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ATTACHMENTS:

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Attachment No. 3 – Subparcel B-12 Airport Depiction

Attachment No. 4 – Examples of Applications of Use Table



SECTION 3

PARCEL B

3.1 INTRODUCTION

Parcel B is approximately 880 acres in size and includes the east portion of Parcel D of the Millennium Addition, northwest region of the Millennium Addition, the Twin Peaks Addition, the Range View Addition, the Myers Group Partnership #949 Addition, portions of the Savanna Addition, portions of the McWhinney Addition and the West Parcel and Cloverleaf East Parcel of the Grange Addition.

Parcel B is generally located east and south of the Houts Reservoir and Equalizer Lake, south of Crossroads Boulevard, west of I-25 and north of US 34, with one Subparcel located south of US 34.

Refer to Map 1 and Map 5 in Section 11 for the location of Parcel B.

3.2 LAND USE INFORMATION

3.2.1 Existing Land Uses

The historical uses within Parcel B were primarily Agricultural Activities. There are currently two existing office Buildings in Subparcel B-4, two office Buildings in Subparcel B-1, a mixed use Building in Subparcel B-6, a regional hospital in Subparcel B-11, several Buildings in Subparcel B-12, and a parking lot on a portion of Subparcel B-7. The existing Agricultural uses shall be allowed to continue as legal non-conforming uses within Parcel B until development occurs.

3.2.2 Proposed Land Uses

The land use categories for Parcel B include: Institutional / Civic / Public Uses, Light Commercial Uses, Heavy Commercial Uses, Light Industrial Uses, Heavy Industrial Uses (a maximum of 9,608,000 sf gross square feet of commercial / industrial uses), Business Park Uses and Parks and Open Space Uses, Mixed Use Village Center, Residential Uses (not in an MUN) allowed in Subparcels B-1, B-4 and B-14, and Residential MUN uses also allowed in Subparcel

B-13. The number of Dwelling Units permitted within all of Parcel B is 2,607.

Refer to Section 1.3 for a list of the specific uses within each land use category, and the Land Use Legend on Map 5 in Section 11 for the identification of each land use category as either a Use-by-Right or a Special Review Use. Section 12 contains the review processes applicable to such uses.

3.2.3 Airport Influence Area

Any Special Conditions applicable to development in Parcel B because of its proximity to the Airport are included in the Special Conditions attached as Appendix 3-1 attached to this Section 3.

3.3 CIRCULATION

3.3.1 Site Access

Subject to City approval of specific Development Projects, primary access to the Subparcels of Parcel B will be from Rocky Mountain Avenue, Crossroads Boulevard, McWhinney Boulevard, Kendall Parkway and from US 34.

3.3.2 Internal Circulation

An integrated network and hierarchy of transportation ways will be provided for automobiles, pedestrians, bicyclists, and public transportation.

Refer to Section 7 for detailed information on access, circulation, and parking.

The Conceptual Amenity Map (Map 2 in Section 11) illustrates a proposed, conceptual trail system. Although not all buffer/Open Space areas have trails shown on this map, they will be allowed if determined appropriate in the applicable ESAR.

Details on any proposed trail system shall be provided with applications for GDP Sketch Plats and/or GDP Final Plat review or applications for a Site Development Plan.

3.3.3 Standards

All Streets shall comply with LCUASS as described in Section 7 and General Condition No. 21.

3.4 PUBLIC AND PRIVATE UTILITIES

The following subsections indicate the utility providers currently available to serve Parcel B. The provision of services by other utility providers will be determined at the time of development.

3.4.1 Water and Wastewater

The City will provide water and wastewater service. A water line has been located along Boyd Lake Avenue and extended along the north property line to the Union Pacific Railroad, then to the water line in Rocky Mountain Avenue to serve Parcel B. In addition, a waterline has been extended east from Rocky Mountain Avenue along the Union Pacific Railroad to serve Parcel B. A wastewater main has been located along Rocky Mountain Avenue to serve this property.

A water line is to be extended along Mountain Lion Avenue through the Developer-owned property east along the south side of US 34 to serve Subparcel B-13. This water line will be looped into the water line in Rocky Mountain Avenue. Sanitary sewer service will be facilitated by a new lift station and force mains from the lift station to the gravity sewer in the parcel located west of Subparcel B-13.

Details of services will be worked out at time of preliminary and/or final development plan, or at the time of application for a building permit.

3.4.2 Storm Drainage

Detention shall either be provided on-site or off-site in a regional detention pond in accordance with the City's storm drainage master plan; provided, that any off-site regional detention pond is located up-stream from Houts Reservoir, Equalizer Lake or Boyd Lake, as applicable. On-site water quality treatment will be required for new Development Projects that do not utilize existing regional detention ponds prior to on-site drainage entering Houts Reservoir, Equalizer

Lake or Boyd Lake in designated Environmentally Sensitive Areas.

3.4.3 Electric

The City's Water and Power Department will provide electricity. A 600 amp overhead feeder is located along Rocky Mountain Avenue.

3.4.4 Natural Gas

It is presently anticipated that Xcel Energy Company will provide natural gas.

3.4.5 Telephone

It is presently anticipated that CenturyLink, or other City-approved franchise, will provide telephone and telecommunications services.

3.4.6 Irrigation Ditches

The existing Greeley and Loveland Irrigation Canal will remain in place. If any realignment or physical change is proposed to the ditch, or any improvement is proposed to any portion of this irrigation ditch, The Greeley and Loveland Irrigation Company will be contacted for approval. A copy of a letter from the ditch company shall be submitted to the City prior to any approval which directly impacts the ditch. Irrigation ditches may be used as a raw water supply for irrigation of Open Space areas.

3.4.7 Railroads

The Great Western Railroad tracks are adjacent to the southern boundary of Subparcel B-13 (see Map 5 in Section 11). In order to mitigate railroad noise and vibration, the Applicant shall provide a bufferyard between Buildings for residential occupancy on Lots in Subparcel B-13 and the edge of the railroad Right-of-Way in accordance with the requirements set forth in Section 15, Appendix A of the GDP. See also Special Condition No. 50 in Appendix 3-1.

3.5 NATURAL AREAS

Any Environmentally Sensitive Areas within Parcel B have been identified in an ESAR. The ESARs applicable to Parcel B are provided in Section 14 of the GDP.



The ESAR prepared by Cedar Creek Associates (dated January, 1999 and revised May, 1999) and a subsequent ESAR prepared by Ecological Resource consultants (dated July 18, 2003) recommended certain buffer areas on the east side of the Houts Reservoir and Equalizer Lake. All required buffers have been preserved by conveyance to the HPF, therefore, no additional buffers shall be required for the development of Subparcels B-1, B-2 or B-4.

For Subparcel B-3, please refer to the ESAR prepared by Ecological Resource Consultants dated June 8, 2004.

For Subparcel B-6, please refer to the ESAR prepared by ESNR Corporation dated January, 2000.

For Subparcels B-10 and B-11, please refer to the ESAR prepared by Cedar Creek Associates dated September 17, 2000 and the ESAR prepared by Wildland Consultants dated January, 2000.

