City of Fort Collins

Transportation Services

Engineering Department

DEVELOPMENT CONSTRUCTION PERMIT

Permit Number: _	04-17		
Project Name:	Myrtle Court Condominiums		
Project A.K.A.:	Myrtle Court, 607 Cowan Street		
Project Location:	607 Cowan Street, southwest corner of Myrtle and C	owan Str	eets
Permittee:	Steven Spanjer, Spanjer Construction Corp.		
City and developer of	contacts: See attached Exhibit "A" for names and p contact persons for this project.	ohone nu	mbers of all
Fees: Permit Appli Construction	cation Fee (paid at the time of application) Inspection Fee (paid prior to issuance of this permit) Total	\$ \$	300.00 2,923.70 3,223.70
Amount of s	or other approved security: security deposited with the City to guarantee the conts to be constructed as shown on the approved plans for 9.64	npletion of the devel	of all public opment.
Form of secu	rity deposited with the City:L.O.C #444, First Main	Street Ba	ınk

PERFORMANCE REQUIREMENTS OF THIS PERMIT:

- 1. The Permittee shall be responsible to require their Project Engineer to incorporate into all design drawings and specifications the certification of all materials testing by an Engineer. The Permittee shall have an Engineer prepare revised design drawings and secure City approval for all revisions to the Utility Plans and related documents. The Permittee shall have an Engineer represent, as required by the City in the Development Agreement, that the improvements are constructed in conformance with the approved Utility Plans and the standards and specifications of the City. The Permittee shall provide "as-constructed" plans prepared by an Engineer prior to the City's acceptance of the constructed public improvements. (All references above to the terms "Project Engineer" and "Engineer" shall mean a Professional Engineer licensed in Colorado.)
- 2. All contractors who perform work on this project must be bonded and licensed in conformance with City requirements.

3.	Construction time restrictions:	···		

- 4. The applicant understands that additional permits may be required for this development project and the applicant shall secure those permits directly from the issuing departments.
- 5. This permit, along with a complete set of all approved plans and documents for this project (utility plans, site plan, landscape plan, development agreement, soils report, pavement design, traffic study, drainage report, plat easements and any other official documents), shall be kept on the development site available for use by City staff doing inspections.
- 6. Permit Expiration (in accordance with Section 29-12 of the Transitional Land Use Regulations or Section 2.6.3(K) of the Land Use Code, whichever is applicable):
 - a. If construction has not begun within sixty (60) days from the date of issuance of this permit, this permit shall expire and the applicant will **forfeit the permit fee** paid for this permit, whereupon the applicant must re-apply for a new permit.
 - b. In addition, this permit shall expire one year from the date of issuance. The applicant may apply for an extension by reapplication at least two weeks prior to the expiration date. Such application shall contain information sufficient to justify the granting of the extension. An extension may be granted for up to six months.
- 7. Building permits and certificates of occupancy will only be issued when all conditions contained in the Development Agreement and Sections 3.3.2(C) and (D) of the Land Use Code or Sections 29-678 and 29-679 of the Transitional Land Use Regulations, whichever is applicable, are met. If the Development Agreement does not specify times for completion of public improvements, or if there is no Development Agreement, then the improvement requirements specified in Section 24-95 of the City Code shall apply, which provides that construction of all improvements shall be required prior to the time of issuance of the first building permit.
- 8. Acceptance by the City of the public improvements shall be after (1) final inspection has been conducted by the City; (2) punch list items from the final inspection are completed and accepted by the City; and (3) required certifications from the licensed professional engineer that improvements are completed to City standards, specifications and approved Utility Plans; and the "as-constructed" plans have been received and accepted by the City.
- 9. The warranty on street improvements is for five (5) years from the date of acceptance by the City of the completed improvements, in accordance with Sections 29-13 and 29-14 of the Transitional Land Use Regulations and/or Sections 2.2.3(C)(3)(g), 3.3.1(C)(2), and 3.3.2(C) of the Land Use Code, as applicable.
- 10. The City Erosion Control Inspector must be notified at least twenty-four (24) hours prior to any

planned construction on this project. All required perimeter silt fencing and other erosion/sediment control best management practices (BMP's) that can be installed prior to construction must be in place and inspected by the City Erosion Control Inspector before any land disturbing activity begins.

