Highway/CDOT ROW and that the new landscaping/trees do not interfere with site lines from any State Highway/CDOT ROW.

Landscape: Any new or changes to existing landscaping within CDOT ROW must be reviewed and approved by CDOT. Landscaping plans should be submitted and should include details of all proposed plant species and seed mixes/ratios.

### Right of Way Comments:

02/04/2022 - SDH - There are notes indicating that the SH-30 ROW width will be changing from 120' to proposed 144' - there should be a plat forthcoming that dedicates the necessary ROW area to the appropriate local agency.



Resident Engineer Comments:

MAK 2/9/2022

- Provide intersection plans with dimensions for auxiliary lanes, radii, sidewalks, ramps, curbs/gutters, etc.
- Call out cdot standards that will be used for curb ramps and gutters.
- Follow CDOT lane closure strategy.

Permits Comments:

1/31/2022, The primary access for this development is proposed at the future Yale Ave. connection to State Highway 30, with secondary accesses 675 feet north and 775 feet south of the Yale Ave. intersection. All three accesses are proposed to be full movement. Please note that per the State Highway Access Code the standard for spacing of all intersecting public ways and other accesses that will be full movement, or have the potential for signalization, is one-half mile intervals. Only one full movement access for this development will be permitted.

Any work in the Right-of-Way that includes, but is not limited to survey, utility, or landscaping, will require separate Utility/Special use permits from CDOT. Application can be made at the following link: <https://cdotpermits.force.com/portal/s/login/>

Any signing for this development that advertises to the State Highway must comply with state rules governing outdoor advertising per 2 CCR 601-3

--Steve Loeffler, 1/31/2022

The Aurora SEATS 2007 base roadway network was modeled for 2030 showing:

- Adding Yale Avenue as a four-lane minor arterial facility extending from Gun Club Road east to Watkins Road. (no leg west of SH 30)
- Roadway cross sections shows a 4-lane arterial (Yale) to be a 114-ft cross section
- Gun Club Rd (SH 30) is planned as a 144-ft 6-lane arterial or 144-ft profile. Half of that RoW dedication should come from the west side of the roadway centerline at platting.

The sheet PIP -2 should include the roadway profile for Gun Club. The typical City roadway profile shows a raised curb & gutter, center median with the same, plus sidewalk and possibly street lights. This PIP should clearly show-illustrate this public improvement commitment, and if they do not intend build the full roadway cross section initially, when and identify the thresholds or triggers that will warrant the full construction, including possible future traffic signals. We would expect this document to identify the associated escrow-agreement for such public improvements.

The PIP also shows the existence of a Fiber Optic line parallel to or in the existing Gun Club RoW. We anticipate upon further investigation, other utilities do exist above and below ground along SH 30. The cross section for SH 30 (Gun Club) should show where these utilities may be relocated and accommodated. Any utility work in CDOT RoW requires a permit.

The SEATS study did not show this property as annexed to the City in 2007. It does not show any planning for extending Yale west of Gun Club.

The PIP does not offer a name for the roadway along the north edge of the development. As the comment from S.L. indicates: the proposed spacing of two full movement access points is incongruent with the State Access Code and will not be allowed.

The TIS that accompanied this referral has no acknowledgement that Gun Club is a CDOT highway (SH 30) with an access classification of NR-A. Without any regard to CDOT access spacing standards, or requirement for Access Permits, the TIS is hereby rejected without further review.

CDOT anticipates a revised submittal and request a letter indicating / acknowledgement of our concerns and if-how-where they have been addressed.

- RS 01-31-2022

**4.8 Form G. Severed Mineral Rights Notice**

Approved Format

**APPLICANT NAME**

**APPLICANT ADDRESS  
CITY, STATE, ZIP CODE  
TELEPHONE NUMBER**

**Notice of Public Hearing**

**Date**

**First Class Mail**

**To:** The Attached List of Mineral Estate Owners

**RE:** NOTICE OF PUBLIC HEARING ON \_\_\_\_\_ Case Name \_\_\_\_\_,  
Development Application No. \_\_\_\_\_, City of Aurora, Colorado

PLEASE BE ADVISED that pursuant to C.R.S. §24-65.5-103, you are hereby notified of the following public hearing dates:

Planning Commission – Date and Time  
Location, Address

City of Aurora City Council– Date and Time  
Location, Address

The purpose of the hearing is to (describe application) on \_\_\_\_\_ acres of land in the City of Aurora, Colorado (also known as \_\_\_\_\_ case name(s) \_\_\_\_\_).