For Subparcel B-12, please refer to the ESAR prepared by Ecological Resource Consultants dated February 4, 2005.

For Subparcel B-13, please refer to the ESAR prepared by FlyWater Consulting, Inc. dated October 11, 2007.

For Subparcel B-14, please refer to the ESAR prepared by FlyWater Consulting, Inc. dated February 12, 2008.

3.6 LANDFORM MODIFICATION

Parcel B is relatively flat. Landform modification will occur in order to create visual interest and to provide screening as necessary, and/or to provide for proper management of drainage.

Refer to the Conceptual Utility/Grading Map, (Map 3 in Section 11), as well as Sections 6.11 and 6.17 for additional grading information and the anticipated amounts of cut and fill.

3.7 DEVELOPMENT CONDITIONS

Development within Parcel B shall be subject to the applicable General Conditions in Appendix 1-1 to Section 1 and the applicable Performance Standards in Sections 6 through 10 and 16.

Development within Parcel B shall also be subject to the applicable Special Conditions in Appendix 3-1 attached to this Section 3 and incorporated herein by this reference.

APPENDIX 3-1
SPECIAL CONDITIONS FOR
PARCEL B
AIRPORT

Special Condition No.1 (Parcel B):

No structures located within those portions of Parcel B that are located within the Airport Influence Area as shown on Map 5 in Section 11 of the GDP shall extend into restricted air space as defined by FAA Regulation, Part 77, and the Applicant shall comply with all applicable notice requirements of such FAA Regulation.

Special Condition No. 2 (Subparcel B-1):

Each Building constructed in Subparcel B-1 for a Residential Use as defined in Section 1.3.2 of this GDP which is also located within the 55dB/65dB noise contour for the Airport, as shown on Map 10 in Section 11 of the GDP, shall be subject to the “Noise Attenuation Construction Performance Standards” attached hereto as Attachment No. 1, which ensures the compatibility of such Residential Uses with Airport operations.

Special Condition No. 3 (Subparcels B-1 through B-4, B-7, B-13 and B-14):

The owners of those portions of Subparcels B-1 through B-4, Subparcel B-7, Subparcel B-13 and Subparcel B-14 that are located within the boundaries of the Airport Influence Area as depicted on Map 5 in Section 11 of the GDP shall execute and deliver to the City for recording concurrently with the GDP Final Plat for such property, an Avigation Easement in the form attached hereto as Attachment No. 2.

Special Condition No. 4 (Subparcels B-1 through B-4, B-7, B-13 and B-14):

Those portions of Subparcels B-1 through B-4, Subparcel B-7, Subparcel B-13 and Subparcel B-14 that are located within the Airport Influence Area may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations, therefore, all Sub-division plats for property that is located within

Subparcels B-1 through B-4, Subparcel B-7, Subparcel B-13 and Subparcel B-14 which are also wholly or partially located within the boundaries of the Airport Influence Area as depicted on Map 5 in Section 11 of the GDP shall contain the following language: “All or a portion of the property being subdivided may be located within the Airport Influence Area of the Northern Colorado Regional Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations.”

Special Condition No. 5 (Subparcels B-1 through B-4, B-7, B-13 and B-14):

Except to the extent otherwise required by applicable Federal law, all new bodies of water within Subparcels B-1 through B-4, Subparcel B-7, Subparcel B-13 and Subparcel B-14 which are also located within the Airport Influence Area as depicted on Map 5 in Section 11 of the GDP and within a radius of 10,000 feet from the end of any runway of the Airport, shall be prohibited if: (1) they are larger than one-quarter acre in size; (2) they are installed after July 11, 2006; (3) they are designed to hold or retain water permanently or over extended periods of time; and (4) they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body or to detention ponds that have outlet structures designed to prevent the permanent containment of water.

Special Condition No. 6 (Subparcels B-1 through B-4, B-7, B-13 and B-14):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted in within Subparcel B-1 through B-4, Subparcel B-7, Subparcel B-13 and Subparcel B-14 which are also located within the Airport Influence Area as depicted on Map 5 in Section 11 of the GDP which would materially lower pilots’ visibility or cause material interference with the Airport’s navigation and communication systems. For purposes of this condition, “reflective material” is defined as glazing with a reflectivity of 65% or greater.



Special Condition No. 7 (Subparcels B-1 through B-4, B-7 and Subparcel B-14):

Residential Uses are not permitted in those portions of Subparcels B-1 through B-4, Subparcel B-7 and Subparcel B-14 of the GDP which are also located within the Airport's Critical Zone as depicted on Map 5 of Section 11 of the GDP ("Critical Zone"). In the event that the Critical Zone is reduced in area pursuant to an amendment of the Airport Master Plan, such new Critical Zone boundary shall be used to determine the applicability of this condition.

Special Condition No. 8 (Subparcels B-1 through B-4, B-7, B-13 and B-14):

The Developer shall include the following disclosure statement in all of its contracts for the sale of any of the property located within Subparcels B-1 through B-4, Subparcel B-7, Subparcel B-13 and Subparcel B-14 of the GDP which is also within the Airport Influence Area as shown on Map 5 in Section 11 and further, shall include a provision in such sales contracts that the purchaser thereof shall include the following disclosure statement in all of its subsequent contracts for sale of such property: "The property subject to this contract may be located within the Airport Influence Area of the Northern Colorado Regional Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations." Each such contract subject to this Special Condition shall expressly provide that the disclosure provision survives closing and is enforceable at law or in equity by the City as a third party beneficiary of such contract.

Special Condition No. 9 (Subparcels B-9, B-10 and B-11):

Subparcels B-9, B-10 and B-11 are subject to that Avigation and Hazard Easement recorded in the Larimer County Records on May 10, 2004 at Reception No. 2004-0044058.

Special Condition No. 10 (Subparcels B-9, B-10 and B-11):

Except to the extent otherwise required by applicable Federal law, all new bodies of water within

Subparcels B-9, B-10 and B-11 and within a radius of 10,000 feet from the end of any runway, shall be prohibited if: (1) they are larger than one-quarter acre in size; (2) they are installed after June 3, 2003; (3) they are designed to hold or retain water permanently or over extended periods of time; and (4) they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body.

Special Condition No.11 (Subparcels B-9, B-10 and B-11):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted in Subparcels B-9, B-10 and B-11 which would materially lower pilots' visibility or cause material interference with the Airport's navigation and communication systems.

Special Condition No. 12 (Subparcels B-9, B-10, B-11 and B-14):

All helicopter activities conducted within Subparcels B-9, B-10, B-11 or B-14 shall be coordinated with the management of the Airport and the FAA for development of procedures to ensure that such activities will not adversely affect Airport operations.

Special Condition No. 13 (Subparcel B-12):

Each Subdivision application for property within Subparcel B-12 shall be reviewed by the manager of the Airport and comments sent to the City Planning Division prior to final approval.

