



**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, April 11, 2016
500 E. 3rd Street – Council Chambers
Loveland, CO 80537
6:30 PM**

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“La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en bettie.greenberg@cityofloveland.org o al 970-962-3319”.

LOVELAND PLANNING COMMISSIONERS: Jeremy Jersvig (Chair), Carol Dowding (Vice-Chair), John Crescibene, Michelle Forrest, Pat McFall, Buddy Meyers, Rob Molloy, and Mike Ray.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Staff Matters

1. 4/25/16 Agenda Preview:

- i. Tour of new Development Center (meet at 5:45 p.m.)**
- ii. Status of Zoning Overlay Code Amendments**
- iii. Mountain Pacific Business Park PDP**

2. Introduction of new staff

- Phil Kleisler, Planner II, Strategic Planning**
- Emily Tarantini, Planning Technician, Current Planning**

3. Update: Filling Planning Commission vacancies

4. Hot Topics:

- **Water's Edge Proposal on 4/25**

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the March 28, 2016 Meeting minutes

V. REGULAR AGENDA:

1. Westwood 3rd Subdivision – Pedestrian Easement (Presentation: 15 minutes)

This is a public hearing item concerning a quasi-judicial matter. The Westwood Third Subdivision Home Owners Association (HOA) is requesting the vacation of a pedestrian easement that provides connection with the adjoining Somerset Park neighborhood via a pedestrian bridge. The bridge spans the Mariano Exchange Ditch. The easement and the bridge have been in place for nearly 20 years following approval of the PUD and associated plans for the Westwood neighborhood. The bridge, however, has been fenced off for over two years as this connection has been the source of controversy and some related nuisance crimes affecting both neighborhoods. Now, the two neighborhoods are in agreement with the request to vacate the easement and ultimately remove the bridge. Planning staff, while generally supporting inter-neighborhood connectivity, is supporting the request as there appears to be no other solution to this issue.

VI. ADJOURNMENT

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 28, 2016**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 28, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Molloy, Dowding, Forrest, Ray, and McFall. Members absent: Commissioners Meyers and Crescibene. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Jenell Cheever, Planning Commission Secretary.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

- **Mr. Paulsen**, Current Planning Manager, provided a preview of the 4/11/16 Planning Commission Agenda.
 - **Commissioner McFall** and **Commissioner Ray** stated that they are unable to attend the 4/11/16 Planning Commission meeting.
- **Mr. Paulsen** introduced the new Director of Development Services, **Brett Limbaugh**. **Mr. Limbaugh** provided the commissioners with a brief professional background and answered several questions from the commissioners.
- **Mr. Paulsen** provided an update on the Zoning Overlay Code Amendment and noted that after meeting with **Mr. Limbaugh**, several changes were recommended. Staff would like to present the revisions to the Planning Commission on April 25th. **Mr. Limbaugh** discussed the possibility of a white paper to be presented to the Planning Commission in describing and getting agreement on future code amendments.
- **Mr. Paulsen** noted that the Temporary Use code amendments will be presented to the Planning Commission on April 25th.
- **Mr. Paulsen** stated that City Council is urging staff to bring forward an amendment to the Sign Code pertaining to electronic signs. Additionally, staff will be working with the Title 18 Committee to update the Downtown Sign Code within then BE district.
- **Mr. Paulsen** provided an update on the Request for Proposals to Update the Loveland Zoning Code.
- **Mr. Paulsen** stated that an updated 2015 Development Services Report was provided to the commissioners.
- **Mr. Paulsen** updated the commissioners on the Planning Commission vacancies and noted that the deadline to submit an application is 4:00 p.m. on March 30th.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

- **Commissioner Dowding** noted that the 2015 Annual Report was well organized and informative.
- **Commissioner Jersvig** thanked City snow plow drivers for their hard work clearing the streets last week after the big snow storm.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the March 14, 2016 minutes; upon a second from **Commissioner McFall**, the minutes were unanimously approved.

REGULAR AGENDA

1. Development Review and Building Process Improvements

Project Description: This is an information item providing an overview of improvements to the development review and building permitting processes. The staff presentation focused on improvements that have been recently implemented along with upcoming changes.

Kerri Burchett, City Planner, provided a presentation on the development review and building permit process. **Ms. Burchett** described the structure and function of the Development Review Team and described the development review process. **Commissioner Dowding** provided feedback she received from a citizen who recently completed a Concept Review with the city. The citizen stated that it was a great experience and complimented staff on the process.

Ms. Burchett highlighted achievements the development review team has accomplished and discussed upcoming improvements to the process, including the new Development Center. **Ms. Burchett** stated that an open house will be held on June 10th. The Planning Commission asked to tour the facility prior to that date. Staff and commissioners agreed to meet at 5:45 p.m. on April 25th to tour the facility.

Ms. Burchett discussed strategies for improvements and discussed how successes will be measured in the future.

