

## RESPONSIBILITY FOR STREET IMPROVEMENT AGREEMENT

This RESPONSIBILITY FOR STREET IMPROVEMENT AGREEMENT ("Agreement") is made this 5 day of ~~August~~ <sup>September</sup>, 2013 by and between Imago Enterprises, Inc. ("Imago"), a Colorado Corporation, of the County of Larimer and State of Colorado, whose address is 140 Palmer Drive, Fort Collins, Colorado 80525 and The City of Fort Collins ("City"), a Colorado municipal corporation, whose address is 300 LaPorte Avenue, Fort Collins, Colorado 80521 (the "Parties"),

### WITNESSETH:

**Whereas**, Imago is the owner of Tract K of the Fourth Amendment to Harmony Technology Park Overall Development Plan (the "ODP" as shown on Exhibit "A") in the City of Fort Collins, consisting of approximately nineteen (19) acres, and more specifically described in Exhibit "B"; and

**Whereas**, subject to the approval of the City of Fort Collins, Imago wishes to construct a storm water detention/water quality pond ("ODP Detention/Water Quality Pond") to be located along the east approximately four and 8/10<sup>th</sup> (4.8) surface acres of Tract K, adjoining the future LeFever Drive right-of-way as shown on Exhibit "C", and to be an easement dedicated to the City of Fort Collins to serve as a component of the storm water detention systems for both the Banner Health medical campus on Tracts G and H, as submitted for City approval, as well as Tract K and other off-site storm water detention/water quality requirements associated with Tracts I and M of the ODP, as these requirements shall be determined pursuant to the subdivision of those tracts; and

**Whereas**, the dedication of this easement on Tract K is required by the City for the approval of the Banner Health medical campus on Tracts G and H, and the owner of the property underlying this easement is responsible to satisfy the City's requirements for dedication of the road right-of-way and the improvement of LeFever Drive adjoining this easement as may be a condition for the subdivision of Tract K in the future.

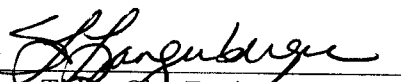
**NOW, THEREFORE**, the Parties agree that the dedication of the ODP Detention/Water Quality Pond easement on Tract K pursuant to the City's final approval of the Banner Health medical campus subdivision shall not require either any right-of-way dedication for or improvement of that portion of LeFever Drive adjoining the southern width of this ODP Detention/Water Quality Pond or the payment of or escrowing of funds for this improvement and, Imago or any subsequent owner of Tract K shall be responsible for such right-of-way dedication for LeFever Drive and construction of road improvements for said portion at such time as required by the City.