Special Condition No. 14 (Subparcel B-12):

Attached hereto as Attachment No. 3 is a depiction of Subparcel B-12 referred to herein as the "Subparcel B-12 Airport Depiction", which provides all of the following specific information:

(a) The existing runway protection zone, Critical Zone, noise contours, flight pattern areas and the Airport Influence Area;

(b) A Land Use table; and

(c) An overlay of the FAA FAR 77, the approximate finished floor elevations for the contemplated structures within Subparcel B-12 and the maximum Building Height for each structure based on the FAA FAR 77, to be used as a reference to determine maximum Building Heights per site with each Subdivision application.

Special Condition No. 15 (Subparcel B-12):

Uses allowed within Subparcel B-12 shall include the Business Park Uses listed in Section 1.3.8 of the GDP.

No other uses shall be allowed within Subparcel B-12 unless the Current Planning Manager approves a use which is:

(a) Permitted in the I District – Developing Industrial District (currently Section 18.02.03.07 of the UDC); and

(b) Is not a use denoted “I” on the Land Use table of the Subparcel B-12 Airport Depiction; and

(c) Which he or she deems to be substantially similar in impact to the uses allowed within Subparcel B-12 including, but not limited to, its compatibility with the Airport.

Every use within Subparcel B-12 shall be consistent with the Land Use table and height restrictions shown on the Subparcel B-12 Airport Depiction attached hereto as Attachment No. 3. Application of such Land Use table to uses within Subparcel B-12 shall be in accordance with the Examples of Applications of Use Table attached hereto as Attachment No. 4.

Special Condition No. 16 (Subparcel B-12):

Each Subdivision plat within Subparcel B-12 shall also contain the following language: “All or a portion of the property being subdivided may be located within the Fort Collins/Loveland Municipal Airport’s influence zone, Critical Zone and/or the 65db noise curve and as a result, such property may be subjected to low flying aircraft which at times may exceed the 65db noise levels and further such property may have restrictions on uses and heights of structures.”

Special Condition No. 17 (Subparcel B-12):

Adequate profile information shall be submitted for each site plan within Subparcel B-12 to verify that FAA Part 77 is not violated by any Building, tower or any other man-made structures and trees.

Special Condition No. 18 (Subparcel B-12):

Except to the extent otherwise required by applicable Federal law, new bodies of water within Subparcel B-12 shall be prohibited within a radius of 10,000 feet from the end of any runway if: (a) they are larger than one-quarter acre in size; (b) they are installed after July 20, 2004; (c) they are designed to hold or retain water permanently or over extended periods of time; and (d) in the reasonable determination of the manager of the Airport, they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body.

Special Condition No. 19 (Subparcel B-12):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted within Subparcel B-12 which would materially lower pilots’ visibility or cause material interference with the Airport’s navigation and communication systems, as reasonably determined by the manager of the Airport.

Special Condition No. 20 (Subparcel B-12):

Subparcel B-12 is subject to the Avigation Easement recorded in the Larimer County Records on August 17, 2004 at Reception No. 2004-0080755.

ENVIRONMENTAL

Special Condition No. 21 (Subparcels B-13 and B-14):

The first application for a Subdivision plat within Subparcel B-13 and Subparcel B-14 shall be accompanied by a Phase II Environmental Assessment of such Subparcel.

Special Condition No. 22 (Subparcels B-13 and B-14):



14):

Prior to the approval of the first application for a Subdivision plat within Subparcel B-13 and B-14, a plan for mitigation of the environmental conditions identified in the Phase II Environmental Assessment for such Subparcel shall be prepared by an environmental consultant and approved by the City.

Special Condition No. 23 (Subparcels B-13 and B-14):

Prior to the issuance of the first building permit within each approved Development Project within Subparcel B-13 and Subparcel B-14, the Developer shall mitigate, in compliance with the approved mitigation plan for such Subparcel and all applicable federal, state, and local regulations and requirements, any environmental conditions within such Development Project that are identified in the applicable Phase II Environmental Assessment, or, in the alternative, the Developer shall demonstrate, to the City's satisfaction, that the Development Project is not within the area affected by the environmental conditions identified in the applicable Phase II Environmental Assessment.

Special Condition No. 24 (Subparcel B-13):

The decommissioning of the oil and gas well and associated storage tanks located on Subparcel B-13 is complete.

ENVIRONMENTAL FEES

Special Condition No. 25 (Subparcels B-1, B-4, B-6, and B-13):

Each residential building permit issued for a new Dwelling Unit in Subparcels B-1, B-4, B-6 and B-13 through December 31, 2040, shall require the payment of a Residential Environmental Fee of \$0.43 per finished and unfinished square foot of habitable space within the Dwelling Unit including basements, but excluding garages, carports, porches and decks. Each Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 26 (Parcel B):

Pursuant to the Agreement Regarding Environmental Fees among the City, Developer and the Environmental Entities dated June 27, 2006 and all amendments thereto, prior to 50% build-out of both Parcels B and C, an environmental center shall be constructed near the Houts and Equalizer Reservoirs by or on behalf of the Environmental Entities. "Build-out," as used herein in connection with both residential and non-residential development, shall mean the construction of all principal Buildings for the total number of residential Dwelling Units and the total amount of non-residential square footage permitted within both Parcels B and C.

Special Condition No. 27 (Subparcels B-1, B-2, B-4, B-6, B-7, B-10, B-11, B-13 and B-14):

Each building permit issued for a new non-residential Building within Subparcels B-1, B-2, B-4, B-6, B-7, B-10, B-11 (north of East 29th Street), B-13 and B-14 through December 31, 2040 shall require the payment of a Non-Residential Environmental Fee of \$1.00 for each gross square foot of the non-residential Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 28 (Subparcels B-1, B-2, B-4, B-6, B-7, B-10, B-11, B-13 and B-14):

Each building permit issued for an addition to an existing non-residential Building within Subparcels B-1, B-2, B-4, B-6, B-7, B-10, B-11 (north of East 29th Street), B-13 and B-14 through December 31, 2040, which addition results in an increase of the Building's gross square footage, shall be assessed a Non-Residential Environmental Fee of \$1.00 per square foot based on the gross square footage of the addition to the Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 29 (Subparcels B-3 and B-12):

Each building permit issued for a new non-residential Building within Subparcel B-3 and Subparcel B-12 through December 31, 2040 shall require the

payment of a Non-Residential Environmental Fee of \$0.50 for each gross square foot of the non-residential Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 30 (Subparcels B-3 and B-12):

Each building permit issued for an addition to an existing non-residential Building within Subparcel B-3 and Subparcel B-12 through December 31, 2040, which addition results in an increase of the Building's gross square footage, shall be assessed a Non-Residential Environmental Fee of \$0.50 per square foot based on the gross square footage of the addition to the Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 31 (Subparcels B-9 and B-11):

Each building permit issued for a new non-residential Building within Subparcel B-9 and Subparcel B-11 (south of East 29th Street) through December 31, 2040 shall require the payment of a Non-Residential Environmental Fee of \$0.75 for each gross square foot of the non-residential Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 32 (Subparcels B-9 and B-11 and B-14):

Each building permit issued for an addition to an existing non-residential Building within Subparcel B-9 and Subparcel B-11 (south of East 29th Street) through December 31, 2040, which addition results in an increase of the Building's gross square footage, shall be assessed a Non-Residential Environmental Fee of \$0.75 per square foot based on the gross square footage of the addition to the Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 33 (Subparcels B-1, B-2, B-3, B-4, B-6, B-7, B-9, B-10, B-11, B-12 and B-14):

The written consent of the Environmental Entities is required prior to the City's final approval of a

rezoning of any of the following Subparcels: B-1, B-2, B-3, B-4, B-6, B-7, B-9, B-10, B-11, B-12 and B-14, if such rezoning would result in the removal of the Subparcel from the GDP.