2. Thompson Reinvented Presentation

Project Description: This is an information item to discuss the Thompson School District Master Plan Committee's efforts including the draft plan that was submitted to the Board of

Education on March 9, 2016 and the Facility Performance Scorecards that were developed to understand current repair issues each school faces. Funding of these concepts will also be discussed. As an information item, the Commission is not required to take any action on this matter.

Dr. Maas, Chief Operations Officer for Thompson School District, introduced **Dr. Jason Hatch**, Master Planning Committee Chair, and noted that the Master Planning Committee (MPC) is a subcommittee designed to develop a plan for future growth and the maintenance of current facilities. **Dr. Maas** stated that score cards for each school in the district can be viewed at <http://tinyurl.com/thompsonscorecards>. Each score card outlines the maintenance costs, including repairs, for each facility.

Dr. Maas noted that the MPC is dedicated to development and maintenance of facilities and does not deal with staff salaries. However, consolidation of schools and strategic planning for facility maintenance can free-up money for increased teacher salaries.

Dr. Hatch explained how the MPC assessed the needs of schools and communities were assessed and discussed the option of relocating Loveland High School to the northern part of town and converting the old Loveland High School building to a K-8 school. Several commissioners expressed concerns with moving Loveland High School out of the present location and turning the existing building into a K-8 school. **Commissioner Jersvig** asked what the cons of closing Loveland High were. **Dr. Hatch** addressed these concerns and noted that several upcoming community meetings will be held and will ask for feedback regarding the pros and cons of moving Loveland High School.

Several commissioners thanked the Master Plan Committee for their efforts on the Thompson Reinvented plan and provided suggestions and comments for improvement.

Donna Jean Gallegos, Master Planning Committee member, noted that the Talented and Gifted program is underutilized in the district because students are bussed to other locations; however, the K-8 structure allows for more utilization of this program.

Doug Luithly, Master Planning Committee member, stated that he has seen successful K-8 programs in other communities and these have been the driving force in developing the K-8 concept in Loveland.

Troy Bliss, City Planner, stated that it has been a pleasure working with the Master Planning Committee. **Mr. Bliss** noted that the committee was tasked with finding solutions and the goal of the committee is to share this information with the community to allow citizens to make choices about the direction of the school district.

ADJOURNMENT

Commissioner Dowding, made a motion to adjourn. Upon a second by **Commissioner McFall**, the motion was unanimously adopted.

Commissioner Jersvig adjourned the meeting at 9:25 p.m.

Approved by: _____
Jeremy Jersvig, Planning Commission Chair

Jenell Cheever, Planning Commission Secretary



Planning Commission Staff Report

April 11, 2016

Agenda #: Regular Agenda - 1

Title: Westwood Third Subdivision –
Vacation of Pedestrian Easement (PZ-
15-183)

Applicant: Kathy Louderback – Touchstone
Property Management, LLC on behalf
of the Westwood Third Subdivision
HOA

Request: **Vacate a pedestrian easement**

Location: Located between 5th Court SW and
Natasha Court spanning the Mariano
Exchange Ditch

Existing Zoning: B – Developing Business

Proposed Use: *Future removal of pedestrian
bridge crossing the Mariano
Exchange Ditch*

Staff Planner: Troy Bliss

Staff Recommendation

APPROVAL of the vacation of pedestrian easement.

Recommended Motions:

1. *Move to make the findings listed in Section VIII of the Planning Commission staff report dated April 11, 2016, and, based on those findings, recommend that City Council approve the Westwood Third Subdivision Vacation of Pedestrian Easement, subject to the conditions listed in Section IX, as amended on the record.*

Summary of Analysis

This is a public hearing concerning the Westwood Third Subdivision pedestrian bridge that crosses the Mariano Exchange Ditch and provides a pedestrian linkage to the adjoining Somerset Park Second Subdivision. Shortly after development approval in 1997 for the Westwood Third Subdivision, this bridge was installed to provide a pedestrian connection between the neighborhoods. Unfortunately, the bridge and ditch crossing have been problematic. Neighbors indicate that the bridge connection has created conflicts between the respective neighborhoods due to nuisance behaviors that have occurred near the bridge and within the adjacent Somerset neighborhood park. Because the bridge is located entirely within the Westwood Third Subdivision, the Home Owners Association (HOA) is seeking to vacate a 20-foot wide pedestrian easement on which the bridge is situated. Upon successful vacation of the easement, the HOA would have the bridge removed. Currently the bridge is not being used as access has been fenced off by the Somerset Park HOA.

Applications for vacation of any access easements are considered quasi-judicial and the Planning Commission will provide a recommendation on the request to the City Council. This recommendation is forwarded to City Council at a subsequent public hearing, taking into account all testimony and information furnished at the hearing on April 11, 2016. Only City Council may authorize the vacation through adoption of an ordinance. Vacating this pedestrian easement also requires a modification to the Westwood Third Subdivision Final Development Plan (FDP). This would be handled through an administrative approval process by the Current Planning Division, only if the easement is vacated.