**EXECUTED**, the date first stated above:

**Imago Enterprises, Inc.**

**City of Fort Collins, Colorado**

By:   
Lester Kaplan, President

By:   
Title: City Engineer

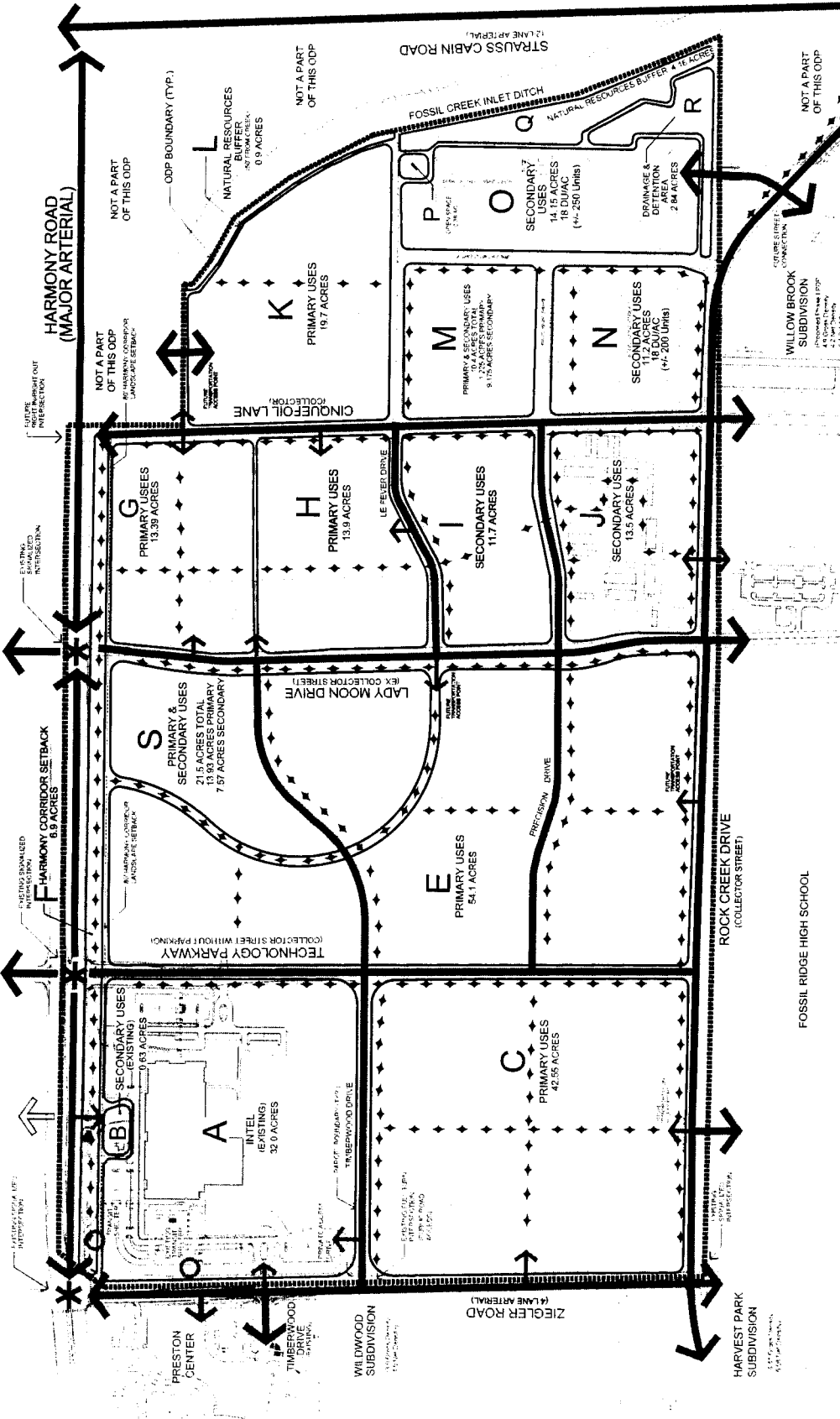
✓  
ANDREW GINGERICH

281 N COLLEGE AVE  
FORT COLLINS, CO

# SIXTH AMENDMENT TO HARMONY TECHNOLOGY PARK OVERALL DEVELOPMENT PLAN

LOCATED IN THE NORTH HALF OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6th P.M. CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

**LEGEND**  
 → FUTURE DEVELOPMENT  
 → EXISTING DEVELOPMENT  
 → EXISTING DEVELOPMENT WITH PROPOSED CHANGES  
 → EXISTING DEVELOPMENT WITH PROPOSED CHANGES AND FUTURE DEVELOPMENT



**EXHIBIT A**  
 OVERALL DEVELOPMENT PLAN  
 SIXTH AMENDMENT TO  
 HARMONY TECHNOLOGY PARK  
 OVERALL DEVELOPMENT PLAN  
 FORT COLLINS, COLORADO

**NOTES:**  
 1. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS ZONING ORDINANCE AND ANY AMENDMENTS THEREOF.  
 2. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS SUBDIVISION MAP ACT AND ANY AMENDMENTS THEREOF.  
 3. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS LAND DEVELOPMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 4. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS ENVIRONMENTAL REGULATIONS AND ANY AMENDMENTS THEREOF.  
 5. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS UTILITY REGULATIONS AND ANY AMENDMENTS THEREOF.  
 6. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS FIRE DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 7. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS POLICE DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 8. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS PUBLIC WORKS DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 9. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS HEALTH DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 10. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS SOCIAL SERVICES DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 11. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS COMMUNITY DEVELOPMENT DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 12. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS ECONOMIC DEVELOPMENT DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 13. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS TOURISM AND CONVENTION DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 14. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS PARKS AND RECREATION DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 15. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS CULTURAL AND HISTORICAL RESOURCES DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 16. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS ARTS AND CULTURE DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 17. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS LIBRARY DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 18. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS SENIORS DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 19. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS YOUTH AND FAMILY SERVICES DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.  
 20. THIS DEVELOPMENT PLAN IS SUBJECT TO THE CITY OF FORT COLLINS COMMUNITY SERVICES DEPARTMENT REGULATIONS AND ANY AMENDMENTS THEREOF.