FEES/CREDITS/REIMBURSEMENTS

Special Condition No. 34 (Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-11):

A City reimbursement agreement dated January 23, 2003 obligates the City to attempt to collect reimbursements from the Applicants of specified properties in connection with certain water improvements installed within the Right-of-Way for Rocky Mountain Avenue. The City has waived its right to collect a reimbursement under such agreement from non-residential development within Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-11. Refer to Section 5.2.5 of the PVH Agreement for specific terms. All reimbursements shall be in compliance with the City's standard reimbursement policies outlined in LCUASS Section 1.9.3 and identified as a reimbursable improvement in the City's latest adopted Transportation Plan.

Special Condition No. 35 (Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12):

In connection with water and wastewater improvements which the City has constructed pursuant to the PVH Agreement, every building permit for a non-residential use within Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 shall be assessed a cost equal to its proportionate share of the actual cost of the local portion of any oversized water or wastewater line and any water or wastewater improvement which solely benefits the proposed non-residential use. Refer to Section 5.2.3 of the PVH Agreement for specific terms.

Special Condition No. 36 (Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12):

Pursuant to the MFA, projects within Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 (MFA Commercial Area) shall not be eligible to receive reimbursement from the City to which they might otherwise be entitled pursuant to City Regulations, as defined by the MFA, for the design and construction



of public improvements therein, with the exception of the following reimbursements:

(a) The City's obligation to reimburse Centerra Properties West, LLC for certain costs incurred for a preliminary design of the arterial Street Improvements. Refer to Section 6.5 of the PVH Agreement for specific terms.

(b) Reimbursements for public improvements which were completed prior to January 20, 2004. Refer to Sections 12.3 and 13.5 of the MFA for specific terms.

(c) Reimbursements for the design and construction of all or a portion of the arterial Street Improvements completed by Applicants of non-residential projects within Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 (PVH Commercial Area) to serve such projects, in the event of the City's failure to appropriate money for such improvements. Refer to Section 6.1.5 of the PVH Agreement for specific terms.

(d) Reimbursements for public improvements completed in connection with Development Projects not within the MFA Commercial Area, unless such public improvements are not eligible for reimbursement pursuant to Section 12.3 of the MFA.

Additionally, to the extent the Developer or District constructs public improvements for which Developer or District also pays CEF, then reimbursement may be owed.

Special Condition No. 37 (Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12):

Centerra Properties West, LLC and its affiliates are entitled to receive certain credits against City water system impact fees and City CEF for Streets in connection with Development Projects within Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 (MFA Commercial Area) pursuant to the terms of the MFA. Refer to Section 12.1 of the MFA for the specific terms.

Special Condition No. 38 (Subparcels B-1, B-2, B-4,

B-6, B-7 and B-9 through B-12):

Except as provided in Special Conditions No. 34 and 35 above, the Applicant of every project within Subparcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 (MFA Commercial Area) shall be responsible for payment of all applicable City development fees and use taxes and for satisfaction of all raw water requirements. Refer to Section 12.3 of the MFA for the specific terms.

Special Condition No. 39 (Subparcels B-2 and B-4):

Subparcels B-2 and B-4 are adjacent to and are benefited by improvements to Rocky Mountain Avenue constructed by Developer. Any development of such Subparcels will be subject to a third-party reimbursement obligation to Developer for its proportionate share of the costs of improvements. No later than September 9, 2006, Developer shall provide the City with the documentation required by LCUASS (currently Section 1.9.3.B.1.f. and g.). After execution and recording of the reimbursement agreement, the City shall attempt to provide notice on future plats of the obligated properties (currently Section 1.9.3.B.1.h.). The parties acknowledge however, that no notice as required by LCUASS needs to be given. To the extent this condition may be Inconsistent With the applicable provisions of LCUASS, the terms hereof shall prevail.

Special Condition No. 40 (Subparcels B-9 and B-11):

The PVH Project (located in Subparcels B-9 and that portion of Subparcel B-11 south of East 29th Street) is entitled to a waiver of 25% of certain City development fees and/or use taxes pursuant to the PVH Agreement. Refer to Section 4 of the PVH Agreement for specific terms.

Special Condition No. 41 (Subparcel B-13):

Projects within Subparcel B-13 are subject to the fees, credits, and reimbursements set forth in the Centerra South MFA.

NOTIFICATION OF MINERAL ESTATE

OWNERS

Special Condition No. 42 (Subparcel B-13 and B-14):

C.R.S. §24-65.5-101 *et seq.* requires that, upon the first application for a Subdivision plat which requires a public hearing, public notice shall be provided at least 30 Days prior to the such public hearing to the owners of mineral estates within the property to be platted, as such owners are defined by C.R.S. §24-65.5-102(5). Such notice has been provided with respect to all of the properties within Parcel B, and no further notice to mineral estate owners is required in order to comply with these statutory requirements.

PARKS AND RECREATION

Special Condition No. 43 (Subparcel B-13):

No additional vehicular or pedestrian connections are proposed within the Loveland Sports Park due to existing drainage systems and Private Driveways within the park. The location and type of vehicular and pedestrian connections between Subparcel B-13 and the Loveland Sports Park shall be determined during review and approval of future Development Projects within Subparcel B-13. Each such connection shall be designed to accommodate the existing drainage system and Private Street network within the Loveland Sports Park and may require the installation of additional lighting, sidewalks, accessible walkways, culvert crossings or other safety measures for the benefit of Loveland Sports Park users. The design and construction of any such connections and the ancillary improvements shall be done at no cost to the City.

Special Condition No. 44 (Subparcel B-13):

Due to the current sports field design and storm drainage system within the Loveland Sports Park, Developer acknowledges that the City may not agree to grant any additional easements or Rights-of-Way to accommodate future Streets or utilities proposed by any future Development Project within Subparcel B-13. Any proposed utilities, including a forced wastewater mainline, may be allowed within the existing 40-foot utility easement on the north side of the Loveland Sports Park, and shall be determined at

time of preliminary design and plat. If allowed, all design, demolition, construction and repair shall be paid for by the Developer at no cost to the City.

Special Condition No. 45 (Subparcel B-13):

Loading and delivery areas for non-residential uses in Subparcel B-13 shall be adequately screened from the Loveland Sports Park.

Special Condition No. 46 (Subparcel B-13):

Solid fencing between the boundaries of Subparcel B-13 and the Loveland Sports Park shall not exceed 48 inches in height. Any fencing along such boundary that exceeds 48 inches in height shall be of an open style that allows for views into the Loveland Sports Park. The design of any such fencing shall be determined during review and approval of future Development Projects within Subparcel B-13 that are adjacent to the Loveland Sports Park.

