

DATE: July 19, 2011
STAFF: Helen Matson, Brian Varella
Glen Schleuter

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

12

SUBJECT

Second Reading of Ordinance No. 085, 2011, Authorizing the Conveyance to Capstone Development Corporation of Three Easements on Stormwater Utility Property at Creekside Park.

EXECUTIVE SUMMARY

Capstone Development Corporation is planning a mixed use development. The project area is 10.4 acres and is located near Stuart Street and College Avenue. It fronts College Avenue around the Discount Tire property and continues to the west to the railroad. The project area is also at the rear of the Dairy Queen property. This mixed use development is for student housing and retail space. It will have two buildings, 221 dwelling units and 8,000 square feet of new retail space. The retail space will be the first floor of the building fronting on South College Avenue.

This Ordinance, unanimously adopted on First Reading on July 5, 2011, authorizes a drainage easement for construction of a new flood control channel, a drainage easement for sheet flows from the adjoining property, and a temporary construction easement to construct a pedestrian trail and an underground stormwater pipe on City-owned property known as Creekside Park.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - July 5, 2011
(w/o attachments)

DATE: July 5, 2011
STAFF: Helen Matson, Brian Varella,
Glen Schlueter

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

18

SUBJECT

First Reading of Ordinance No. 085, 2011, Authorizing the Conveyance to Capstone Development Corporation of Three Easements on Stormwater Utility Property at Creekside Park.

EXECUTIVE SUMMARY

Capstone Development Corporation ("Capstone") is planning a mixed use development. This Project area is 10.4 acres and is located near Stuart Street and College Avenue. It fronts College Avenue around the Discount Tire property and continues to the west to the railroad. The project area is also at the rear of the Dairy Queen property. This mixed use development is for student housing and retail space. It will have two buildings, 221 dwelling units and 8,000 square feet of new retail space. The retail space will be the first floor of the building fronting on South College Avenue.

For this development, Capstone has requested that the City grant Capstone a drainage easement for construction of a new flood control channel, a drainage easement for sheet flows from the adjoining property, and a temporary construction easement to construct a pedestrian trail and an underground stormwater pipe on City-owned property known as Creekside Park.

BACKGROUND / DISCUSSION

Capstone has been working on this project for a number of years. The project site is currently located in a FEMA regulatory floodway and flood fringe on Spring Creek. Chapter 10 of the Fort Collins City Code does not allow new residential structures in the floodway. To utilize more of its project site, the developer opted to revise flood hazard boundaries. Capstone submitted plans to the City and to the Federal Emergency Management Agency (FEMA), and received a Conditional Letter of Map Revision (CLOMR) from both agencies to move forward with all facets of its project. The floodplain boundaries will be modified through engineered solutions with these CLOMR improvements when completed. With these floodplain changes, Capstone will be able to construct two buildings outside the CLOMR-revised floodway and flood fringe.

Capstone has requested that the City grant three easements: a drainage easement for a flood control channel that routes offsite floodwater along the western edge of its site, a drainage easement for local (onsite) runoff and a temporary construction easement for construction of a trail connection and a storm sewer pipe improvement. These easements are located in the low use and low maintenance area of Creekside Park ("Park"). The City's Stormwater Utility ("Utilities") purchased this property in 1989 for Spring Creek Improvements. Utilities remain the owner of this property; however, the Parks Department maintains this area as Creekside Park.

Details of easement requests are below:

Flood Control Channel Easement

The flood control channel is required for the project and is part of Capstone's approved CLOMR. The main purpose of this channel is to contain flood flows that overtop the railroad in 100 year storm events. This channel will also handle off-site flows as well as flows from this project. The flows from the channel will be returned to the main channel at Spring Creek in Creekside Park. The proposed flood control channel runs the length of the Capstone's property and is over 40 feet wide at its base. There may be a concrete trickle pan in the center of it, and has high performance turf reinforcement mat (TRM) along the rest of the bottom of the channel and the sides over most of Capstone's property. The channel's slope decreases substantially as it reaches the Park and it is anticipated that the channel will be dry most of the time. Capstone will be performing flood control channel grading within the Park. When this grading is complete, this area of the Park will be very flat and will not be an active swale except during rainfall events. Capstone may also construct a concrete trickle pan to control the grade, and will install a buried riprap pad at the confluence with

the Spring Creek channel. On top of this buried riprap, Capstone will reseed this area in native grasses, as specified in the CLOMR. Capstone will also provide temporary irrigation until the grasses are established.