PARCEL	ACRES	PERCENTAGE	APPROXIMATE
A	32.0	21.3%	100%
B	1.83	1.2%	100%
C	42.55	28.4%	100%
D	11.7	7.8%	100%
E	54.1	36.1%	100%
F	6.9	4.6%	100%
G	13.39	8.9%	100%
H	13.9	9.2%	100%
I	11.7	7.8%	100%
J	13.5	9.0%	100%
K	19.7	13.1%	100%
L	9.9	6.6%	100%
M	9.175	6.1%	100%
N	11.7	7.8%	100%
O	14.15	9.4%	100%
P	1.0	0.7%	100%
Q	4.16	2.8%	100%
R	2.84	1.9%	100%
S	21.5	14.3%	100%
<b>TOTALS ALL PARCELS:</b>	<b>149.93</b>	<b>100%</b>	<b>100%</b>

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SHEET 1 of 1  
 AUGUST 19, 2013



**NORTHERN  
ENGINEERING**

<b>ADDRESS:</b> 200 S. College Ave. Suite 10 Fort Collins, CO 80524	<b>PHONE:</b> 970.221.4158	<b>WEBSITE:</b> www.northernengineering.com
	<b>FAX:</b> 970.221.4159	

**EXHIBIT B**

**DESCRIPTION – TRACT K**

A tract of land located in the Northeast Quarter of Section 4, Township 6 North, Range 68 West of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of Section 4 as bearing South 89°29'07" East and with all bearings contained herein relative thereto:

**COMMENCING** at the North Quarter corner of Section 4; thence along the North line of the Northeast Quarter of Section 4, South 89°29'07" East, 957.10 feet; thence, South 01°32'37" West, 417.14 feet; thence, South 89°29'07" East, 14.01 feet to the **POINT OF BEGINNING**; thence, South 89° 29' 07" East, 544.00 feet; thence, South 40° 00' 47" East, 119.21 feet; thence, South 60° 53' 57" East, 267.55 feet; thence, South 34° 50' 08" East, 278.35 feet; thence, South 28° 18' 59" East, 314.44 feet; thence, South 15° 39' 39" East, 174.73 feet; thence, North 89° 29' 07" West, 172.61 feet; thence along a non-tangent curve concave to the southwest having a central angle of 65° 43' 58" with a radius of 78.50 feet, an arc length of 90.06 feet and the chord of which bears North 67° 18' 44" West, 85.20 feet; thence along a curve concave to the northwest having a central angle of 10° 41' 41" with a radius of 382.00 feet, an arc length of 71.30 feet and the chord of which bears South 85° 10' 01" West, 71.20 feet; thence, North 89° 29' 07" West, 144.10 feet; thence along a curve concave to the northeast having a central angle of 91° 51' 26" with a radius of 15.00 feet, an arc length of 24.05 feet and the chord of which bears North 43° 34' 06" West, 21.55 feet; thence, North 01° 00' 22" East, 9.28 feet; thence, North 88° 59' 38" West, 50.99 feet; thence, South 01° 00' 22" West, 10.00 feet; thence along a curve concave to the northwest having a central angle of 92° 56' 16" with a radius of 15.00 feet, an arc length of 24.33 feet and the chord of which bears South 46° 09' 18" West, 21.75 feet; thence, North 89° 29' 07" West, 624.59 feet; thence, North 00° 30' 53" East, 10.50 feet; thence along a curve concave to the northeast having a central angle of 87° 56' 30" with a radius of 15.00 feet, an arc length of 23.02 feet and the chord of which bears North 45° 30' 52" West, 20.83 feet; thence, North 01° 32' 37" West, 839.00 feet to the **POINT OF BEGINNING**, containing 18.819 acres or 819,768 square feet, more or less.

The above described easement is subject to all easements and rights-of-way now existing or of record.

LMS

August 22, 2013

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# EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 4,  
TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6th P.M., CITY OF  
FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO

HARMONY ROAD

POINT OF COMMENCEMENT

PROPOSED BANNER HEALTH MEDICAL CAMPUS

LINE	LENGTH	BEARING
L1	119.21'	S40°00'47"E
L2	267.55'	S60°53'57"E
L3	278.35'	S34°50'08"E
L4	314.44'	S28°18'59"E
L5	174.73'	S15°39'39"E
L6	172.61'	N89°29'07"W
L7	144.10'	N89°29'07"W
L8	9.28'	N01°00'22"E
L9	50.99'	N88°58'38"W
L10	10.00'	S01°00'22"W
L11	10.50'	N00°30'53"E
L12	839.00'	N01°32'37"W

NORTH 1/4 CORNER  
SECTION 4-6-68  
(FND 3-1/4" ALUMINUM CAP  
LS 14823 SBG 1998)

BASIS OF BEARINGS  
NORTH LINE OF THE NE 1/4  
SECTION 4-6-68

TRACT DESCRIBED  
AT RECEPTION  
NO. 99107986

POINT OF BEGINNING

S89°29'07"E 544.00'

TRACT K  
819,768 sq.ft.  
18,819 ac

WEST LINE OF TRACT OF LAND  
DESCRIBED IN REC. NO. 99040544

QUIT CLAIM DEED  
REC. NO. 99040544

Curve Table					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	65°43'58"	78.50'	90.06'	N67°18'44"W	85.20'
C2	10°41'41"	382.00'	71.30'	S85°10'01"W	71.20'
C3	91°51'26"	15.00'	24.05'	N43°34'06"W	21.55'
C4	92°56'16"	15.00'	24.33'	S46°09'18"W	21.75'
C5	87°56'30"	15.00'	23.02'	N45°30'52"W	20.83'