Special Condition No. 47 (Subparcel B-13):

Final Subdivision plats that include property within Subparcel B-13 that is adjacent to the Loveland Sports Park shall contain a disclosure regarding the existence and proximity of the Loveland Sports Park, uses that may occur within the park, the park's hours of operation and the use of lighted facilities, all of which are regulated by the City, together with an acknowledgement that the operation of the Loveland Sports Park is based on the Municipal Code and will not be changed because of subsequent development of properties adjacent thereto.

PLANNING

Special Condition No. 48 (Subparcel B-13):

Prior to the approval of the first Subdivision plat within Subparcel B-13, the Applicant shall deliver to the City any required ditch or irrigation company easements, as determined by the City Attorney, and a crossing agreement, if a crossing of the ditch is needed for development of the subdivision.



RAILROAD

Special Condition No. 49 (Subparcel B-13):

For the purpose of mitigating general railroad noise and vibration, the Applicant shall provide a buffer-yard between Buildings for residential occupancy on Lots in Subparcel B-13 and the Great Western Railroad Right-of-Way in accordance with the requirements set forth in Section 15, Appendix A of the GDP.

Special Condition No. 50 (Subparcel B-13):

The Great Western Railroad tracks are adjacent to the southern boundary of Subparcel B-13. Residents adjacent to such railroad tracks may experience noise and vibration effects resulting from the passage of trains on such tracks in close proximity to adjacent Lots. A notice reciting the above-stated potential impacts from such railroad tracks shall be placed on each Subdivision plat which includes any portion of Subparcel B-13 within 500 feet of the railroad Right-of-Way.

TRANSPORTATION

Special Condition No. 51 (Parcel B):

To the extent that Street and/or trail crossings of the existing railroads are required as a condition of a Development Project within Parcel B to meet the ACF Regulations and any approved exceptions thereto or other applicable UDC requirements, acquisition of the necessary Public Utilities Commission approval for such crossing shall be governed by the terms of the PVH Agreement.

Special Condition No. 52 (Subparcel B-11):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and if rationally related and roughly proportional to demand created by a Development Project and as agreed to by the City Engineer and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the

City, the following Street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Subparcel B-11.

(a) Kendall Parkway from Rocky Mountain Avenue to I-25 Colorado Department of Transportation Park and Ride.

Special Condition No. 53 (Subparcels B-1, B-2, B-4, B-6, B-7, B-9 through B-12, and B-14):

The following roadways shall be exempt from compliance with the ACF Regulations in connection with the development of non-residential uses in Subparcels B-1, B-2, B-4, B-6, B-7, B-9 through B-12, and B-14:

(a) Rocky Mountain Avenue from, but not including, its intersection with County Road 24 (29th Street), north to and including its intersection with Crossroads Boulevard and that portion of Crossroads Boulevard from its intersection with Rocky Mountain Avenue east to and including its intersection with the west I-25 frontage road;

(b) Existing portions of County Road 24E (37th Street) or any extension thereof west through its intersection with Boyd Lake Avenue;

(c) Existing portions of Rocky Mountain Avenue from County Road 24 (29th Street) south through its intersection with Hahn's Peak Drive; and

(d) Boyd Lake Avenue.

Special Condition No. 54 (Subparcels B-1, B-2, B-4, B-6, B-7, B-9 through B-12, and B-14):

Except for those Streets for which there is an approved exception from the ACF Regulations, Applicants of non-residential projects within Subparcels B-1, B-2, B-4, B-6, B-7, B-9 through B-12, and B-14 shall be required to improve Public Street intersections adjacent to such projects to City standards to the extent necessary to comply with the ACF Regulations in the operation of such intersections and, in

addition, shall be responsible for designing and installing all Private Street improvements necessary to adequately serve such projects. Refer to Section 6.4 of the PVH Agreement for specific terms.

Special Condition No. 55 (Subparcels B-1, B-2, B-4, B-6, B-7, B-10, B-11, B-12 and B-14):

In accordance with Section 6.4 of the PVH Agreement, prior to the issuance of any building permit for the last 25 acres of undeveloped non-residentially zoned property within Subparcels B-1, B-2, B-4, B-6, B-7, B-10, that portion of B-11 north of East 29th Street, B-12, B-14 and that portion of Subparcel C-1 located east of a line 2,625 feet east of the centerline of Boyd Lake Avenue (which properties exclude the PVH Property), all applicable ACF Regulations must be met for all Public Streets within the PVH Commercial Area with the exception of I-25 and its interchanges and US 34 and its intersections.

Special Condition No. 56 (Subparcel B-4):

To the extent consistent with any approved access control plan, no signalized access will be permitted to Subparcel B-4 from Rocky Mountain Avenue except at the intersection of CR 24 (29th Street), unless otherwise determined by the City Engineer. If unsignalized accesses meet any signal warrant in the future, the turning movements shall be eliminated as necessary to eliminate the signal warrant or, to the extent consistent with any approved access control plan, a roundabout shall be installed at the access point by the Applicant at no cost to the City.

Special Condition No. 57 (Subparcel B-9):

Unless constructed by others or otherwise approved by the City Engineer, the sidewalk along the east side of Rocky Mountain Avenue from Hahns Peak Drive to the Greeley and Loveland Irrigation Canal shall be constructed, or cause to be constructed, by the Applicant of Subparcel B-9 at no cost to the City prior to the issuance of a building permit within Subparcel B-9.

Special Condition No. 58 (Subparcels B-9, B-10, B-

11 and B-14):

In any Traffic Study for a Development Project within Subparcels B-9, B-10, B-11 and B-14, the Applicant shall not be required to count any of the vested gateway trips as background traffic, excluding those trips which are attributable to any site specific development plan within Subparcels B-9, B-10, B-11 or B-14 approved after July 11, 2006. For purposes of this condition, the total number of “vested gateway trips” means the 15,690 total daily trips, the 337 A.M. peak hour daily trips and the 1,452 P.M. peak hour daily trips previously vested for such Subparcel as part of the approved Gateway GDP.

Special Condition No. 59 (Subparcels B-9, B-10, B-11 and B-14):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and if rationally related and roughly proportional to demand created by a Development Project and as agreed to by the City Engineer and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City the following Street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope, and phasing of such construction shall be determined during review and approval of future Development Projects within Subparcels B-9, B-10, B-11 and B-14.

- (a) Kendall Parkway from Rocky Mountain Avenue to I-25 Colorado Department of Transportation Park and Ride.

Special Condition No. 60 (Subparcel B-11):

In accordance with the Transportation Plan, each GDP Final Plat for a Development Project within Subparcel B-11 which is adjacent to the Union Pacific Railroad (“Railroad”) shall dedicate right-of-way 25 feet in width adjacent to the existing Railroad Right-of-Way. In the event that the Transportation Plan is amended to remove such requirement, the requirements of this condition shall become of no effect as to GDP Final Plats approved thereafter and the City Manager shall be authorized, notwithstanding



any provision of the UDC to the contrary, to administratively approve the vacation of any Right-of-Way dedications made pursuant to this condition. Such vacations shall be promptly recorded by the City in the Larimer County Records.