I. SUMMARY

The application to vacate a pedestrian easement is prompted by nuisance and petty crime relating to a pedestrian bridge that crosses the Mariano Exchange Ditch, connecting the Westwood Third Subdivision and Somerset Park Second Subdivision. For approximately 20 years since being installed, this bridge has caused problems between the two subdivisions. These problems include (but are not limited to):

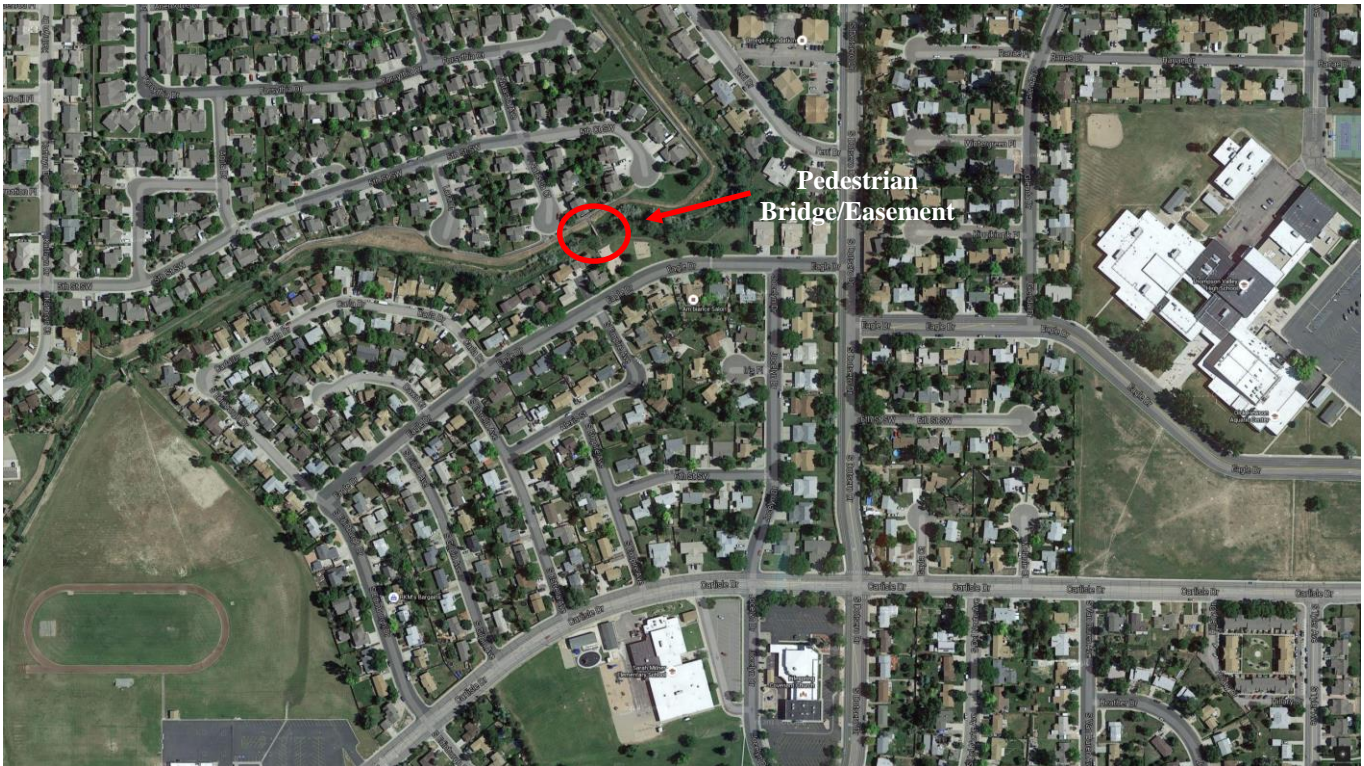
- Westwood Third Subdivision HOA liability for people using the bridge;
- Westwood Third Subdivision maintenance costs in keeping the bridge safe;
- Use of the pocket park in Somerset Park Second Subdivision by non-HOA members/uninvited guests, and;
- A destination point that has attracted some criminal activities.

The attached justification letter from the applicant (see **Attachment 1**), speaks to some of these matters. With these problems that have occurred over time, the two HOA's have been at odds with one another and as of most recently, decided to fence-off access to the bridge. As a result, there is an agreement in vacating this easement and ultimately removing the bridge. (Current Planning has spoken to the president of the Somerset Park Second Subdivision. This individual has communicated that as a representative of the subdivision (not necessarily speaking for everyone in the subdivision), there is an overall agreement with the Westwood Third Subdivision HOA in vacating this pedestrian easement.)