The flood control channel is located at the northwest corner of the Park and is shown in blue on the attached Diagram of Proposed Creekside Park Easements (Attachment 2). The easement is approximately 140 feet wide and contains 8,785 square feet.

Sheet Flow Easement

The next easement is a sheet flow easement (shown in yellow on Attachment 2). It is directly east of the flood control channel easement and is approximately 160 feet at its widest area and contains 8,140 square feet. This easement is being requested to handle developed runoff from the south parking lot of the Project onto the City's property to Spring Creek.

In the current condition, there is a concrete pan on the Capstone property that takes concentrated flows directly onto the Park. These flows as well as the pedestrian and bike use without a trail has caused erosion at the Park. The Project plans to mitigate adverse impacts from the change in runoff rate and volume. The south parking lot of the Project will be constructed with one foot wide curb cuts at nine feet on center to uniformly distribute the surface runoff to the area south of the curb. As per Best Management Practices (BMP's), this runoff will then cross a landscape area (the grass buffer) approximately sixty feet wide before the sheet runoffs enter the Park. Grass buffers are densely vegetated strips of grass designed to accept sheet flows from upgradient development. Flows will be distributed in a uniform manner over the width of the buffer, which is preferred over concentrated flows. The grass buffer on the Capstone property will be planted with a Native Prairie Mix and when mature will provide vegetative coverage greater than 80%. Erosion and sediment control measures on upgradient disturbed areas will be maintained to prevent excessive sediment to the grass buffer.

The appearance of the Park at this location will remain as it is today. No construction will take place on the easement area for this Project.

Temporary Construction Easement ("TCE")

This easement is required for Capstone to construct improvements on the City's property. Capstone has a trail through its Project which will connect to the Spring Creek Trail near the bridge in Creekside Park. Capstone will construct the trail connection to the City's specifications. Once constructed, this trail connection will become part of the City's trail system and will be maintained by the City.

There is an old stormwater pipe under the railroad to Capstone's property. The City has requested that Capstone extend and improve this pipe to flow to Spring Creek. The extended pipe (30-inch diameter or equivalent) will enter the Park upstream of the existing pedestrian bridge and go to Spring Creek. Once the extension is completed, this pipe will be a public pipe owned by the City. The City will be responsible for maintenance of this public pipe.

Capstone will be responsible to restore the Park property to its current condition once its construction is complete. The temporary easement area is 9,342 square feet and is the red area on the attached Diagram.

FINANCIAL / ECONOMIC IMPACTS

Real Estate Services utilized appraisals obtained for adjacent properties for the Mason BRT project to determine the value of these easements. The City property has physical limitations including Spring Creek and the associated buffers and the trail system, which affect the value. The resulting values are:

Flood Control Swale Easement	\$8,785
Sheet Flow Easement	3,258
Temporary Construction Easement	437
Easement Processing Fee - RES	<u>1,000</u>
Total	\$13,480

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading. Utilities staff has reviewed the request and has not identified any concerns.

BOARD / COMMISSION RECOMMENDATION

At its June 16, 2011 meeting, the Water Board voted 8-1, to recommend that the Council approve the easement requests from Capstone Development Corporation.

ATTACHMENTS

1. Location Map
2. Diagram of Proposed Creekside Park Easements
3. Photo of Area of Impact for each Easement
4. Water Board minutes, June 16, 2011

COPY

COPY

COPY

COPY

ORDINANCE NO. 085, 2011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE TO CAPSTONE DEVELOPMENT
CORPORATION OF THREE EASEMENTS ON STORMWATER
UTILITY PROPERTY AT CREEKSIDE PARK

WHEREAS, the City owns a parcel of land in the 1800 block of South College Avenue known as Creekside Park (the “City Property”); and

WHEREAS, the City Property was purchased by the City’s Stormwater Utility for Spring Creek improvements and is managed by the Parks Department; and

WHEREAS, Capstone Development Corporation (“Capstone”) is in the process of developing a mixed use development with student housing and retail space north of the Property near Stuart Street and South College Avenue (“the Project”) and

WHEREAS, the property on which the Project would be built (the “Project Property”) is currently in the Spring Creek floodway and Chapter 10 of the City Code does not allow new residential structures in the floodway; and