Special Condition No. 61 (Subparcel B-12):

A minimum of two points of access shall be provided to all Lots in Subparcel B-12. This access may be provided via easements through other Lots.

Special Condition No. 62 (Subparcel B-12):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and if rationally related and roughly proportional to demand created by a Development Project and as agreed to by the City Engineer and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the applicable Street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Subparcel B-12.

Special Condition No. 63 (Subparcel B-13):

Unless designed and constructed by others, or otherwise approved by the City Engineer, and if rationally related and roughly proportional to demand created by a Development Project and as agreed to by the City Engineer and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following Street improvements to the standards required by the Transportation Plan and LCUASS. The necessity, timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Subparcel B-13.

(a) Hahns Peak Drive to Mountain Lion Drive within Subparcel B-13 to US 34.

(b) Mountain Lion Drive from Hahns Peak Drive to Rocky Mountain Avenue.

(c) Rocky Mountain Avenue within Subparcel B-13 to US 34.

(d) Rocky Mountain Avenue within Subparcel B-13 from US 34 to CR 20E when a traffic study for a Development Project warrants the connection to CR 20E and funding is proportional to the impact; provided that to the extent that Street and/or trail crossings of the existing railroads are required as a condition of a Development Project to meet the ACF Regulations and any approved exceptions thereto or other applicable UDC requirements, the City shall be responsible for processing the requests for the State Public Utilities Commission approval of such crossings, and the Applicant shall be responsible for the payment of the City's reasonable costs incurred therefor, including reasonable attorney's fees.

UTILITIES

Special Condition No. 64 (Subparcel B-4):

With the exception of those improvements which are the City's responsibility pursuant to the PVH Agreement, the Applicant of Subparcel B-4 shall be responsible for staking underground power lines per the requirements of the City's Water & Power Department, including cut and fill stakes as required, and for any costs associated with the relocation, raising, or lowering of the underground electrical three phase electric power lines which are necessitated by incorrect staking, changes in road design, installation of other utilities, or any other construction caused by the Applicant.

Special Condition No. 65 (Subparcels B-9, B-10 and B-11):

Prior to the approval of any GDP Final Plat within Subparcels B-9, B-10 or B-11, the Applicant shall provide a final engineering design acceptable to the City Stormwater Utility Department for all storm drainage discharges directly into the Greeley & Loveland Irrigation Canal, provided that storm drainage into the Greeley & Loveland Irrigation Canal is prohibited except for existing development or as

agreed to by Greeley & Loveland Irrigation Company. Developed and detained storm drainage discharges releasing directly into the Greeley & Loveland Irrigation Canal shall be limited to the two-year historic release rate per Table SO 1, Urban Drainage and Flood Control Document, Volume 2, for all storm events up to and including the 100 year developed storm event.

WATER AND WASTEWATER

Special Condition No. 66 (Subparcel B-13):

Unless designed and constructed by others or otherwise approved by the Director of the Water and Power Department, the Developer shall design and construct, or cause to be designed and constructed at no cost to the City, the following water and wastewater improvements to City standards. The exact size, location and capacity of each improvement and the timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Subparcel B-13.

(a) A water main on the south side of US 34 from Boyd Lake Avenue to the east boundary of Subparcel B-13.

(b) A water main through Subparcel B-13 with two points of connection to the water main described in subparagraph (a) above.

(c) A connection between the water main described in subparagraph (a) above and the existing water main on the north side of US 34 at Rocky Mountain Avenue.

(d) An on-site wastewater collection system for Subparcel B-13 and a lift station and force main connection to the existing gravity flow system. The lift station shall be designed with sufficient capacity for future wastewater flows from Subparcel B-13 and for expansion to accommodate future wastewater flows from the property east of Subparcel B-13, west of I-25 and north of the Great Western Railroad. Design of the lift station and force main shall be coordinated with the City's Water and Power Department and approved by the regional 208 Wastewater Authority. The Developer shall fund the City to construct the lift

station and can apply for a third party reimbursement agreement to be reimbursed for any oversizing for the adjacent property.

Special Condition No. 67 (Subparcel B-13):

Any reimbursement for the East Side Lift Station shall be in accordance with that Reimbursement Agreement by and between the Developer and the City of Loveland Water Department dated September 7, 2004.



**Attachment No. 1
To Appendix 3-1
Special Conditions for Parcel B**

Noise Attenuation Construction Performance Standards

- A. Application. Each Building constructed for a Residential Use as defined in Section 1.3.2 of this GDP which is located in Parcel B-1 and within the 55dB/65dB noise contour for the Airport, as shown on Map 10 in Section 11 of the GDP, shall comply with the following requirements.
- B. Design methods. It is intended that these requirements provide flexibility to permit the use of innovative approaches, techniques, and materials to achieve effective sound insulation.
- C. Use of qualified acoustical consultant. In cases where materials included in a design do not have listed sound transmission class (STC) ratings acceptable to the building official, in order to verify compliance the building plans and specifications accompanying the application for a building permit shall be certified by a qualified acoustical consultant as meeting the required noise level reduction standards. Qualified consultants shall include members of the National Council of Acoustical Consultants and others who are approved by the building official, such approval being based on the demonstration of competence and credentials in the area of architectural acoustics.
- D. This section contains both performance standards and prescriptive standards. All structures subject to these requirements shall comply with the following performance standards and all prescriptive standards, unless with respect to prescriptive standards only, it can be shown by documented tests, or other appropriate information acceptable to the building official, that equivalent performance can be accomplished by other means or methods.
1. Exterior walls.
 - a. Performance standard. Exterior walls shall have a laboratory STC rating of at least thirty (30).
 - b. Prescriptive standard.
 - (1) Masonry walls having a weight of at least twenty-five (25) pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be of one-half (½) inch gypsum board or plastered, unless fire-rated assemblies are required by the City of Loveland International Residential Code (IRC).
 - (2) Exterior stud walls shall be at least four (4) inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick.
 - (3) Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half (½) inch thick, installed on the studs.
 - (4) In addition to exterior wall covering, continuous composition board, plywood or gypsum board sheathing at least seven-sixteenths (7/16) inch thick shall cover the exterior side of the wall studs.
 - (5) Sheathing panels shall be covered on the exterior with overlapping building paper.