II. ATTACHMENTS

1. Justification Letter from Applicant for Vacating Easement
2. Vacation Exhibit and Legal Description
3. Westwood Third Subdivision Plat (for reference to location of easement)

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF EASEMENT.....	+/- 0.02 ACRES
EXISTING ZONING	P-10: WESTWOOD THIRD SUBDIVISION PLANNED UNIT DEVELOPMENT (PUD)
MASTER PLAN DESIGNATION	LDR – LOW DENSITY RESIDENTIAL
EXISTING USE	SINGLE FAMILY RESIDENTIAL
PROPOSED USE.....	REMOVAL OF EXISTING PEDESTRIAN BRIDGE
ACREAGE OF OPEN SPACE PROPOSED	N/A
EXISTING ADJACENT ZONING AND USE - NORTH.....	P-10 WESTWOOD THIRD SUBDIVISION PLANNED UNIT DEVELOPMENT – SINGLE FAMILY RESIDENCES
EXISTING ADJACENT ZONING AND USE - EAST	P-10 WESTWOOD THIRD SUBDIVISION PLANNED UNIT DEVELOPMENT – SINGLE FAMILY RESIDENCES
EXISTING ADJACENT ZONING AND USE - SOUTH	R1-UD – DEVELOPING LOW DENSITY RESIDENTIAL – SINGLE FAMILY RESIDENCES
EXISTING ADJACENT ZONING AND USE - WEST.....	P-10 WESTWOOD THIRD SUBDIVISION PLANNED UNIT DEVELOPMENT – SINGLE FAMILY RESIDENCES
UTILITY SERVICE PROVIDER - SEWER	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - ELECTRIC.....	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - WATER	CITY OF LOVELAND

V. KEY ISSUES

From a City staff perspective, this pedestrian bridge is recognized as an HOA responsibility – yet dedicated for public use by way of the pedestrian easement (see **Attachment 3**). Current Planning has expressed some reservations about this request because the easement and bridge provides a connection between adjacent subdivisions and a centralized and convenient link for access to schools in the vicinity (i.e. Sarah Milner Elementary, Walt Clark Middle School, and Thompson Valley High School) through Westwood and Somerset Park. The City has previously been involved in meetings with the respective HOA’s to look at alternatives in keeping the easement in place and opening the bridge back up. However, because of the controversy/liability factors related to the bridge and that both HOA’s are in agreement to vacating the easement, there has not been a viable solution reached for all parties involved. Consequently, vacating the easement and ultimately removing the bridge has proven to be the only agreed upon option to resolve conflicts.

VI. BACKGROUND

The subject bridge/pedestrian easement has not been in use for approximately 2-3 years as a result of it being fenced-off. This bridge is one of two installed with the Westwood Third Subdivision. The entire southern and eastern boundaries of the subdivision are bordered by the Mariano Exchange Ditch. These bridges were installed to facilitate pedestrian access from the Westwood Third Subdivision and adjoining developments across the ditch to destination spots including schools, churches, and parks – southeast of the subject site. If this easement is vacated and the bridge removed, only one pedestrian crossing would remain across the Mariano Exchange Ditch, impacting pedestrian access between subdivisions and across the ditch. The crossing that will remain is located northeast of Forsythia Court connecting to 3rd Street SW.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification

An affidavit was received from Kathy Louderback – Touchstone Property Management LLC, which certifies that signs posted in prominent locations on the perimeter of the project site on March 26, 2016, in reference to the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on March 26, 2016. All notices stated that the Planning Commission will hold a public hearing on April 11, 2016. (Mailed notice was not provided because the easement is adjacent/abutting property that is owned by the Westwood Third Subdivision HOA.)

B. Neighborhood Interaction/Response

A neighborhood meeting is not required in conjunction with an application to vacate a pedestrian access easement. However, all surface owners and all owners of easements or right-of-way abutting the easement to be vacated were notified of the application. Further, at least 50% of such owners must be party to the application. Given these requirements and the configuration of the easement, 100% of the owners are party to the application.

VIII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code as it relates to vacating a public access easement:

Chapter 16.36, Section 16.36.010.B

1. *That no land adjoining any easement to be vacated is left without an established public or private easement connecting said land with another reestablished public or private easement :*

The pedestrian easement proposed to be vacated does not connect to an existing public or private easement. The easement only encompasses the area in which the bridge crossing the Mariano Exchange Ditch is located. There are no public or private easements on lands within the Westwood Third Subdivision or Somerset Park Second Subdivision that are attached to the bridge providing public access.

2. *That the easement to be vacated is no longer necessary for the public use and convenience.*

This project seeks to vacate a pedestrian easement. The City of Loveland Comprehensive Master Plan supports connections between subdivisions that allow safe access to associated community facilities (i.e. Loch Lon Park, Sarah Milner Elementary School, Walt Clark Middle School, and Thompson Valley High School). Without this access, pedestrians will be displaced from internal local streets onto busier streets such as Dotsero Avenue or even Wilson Avenue to reach specific destinations.

Development Review Team (DRT) Analysis

Current Planning

In consideration of this pedestrian easement vacation request, Current Planning has been reluctant to support the application. This is primarily because pedestrian access through subdivisions is a land use design/pattern that the City seeks to employ throughout all neighborhoods, allowing residents to walk to obtain goods and services, reducing the impact on the street system. This is a goal of the City's Comprehensive Mater Plan (RES7) that states:

Pedestrian and bicycle friendly development is encouraged by considering among other things:

7A. Walking or biking distance to an existing or planned neighborhood park and within easy access to a community park;

7B. Easy access to major employment centers;

7C. Walking or biking distance and safe accessibility to an existing or planned elementary school;

7D. Easy access to existing or planned neighborhood shopping centers.