WHEREAS, Capstone chose to revise the flood hazard boundaries of the Project Property in order to remove it from the floodway, and has received from the City and the Federal Emergency Management Agency a Conditional Letter of Map Revision (CLOMR) to proceed with the Project; and,

WHEREAS, as part of the CLOMR, Capstone is required to construct a flood control channel to carry flows across the Project Property to the Spring Creek channel; and

WHEREAS, to facilitate the operation of this channel Capstone is requesting from the City a permanent non-exclusive easement on the City Property approximately 8,785 square feet in area to channel water across the City Property to Spring Creek during rainfall events (the “Channel Easement”); and

WHEREAS, the location of the proposed Channel Easement is shown and described on Exhibit “A”, attached and incorporated herein by this reference; and

WHEREAS, as part of its Project, Capstone has also requested a permanent, non-exclusive easement on the City Property approximately 8,140 square feet in area to move sheet flows of storm runoff from a parking lot on the Project Property across the City Property to Spring Creek (the “Sheet Flow Easement”); and

WHEREAS, the location of the proposed Sheet Flow Easement is shown and described on Exhibit “B”, attached and incorporated herein by this reference; and

WHEREAS, as part of its Project, Capstone has also requested a Temporary Construction Easement on the City Property approximately 9,342 square feet in area to construct a trail connection and a stormwater pipe (the “Temporary Construction Easement”); and

WHEREAS, the location of the proposed Temporary Construction Easement is shown and described on Exhibit “C”, attached and incorporated herein by this reference; and

WHEREAS, City staff has evaluated the potential impacts of the proposed Easements and does not believe that the Channel Easement, the Sheet Flow Easement or the Temporary Construction Easement would interfere with the intended use of the City Property, either as part of the City’s stormwater utility system or as a park; and

WHEREAS, Capstone has agreed to pay the City \$12,480 for the Easements and \$1,000 for processing its easement request; and,

WHEREAS, at its regular meeting on June 16, 2011, the Water Board reviewed the proposed Easements and recommended that the City Council authorize their conveyance; and

WHEREAS, Section 23-111(a) of the City Code provides that the City Council is authorized to sell, convey or otherwise dispose of any and all interests in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interest of the City; and

WHEREAS, with respect to property that is part of the City’s water or utility systems, Section 23-111(b) of the City Code requires that the City Council also find that the disposition will not materially impair the viability of the particular utility system as a whole and that it will be for the benefit of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the conveyance of the Easements, as set forth herein, is in the best interests of the City, will not impair the viability of the stormwater system, and will be for the benefit of the citizens of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easements to Capstone on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Easements, as long as such changes do not materially increase the size or change the character of the Easements.

Introduced, considered favorably on first reading, and ordered published this 5th day of July, A.D. 2011, and to be presented for final passage on the 19th day of July, A.D. 2011.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 19th day of July, A.D. 2011.

Mayor

ATTEST:

City Clerk

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO, AND BEING A PORTION OF THAT PARCEL OF RECORD AT RECEPTION NUMBER 0089010788, RECORDS OF THE RECORDER'S OFFICE, LARIMER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 23 BY A FOUND 3 INCH ALUMINUM CAP STAMPED "LS 17497, 1991" IN A RANGE BOX, AND AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 23 BY A FOUND 2-1/2 INCH ALUMINUM CAP STAMPED "LS 17497, 1991" IN A RANGE BOX, CALCULATED TO BEAR S00°02'16"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF THE SPRING COURT SUBDIVISION;

THENCE S89°36'51"E ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 143.78 FEET;

THENCE LEAVING SAID SOUTH LINE OF LOT 2 THE FOLLOWING THREE (3) COURSES ACROSS SAID PARCEL OF RECORD AT RECEPTION NUMBER 0089010788 AND RECEPTION NUMBER 0088007557:

1. S00°21'42"W A DISTANCE OF 54.12 FEET;
2. S83°43'44"W A DISTANCE OF 90.00 FEET;
3. N82°05'33"W A DISTANCE OF 60.70 FEET TO THE EAST RIGHT-OF-WAY OF THE C & S RAILROAD;

THENCE N06°12'38"E ALONG SAID EAST RIGHT-OF-WAY OF THE C & S RAILROAD A DISTANCE OF 56.90 FEET TO THE POINT OF BEGINNING.