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- (6) Insulation material of at least R-thirteen (13) shall be installed throughout the cavity space behind the exterior sheathing and between all studs.
2. Windows.
- a. Performance standard. Windows shall have a laboratory STC rating of at least twenty-eight (28).
- b. Prescriptive standard.
- (1) Windows shall have double-paned glass with each pane having a minimum thickness of one-eighth (1/8) inch and a minimum space between panes of one-half (1/2) inch.
- (2) All operable windows shall be weather-stripped.
- (3) Glass of fixed-sash windows shall be sealed with a non-hardening sealant or a soft elastomer gasket tape.
- (4) The perimeter of window frames shall be sealed to the exterior wall construction with a weather-resistant sealant.
3. Doors.
- a. Performance standard. Doors shall have a laboratory STC rating of at least twenty-six (26).
- b. Prescriptive standard.
- (1) All exterior side-hinged doors shall be solid core wood or insulated hollow metal at least one and three-fourths (1 3/4) inches thick and shall be weatherstripped.
- (2) Exterior sliding doors shall be weatherstripped and have double-paned glass with each pane having a minimum thickness of one-eighth (1/8) inch and a minimum space between panes of one-half (1/2) inch.
- (3) Glass in doors shall be sealed in an airtight nonhardening sealant or in soft elastomer gasket or glazing tape.
- (4) The perimeter of door frames shall be sealed to the exterior wall construction with a weather-resistant sealant.
5. Roofs.
- a. Performance standard.
- (1) Combined roof and ceiling construction other than described in this section and Section F (Ceilings) shall have the following Roofs shall have a laboratory STC rating of at least thirty-nine (39).
- (2) Skylights shall have a laboratory STC rating of at least twenty-eight (29).
- b. Prescriptive standard.
- (1) With a rafter or attic space at least six (6) inches deep, with member twenty-four (24) inch on center, and with a ceiling below, the roof shall consist on seven-sixteenths (7/16) inch composition board, plywood or gypsum board sheathing topped by roofing as required.
- (2) Open beam roof construction shall meet the prescriptive standard of R-thirty (30) insulation.
6. Ceilings.
- a. Prescriptive standard.
- (1) Gypsum board or plaster ceilings at least one-half (1/2) inch thick shall be provided, unless fire rated assemblies are required by IRC..



- (2) Insulation of at least R-19 shall be provided above the ceiling between joists.
- 7. Floors.
 - a. Prescriptive standard. Openings to any crawl space below the floor of the lowest occupied rooms shall be a minimum size of eighteen (18) inches by twenty-four (24) inches or as prescribed in the IRC and City of Loveland International mechanical Code, but shall not exceed two percent of the floor area of the occupied rooms.
- 8. Ventilation.
 - a. Prescriptive standard.

**Attachment No. 2
To Appendix 3-1
Special Conditions for Parcel B
“Avigation Easement Form”**

AVIGATION EASEMENT

WHEREAS, _____ (insert name of owner/owners) (hereinafter jointly called the “**Grantors**”), are the owners in fee or contract purchasers of those certain parcels of land situated in the County of Larimer, State of Colorado, more particularly described and depicted on Exhibit “A” attached hereto, herein called (“**Grantors’ Property**”);

WHEREAS, the CITY OF FORT COLLINS, COLORADO, a municipal corporation, and the CITY OF LOVELAND, COLORADO, a municipal corporation, hereinafter called the “**Grantees**”, are owners of the FORT COLLINS-LOVELAND MUNICIPAL AIRPORT, the legal description of which is set forth on Exhibit “B” attached hereto and incorporated herein by reference (the “**Airport**”).

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, administrators, executors, successors and assigns, do hereby grant, bargain, sell, and convey unto the **Grantees**, their successors and assigns for the use and benefit of the public, as easement and right-of-way, appurtenant to the Airport for the unobstructed use and passage of all Aircraft (as hereinafter defined) in and through the airspace above Grantors’ Property beginning at a height consistent with the Runway 33 Approach Profile described in the Airport Master Plan Update, Fort Collins-Loveland Municipal Airport, May, 1993 (the “**Airport Master Plan**”), and as further defined by FAA Regulation, Part 77. The restricted airspace as defined above is depicted on Exhibit “C” (“Runway 33 Approach Plan View”) and Exhibit “D” (“FAA Regulation, Part 77, Runway 33R Approach Profile”), said exhibits being attached hereto and incorporated herein by reference.

Said easement and right-of-way shall be appurtenant to the Airport and for the benefit of the Grantees and their successors and assigns, guests, and invitees, including any and all persons, firms or corporations operating Aircraft to or from the Airport.

Said easement and burden shall include all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all air space above or in the vicinity of the surface of Grantors’ Property such noise, vibrations, fume, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said Aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of Aircraft over or in the vicinity of



Grantors' Property or in landing at or taking off from, or operation at or on the Airport; and Grantors do hereby fully waive, remise, and release any right or cause of action which they may now have or which they may have in the future against Grantees, their successor and assigns, due to such noise vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the usual and customary operation of Aircraft landing at, or taking off from, or operating at or on the Airport, or by Aircraft landing at, taking off from or operating on the Airport as part of an airshow conducted as a special event authorized by Grantees provided that, in connection with any such airshow, the Grantees have developed and implemented a traffic control plan so as to avoid a material disruption to uses in place on the Grantors' Property, and provided further that no aerobatic flights involved in such an airshow shall operate within the airspace over the Grantors' Property unless the owner thereof or said owner's agent, consents to such aerobatic flights, which consent may be withheld in said owner's sole discretion. For purposes of this Aviation Easement, "aerobatic flight" means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

The easement and right-of-way hereby granted includes the continuing right in the Grantees to prevent the erection or growth upon Grantors' Property of any building, structure, tree, or other object within the air space easement granted hereby, and to remove from said air space, or at the sole option of the Grantees, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects on upon, or which in the future may be upon Grantors' Property, together with the right of ingress to, egress from, and passage over Grantors' Property for the above purpose.

The provisions of said easement shall apply to the following:

- (1) The current Airport facilities and the present operation of the Airport therein; and
- (2) Any expansion of, or change to, the Airport facilities or operation of the Airport therein which is consistent and in accordance with the City of Loveland Comprehensive Master Plan dated October 18, 1994, as currently amended, including the latest amendment thereto dated February 18, 2003 (the "Comprehensive Plan") and the Airport Master Plan. "Comprehensive Plan" as used herein shall specifically not include any amendments thereto adopted by the City after February 18, 2003, and "Airport Master Plan" as used herein shall specifically not include any amendments thereto adopted by the Grantees after May, 1993.

As used herein, and to the extent consistent with the Airport Master Plan, the term "Aircraft" shall mean any and all types of aircraft, whether now in existence or hereafter manufactured and developed, to include, but not be limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereinafter developed, regardless of existing or

future noise levels, for the purpose of transporting persons or property through the air, by whomsoever owned or operated.

TO HAVE AND TO HOLD said easement and right-of-way, and all rights appertaining thereto unto the Grantees, their successors and assigns, until said Airport shall be abandoned or shall cease to be used for public airport purposes, at which time the easement and right-of-way hereby granted shall automatically revert to Grantors, their successors and assigns.

AND for the consideration hereinabove set forth, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right-of-way, they will not hereafter erect, authorize the erection or growth of, or authorize to remain upon Grantors' Property any building, structure, tree or other object extending into the aforesaid prohibited air space, and that they shall not hereafter use or authorize the use of Grantors' Property in such a manner as to create electrical interference with radio communication between any installation upon the Airport and Aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or to authorize any use of the Grantors' Property that causes a discharge of fumes, dust or smoke so as to impair visibility in the vicinity of the Airport or as otherwise to endanger the landing, taking off or maneuvering of Aircraft. Grantors furthermore waive all damages and claims for damages caused or alleged to be caused by or incidental to the prohibition of such activities.