However, in recognizing the conflicts that this bridge has created between subdivisions and that it is a privately owned/maintained structure with liabilities tied to a home owners association, the only solution that seemed viable to address these problems that have arisen over the years past, is to vacate and eventually eliminate this pedestrian connection. Additionally, being that this request is supported by both HOA's who are being impacted, Current Planning in-turn is supporting this request.

Transportation Development Review

The vacation of pedestrian easement will not negatively impact access to the City's public street network. There are no connecting public access easements through privately owned HOA properties to public sidewalks along local streets with the Westwood Third Subdivision or Somerset Park Second Subdivision.

Fire

Fire: Staff believes that this finding can be met, due to the following:

- The pedestrian bridge/ access is not a requirement of the International Fire Code.
- The vacation of the pedestrian easement will not negatively impact fire protection for the subject development or surrounding properties.

Water/Wastewater

The subject area to be vacated is the City's current service area for both water and wastewater. There are no existing water mains and/or wastewater mains in the area to be vacated. The Department finds that:

- The existing pedestrian easement to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development.
- The existing pedestrian easement to be vacated is no longer necessary for public use and convenience.

Stormwater

Stormwater: Staff believes that this finding can be met, due to the following:

- The existing easement is not used to convey Stormwater and thus is not necessary for the public use and conveyance of Stormwater.

Power

The existing pedestrian easement to be vacated does not impact the existing electric utility configuration within and adjacent to this development.

IX. RECOMMENDED CONDITIONS

The following condition is being recommended in conjunction with this pedestrian easement vacation:

Current Planning

1. Prior to recording the ordinance vacating this pedestrian easement, an amendment to the Westwood Third Subdivision Final Development Plan shall be processed for approval by the Current Planning Division.



2850 McClelland Drive, Suite 1000 Fort Collins, Colorado 80525-2576
Phone 970-223-5000 Fax 970-223-5282 www.touchstone-property.com

To whom it may concern at City Council and City Planning,

This letter is to justify the right to vacate a portion of the pedestrian easement in Westwood Village III Homeowner Association located at the corner of 1st street and Luann Drive in Loveland, CO 80537. The portion of the easement lies behind Natasha Court extending into Summerset Park HOA. The reason to vacate this easement is due to no access or continuation of easement into the summerset Association. The photo below you can see that Summerset Association has restricted pedestrian access to the community. As designed by City Planning this access was to allow. The City did not require the easement to continue into Summerset Park HOA as required by Westwood Village III. The bridge represents an unnecessary liability, unnecessary maintenance costs, for the residents of Westwood Village III. The members of the HOA have requested to have the bridge removed. Please accept this request to vacate the pedestrian easement.