11. No work (including grading) shall be started in State Highway right-of-way until a permit is issued by the Colorado Department of Transportation to allow such work to begin.
12. Other conditions:
Permittee's acknowledgment signature: By signing this permit I acknowledges that I am acting with the knowledge, consent, and authority of the owners of the property (including all owners having legal or equitable interest in the real property, as defined in Section 1-2 of the City Code; and including common areas legally connected to or associated with the property which is the subject of this application) without whose consent and authority the requested action could not lawfully be accomplished. Pursuant to said authority, I hereby permit City officials to enter upon the property for purposes of inspection and, if necessary, to enter upon such property to perform work required of the applicant if the applicant were to fail to perform the required work. I also acknowledge that I have read this permit document with all its requirements and conditions, and I agree to all of the terms and conditions so stated in this permit.
Applicant/Project Manager's Signature: Date: Date: Date:
Approval for issuance:
City Engineer Approval: Date: 12/15/04 (Permit Issuance Date)

EXHIBIT "A"

DEVELOPMENT PROJECT CONTACT PERSONS

Name, address and numbers

Project Name: Myrtle Court Condominiums

Project A.K.A.: Myrtle Court, 607 Cowan Street

City Staff Contact Persons:

Development Engineer: Katie Moore, 281 N. College Ave., Fort Collins, CO

80522 (970) 221-6605

Construction Inspector: Dan Peterson, 281 N. College Ave., 221-6605

Current Planner: Bob Barkeen, 281 N. College Ave., 221-6750

Water Utilities Engineer: Roger Buffington

700 Wood Street, Ft Collins, CO 80521

970 221-6854

Stormwater Utilities Engineer: Glen Schlueter

700 Wood Street, Ft Collins, CO 80521

970 224-6065

Erosion Control Inspector: Bob Zackley

700 Wood Street, Ft Collins, CO 80521

970 224-6063

Natural Resources: Doug Moore 281 N. College Ave, 221-6750

Traffic Operations: Eric Bracke

625 Ninth Street, Ft Collins, CO 80524

970 224-6062

Street closures: Syl Mireles

625 Ninth Street, Ft Collins, CO 80524

970 224-6815

Transportation Planning: Kathleen Reavis

215 N. Mason St, Ft Collins, CO

970 224-6104

Forestry: Tim Buchanan

215 N. Mason St, Ft Collins, CO

970 221-6641

Light and Power: Doug Martine

700 Wood Street, Ft Collins, CO 80521

970 224-6152

Developer' Contact Persons:

Project Manager/ Bill Nicholl

General Contractor: Gerrard Excavating

1739 S. County Rd 13C Loveland, CO 80537

(970) 669-1463 Fax: (970) 669-1964

Developer/Owner: Steven Spanjer

Spanjer Construction Corporation

5131 S. College Ave. A Fort Collins, CO 80525

(970) 223-2664 Fax: (970) 282-8326 steves@spanjer.com

Architect/Planner: Mark Schlang

Thomas Lang Architects

2899 N. Speer Blvd. Suite 102

Denver, CO 80211 (303) 477-4654 Fax: (303) 477-5505

Project Engineer: Steven Strickland

SMS Engineering 9875 Marroon Circle Englewood, CO 80112

(303) 471-2700 Fax: (303) 471-1650

MainStreet

First MainStreet 150 E. 29th Street, Suite 200 Loveland, CO 80538 970.223.3535 Phone www.firstmainstreet.com

December 15, 2004

City of Fort Collins Engineering Department 281 N. College Ave. Fort Collins, Colorado 80524

Dear Sirs:

We hereby establish, at the request and for the account of <u>Spanjer Myrtle Court Townhomes, LLC</u>, in your favor as beneficiary, our Irrevocable Letter of Credit No. <u>444</u>, in the amount of <u>Eightynine Thousand and Thirtynine 64/100</u> Dollars (\$89,039.64) (as more fully described below), effective immediately and expiring at the close of banking business on <u>June 15, 2007</u>, at our office at <u>2900 South College Avenue</u>, Fort Collins, CO <u>80525</u>.

required the This Letter of Credit is intended for the funding Myrtle Court Condominiums Development Project ("Development Project") for the assurance of the completion of the construction and the maintenance and repair of the public infrastructure in connection with the aforesaid development project and its associated development agreement and development construction permit. Funds under this Letter of Credit are available to you for one or more drawings prior to the close of business on June 15, 2007, against sight drafts in an aggregate cumulative amount not to exceed \$89,039.64, dated the date of presentment, drawn on our office referred to above, referring thereon to the number of this Letter of Credit and accompanied by your written certificate signed by you and acknowledged as therein provided in the form of Exhibit 1 hereto.