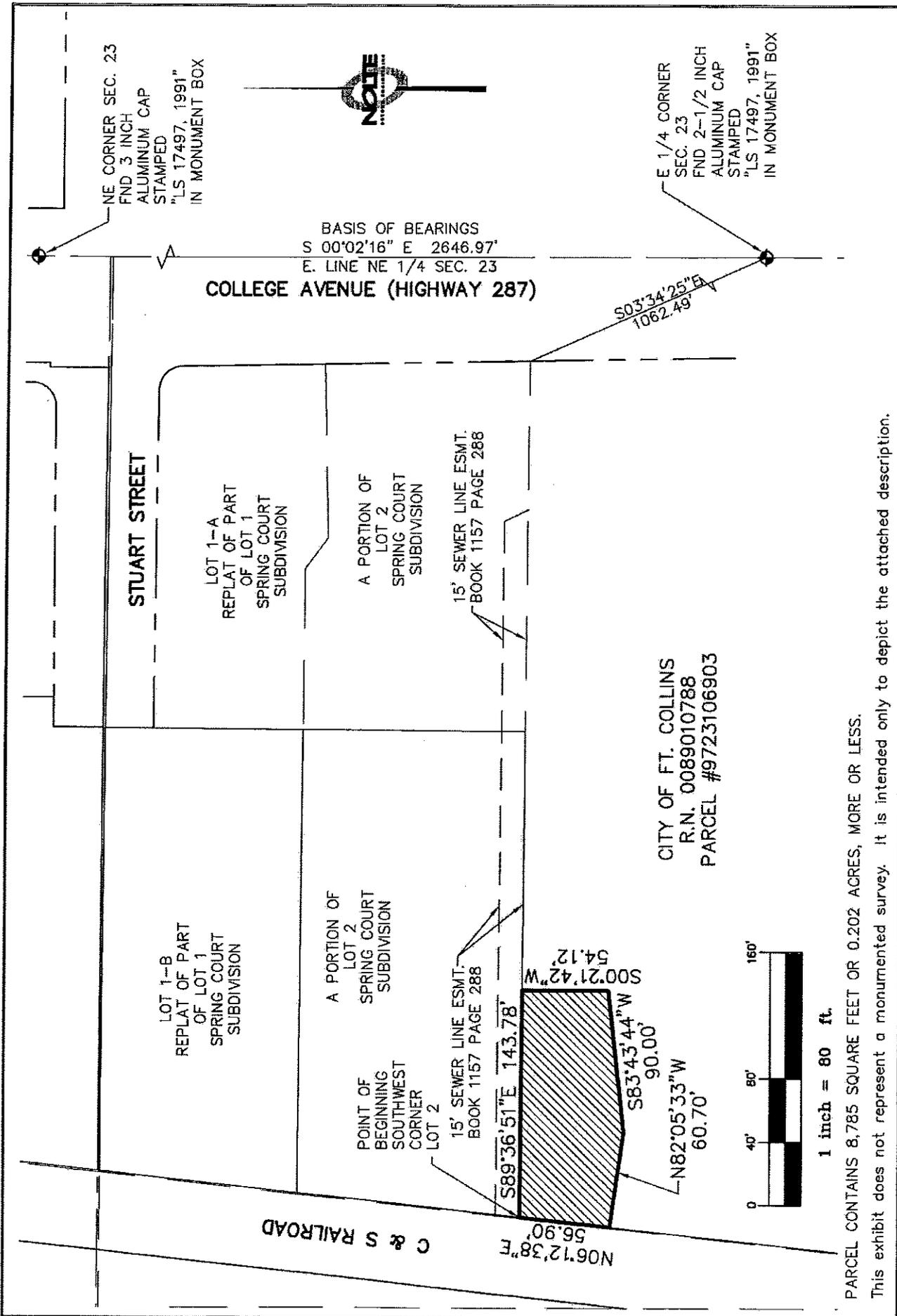
CONTAINING AN AREA OF 8,785 SQUARE FEET, OR 0.202 ACRES, MORE OR LESS.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

I, CHARLES BERESFORD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.