Thank you,

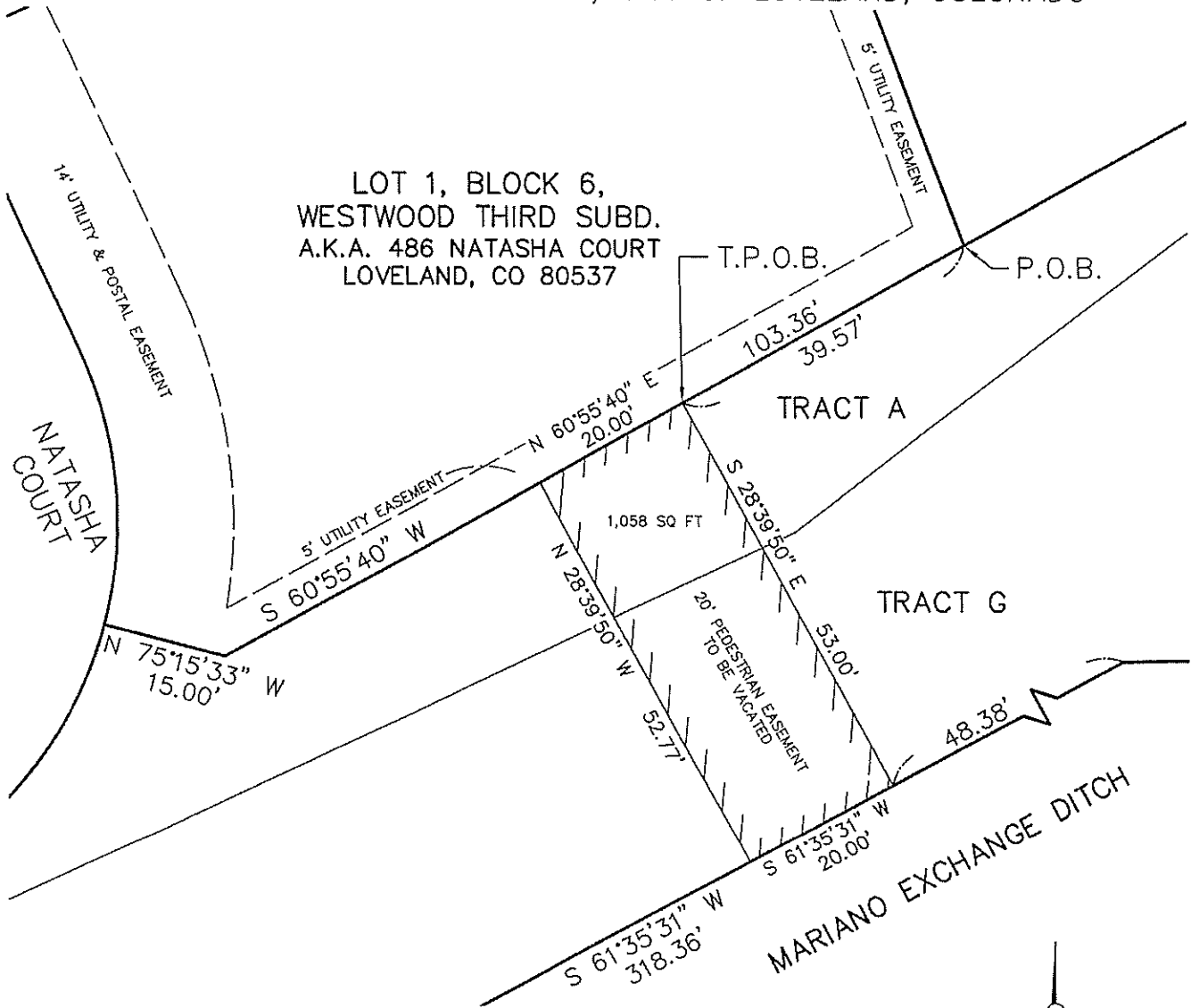
Matt Esposito

Community Association Manager

Westwood Village III Homeowners Association

EASEMENT VACATION – EXHIBIT MAP

20' PEDESTRIAN EASEMENT ACROSS TRACTS A & G
WESTWOOD THIRD SUBDIVISION, CITY OF LOVELAND, COLORADO



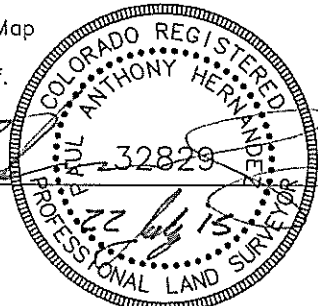
SURVEYOR'S CERTIFICATE

I, Paul A. Hernandez, do hereby certify that this Exhibit Map was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief.

Landmark Engineering, Ltd.

By:

Paul A. Hernandez
Colo. L.S. 32829



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Landmark Engineering
 Engineers Planners Surveyors Architects Geotechnical
 3521 West Eisenhower Blvd., Loveland, Colorado 80537
 (970) 667-6285 • Toll Free 1-866-379-0262 • Fax (970) 667-6298
 www.landmarkltd.com

CLIENT: TOUCHSTONE PROPERTY MANAGEMENT

TITLE: EASEMENT VACATION

SCALE: 1"=20'

22 JULY 2015

JOB #: TOUCHP-15G1C-03-105

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EXHIBIT – A

Legal Description

Legal description of a 20' Pedestrian Easement to be vacated lying on, over and across a portion of Tract A and Tract G, Westwood Third Subdivision to the City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 6, of said Westwood Third Subdivision thence along the South line of said Lot 1 South 60°55'40" West 39.57 feet to the True Point of Beginning; thence departing said South line, South 28°39'50" East 53.00 feet to a point on the South line of said Westwood Subdivision ; thence along said South line South 61°35'31" West 20.00 feet; thence departing said South line North 28°39'50" West 52.77 feet to the South line of said Lot 1; thence along said South line North 60°55'40" East 20.00 feet to the True Point of Beginning;

The above described easement contains 1,058 square feet, more or less, and is subject to all Easements, Agreements and Rights-of-Way of record.

SURVEYOR'S CERTIFICATE:

I, Paul A. Hernandez, a duly registered Land Surveyor under the laws of the State of Colorado, do hereby certify that this legal description was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief. It is not to be construed, nor does it represent a monumented land survey by this office.

LANDMARK ENGINEERING, LTD.

By: 

Paul A. Hernandez

Colorado LS 32829



WESTWOOD THIRD SUBDIVISION

BEING A SUBDIVISION OF TRACT F, AND A PORTION OF TRACT G, BIG THOMPSON FARMS ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, SITUATE IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M..