The subject property is more particularly described on Exhibit A (legal description including Section, Township, and Range) attached hereto.

Public Records indicate that you may have a mineral interest in the real property that is the subject of the public hearing/meeting. Your legal rights to any mineral interests may be affected under Colorado law if you do not respond.

**Applicant / Representative Name**

**By:** \_\_\_\_\_  
Title

**Form G Continued. Certification regarding severed mineral estate owners.**

Project Name: \_\_\_\_\_

Case No.: \_\_\_\_\_

**CERTIFICATION REGARDING NOTICE TO  
SEVERED MINERAL ESTATE OWNERS**

I, \_\_\_\_\_, on behalf of the applicant in the above-referenced project, hereby certify that notice has been provided to all mineral estate owners of the project property, more particularly described in the case file, pursuant to §24-65.5-103 (1), C.R.S., and that a copy of the notice is attached hereto.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

STATE OF COLORADO

ss.

COUNTY OF \_\_\_\_\_

Subscribed, sworn to and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_, by \_\_\_\_\_

Witness my hand and official seal.

(SEAL)

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



Return to:  
City Clerk  
City of Aurora Colorado  
15151 E Alameda Pkwy Suite 1400  
Aurora Colorado 80012

### **AVIGATION EASEMENT**

1. The undersigned (the "Grantor(s)") (is)(are) the owner(s) of that certain parcel of real property more particularly identified and described in the legal description attached to and made a part of this instrument as Exhibit A (the "Property").
2. Grantor(s), for (itself)(themselves), (its)(their) successors and assigns, hereby grant(s) and convey(s) to THE CITY OF AURORA, COLORADO, its successors and assigns (the "Grantee"), a perpetual and assignable easement in and over the Property and a right-of-way for the free and unrestricted passage and flight of all aircraft in the navigable airspace above the surface of the Property as defined by the Federal Aviation Act of 1958, 49 U.S.C. § 40101, et seq., and the regulations adopted pursuant thereto, as the same are from time to time amended (the "Airspace"), as it pertains to operations by Buckley Air Force Base ("BAFB").
3. Said easement and right-of-way granted to Grantee shall include, but is not limited to:
  - a. For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons of any and all aircraft now known or hereafter invented, used, or designated for navigation of or flight in the air, in, through, across or about any portion of the Airspace; and
  - b. The right to cause or create, or permit or allow to be caused or created in the Airspace, such noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke, and all other effects as may be inherent in the proper operation of aircraft; and
  - c. The right to clear and keep clear the Airspace of any buildings, structures, or improvements of any kind, trees, vegetation, or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or any other facilities that extend into the Airspace and the right to remove or demolish any portions of such obstructions which extend into the Airspace which Grantee has not previously approved; and
  - d. The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other facilities now upon, or that in the future may be upon, the Property, and which extend into the Airspace; and

- e. The right of ingress to, passage within, and egress from the Property, solely for the above stated purposes.
4. Grantor(s) hereby covenant(s) with Grantee as follows:
  - a. Grantor(s) will not construct, install, erect, or grow upon the Property any structure, building, tree, or other facilities which extend into the Airspace, without prior written approval of Grantee, which approval shall not be unreasonably withheld; and
  - b. Grantor(s) will not use or permit the use of the Property in such a manner as to create electrical or electronic interference with radio communication or radar operation between any installation upon BAFB and any aircraft.
5. The easement and right-of-way granted herein shall be deemed in gross, being conveyed to Grantee for their benefit and the benefit of any and all members of the general public who may use said easement or right-of-way operating aircraft in or about, or in otherwise flying through, the Airspace.
6. The covenants and agreements made herein shall run with the land and shall be binding upon Grantor(s) and (its) (their) successors and assigns.
7. The Grantee is hereby designated as agent for all purposes regarding the enforcement or removal of the easement and right-of-way granted herein.
8. It is understood and agreed that Grantor(s) shall have no right or cause of action, either in law or in equity, for damages or injury to any person or property arising out of or resulting directly or indirectly, from the overflight of aircraft, or for damages or injury to any person or property resulting from any noise or nuisance of any kind or description resulting, directly or indirectly, from aircraft overflights; provided, however, that nothing herein shall divest Grantor(s) of any right or cause of action for damages to any person or property resulting from the negligent operation of aircraft overflights over the described premises at any altitude above ground level.
9. Nothing herein shall be construed to be a waiver of the governmental immunity afforded to the Grantee or any other governmental entity by virtue of the Colorado Governmental Immunity Act, Section 24-10-101, *et seq*, C.R.S., as amended.