Presentation of such draft and certificate shall be made at our office referred to above.

Upon the earlier of (i) our honoring your draft(s) totaling \$89,039.64 in the aggregate presented on or before this Letter of Credit expires pursuant to the terms herein or (ii) the surrender to us by you of this Letter of Credit for cancellation, this Letter of Credit shall automatically terminate.

It is understood that the amount of this Letter of Credit may be reduced as public improvements are constructed and accepted by the City. As components of the infrastructure are satisfactorily completed in accordance with approved utility plans, the value of the completed components may be established from the Development Construction Permit worksheet for determining costs of infrastructure construction and inspection fees, whereupon the amount of this letter of credit may be reduced by the value of the completed component(s), upon execution of a "Request for Amendment to Letter of Credit" in the form attached hereto as Exhibit 2.

If you draw upon this letter of credit, our payment to you of the full amount of this letter of credit in accordance with the terms of this letter of credit shall discharge all obligations under this letter of credit and we shall have no obligation to make any further payments to you or to any other person under this letter of credit.

This letter of credit shall be subject to the Uniform Commercial Code as in effect in the State of Colorado, and, to the extent not inconsistent with the terms of this Letter of Credit and the Uniform Commercial Code, the Uniform Customs and Practice for Documentary Credits, 1993 revision, ICC publication number 500.

This Letter of Credit will be automatically extended without amendments for one year from the present, and each future, expiration date thereof, unless Issuer delivers written notice at least sixty (60) days prior to any such expiration date to the City of Fort Collins of its intent not to renew this Letter of Credit. Any such notice shall be in writing and shall be delivered with an acknowledged receipt, either in hand or by certified mail. Any amendments to this Letter of Credit shall be made in the form of Exhibit 2 hereto.

The City may at any time request that the Bank amend this Letter of Credit by submitting to the Bank a fully executed certificate in the form of Exhibit 2. The Bank may thereafter promptly issue an amendment to the Letter of Credit corresponding to the change or changes requested in such certificate.

This Letter of Credit is not transferable.

This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein, except only the certificate and draft(s) referred to herein; and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement except for such certificate and draft(s).

Sincerely,

Michael A. Brown Vice Presiednt, Issuer

Muhael Asson

Issuing company name:

First MainStreet National Association

Address:

2900 South College Avenue Fort Collins, CO 80525

Phone Number:

(970) 266-3535

EXHIBIT 1

CERTIFICATE

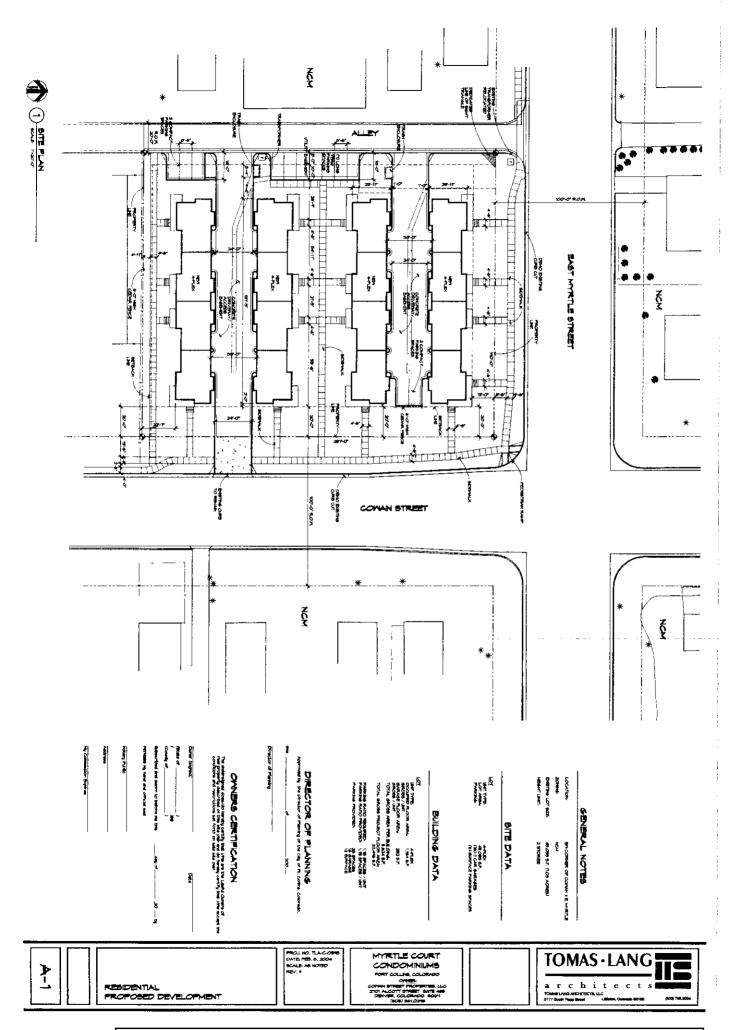
	The C	ity of Fort Collins hereby cert	ifies as follows with respect to the certain Irrevocable
Letter	of Cred	it No dated	edit"): edit"):
of For	Collin	s, Colorado (the "Letter of Cre	edit"):
	(a)	He (She) is authorized to exec	cute this Certificate of behalf of the City of Fort Collins;
and/or	(b) the dev	The applicant/developer is in relopment construction permit	default under the terms of the development agreement
Certifi			which is the amount of the draft presented with this City of Fort Collins from;
Letter	. ,	The amount of the accompanies to not exceed in the aggreg	nying draft together with all previous draws under the ate \$; and
	(e)	The Letter of Credit has not o	expired.
of For		TNESS WHEREOF, the under s thisday of	rsigned has executed this Certificate of behalf of the City
			THE CITY OF FORT COLLINS, COLORADO A Municipal Corporation
			By: [Title]

EXHIBIT 2

Request for Amendment or Release of Letter of Credit # The City of Fort Collins certifies that the person signing below is authorized to execute this Request for Amendment or Release of Letter of Credit on behalf of the City of Fort Collins, and further certifies with respect to the provisions contained in the Development Construction Permit dated Development Agreement and/or the between the City of Fort Collins (Beneficiary) and (Developer), the following: [Check applicable boxes.] The Letter of Credit is to be reduced to \$ Credit is [] The expiration date of the Letter of The 60-day automatic one year renewal provision contained in the Letter of Credit is no longer in effect. Release Original Letter of Credit upon receipt of separate replacement Maintenance \Box Letter of Credit in the amount of . (current value). Γ Release Letter of Credit. In witness whereof, the undersigned has executed this certificate on behalf of the City of Fort Collins this _____, ____. CITY OF FORT COLLINS, COLORADO a Colorado municipal corporation By: (Name and Title)

"PROJECT QUANTITIES AND COST ESTIMATE SHEET"

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4 5 walks LF 430 \$11.25 Radii, cross pans SF 875 \$4.70 Handicap ramps SF 18 \$79.45 Concrete drive SF 598 \$4.68 Private drives SF 598 \$4.68 Pan with curb LF 261 \$12.10 Pan with curb LF 24 \$26.40 Trash parts CF CO CO	07:01-9	0 \$0.80 \$224.00
Raduit cross pans SF 875 \$4.70 Handicap ramps SF 18 \$79.45 Concrete drive SF 598 \$4.68 Private drives SF 598 \$4.68 3' pan LF 261 \$12.10 Pan with curb LF 24 \$26.40 Trash parks CF CA \$2.00	\$11.25	0 \$0.80 \$354 00
18 \$79.45	\$4.70	\$0.10
Private drives	\$79.45	\$0.80
th curb LF 261 \$12.10 LF 24 \$26.40 and sec 55	00:40	4 \$498.40 \$498.40
LF 24 \$26.40	\$12.10	\$0.80
	\$26.40	\$0.80
offer LF	\$9.10 \$13.20	50.10 \$0.00 30.00 \$0.00
TOTAL INSPECTION FEE	TOTAL INSPECTION F	ION FEE \$2.923.70
85		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
TOTAL INFRASTRICTIBE COST 690 020 64	STRUCTURE COST	Γ
** PRIVATE IMPROVEMENTS RECIIIDING CITY INSECTIONS WILL NEED TO BE INSECTIONS OF THE PRIVATE INS	1.40.0000	