KNOW ALL MEN BY THESE PRESENTS that the undersigned being all the owners and lienholders of the following described property, except any existing public streets, roads or highways, located in Section 22, Township 5 North, Range 69 West of the 6th P.M., Larimer County, Colorado;

Also being Tract F and a portion of Tract G, Big Thompson Farms Addition to the City of Loveland, Larimer County, Colorado according to the plat on file in the office of the clerk and recorder, records of said County more particularly described as follows:

Beginning at the Northwest Corner of said Section 22; and considering the West line of said Section 22 as bearing South 00°31'30" West and with all bearings contained herein relative thereto; thence along said West line South 00°31'30" West 149.57 feet; thence departing said West line South 88°38'45" East 790.42 feet; thence South 02°03'15" East 50.09 feet to the Northwest Corner of said Tract G; said point being the TRUE POINT OF BEGINNING; thence along the Westerly line of said Tract G South 02°03'15" East 1236.08 feet to a point on the Northerly line of Westwood First Subdivision according to the plat on file in the office of the clerk and recorder, records of said County; thence along the Northerly and Easterly lines of said Westwood First Subdivision the following six courses and distances; North 88°25'38" East 50.00 feet; thence South 02°03'15" East 178.42 feet to the beginning of a tangent curve concave to the Northeast having a central angle of 15°50'49" and a radius of 75.00 feet; thence Southeasterly along the arc of said curve 20.74 feet to the beginning of a compound curve concave to the North having a central angle of 99°14'51" and a radius of 25.00 feet; a radial line passing through said point bears North 72°05'56" East; thence Easterly along the arc of said curve 43.30 feet to the end of said curve; a radial line passing through said end of curve bears North 27°08'55" West; thence South 07°20'40" East 53.51 feet; thence South 29°20'10" East 171.23 feet to a point on the Southerly line of said Tract G; thence along the Southerly line of said Tract G and along the Southerly and Easterly lines of said Tract F the following 14 courses and distances; North 80°39'50" East 166.99 feet; thence South 80°33'10" East 140.13 feet; thence North 00°43'54" East 22.38 feet; thence South 81°28'30" East 383.53 feet; thence North 61°35'31" East 318.36 feet; thence North 88°25'45" East 290.95 feet; thence North 48°23'00" East 2.47 feet; thence North 42°25'00" East 51.16 feet; thence North 44°44'39" East 46.25 feet; thence North 23°30'00" East 27.27 feet; thence North 14°24'00" West 35.57 feet; thence North 38°34'10" West 404.67 feet; thence North 34°22'00" West 165.12 feet; thence North 36°37'10" West 975.10 feet; thence North 24°33'40" West 68.41 feet to the Northeast Corner of said Tract F; thence along the Northerly line of said Tract F and said Tract G the following three courses and distances; North 82°37'15" West 118.81 feet to the beginning of a tangent curve concave to the South having a central angle of 06°01'30" and a radius of 1859.85 feet; thence Westerly along the arc of said curve 195.57 feet to the end of said curve; thence tangent from said end of curve North 88°38'45" West 267.13 feet to the TRUE POINT OF BEGINNING;

Containing 37.615 acres more or less do hereby subdivide the same into lots, blocks, recreation areas, passageways, streets, future streets, utility and other easements as shown on this map, and do hereby designate and dedicate all such recreation areas, parks, passageways, streets, future streets and easements, other than utility easements, to and for public use, all such utility easements to and for public use for the installation and maintenance of utility, irrigation and drainage facilities; and do hereby designate the same as Westwood Third Subdivision to the City of Loveland, Colorado.

All expenses involving necessary improvements for a water system, sanitary sewer system, storm sewer system, curbs and gutters, sidewalks, street improvements, street signs, traffic control signs, alley grading and surfacing, gas service, electric service, grading and landscaping shall be paid by the Owner.

Public Improvements shall be designed and approved prior to the development of the subdivision.

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

SURVEYOR'S CERTIFICATE

Robert J. Nelson, being first duly sworn on his oath, deposes and says that he is a Registered Land Surveyor under the laws of the State of Colorado; that the survey of Westwood Third Subdivision was made by him or under his supervision; that the survey is accurately represented on this map; and that the statements contained thereon were read by him and the same are true of his own knowledge.

Landmark Engineering Ltd.

By: Robert J. Nelson
S.L.S. 16415

17 Oct. 1995

STATE OF COLORADO)
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 17th day of October 1995, by Robert J. Nelson for Landmark Engineering Ltd.

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537

NOTARY PUBLIC

BASE OF BEARINGS:

Assumed the West line of Section 22 as bearing South 00°31'30" West and with all bearings contained herein relative thereto.

APPROVED this 9th day of December 1995 by the CITY ENGINEER of the CITY OF LOVELAND, COLORADO.

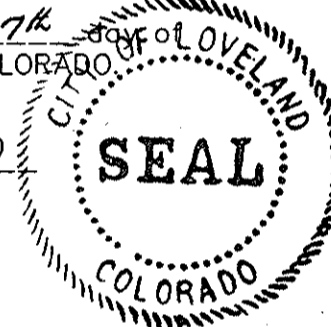
Ray Wilmore
CITY ENGINEER

APPROVED this 13th day of December 1995 by the CHIEF PLANNER of the CITY OF LOVELAND, COLORADO.

Alfred Hoffa
CHIEF PLANNER

This plat is approved and all areas dedicated to the public are accepted this 17th day of October 1995, by the CITY COUNCIL of the CITY OF LOVELAND, COLORADO.

Ray Emerson *Victoria L. Sherman*
CITY COUNCIL ATTEST



APPROVED this 27th day of November 1995 by the CITY PLANNING COMMISSION of the CITY OF LOVELAND, COLORADO.