NE CORNER  
SECTION 4-6-68  
(FND 3-1/4" ALUM.  
CAP ILLEGIBLE)

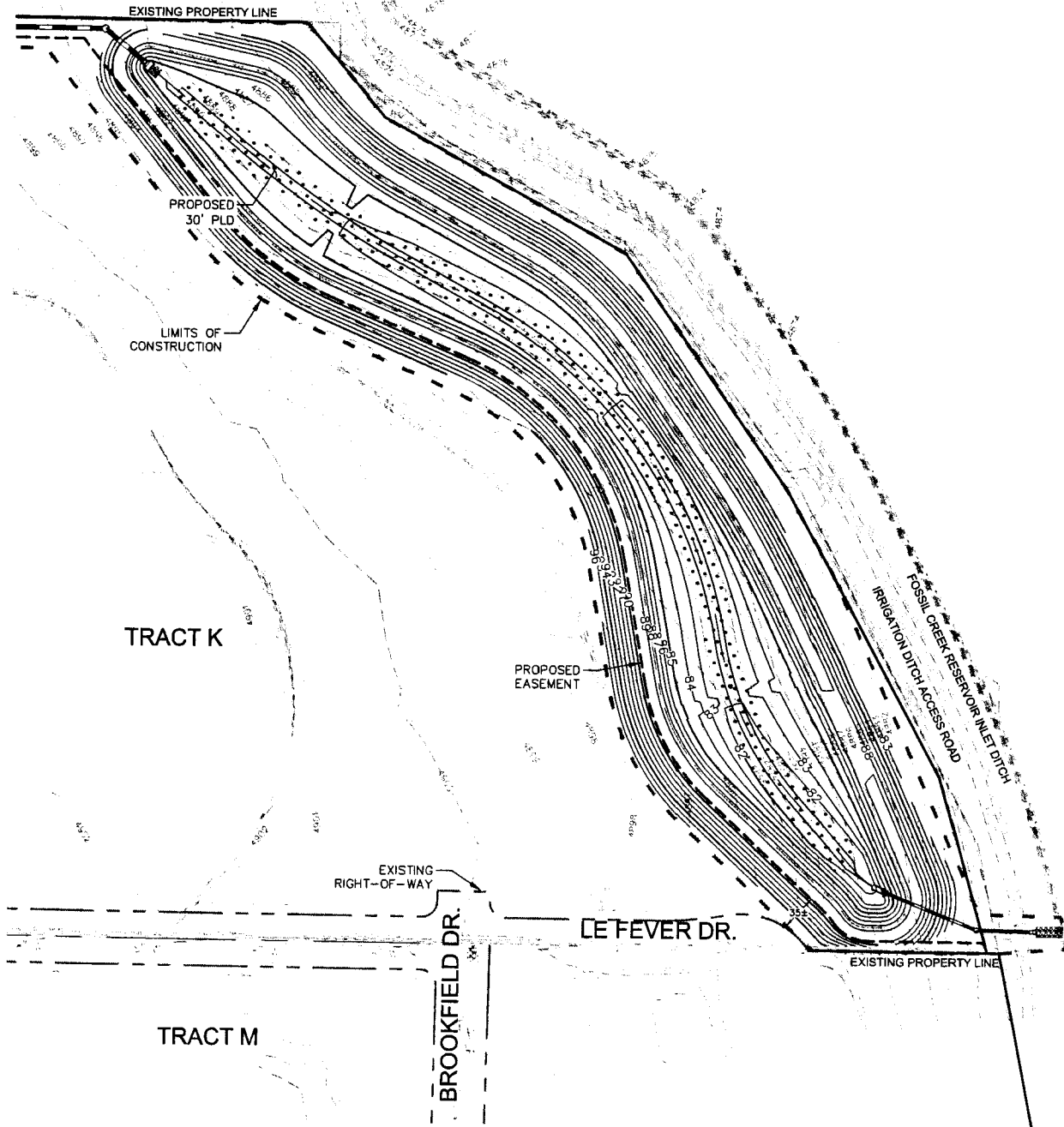
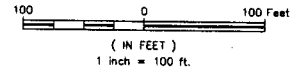


NORTHERN ENGINEERING

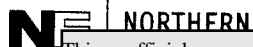


SCALE  
1" = 250'

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Fort Collins, Colorado 80526  
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www.northernengineering.com



SEPTEMBER 5, 2013



# BANNER HEALTH MEDICAL CAMPUS FORT COLLINS