CHARLES BERESFORD, PROFESSIONAL LAND SURVEYOR
 COLORADO REGISTRATION No. 35583
 FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.
 8000 S. CHESTER STREET, SUITE 200
 CENTENNIAL, COLORADO 80112



<p>DATE: 3/14/11 TIME: 3:38:28 PM</p> <p>NETWORK: N:\F8025A\CADD\SURVEY\LEGALS</p> <p>DWG NAME: PRMAEMD2.DWG</p> <p>LAYOUT: Layout1</p> <p>DESIGNER: CB MGR: TGB</p>		<p>SHEET NUMBER</p> <p style="text-align: center;">2</p> <p>OF 2 SHEETS</p> <p>JOB NUMBER</p> <p style="text-align: center;">DVB048800</p>
<p>CAMPUS-EDGE AT CSU EXHIBIT FOR LEGAL DESCRIPTION DRAINAGE AREA EASEMENT</p>		
<p>PREPARED FOR: CAPSTONE DEVELOPMENT</p> <p>DATE SUBMITTED: 03/14/2011</p>		

PARCEL CONTAINS 8,785 SQUARE FEET OR 0.202 ACRES, MORE OR LESS.
This exhibit does not represent a monumented survey. It is intended only to depict the attached description.

NOTICE

BEYOND ENGINEERING
Centennial, CO 80112
800 S. Chester Street, Suite 200
903.220.8400 TEL. 903.220.0001 FAX

BEYOND ENGINEERING

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO, AND BEING A PORTION OF THOSE PARCELS OF RECORD AT RECEPTION NUMBER 0089010788 AND RECEPTION NUMBER 0088007557, RECORDS OF THE RECORDER'S OFFICE, LARIMER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 23 BY A FOUND 3 INCH ALUMINUM CAP STAMPED "LS 17497, 1991" IN A RANGE BOX, AND AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 23 BY A FOUND 2-1/2 INCH ALUMINUM CAP STAMPED "LS 17497, 1991" IN A RANGE BOX, CALCULATED TO BEAR S00°02'16"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2 OF THE SPRING COURT SUBDIVISION, THENCE S89°36'51"E ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 143.78 FEET TO THE POINT OF BEGINNING;

THENCE S89°36'51"E CONTINUING ALONG SAID SOUTH LINE OF LOT 2 A DISTANCE OF 163.73 FEET;

THENCE LEAVING SAID SOUTH LINE OF LOT 2 THE FOLLOWING SIX (6) COURSES ACROSS SAID PARCELS OF RECORD AT RECEPTION NUMBER 0089010788 AND RECEPTION NUMBER 0088007557:

1. S00°23'09"W A DISTANCE OF 23.04 FEET;
2. S75°16'41"W A DISTANCE OF 47.16 FEET;
3. S11°01'14"E A DISTANCE OF 21.88 FEET;
4. S85°23'49"W A DISTANCE OF 54.38 FEET;
5. N79°57'37"W A DISTANCE OF 69.31 FEET;
6. N00°21'42"E A DISTANCE OF 49.89 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 8,140 SQUARE FEET, OR 0.187 ACRES, MORE OR LESS.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