It being understood and agreed that the aforesaid covenants and agreements shall run with the Grantors' Property and shall be forever binding upon the heirs, administrators, executors, successors and assigns of the Grantors.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals this _____ day of _____, 20____.

GRANTORS:

Insert signature blocks and acknowledgements for owner/owners



Exhibit “A”

Grantors’ Property

(Insert legal description)

* * * * *

Exhibit “B”

Airport Legal Description

“All of the Barnstorm Second Addition to the City of Loveland, Colorado.”

* * * * *

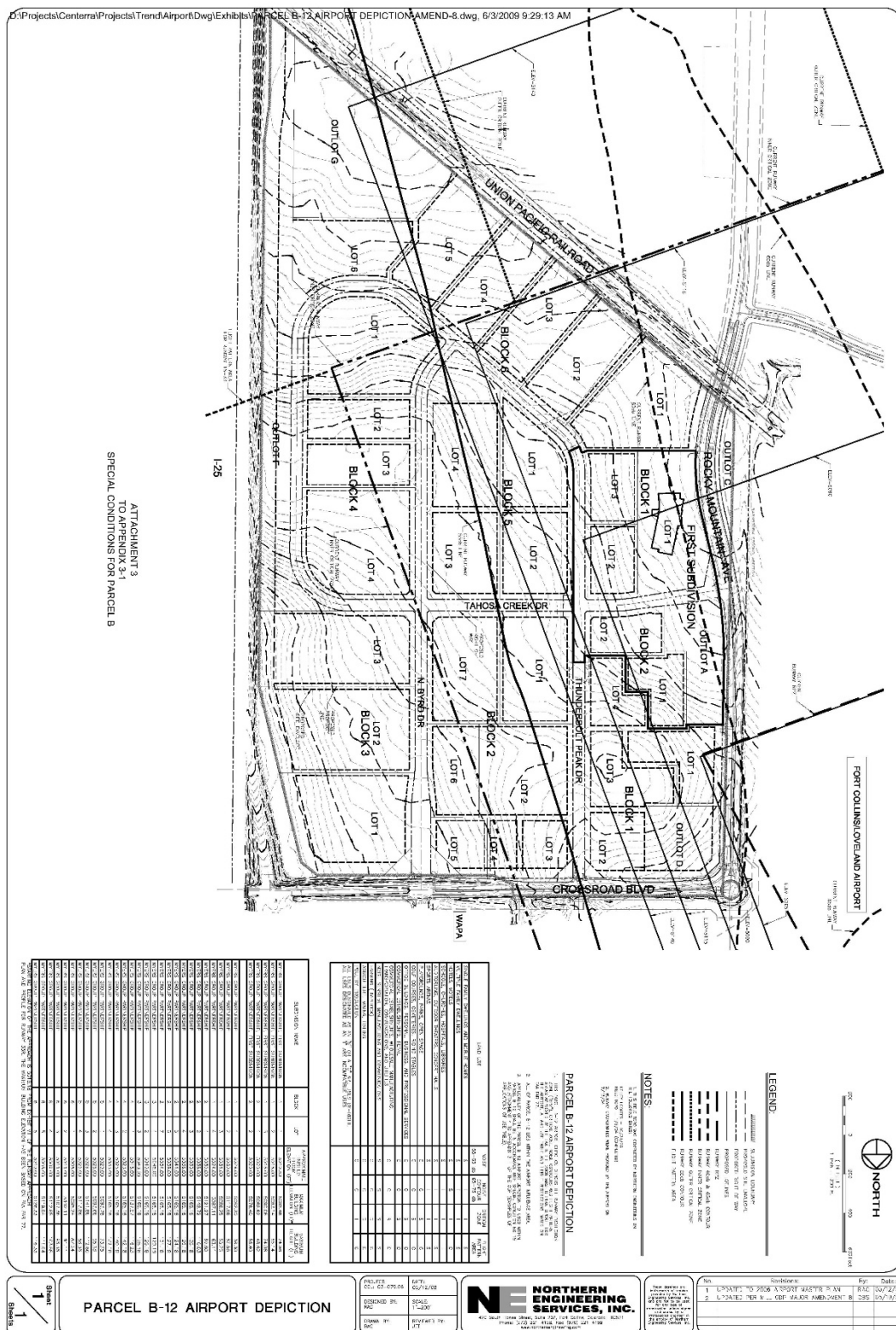
Exhibit “C”

Runway 33 Approach Plan View

* * * * *

Exhibit “D”

FAA Regulation, Part 77, Runway 33R Approach Profile





Attachment 4
To Appendix 3-1
Special Conditions for Parcel B

Examples of Applications of Use Table

PARCEL	Airport Depictions' Designation	Applicable Area Type	PERMITTED USES
1. 5-acre site with one principal use in a 45-acre subdivision.	Assume Potential Future Airport Depictions apply. In that depiction, Parcel 1 is located entirely within the "Critical Zone".	The only applicable area type is "Critical Zone".	Parcel 1 is limited to the six "S" Land Use categories and the two "C" Land Use categories listed under "Critical Zone".
2. 5-acre site with one principal use in a 45-acre subdivision.	Same assumption as above. In that depiction, 2 acres of Parcel 2 is within the "Noise Contour 65-75 db" and 3 acres is within the "Flight Pattern Area".	The two applicable area types are "Flight Pattern Area" and "Critical Zone".	The 2-acre site within Parcel 2 is limited to the two "S" Land Use categories and the eight "C" Land Use categories under "Noise Contour 65-75 db" and the 3-acre site would be limited to the five "S" Land Use categories and the nine "C" Land Use categories under "Flight Pattern Area".
3. 5-acre site with one principal use in a 45-acre subdivision.	Same assumption as above. In that depiction, all of Parcel 3 is within both the "Critical Zone" and the "Noise Contour 65-75 db".	The two applicable area types are "Critical Zone" and "Noise Contour 65-75 db".	Uses on Parcel 3 are limited to the eight Land Use categories which are either "C" or "S" under <u>both</u> "Critical Zone" and "Noise Contour 65-75 db".
4. 25-acre site with multiple uses in a 45-acre subdivision.	Same assumption as above. In that depiction, 15 acres of Parcel 4 are within the "Noise Contour 55-65 db", 8 acres are within the "Noise Contour 65-75 db" and 2 acres are within the "Flight Pattern Area".	The four applicable area types are "Noise Contour 55-65 db", "Critical Zone", "Noise Contour 65-75 db" and "Flight Pattern Area".	Uses on Parcel 4 are limited to: (1) 15-acre site – all Land Use categories under "Noise Contour 55-65 db"; (2) 8-acre site – eight Land Use categories which are either "C" or "S" under <u>both</u> "Critical Zone" and "Noise Contour 65-75 db"; and (3) 2-acre site – fourteen Land Use categories under "Flight Pattern Area" which are "C" or "S".

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