Ray Emerson
CHAIRPERSON

OWNER: EDWARD A. LARK
by JOHN E. LARK, as attorney-in-fact for EDWARD A. LARK

John E. Lark
JOHN E. LARK
Edward A. Lark

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 17th day of October 1995 by JOHN E. LARK as attorney-in-fact for EDWARD A. LARK.

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537

NOTARY PUBLIC

OWNER: JOAN L. LARK
by JOHN E. LARK, as attorney-in-fact for JOAN L. LARK

John E. Lark
JOHN E. LARK
Joan L. Lark

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 17th day of October 1995 by JOHN E. LARK as attorney-in-fact for JOAN L. LARK.

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537

OWNER: FRANK P. HEFFINGTON, JR.

Frank P. Heffington Jr.
Frank P. Heffington, Jr.

STATE OF Colorado)
COUNTY OF Adams)

The foregoing instrument was acknowledged before me this 16th day of October 1995 by Frank P. Heffington, Jr.

Witness my hand and official seal. 3-10-99
My commission expires

Kent D. Carlson
Notary Public
1286 O 1st Street
Loveland, CO 80537



LIENHOLDER: AMERICAN BANK

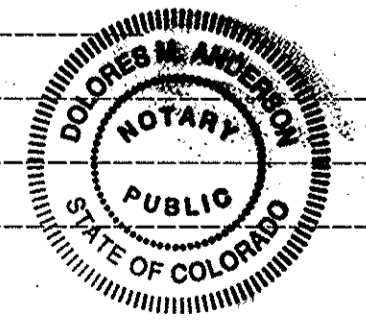
Harris Coe
HARRIS COE, VICE PRESIDENT

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 18th day of October 1995 by Harris Coe

Witness my hand and official seal. 3-28-98
My commission expires

Dolores M. Anderson
Notary Public
300 E 9th St
Loveland, CO 80538



OWNER: JOHN E. LARK

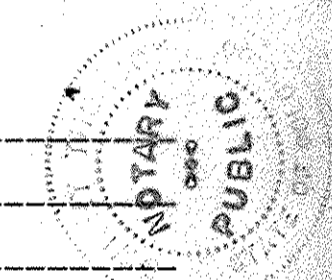
John E. Lark
JOHN E. LARK

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 17th day of October 1995 by John E. Lark

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537



OWNER: SOLVEIG E. LARK

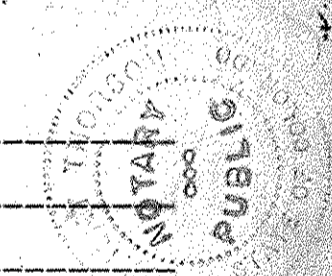
Solveig E. Lark
SOLVEIG E. LARK

STATE OF Colorado)
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 17th day of October 1995 by Solveig E. Lark

Witness my hand and official seal. 7-19-99
My commission expires

Dwight Bowman
Notary Public
1565 Pinnacle Place
Loveland, CO 80537



NOTES:

- TRACTS A, B, C, D, E & F TO BE AVAILABLE FOR THE USE OF ACCESS, DRAINAGE, UTILITY, LANDSCAPE AND PEDESTRIAN EASEMENTS.
- = SET 16" No.4 REBAR WITH 1" PLASTIC CAP STAMPED L.S.16415 (UNLESS OTHERWISE NOTED).
- = SET 16" No.4 REBAR WITH 1" PLASTIC CAP STAMPED L.S.16415 UPON COMPLETION OF CONSTRUCTION OF THE STREETS.
- THERE IS A 14' WIDE UTILITY AND POSTAL EASEMENT ADJACENT TO AND PARALLEL WITH ALL STREET RIGHTS-OF-WAY IN THIS SUBDIVISION.
- THERE IS A 5' WIDE UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL REAR LOT LINES IN THIS SUBDIVISION.
- MAINTENANCE FOR TRACTS A, B, C, D, E & F TO BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
- NO DIRECT VEHICULAR ACCESS WILL BE ALLOWED TO WEST FIRST STREET FROM ANY LOT IN THIS SUBDIVISION WITHOUT THE WRITTEN CONSENT OF THE CITY ENGINEER.
- THE TEMPORARY EMERGENCY ACCESS EASEMENT AS SHOWN ON SHEET 2 WILL BE NULL AND VOID UPON THE WESTERLY EXTENSIONS OF MARY BETH DRIVE AND ANEMONIE DRIVE.
- TRACT G TO BE AVAILABLE FOR THE USE OF ACCESS, DITCH, DRAINAGE AND UTILITY EASEMENTS.
- MAINTENANCE FOR TRACT G TO BE THE RESPONSIBILITY OF THE CONSOLIDATED HOME SUPPLY DITCH AND RESERVOIR COMPANY.

WESTWOOD THIRD SUBDIVISION

BEING A SUBDIVISION OF TRACT F, AND A PORTION OF TRACT G, BIG THOMPSON FARMS ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, SITUATE IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M..

SEE SHEET 2

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