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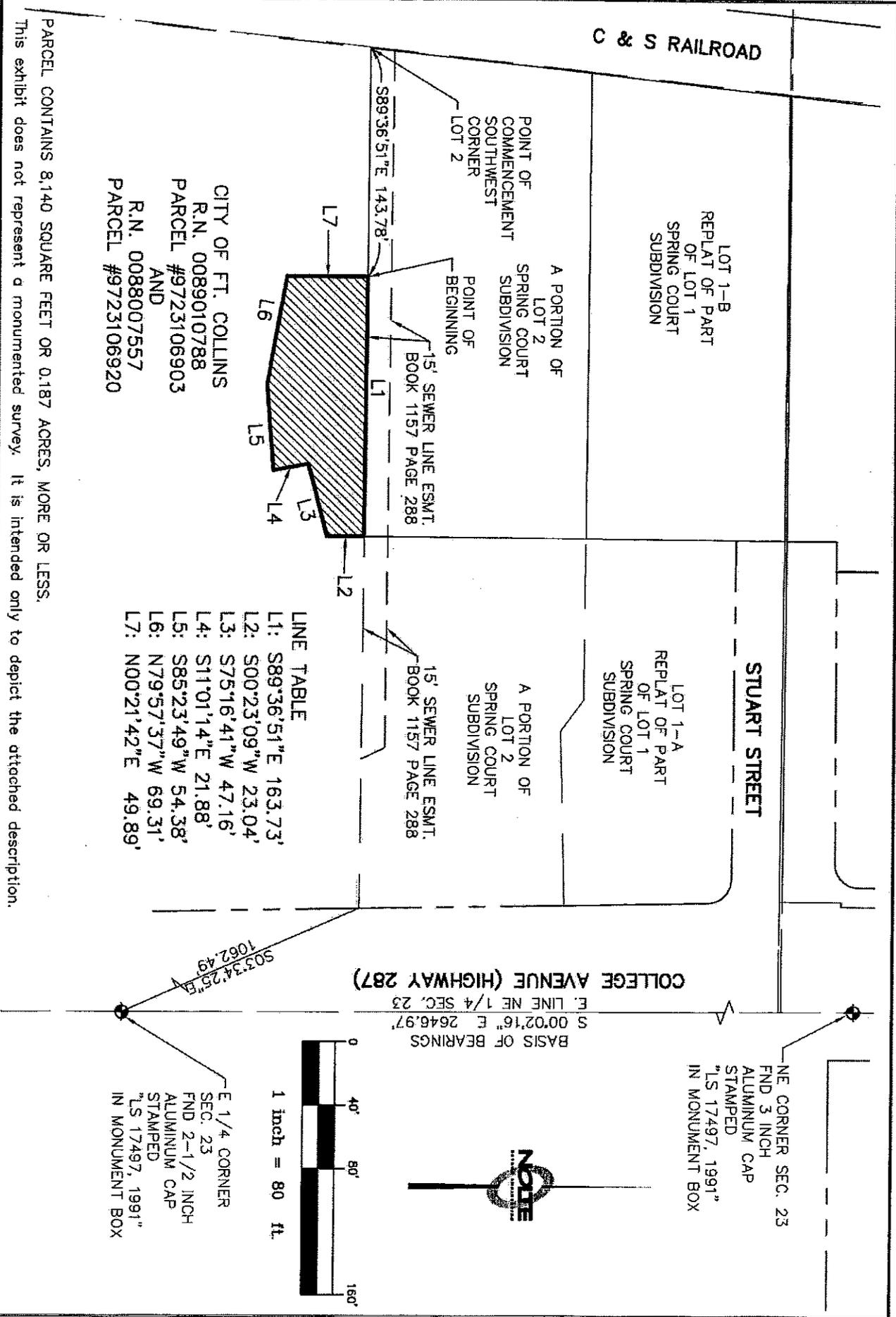
BERESFORD
DREFFS

NOTE
BEYOND ENGINEERING
0000 E. Chester Blvd., Suite 300
806251400 TEL 8062514001 FAX
Chester, CO 80712
WWW.DREFFS.COM

DATE: 4/15/11 TIME: 8:19:28 AM
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DWG NAME: PRM\EM05.DWG
LAYOUT: Layout1
DESIGNER: CB MGR: TGB

CAMPUS-EDGE AT CSU
EXHIBIT FOR LEGAL DESCRIPTION
DRAINAGE EASEMENT
PREPARED FOR: CAPSTONE DEVELOPMENT
DATE SUBMITTED: 04/15/2011

SHEET NUMBER
2
OF 2 SHEETS
JOB NUMBER
DVB048800



CITY OF FT. COLLINS
R.N. 0089010788
PARCEL #9723106903
AND
R.N. 0088007557
PARCEL #9723106920

LINE TABLE

L1:	S89°36'51"E 163.73'
L2:	S00°23'09"W 23.04'
L3:	S75°16'41"W 47.16'
L4:	S11°01'14"E 21.88'
L5:	S85°23'49"W 54.38'
L6:	N79°57'37"W 69.31'
L7:	N00°21'42"E 49.89'

BASIS OF BEARINGS
S 00°02'16" E 2646.97'
E. LINE NE 1/4 SEC. 23
S03°34'25"E 1062.49'

E 1/4 CORNER
SEC. 23
FND 2-1/2 INCH
ALUMINUM CAP
STAMPED
"LS 17497, 1991"
IN MONUMENT BOX

NE CORNER SEC. 23
FND 3 INCH
ALUMINUM CAP
STAMPED
"LS 17497, 1991"
IN MONUMENT BOX

PARCEL CONTAINS 8,140 SQUARE FEET OR 0.187 ACRES, MORE OR LESS.
This exhibit does not represent a monumental survey. It is intended only to depict the attached description.