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EXECUTED this \_\_\_\_day of \_\_\_\_\_, \_\_\_\_\_.

GRANTOR(S)

By: \_\_\_\_\_

By: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_day of  
\_\_\_\_\_, \_\_\_\_\_, by  
\_\_\_\_\_(and  
\_\_\_\_\_(Grantor(s).

Witness my hand and official seal.

My Commission Expires: \_\_\_\_\_



# METRO DISTRICTS PUBLIC ART GUIDELINES FOR AURORA, CO

## Notes for Developers

updated 2/25/19

### ***What Type of Art Projects Are Appropriate?***

Unique or limited edition artworks created by a professional artist

- Functional elements such as gates, benches, fountains, or shade structures;
- Landscape integrated enhancements such as passageways, bridges, street lighting elements, or garden features;
- Mosaics or terrazzo walls, floors, and passageways;
- Sculpture such as freestanding, wall-supported, suspended, kinetic, or electronic;
- Neon, LED, glass, photographs, prints, and any combination of media including sound, film, video, or other interdisciplinary artwork.
- Artwork(s) situated at publically accessible/visible locations.

### ***What Type of Art Projects are NOT Appropriate?***

- Reproductions or unlimited editions of original work;
- Art objects that are mass-produced;
- Artworks that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned by a professional artist;
- Architectural rehabilitation or historical preservation;
- Directional elements such as super-graphics, signage, or graphics that would already be a part of the project;
- Fountains or playground equipment that is mass-produced;
- Designs that are created by the project architect or landscape architect firms;
- Business Logos
- Artworks situated at interior locations, offices, or within other spaces that are not accessible to the public.

### ***What Costs are Eligible to be Expensed to the Public Art Budget?***

- Public Art Plan Application Fee paid to the City of Aurora Art in Public Places, (5% of the required public art budget)
- Long-term maintenance of the artwork, up to 10% of the public art budget.
- Project Coordination Fee, up to 10% of the public art budget including artist solicitation costs including call for entries printing and mailing, artist proposal design fee, and other costs.
- Professional artist's budget (75% of the total funding), including:
  - artist fees
  - materials
  - labor costs for assistants
  - insurance
  - permits
  - taxes

- business and legal expenses
- operating costs
- art dealer's fees
- site preparation
- fabrication
- installation
- photography of the work
- ID plaque
- artwork lighting

***Example Project: Total Budget of \$100,000***

75% Professional Artist Budget \$75,000

5% Public Art Plan Application Fee (paid to City) \$ 5,000

10% Future Maintenance & Repairs (set aside) \$ 10,000

10% Project Coordination (up to 10%) \$ 10,000

***Current Rates for Calculating the Public Art Requirement***

Residential = \$330.77 per acre

Mixed Use = \$508.88 per acre

Non Residential = \$540 per acre

***Who is Responsible for Project Coordination and What Does that Include?***

The Developer may use in-house staff, the landscape architecture firm, the architecture firm, a private consultant, or AIPP Staff to coordinate the public art project. Up to 10% of the public art budget may be used to offset this administration cost. Coordination responsibilities include:

- Meet with Developer and City to define the public art project including potential sites, themes, budget, schedule, professional artist selection process, and Public Art Plan Requirements.
  - Set communication procedures and act as liaison between the selected artist, City of Aurora, Developer, landscape architect, engineers, and architects.
  - Establish Budget Controls.
  - Implement professional artist selection process (see "What is the Artist Selection Process?")
  - Prepare the Public Art Plan for review by the Director of Library and Cultural Services via AIPP Staff.
- Prepare and monitor artist contract.
  - Monitor art fabrication process.
  - Ensure adherence to schedules, public safety issues, permitting, and budget.
  - Assist artist in developing a maintenance and conservation plan and procedures for the artwork.
  - Coordinate site preparation and installation logistics with project architect, landscape architect, and engineers.
  - Supervise installation of artwork.
  - Prepare identification plaque and artwork documentation.