External Tasks Deadline				Split	ed 12/19/04	Dale:
	4	Progress		Task	Project: Myrtle Court Town Homes Date: Wed 12/15/04	Project
		Tue 4/5/05	Mon 4/4/05	2 days	Pavement Patch	17
		Fri 4/1/05	Mon 3/21/05	10 days	Cuts/ Utility connections	16
		Tue 4/5/05	Mon 3/21/05	12 days	Streets Myrtle and Cowan	15
		Fri 4/8/05	Mon 4/4/05	5 days	Paving drives and Alley	4
		Fri 4/1/05	Wed 3/23/05	8 days	Prep grade Paving	13
		Mon 3/28/05	Tue 3/22/05	5 days	Sidewalks Cowan and Myrtle	12
		Thu 3/24/05	Fri 3/18/05	5 days	Curb and Gutter Alley	-:
		Thu 3/17/05	Fri 3/11/05	5 days	Curb and Gutter	10
		Thu 3/10/05	Tue 3/1/05	8 days	Prep grade concrete	9
		Thu 3/10/05	Fri 2/25/05	10 days	Dry utilties	œ
→ 2/25		Fri 2/25/05	Fri 2/25/05	0 days	Building pads ready	7
		Fri 2/25/05	Mon 2/14/05	10 days	Wet Utilities Alley	o
		Fri 2/11/05	Mon 1/24/05	15 days	Wet Utilities	رن د
		Fri 1/21/05	Mon 1/10/05	10 days	Grading	4
		Fri 1/7/05	Mon 1/3/05	5 days	Demolition House/Trees	ω
		Wed 12/22/04	Fri 12/17/04	4 days	Asbestos Abatement	2
		Fri 4/8/05	Fri 12/17/04	81 days	Lot Development	
HEROSOFT TRANSPORT THAN SOFT THAN SOFT THE SOFT		T 77				

DEVELOPMENT CONSTRUCTION PERMIT APPLICATION

(2/16/99)

For City use only: Application Number: <u>A016-04</u> Application Date: 6-4-04
Permit application fee: \$ 300.00
 Complete this form (some questions may not apply to you) and attach all necessary documents and submit to the Development Engineering Section of the City. If you have any questions contact the Development Engineer, <u>Katie Moore</u>, at 221-6605. Submit the Application and pay the Application Fee at the fee at the Engineering counter at 281 N. College Avenue.
PROJECT INFORMATION: Project Name (as approved by the City):
Myrtle Court
Project A.K.A. (Marketing name if different from Project Name):
Project Location: North West corner of Cowen + Myrtle
Property Owner (At the time of this permit issuance): Individual Name: Steven Spanjer Company Name: Spanjer Construction Corporation Address: 5131 S. College Ave 4 Fort Collins, Co 30555 Phone number(s): Office: 970-223-2664 Cellphone: Fax number: 970-282-8326 Email: Steves & Spanjer. Com
Applicant/Project Manager (The primary contact person for all matters regarding this project, and the person responsible for all matters referencing "the Developer" in the Development Agreement for this project): Individual Name: Bill Nickell Company Name: Grefford Exquesting Address: 1739 S County Rd 13c Love land Ci S0537 Phone number(s): Office: 970-669-1463 Cellphone: Fax number: 970-669-1964 Email:

Permittee (Person who is to sign the Development Construction Permit):
Individual Name: Sansa J. Soviet C. V.
Company Name: Spanier Construction Corp
Address: 5/31 South College Ave 4
Phone number(s):
Office: 970 - 223-2644
Cellphone:
Cellphone:
Email: Steves a Spanjer Com
Project Engineer (A Colorado licensed professional engineer who is the civil engineer, the person, responsible for the design of this project, responsible for certification that improvements are constructed
in accordance with approved plans, responsible for making revisions to plans with City approval and for
providing as-constructed plans):
Individual Name: Steven Stricteland
Company Name: SMS ENGINEERING Address: 9785 Marrow Circle Englewood CD 801/2
Address: 9785 Marrian Circle Englewood (1) 801/2
Phone number(s):
Office: 303-471-2700
Cellphone:
Fax number: 303 -471-1650
Email:
Professional License Number: 3/237
Architect/Planner (The person responsible for the site design of this project) Individual Name: Mack Schang Company Name: Tomas Lang Architects Address: 2899 No. Speec Block. Saide 102 Devider, CO 80211 Phone number(s): Office: 303-477-4654 Cellphone: Fax number: 303-477-5505 Email:
Developer (The party or parties referenced in the Development Agreement who are responsible for the Developer's obligations contained in the Agreement-add additional names below): Individual Name: Company Name: Spanies Contact