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARIMER COUNTY, COLORADO, AND BEING A PORTION OF THOSE PARCELS OF RECORD AT RECEPTION NUMBER 0089010788 AND RECEPTION NUMBER 0088007557, RECORDS OF THE RECORDER'S OFFICE, LARIMER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHEAST CORNER OF SAID SECTION 23 BY A FOUND 3 INCH ALUMINUM CAP STAMPED "LS 17497, 1991" IN A RANGE BOX, AND AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 23 BY A FOUND 2-1/2 INCH ALUMINUM CAP STAMPED "LS 17497, 1991" IN A RANGE BOX, CALCULATED TO BEAR S00°02'16"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2 OF THE SPRING COURT SUBDIVISION, THENCE S89°36'51"E ALONG THE SOUTH LINE OF SAID LOT 2 A DISTANCE OF 227.92 FEET TO THE POINT OF BEGINNING;

THENCE S89°36'51"E CONTINUING ALONG SAID SOUTH LINE OF LOT 2 A DISTANCE OF 253.06 FEET;

THENCE LEAVING SAID SOUTH LINE OF LOT 2 THE FOLLOWING SEVENTEEN (17) COURSES ACROSS SAID PARCELS OF RECORD AT RECEPTION NUMBER 0089010788 AND RECEPTION NUMBER 0088007557:

1. S00°23'09"W A DISTANCE OF 13.21 FEET;
2. S46°01'22"E A DISTANCE OF 69.83 FEET;
3. S13°01'22"E A DISTANCE OF 25.82 FEET;
4. S76°58'38"W A DISTANCE OF 25.00 FEET;
5. N13°01'22"W A DISTANCE OF 18.42 FEET;
6. N46°01'22"W A DISTANCE OF 78.84 FEET;
7. N89°36'51"W A DISTANCE OF 9.04 FEET;
8. S36°07'28"W A DISTANCE OF 37.57 FEET;
9. N58°57'38"W A DISTANCE OF 11.12 FEET;
10. N66°06'39"W A DISTANCE OF 17.52 FEET;
11. S00°23'09"W A DISTANCE OF 20.40 FEET;
12. N74°27'38"W A DISTANCE OF 31.08 FEET;
13. N00°23'09"E A DISTANCE OF 22.79 FEET;
14. N78°04'45"W A DISTANCE OF 6.04 FEET;
15. N79°22'12"W A DISTANCE OF 34.36 FEET;
16. N89°36'51"W A DISTANCE OF 83.38 FEET;
17. N35°00'00"W A DISTANCE OF 24.53 FEET TO THE POINT OF BEGINNING.