- Prepare the Closing Documents for review by AIPP Staff after the project is completed and documented.

### ***What is included in the Public Art Plan?***

The Preliminary Public Art Plan is due with the first site plan or contextual site plan for the development. Two copies of the initial plan should be submitted to the AIPP Coordinator for review and approval by the Director of Library, Recreation, and Cultural Services Department. The Preliminary Public Art Plan must include:

- The public art budget including total budget, fee to the city, and itemized expenses as defined earlier.
- Narrative description of the intent including potential sites, themes, materials and the relationship to the overall development project;
- Schedule/timeline

After the artist is selected and the Developer has approved the artwork, the Project Coordinator prepares an addendum to the Public Art Plan and submits it (2 copies) to the AIPP Staff for review by the Director of Library, Recreation, and Cultural Services Department. This addendum should include:

- Narrative description of the proposed artwork including theme, materials, scale
- The artist's itemized budget;
- Documentation: artist drawings, plans, or other media reflecting the project;
- Artist resume and biography (including contact information);
- Maintenance plan;

### ***What is the Artist Selection Process?***

The Developer will work with the Project Coordinator and AIPP Staff at the initial meeting to decide which option works best for the project. The Developer and/or its assigns will be responsible for selecting the artwork. There are three processes to choose from:

- Open Competition
  - The Project Coordinator prepares a Request for Qualifications to be advertised.
  - A Panel (selected by the Developer) reviews the submitted professional artist application packets (not proposals), including images of past work, letters of interest, and resumes.
  - The Panel selects finalists to prepare a proposal for the site who are paid a design fee.
  - Finalists present their designs to the Panel and are interviewed.
  - The Panel recommends the most appropriate artists/proposals.
  - The Project Coordinator prepares a Public Art Plan Addendum for review by the City's Director of Library, Recreation, and Cultural Services.
- Invitational Competition
  - The Panel will review slides by professional artists recommended by the AIPP Staff or Project Coordinator.
  - Professional artists are asked to submit an application packet (not proposals), including slides of past work, letters of interest, and resumes.

- The Panel selects finalists who prepare proposals for the site and are paid a design fee.
- The finalists present proposals to the panel during an interview process.
- The Panel recommends the most appropriate artists/proposals.
- Direct Purchase
  - The AIPP Staff or the Project Coordinator recommends existing artwork for purchase.
  - The Panel selects the artwork to purchase from the recommendations.
  - The Project Coordinator prepares a Public Art Plan for review by the City's Director of Library, Recreation, and Cultural Services.

### ***Who Qualifies as a Professional Artist?***

The criteria below are based on art industry standards of who qualifies as a professional artist. Artists who are being considered for a public art project(s) under this program must meet one or more of the criteria.

- Bachelor of Fine Art and/or Master of Fine Art from an accredited college or university;
- Exhibition experience in a professional context, i.e., galleries, museum, art centers, or other exhibit venues;
- Is recognized by his/her peers as such by way of honorable mentions, awards, prizes, scholarships, appointments, and/or grants;
- Is pursuing his/her work as a means of livelihood and/or a way to achieve the highest level of professional recognition;
- Has had his/her artwork publicly written about or discussed;
- Has his/her artwork held in public or private collections;
- Is commissioned or employed on the basis of his/her art skills.

### ***Special Circumstance***

If the public art plan calls for locating the art within a park that will be turned over to the city of Aurora after it is created, and therefore the art would be turned over to the COA as well, the art selection process will be managed by COA, and all funds for project coordination, maintenance, etc. will be retained by the City of Aurora.

### ***Public Art Staff Contact Information***

Roberta Bloom, Public Art Coordinator

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303 739-6747