General Contractor (The contractor in overall ch	
Individual Name:	
Company Name :	
Address:	
Phone number(s):	
Office:	
Cellphone:	
Fax number:	
Email:	
Dillett.	
If you have no General Contractor, list all	other contractors below
Grading contractor:	other contractors below.
Individual Name:	
Address:	
Phone number(s):	
Office:	
Cellphone:	
Fax number:	
Email:	
Utility contractor:	
Address:	
Phone number(s):	
Office:	
Cellphone:	
Fax number:	
Email:	
Concrete contractor for flat work:	
Individual Name:	
Company Name:	
Address:	
Phone number(s):	
Office:	
Cellphone:	
Fax number:	
Email:	
Linuii.	
Concrete contractor for structures:	
=	
Individual Name:	
Company Name :	
Address:	
Phone number(s):	
Office:	
Cellphone:	
Fax number:	
Email:	

Paving con	itractor:
	ividual Name:
	mpany Name :
Ad	dress:
Pho	one number(s):
	Office:
	Cellphone:
	Fax number:
Em	ail:
Landscape	contractor:
	lividual Name:
	mpany Name :
	dress:
	one number(s):
	Office:
	Cellphone:
	Fax number:
Em	nail:
Σ	
SUBMIT 7	THE FOLLOWING ITEMS (Required for all projects):
•	81/2"x11" copy of the Site Plan
•	Proposed Project Schedule
•	Project quantities and cost estimate for all of the public improvements to be constructed. In
	addition, include all private improvements that are required to be inspected by the City
	Construction Inspectors. This information must be submitted in the format shown on the attached form titled "Project Quantities and Cost Estimate Sheet."
	attached form titled. Project Qualitaties and Cost Estimate Sheet.
ADDITIO	NAL SUBMITTALS (Required if checked):
	Traffic control plan(s) for the project
	Proposed haul routes shown on a City map
	Shop drawings
u	Other

CONSTRUCTION COORDINATION MEETING: A construction coordination meeting to discuss plans and special requirements for your project, is required for all development projects. The people required to attend the meeting are the Project Manager, Project Engineer, Developer, Architect/Land Planner and General Contractor (if no General Contractor, representatives for each of the contractors expected to work on this project)

	o Attend: List the peoples name	s and titles for those who wil	l attend the pre-
construc	tion meeting:	70° d	
	Name	Title	- D. O. I
-	STEVEN Spanjer	Spanjer Con	ST. President 1st. Const. Mange L. Greneral Manger
-	TARA BUCKNEY	Spanjer Con	St. CONST. Mange
-	Bill Nichall	CIETTON EX	_ Greneral Manager
-	_ Flyod	Crevraid Exc	- Supervisor 1
-	<u> </u>		
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maintain. In addinspect and requiper Project Quantit	ructure improvements that will be dition provide the value of all priving certification for. The estimate ies and Cost Estimate Sheet." Infrastructure, estimated cost: Simple cost: Simpl	vate infrastructure improvement in the same format in the same for same format in the sam	ents that the City will
true and correct knowledge, consequitable interes areas legally cor whose consent a authority, I here necessary, to ent fail to perform the	information on this permit applic to the best of my knowledge, and sent, and authority of the owners at in the real property, as defined in naceted to or associated with the p and authority the requested action by permit City officials to enter up ter upon such property to perform the required work.	that in filing this application of the property (including all in Section 1-2 of the City Cooproperty which is the subject could not lawfully be accompon the property for purposes	I am acting with the owners having legal or de; and including common of this application) without plished. Pursuant to said sof inspection and, if ant if the applicant were to
Applicant Signa	ture:	Date: W/21	