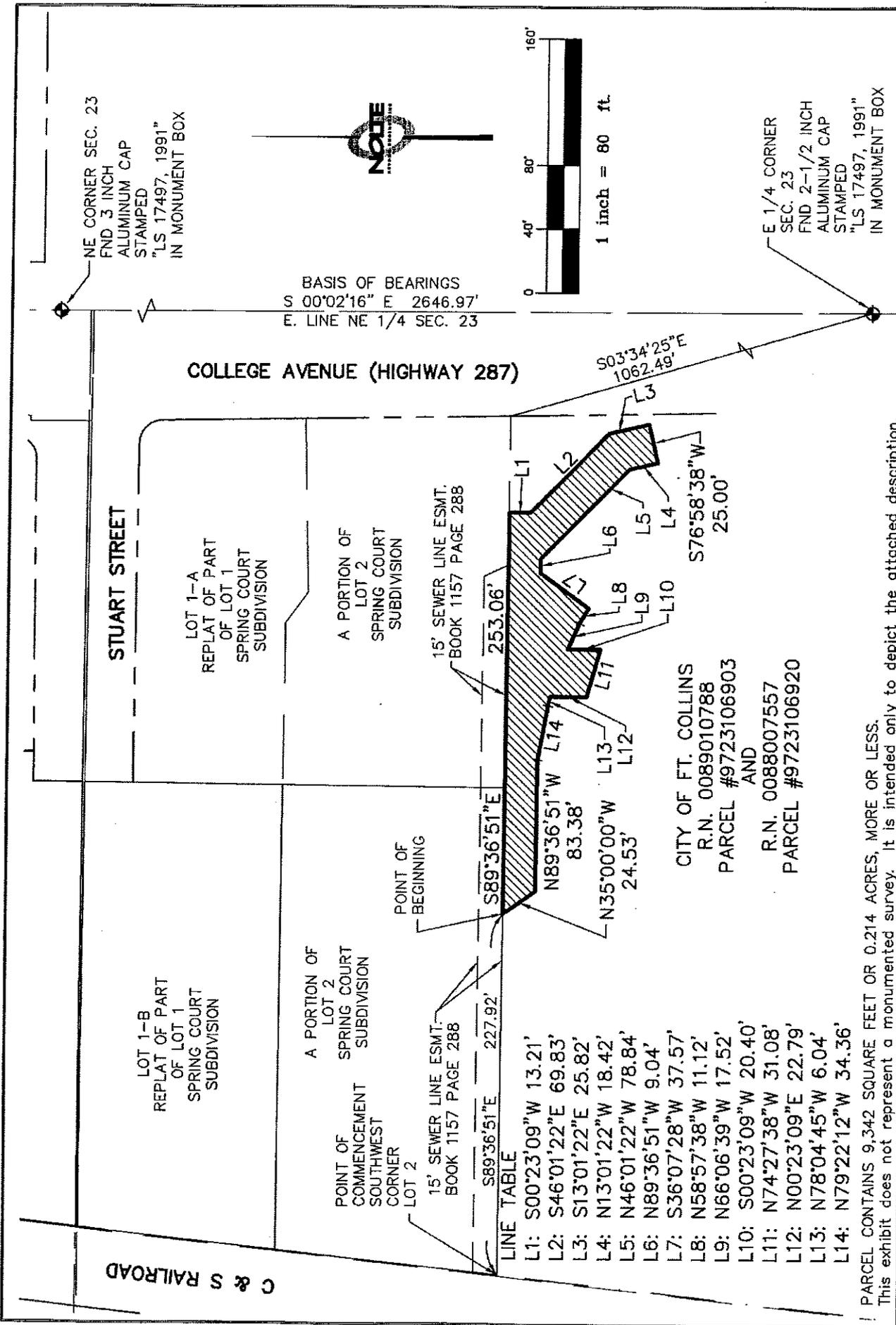
CONTAINING AN AREA OF 9,342 SQUARE FEET, OR 0.214 ACRES, MORE OR LESS.

EXHIBIT ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

I, CHARLES BERESFORD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.



CHARLES BERESFORD, PROFESSIONAL LAND SURVEYOR
COLORADO REGISTRATION No. 35583
FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.
8000 S. CHESTER STREET, SUITE 200
CENTENNIAL, COLORADO 80112



LINE TABLE

L1:	S00°23'09"W	13.21'
L2:	S46°01'22"E	69.83'
L3:	S13°01'22"E	25.82'
L4:	N13°01'22"W	18.42'
L5:	N46°01'22"W	78.84'
L6:	N89°36'51"W	9.04'
L7:	S36°07'28"W	37.57'
L8:	N58°57'38"W	11.12'
L9:	N66°06'39"W	17.52'
L10:	S00°23'09"W	20.40'
L11:	N74°27'38"W	31.08'
L12:	N00°23'09"E	22.79'
L13:	N78°04'45"W	6.04'
L14:	N79°22'12"W	34.36'

! PARCEL CONTAINS 9,342 SQUARE FEET OR 0.214 ACRES, MORE OR LESS.
This exhibit does not represent a monumented survey. It is intended only to depict the attached description.

NOTE
BEYOND ENGINEERING
8000 S. Cheate Blvd, Suite 200
303.200.0400 TEL 303.200.0401 FAX
www.note.com

DATE: 6/9/11 TIME: 8:54:48 AM
NETWORK: N:\FCB0254\CADD\SURVEY\LEGALS
DWG NAME: PRMAEM04-REV1.DWG
LAYOUT: LAYOUT1
DESIGNER: CB MGR: TGB

CAMPUS-EDGE AT CSU
EXHIBIT FOR LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT

PREPARED FOR: CAPSTONE DEVELOPMENT

DATE SUBMITTED: 06/08/2011

SHEET NUMBER
3
OF 3 SHEETS
JOB NUMBER
DYB048800

BEYOND ENGINEERING
 8000 S. Cheate Blvd, Suite 200
 303.200.0400 TEL 303.200.0401 FAX
 www.note.com